



## Telecom Regulatory Policy CRTC 2009-156

Route reference: Telecom Public Notice 2008-7

Ottawa, 24 March 2009

### Revised regulatory requirements to provide information to customers

File number: 8665-C12-200807828

*In this decision, consistent with the Policy Direction, the Commission eliminates or modifies certain information requirements imposed on telecommunications service providers (TSPs). The Commission retains a number of information requirements related to key social objectives such as 9-1-1 services, alternative formats for billing statements and inserts, and Message Relay Service. In some cases, the Commission extends certain information requirements to all TSPs.*

### Introduction

1. In Telecom Decision 2008-34, the Commission issued an action plan to review existing social and non-economic regulatory measures in light of the Governor in Council's *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006 (the Policy Direction). As part of the action plan, the Commission identified the regulatory requirements associated with the provision of information to customers (the information requirements) as a matter to be reviewed.
2. An information requirement is an obligation imposed on a telecommunications service provider (TSP) to provide information to its customers about a regulatory measure or related to its telecommunications services (for example, information about the regulated Terms of Service (the Terms of Service) or the National Do Not Call List (National DNCL)). This information is conveyed to customers using various means of communication, such as publication in the residential telephone directory or billing inserts. Existing information requirements are the result of various Commission decisions and orders and are imposed on incumbent local exchange carriers (ILECs) as well as, to a lesser extent, on competitive local exchange carriers (CLECs), wireless service providers (WSPs), and local voice over Internet Protocol (VoIP) service providers.
3. In Telecom Public Notice 2008-7, the Commission invited parties to comment on the continued appropriateness of the existing information requirements.
4. The Commission received submissions from ARCH Disability Law Centre (ARCH); Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), Bell Canada, Saskatchewan Telecommunications (SaskTel), and Télébec, Limited Partnership (Télébec) (collectively, Bell Canada et al.); the Ministry of Service Alberta's Consumer Services Branch

(Service Alberta); MTS Allstream Inc. (MTS Allstream); the Office of the Privacy Commissioner of Canada; the Public Interest Advocacy Centre (PIAC), on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization; TELUS Communications Company (TCC); l'Union des consommateurs (l'Union); and Yellow Pages Group Co. (YPG).

5. The public record of this proceeding, which closed on 16 September 2008, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **The issues to be reviewed**

6. The Commission has grouped the information requirements into seventeen categories for review in light of the Policy Direction.<sup>1</sup>
7. For each of these categories of information requirements, the Commission will first assess whether it can rely on market forces to achieve the purpose underlying the information requirement or whether the information requirement remains necessary. An identification of the telecommunications policy objectives (the policy objectives) of the *Telecommunications Act* (the Act) that are relevant to the purpose of the information requirement accompanies this review as required.
8. If the Commission determines that market forces cannot be relied on to achieve the purpose of the information requirement, it will then address the following, as required, for each information requirement:
  - Is it efficient and proportionate to its purpose?
  - Does it interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives?
  - Is it symmetrical and competitively neutral?
9. Details relating to the Commission's determinations on each of the information requirements are set out in subsequent sections of this decision. The Commission's determinations in this decision result in the elimination, retention, or modification of the information requirement in question. In some cases, the Commission extends certain information requirements to all TSPs.<sup>2</sup>

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<sup>1</sup> The Commission has reviewed only those information requirements raised by the parties. As such, unless otherwise stated, references to Commission decisions and/or orders provided in this decision are those cited by the parties to this proceeding. Also, any other information requirements not examined in this proceeding remain in effect.

<sup>2</sup> In this decision, ILECs include Bell Aliant, Bell Canada, MTS Allstream, SaskTel, Télébec, and TCC. To the extent that the small ILECs (operating in Ontario, Quebec, and British Columbia) and Northwestel Inc. (Northwestel) are subject to the same information requirements as the ILECs, the determinations contained in this decision apply equally to the small ILECs and Northwestel. In those cases where an information requirement is extended to all TSPs, this requirement also applies to the small ILECs and Northwestel.

10. Finally, the Commission will address other matters related to the scope of this proceeding.

*1. The Terms of Service and Statement of Consumer Rights*

11. ILECs currently must include either a summary or the full text of their Terms of Service in their residential telephone directories.<sup>3</sup> They are also required to include the Statement of Consumer Rights (SCR)<sup>4</sup> in their residential telephone directories, and to distribute it through various other media.<sup>5</sup>

12. Bell Canada et al. and TCC submitted that it was neither efficient nor proportionate to require the publication of the Terms of Service and the SCR in their residential telephone directories. Bell Canada et al. submitted that they both were not relevant to the majority of customers in forborne markets, and that the publication of the SCR in their residential telephone directories resulted in customer confusion.

13. Bell Canada et al. submitted that it would be more efficient if the Commission were to establish a general obligation on ILECs to inform their customers of the Terms of Service, and direct them to include a reference to the Terms of Service in their residential telephone directories, along with information on how to obtain the full text. Bell Canada et al. proposed to eliminate the information requirement related to the SCR on the basis that it applied only to regulated telecommunications services.

14. TCC and YPG proposed to retain the general obligation to provide information regarding the Terms of Service and the SCR and to eliminate the specific implementation requirements. YPG submitted that the costs of publishing the Terms of Service and the SCR in the residential telephone directories outweighed any benefits that such information could provide in light of the fact that most residential customers are now in forborne markets.

15. PIAC, Service Alberta, and l'Union proposed to maintain or reinforce the existing obligations, stating that these information requirements assist customers in making informed decisions. ARCH submitted that the proposed shift of information to the Internet would create additional barriers for some people with disabilities. ARCH expressed the view that there should be a broader requirement to disseminate the SCR to ensure that it is accessible to all people with disabilities.

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<sup>3</sup> See Telecom Decision 86-7.

<sup>4</sup> The SCR explains, in plain language, the rights of ILECs' customers.

<sup>5</sup> See Telecom Decision 2006-52, as amended by Telecom Decision 2006-78. ILECs are also required to publish the SCR on their websites; make printed copies of the SCR available at their retail locations, where possible and upon request; announce, via a short message on the billing statement, the availability of the SCR on their websites and in their residential telephone directories for the first time and when an amendment is made; and provide the SCR in alternative formats, upon request.

16. The Commission considers that the purpose of information requirements related to the Terms of Service and the SCR is to inform consumers about the basic rights and obligations of both the service provider and the customer as well as to provide useful information about the telecommunications services they receive. The Commission considers that these information requirements serve to ensure that the policy objectives set out in paragraphs 7(b), (h), and (i) of the Act are met.<sup>6</sup>
17. The Commission notes that all parties agreed that a general obligation to provide consumers with information about their rights and responsibilities should be retained. The Commission considers it important that consumers receive information about their rights and responsibilities as users of telecommunications services, regardless of their service provider. The Commission considers that it cannot rely on market forces alone to achieve the purpose of these information requirements. Accordingly, it is necessary to assess these information requirements in light of the other criteria specified in the Policy Direction.
18. The Commission notes that the introductory pages of the ILECs' residential telephone directories currently contain information predominantly related to terms, conditions, and information about their own telecommunications services. The Commission also notes that much of the information currently provided is applicable only in regulated areas. The Commission considers that with a significant increase in competition and forbearance in the local market in recent years, much of this information may no longer be relevant and could be misleading to the majority of customers.
19. However, the Commission considers that the residential telephone directories remain a relevant and effective means of communicating important information to all consumers, especially those without wireline service or access to the Internet. Where the information may not be relevant to all consumers, the Commission considers that the amount of prescribed content should be minimized and the message modified to avoid customer confusion.
20. With respect to the Terms of Service, the Commission considers that it would be more efficient, proportionate, and cost effective to require ILECs to publish in their residential telephone directories a reference to the Terms of Service rather than the full text. For example, the reference should include a list of important terms and conditions with a statement that the terms and conditions of service may vary depending on the customer's location and service provider and that the customer should contact their service provider for more information on their rights and responsibilities.
21. The Commission considers that given that only ILECs are required to maintain comprehensive residential telephone directories,<sup>7</sup> and since directories are generally available to consumers of all TSPs, this is the most effective way possible to ensure that consumers obtain information about their rights and responsibilities.

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<sup>6</sup> The cited policy objectives of the Act are  
7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;  
7(h) to respond to the economic and social requirements of users of telecommunications services; and  
7(i) to contribute to the protection of the privacy of persons.

<sup>7</sup> In Telecom Decision 97-8, the Commission concluded that ILECs must continue to maintain comprehensive directories.

22. With respect to the SCR, the Commission notes the SCR is now relevant to a much smaller proportion of customers. In these circumstances, the Commission considers that future modifications by the ILECs to the SCR would be too onerous to maintain and would be neither proportionate nor efficient. Therefore, the Commission considers that it is appropriate to continue to make the SCR available only on the Commission's website.
23. In light of the above, the Commission retains the general obligation for ILECs to provide consumers with information about the Terms of Service. The Commission also modifies the existing information requirements by
- requiring ILECs to publish in their residential telephone directories a reference to the Terms of Service, along with a statement that the terms and conditions of service may vary depending on the customer's location and service provider and that the customer should contact their service provider to obtain these details; and
  - removing the requirement for ILECs to inform their customers about the SCR.
- 2. Disclosure of certain local exchange carrier (LEC) policies**
24. Telecom Decision 86-7 requires ILECs to summarize numerous policies generally related to their Terms of Service (for example, their policies related to disconnection/reconnection and the release of confidential information) in the residential telephone directories.<sup>8</sup> Telecom Decision 97-8 requires the CLECs to disclose similar information upon contracting for service with their customers.<sup>9</sup>
25. Bell Canada et al. proposed that the Commission establish a general obligation on TSPs to inform customers about their disconnection policy, since there is a risk of the customer losing access to primary exchange service (PES). However, Bell Canada et al. proposed to eliminate the residential telephone directory requirements related to disconnection policy because ILECs have a market-based interest to inform their customers. L'Union proposed to reinforce the current obligation related to the ILECs' disconnection policy because of concerns raised by customers with respect to disconnection, and submitted that CLECs and small ILECs should be compelled to adhere to the same obligations.
26. Bell Canada et al. proposed to eliminate the other residential telephone directory information requirements imposed on ILECs as they are unnecessary and redundant, and to replace specific information requirements imposed on CLECs by a general obligation to provide the information. Bell Canada et al. argued that market forces and contract law requirements would ensure adequate disclosure of these policies by ILECs and CLECs.

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<sup>8</sup> These items also include their policies related to late payment, non-sufficient funds (NSF) payment, problems with customer-provided equipment, the time period for objecting to bills and provisions regarding underbilling and overbilling, procedures for resolving complaints and disputes, deposit policy, and rates of, and terms and conditions relating to, interest paid on deposits.

<sup>9</sup> Such information includes their policies on disconnection, directories, and the release of confidential information, late payment charges, rates of, and terms and conditions relating to, interest paid on deposits, billing frequency and payment policy, name and address of the company providing service to the customer, billing date, due date for payment, and a toll-free telephone number from which the customer can obtain further information or lodge a complaint.

27. L'Union proposed to maintain the requirements related to the publishing of information on the procedure for resolving complaints and disputes, arguing that customers do not have easy access to this information.
28. The Commission considers that these information requirements have the same purpose, and raise the same issues, as those stated above for the Terms of Service. For the same reasons, the Commission considers that while it cannot rely on market forces alone to achieve the purpose of these information requirements, they can be modified to be more effective, proportionate, and symmetrical.
29. Therefore, the Commission modifies the existing information requirements by
- imposing on ILECs and CLECs a general obligation to provide consumers with information about their telecommunications services, including, at a minimum, the information on the policies set out in Telecom Decisions 86-7 and 97-8, respectively; and
  - requiring ILECs to publish in their residential telephone directories, at a minimum, a list of these policies for both decisions, along with a statement that details of each policy could vary depending on the customer's location and service provider and that the customer should contact their service provider to obtain these details.

### ***3. Unsolicited Telecommunications Rules (UTRs) and the National DNCL***

30. ILECs currently must prominently display, in plain language, in a separate section of their residential telephone directories, the UTRs, how to register on the National DNCL, and how to file a complaint about a telemarketing telecommunication. In addition, all Canadian carriers are required, and all other TSPs are encouraged, to prominently display the same information on their websites with a direct link to the National DNCL website.<sup>10</sup>
31. Most parties agreed to retain the general obligation to provide this information. PIAC submitted that the publication of the UTRs and the National DNCL in the residential telephone directory and company websites was the minimum requirement necessary to ensure that privacy-related information was accessible to all potential users. L'Union stated that it is important that customers are aware of the existence of the National DNCL, and how to register on the list, suggesting that all TSPs should include a statement to this effect on their customers' bills and that the ILECs should include such a statement in their directories.
32. Bell Canada et al. submitted that the current information requirements impose the entire cost of ensuring public awareness relating to the UTRs and the National DNCL on a small fraction of the telemarketing industry. YPG submitted that the publication of the UTRs, the National DNCL, and the Commission's new enforcement powers in the residential telephone directories would be both economically and environmentally inefficient and not proportionate to the purpose of these information requirements.
33. The Commission notes that the purpose of these information requirements is to inform and educate customers, and telemarketers and their clients about the UTRs, the National DNCL, and

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<sup>10</sup> See Telecom Decision 2007-48.

the Commission's new enforcement powers. The Commission considers that these information requirements serve to ensure that the policy objective set out in paragraph 7(i) of the Act is met.

34. The Commission considers that there is a need to convey a common and complete message across Canada regarding the UTRs, the National DNCL, and the Commission's new enforcement powers. The Commission considers that it cannot rely on market forces alone to achieve the purpose of these information requirements.
35. The Commission considers that a requirement for ILECs to publish in their residential telephone directories a plain language version of the detailed UTRs, and to modify it for future changes, is onerous. Consistent with its approach on directory disclosure outlined above, the Commission considers that it is more efficient and proportionate for ILECs to only publish a reference to the Commission's website for details regarding the UTRs. However, the Commission considers it appropriate to retain the existing requirement for all Canadian carriers to publish information on how to register on the National DNCL and how to file a complaint about a telemarketing telecommunication.
36. Accordingly, the Commission eliminates the requirement for ILECs to publish a plain language wording of the UTRs in their residential telephone directories and the requirement for all Canadian carriers to prominently display the same information on their websites. The Commission retains the requirement for ILECs to publish, in a separate section of the directories, how to register on the National DNCL and how to file a complaint about a telemarketing telecommunication, and the requirement for all Canadian carriers as well as the encouragement to all other TSPs, to prominently display the same information on their websites with a direct link to the National DNCL website.

#### *4. Privacy and use of call display services*

37. Currently, ILECs must advise their subscribers of the privacy issues related to the availability of call display services and provide instructions on how to use the call blocking options. This information is conveyed in the residential telephone directory, billing inserts, privacy brochures, and promotional advertising for custom calling and blocking features.<sup>11</sup> CLECs must inform customers on the privacy features prior to contracting for service, and VoIP service providers must obtain, prior to the commencement of service, the customer's express acknowledgement of the extent to which privacy safeguards are not available with their local VoIP services.<sup>12</sup>
38. Most parties agreed to retain the general obligation to inform customers about those privacy issues due to public interest, public safety, and personal privacy concerns. However, Bell Canada et al. and TCC requested to eliminate the specific implementation methods. PIAC proposed to remove the requirement to inform customers about custom calling features through billing inserts, and in non-print promotional advertising subject to the Commission continuing to monitor complaints about lack of privacy information in this medium.

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<sup>11</sup> See Telecom Order 94-687.

<sup>12</sup> See Telecom Decisions 97-8 and 2005-28.

39. The Commission notes that the purpose of these information requirements is to advise subscribers of the privacy implication of name and number display, and to provide information on how to block the information conveyed to the called party as well as any limitations that may exist. The Commission considers that these information requirements serve to ensure that the policy objective set out in paragraph 7(i) of the Act is met.
40. The Commission considers that while consumers are generally familiar with the concept of name and number display, the same is not true with the call blocking options available to them. The Commission considers that it is important to ensure the complete and consistent dissemination of this information. The Commission considers that market forces alone cannot be relied on to achieve the purpose of these information requirements.
41. The Commission considers that it is appropriate to maintain a general obligation on all TSPs to inform consumers about privacy features and their limitations, as this interferes with the operation of competitive market forces to the minimum extent possible. The Commission notes that these information requirements relate to privacy and personal safety and therefore considers that all TSPs should provide the information to their customers.
42. With respect to disclosure requirements for VoIP service providers, the Commission considers that the current information requirements are as symmetrical as possible given the technology limitations of VoIP service.
43. The Commission considers that the requirement for ILECs to provide this information using various means, such as billing inserts, privacy brochures, and promotional advertising for custom calling and blocking features, is onerous. The Commission notes that the telephone key combinations for using these features may vary among TSPs, thereby giving rise to customer confusion. Consistent with its approach on directory disclosure outlined above, the Commission considers that it is efficient and proportionate for ILECs to include only a general message in the residential telephone directories.
44. The Commission modifies the information requirements for ILECs by
- imposing a general obligation to inform their customers of the privacy implication of call display services and provide instructions on how to use the blocking options; and
  - requiring them to publish in their residential directories only a general message on the privacy issues related to these services (for example, a brief explanation of the features along with clear instructions on how to use the blocking options) and a statement advising consumers to contact their service provider for additional information.

The Commission retains the current information requirements for all other service providers.

### *5. Policy regarding annoying and offensive telephone calls*

45. Currently, ILECs must summarize their own policy regarding annoying and offensive telephone calls in the introductory section of the residential telephone directory.<sup>13</sup> For example, Bell Canada provides its customers with ways to deal with obscene or harassing calls, including information on how to screen and trace unwanted calls.
46. Bell Canada et al. proposed to eliminate this information requirement, arguing that providing this information to all customers was neither efficient nor proportionate.
47. The Commission notes that the purpose of this information requirement is to make consumers aware of their basic rights and responsibilities. The Commission considers that this information requirement serves to ensure that the policy objectives set out in paragraphs 7(b), (h), and (i) of the Act are met.
48. The Commission notes that this information requirement relates to privacy and personal safety. The Commission is concerned that, without this information, customers might not know that they can use call trace in certain circumstances, or understand the rules respecting call trace. For example, they may not know that the police need to be involved when using this service. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
49. The Commission considers that it is appropriate to extend to all TSPs the general obligation to inform consumers about their policies regarding annoying and offensive telephone calls. The Commission notes that this would make the information requirement symmetrical.
50. With respect to how customers should be informed about these services, the Commission notes that the telephone key combinations for using these features are difficult to grasp and may vary among TSPs, thereby creating customer confusion. Consistent with its approach on directory disclosure outlined above, the Commission considers that it is efficient and proportionate for ILECs to include a common message in the residential telephone directories.
51. Accordingly, the Commission modifies the information requirement for ILECs by
- imposing a general obligation to inform their customers of their policy regarding annoying and offensive telephone calls; and
  - requiring them to modify the existing summary in their residential telephone directories by including a statement to advise customers to contact their TSP for additional information about their policy regarding annoying and offensive telephone calls.

The Commission extends to all other TSPs the general obligation to inform customers about their policy regarding annoying and offensive telephone calls.

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<sup>13</sup> See Telecom Decision 86-7.

## *6. 900/976 consumer safeguards*

52. All 900/976 service providers currently must provide on their websites and in an annual billing insert certain information about 900/976 services (for example, a reminder that 900 services are provided for a charge to consumers).<sup>14</sup>
53. Bell Canada et al. and TCC proposed to eliminate the mandated information requirement on the basis that market forces can be relied upon since ILECs have a significant business interest to inform customers. PIAC proposed to retain the information requirement, arguing that customers were at risk of fraud.
54. The Commission notes that the purpose of this information requirement is to increase consumer awareness of the terms and conditions for 900/976 services. The Commission considers that this information requirement serves to ensure that the policy objective set out in paragraph 7(*h*) of the Act is met.
55. The Commission considers that customers are generally not aware of the charges associated with these services, that call blocking options are available, or that they can dispute the charges. The Commission also considers that customers need to be informed about all of the 900/976 consumer safeguards. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
56. The Commission considers it appropriate to maintain a general obligation on 900/976 service providers to inform their customers about these services. The Commission also considers that maintaining this information on a service provider's website is efficient and not onerous.
57. However, the Commission considers that the annual billing insert is too onerous and prescriptive. Rather, the Commission considers that it would be efficient and proportionate to replace the annual billing insert with a reference to 900/976 services in the residential telephone directories, including a statement advising consumers to contact their service provider for additional information. For example, the reference should include a reminder that 900/976 services are provided for a charge to consumers, that call blocking options are available, and that customers can dispute the charges.
58. Accordingly, the Commission retains the general obligation for 900/976 service providers to inform customers about these services. The Commission also retains the existing requirement to include information about 900/976 services on the service providers' websites. The Commission eliminates the 900/976 service providers' obligation to provide annual billing inserts, and directs the ILECs who provide these services to include in the introductory pages of the residential telephone directory a reference to these services as well as a statement advising consumers to contact their service provider for additional information.

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<sup>14</sup> See Telecom Decision 2005-19. The Commission notes that this information requirement was modified in Telecom Decision 2006-48.

## **7. Bill Management Tools (BMTs)<sup>15</sup>**

59. Currently, ILECs are required to disclose in their residential telephone directories the fact that BMTs (for example, instalment payment plans) are available.<sup>16</sup>
60. Bell Canada et al. proposed to eliminate this information requirement, arguing that it is in the ILEC's best interest to identify BMTs to appropriate customers to reduce the risk of bad debt and losing customers. PIAC opposed Bell Canada et al.'s proposal, noting that many customers, particularly low-income customers who might not have ready access to the Internet, would benefit from such information to retain connectivity. PIAC submitted that these customers should be informed of the existence of BMTs before the ILECs retain agents to collect the customers' accounts.
61. The Commission notes that the purpose of this information requirement is to inform ILEC customers of the availability of BMTs. The Commission considers that this information requirement serves to ensure that the policy objective set out in paragraph 7(h) of the Act is met.
62. In the Commission's view, failure to provide information about BMTs could result in customers, especially those with low-income, losing telephone service or depriving them from access to the network. The Commission considers that it is important to provide this information to such customers. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
63. The use of the residential telephone directories to inform customers ensures that these customers, who do not have telephone and Internet access, have ready access to the information. The Commission considers, however, that the current ILEC statement in the residential telephone directories might give rise to consumer confusion, as other TSPs are not obliged to provide BMTs.
64. Accordingly, the Commission maintains the requirement for ILECs to disclose in their residential telephone directories the fact that BMTs are available. Further, the Commission directs the ILECs to include a statement that BMTs may not be available from all TSPs and to contact their service provider for more information.

## **8. 9-1-1 services**

65. Current information requirements pertaining to 9-1-1 services are as follows:<sup>17</sup>
- ILECs must disclose 9-1-1 information in residential telephone directories;
  - CLECs must disclose 9-1-1 information prior to contracting;
  - WSPs must inform customers about the availability, characteristics, and limitations of their wireless emergency service through specified means; and

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<sup>15</sup> BMTs are a means by which a residential telephone subscriber can exercise control over his or her bill. These tools are meant to help consumers who have difficulty paying for telephone service.

<sup>16</sup> See Telecom Decision 96-10.

<sup>17</sup> See Telecom Decisions 86-7, 97-8, 2003-53, 2005-21, and 2005-61.

- local VoIP service providers must inform customers regarding any limitations that may exist with respect to their 9-1-1 services through specified means.

66. Bell Canada et al. proposed that the Commission establish an obligation to disclose specific public safety information and allow individual TSPs to determine the content and implementation method most appropriate to their businesses. TCC proposed that the existing requirement imposed on VoIP service providers should be maintained.
67. The Commission considers that the purpose of these information requirements is to inform consumers about the availability, characteristics, and limitations of 9-1-1 services. The Commission also considers that these information requirements serve to ensure that the policy objective set out in paragraph 7(h) of the Act is met.
68. The Commission considers that information about the availability, characteristics, and limitations of 9-1-1 services constitutes vital public safety information for consumers and that non-compliance with these information requirements could result in major consequences, including loss of life. The Commission considers that market forces alone cannot be relied on to achieve the purpose of these information requirements.
69. The Commission considers that the existing information requirements are efficient and proportionate, given the possible consequences of the lack of information or misinformation about 9-1-1 services. The Commission also considers that these information requirements are as symmetrical as possible in light of the technology limitations of the various 9-1-1 service providers.
70. Accordingly, the Commission retains these information requirements.

#### ***9. Removal of the last pay telephone in a community***

71. Currently, where the last pay telephone in a community is scheduled for removal, ILECs must provide a 60-day notification to the location provider and the local government, post a notice on the pay telephone, and place a notification in the local newspaper at least 60 days prior to removal.<sup>18</sup>
72. Bell Canada et al. proposed to impose on all TSPs a general obligation to take reasonable steps to adequately disclose the removal of the last pay telephone in a community and to eliminate the specific implementation methods. They argued that ILECs have a market-based interest in ensuring that customers are adequately informed of the removal of the last pay telephone in a community, to avoid complaints and manage their relationship with interested parties, including the municipalities. They submitted that the notification to the location provider and a notice on the pay telephone in question (which will come to the attention of the customer who actually makes use of the pay telephone) were all that was required.

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<sup>18</sup> See Telecom Decision 2004-47.

73. The Commission notes that the purpose of this information requirement is to notify the community and users of the service of the impending removal of the last pay telephone in the community. The Commission considers that this information requirement serves to ensure that the policy objective set out in paragraph 7(h) of the Act is met.
74. The Commission considers that without the current information requirement, members of the community and pay telephone users would not be generally aware that the last pay telephone in that community is scheduled for removal. The Commission also considers that the local government needs to have the opportunity to assess options for continued public access to pay telephone service. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
75. The Commission agrees with Bell Canada et al. that the notification to the location provider and a notice placed on the pay telephone in question are required; however, the Commission considers that it is efficient and proportionate to notify directly the local government and the general public, via a notice in the local newspapers, at the same time. Without the explicit requirement to inform these parties, there would be no assurance that information regarding the removal of the pay telephone would be disseminated in a timely manner. The Commission further considers that the benefits of these requirements, such as allowing the local government reasonable time to assess options and raising consumer awareness, outweigh the costs.
76. Finally, the Commission considers that this information requirement is as symmetrical as possible since ILECs are the only service providers that tend to offer pay telephone service in rural and remote communities.
77. Accordingly, the Commission retains this information requirement.

#### *10. Alternative formats for billing statements and inserts*

78. Canadian carriers currently must provide to subscribers who are visually-impaired upon request billing statements and certain billing inserts in alternative formats.<sup>19</sup> Canadian carriers must also provide information about rates, terms, and conditions of all services, including those offered on a promotional basis, in alternative formats, upon request of subscribers or potential subscribers who are visually-impaired. In addition, Canadian carriers, as a condition of providing service to resellers, must include in their contracts with resellers a condition that resellers comply with the same obligations imposed on Canadian carriers.<sup>20</sup>
79. TCC submitted that these information requirements should be maintained as their provision is in the public interest. ARCH submitted that additional information requirements should be introduced to address issues related to accessibility by persons with disabilities.

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<sup>19</sup> For example, these billing inserts include information about new services or changes in rates for existing services, and any billing insert mandated from time to time by the Commission.

<sup>20</sup> Various decisions, including Telecom Orders 96-1191 and 98-626, Orders 2001-164 and 2001-690, and Telecom Decisions 2002-13 and 2006-15.

80. The Commission notes that the purpose of these information requirements is to provide accessible information on telecommunications products and services to persons with visual disabilities. The Commission considers that these information requirements serve to ensure that the policy objectives set out in paragraphs 7(b) and (h) of the Act are met.
81. The Commission considers that information about the rates, terms, and conditions of all services is an essential component of access to telecommunications products and services for persons with visual disabilities. The Commission also considers that by not providing such information to persons with visual disabilities, Canadian carriers would be unjustly discriminating against persons with visual disabilities, contrary to subsection 27(2)<sup>21</sup> of the Act. The Commission considers that market forces alone cannot be relied on to achieve the purpose of these information requirements.
82. The Commission also considers that the benefits to persons with visual disabilities outweigh the costs borne by the TSPs to produce billing statements and inserts, and provide certain information upon request, in alternative formats. Finally, the Commission notes that these information requirements apply to all TSPs and are already symmetrical.
83. Accordingly, the Commission retains these information requirements.
84. With respect to ARCH's submission, the Commission indicated in Broadcasting Notice of Public Hearing 2008-8/Telecom Public Notice 2008-8 that it would be addressing a number of matters related to accessibility by persons with disabilities. Consequently, the Commission will address any additional information requirement matters related to accessibility by persons with disabilities within the context of that process.

### *11. Message Relay Service (MRS)*

85. Currently, ILECs must publish information about MRS in their residential telephone directories. CLECs must inform their customers about MRS prior to contracting.<sup>22</sup>
86. Bell Canada et al. proposed that the Commission impose a general obligation to provide the information, and eliminate the specific implementation method. TCC submitted that mandating the provision of MRS information was in the public interest and proposed that the current information requirement remain in place.
87. The Commission notes that the purpose of these information requirements is to educate consumers of the existence of MRS and how to use it. The Commission considers that these information requirements serve to ensure that the policy objectives set out in paragraphs 7(b) and (h) of the Act are met.

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<sup>21</sup> Subsection 27(2) of the Act provides that no Canadian carrier shall, in relation to the provision of a telecommunications service or the charging of a rate for it, unjustly discriminate or give an undue or unreasonable preference toward any person, including itself, or subject any person to an undue or unreasonable disadvantage.

<sup>22</sup> See Telecom Decisions 86-7 and 97-8.

88. The Commission notes that customers of all LECs that are not in direct contact with persons with hearing disabilities are not likely to know of the existence of MRS or how to use it. The Commission considers that market forces alone cannot be relied on to achieve the purpose of these information requirements.
89. The Commission considers that the information concerning MRS currently published in the residential telephone directories is efficient and proportionate, as it provides useful information on how to use the service. The Commission also considers that the information requirement currently imposed on CLECs is not onerous.
90. Accordingly, the Commission retains these information requirements.

*12. Communications plan for local forbearance*

91. ILECs currently must submit a communications plan for Commission approval with any application for forbearance from the regulation of retail local exchange services.<sup>23</sup>
92. TCC submitted that this information requirement was no longer required, given that the Commission had already approved communications plans as part of its decisions to forbear from the regulation of ILECs' local exchange services. Bell Canada et al. stated that this information requirement was appropriate and valuable in keeping customers cognizant of their regulatory status, while PIAC proposed retaining this information requirement on the basis that forbearance of a local exchange was a major change that affects consumers' understanding of their telephone service.
93. The Commission notes that the purpose of this information requirement is to inform consumers of local forbearance and to provide information concerning the ongoing availability of stand-alone PES. The Commission considers that this information requirement serves to ensure that the policy objectives set out in paragraphs 7(b) and (h) of the Act are met.
94. The Commission notes that when forbearance is granted in a particular market, the customer's contract with the ILEC changes dramatically. In addition, the Commission notes that customers should be informed of the availability of stand-alone PES in forborne markets. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
95. The Commission considers that the requirement to file a communications plan is efficient and proportionate, as it allows the Commission to take into consideration the specific nature of a market in determining how and when customers are to be informed. Further, the Commission notes that based on forbearance applications to date, ILECs do not always use a previously approved communications plan when they file an application for local forbearance.
96. Accordingly, the Commission retains this information requirement.

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<sup>23</sup> See Telecom Decision 2006-15.

### ***13. Dialing plan changes***

97. When dialing plans change, all TSPs must provide industry standard network announcements with automatic call completion, where technically possible (i.e. the use of a pre-recorded message during the permissive dialing period during transition from 7 to 10 digits). Otherwise, they must inform consumers of the 10-digit dialing requirement using other means of communication (for example, billing inserts, notices in newspapers, and a personal letter to affected customers).<sup>24</sup>
98. Bell Canada et al. requested that TSPs be afforded a flexible approach to communicate the information, noting that the industry has proven that they can work together to develop the plan. TCC proposed to retain the information requirement on the basis that all customers in the relevant geographic area require the same consistent message of any changes to 10-digit dialing.
99. The Commission notes that the purpose of this information requirement is to educate customers of the pending mandatory requirement to dial local calls with 10 digits. The Commission considers that this information requirement serves to ensure that the policy objective set out in paragraph 7(h) of the Act is met.
100. The Commission notes that absent a consumer awareness program to clearly explain to customers that local calls must soon be dialled using 10-digit dialing, customers could become confused. The Commission considers that market forces alone cannot be relied on to achieve the purpose of this information requirement.
101. The Commission notes that the telecommunications industry has worked together to develop standard messages for area code relief plans to ensure the complete and consistent dissemination of a common message by all relevant TSPs. The Commission considers that compliance with the Consumer Awareness plans, included in the Relief Implementation plans, as developed by the ad hoc Relief Planning Committees under the CRTC Interconnection Steering Committee, is likely to continue.
102. Accordingly, the Commission retains the general obligation for all relevant TSPs to inform all customers about dialing plan changes. TSPs, however, may determine the appropriate methods to inform their customers.

### ***14. Reference to the Commission's local competition website***

103. Currently, ILECs must include, in a prominent location on their websites, a direct link to the Commission's local competition website.<sup>25</sup>
104. Bell Canada et al. and TCC proposed to eliminate this information requirement on the basis that competition was vigorous in the local exchange services market and that competitors informed customers of their presence. PIAC proposed to retain the existing information requirement and to

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<sup>24</sup> Various decisions, including Decision 2001-607 and Telecom Decision 2002-18.

<sup>25</sup> See Telecom Decision 2004-4.

augment it by either (1) requiring a reference to the Commission's local competition website via short messages on ILECs' billing statements and on their websites or (2) mandating the Commissioner for Complaints for Telecommunications Services Inc. to maintain a competitor information website, similar to that of the Commission.

105. The Commission notes that the purpose of this requirement is to increase the public's awareness of the competitive alternatives available to them. The Commission considers that the local exchange services market is now very competitive as illustrated by a national level of forbearance of over 75 percent of residential network access services. The Commission considers that market forces can be relied on to ensure that the purpose of this information requirement is achieved.

106. Accordingly, the Commission eliminates this information requirement.

***15. Transfer of responsibility for inside wiring***

107. Currently, ILECs must inform customers (a) that they are responsible for the repair of inside wiring and (b) how they can obtain a "Do-It-Yourself Guide" to inside wire.<sup>26</sup>

108. Bell Canada et al. proposed to eliminate this information requirement on the basis that it was obsolete. PIAC argued that because competitive suppliers of inside wire services were not necessarily TSPs, competitive market forces might not ensure that ILECs continue to provide this information to their customers.

109. The Commission notes that the purpose of this information requirement is to inform individual line subscribers that they are responsible for the repair of inside wiring. The Commission considers that the market for inside wire services is now sufficiently competitive, with many competitors and no barriers to entry. Further, the Commission considers that the transfer of responsibility for installing and maintaining inside wiring is a well-established policy. The Commission considers that market forces can be relied on to ensure that the purpose of this information requirement is achieved.

110. Accordingly, the Commission eliminates this information requirement.

***16. Anticipated major increase in long distance usage***

111. Currently, ILECs must include a statement in the introductory pages of the residential telephone directory urging customers to inform the ILEC of any anticipated major increases in long distance usage in order to prevent disconnection.<sup>27</sup>

112. Bell Canada et al. proposed to eliminate this information requirement on the basis that market forces and contract law can be relied upon to ensure that customers are informed.

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<sup>26</sup> Various decisions, including Telecom Order 95-559.

<sup>27</sup> See Telecom Decision 86-7.

113. The Commission notes that the purpose of this information requirement is to avert the possibility of premature or unnecessary disconnection of the customer's local exchange services due to high long distance charges.
114. The Commission notes that ILECs can no longer suspend, disconnect or threaten to disconnect local exchange services in regulated markets, or stand-alone PES in forborne markets, for non-payment of long-distance charges. Therefore, the Commission considers that the purpose of this information requirement is no longer relevant.
115. Accordingly, the Commission eliminates this information requirement.

*17. Clause in business contracts regarding tariff services*

116. Currently, ILECs must include in agreements with their business customers a clause that states that non-forborne services, and bundled services that contain non-forborne services, are to be offered in a manner that is consistent with their approved tariffs. ILECs must also include a list of all relevant tariffs, noting that they may be amended.<sup>28</sup>
117. Bell Canada et al. proposed to eliminate this information requirement, submitting that this clause was now obsolete and less significant in light of increased forbearance and the amendment of the Commission's bundling rules.
118. The Commission notes that the purpose of this information requirement is to inform business customers of the ILECs' obligation to comply with their approved tariffs. The Commission considers that this purpose is no longer relevant in light of increased forbearance for business local exchange services and the greater pricing flexibility afforded to ILECs.
119. Accordingly, the Commission eliminates this information requirement.

**Other matters**

120. The Commission notes that certain parties requested that the Commission review the contract renewal notification requirements,<sup>29</sup> the requirement to notify customers affected by an application to destandardize and/or withdraw a particular service,<sup>30</sup> and the information requirements related to the retail quality of service regime.<sup>31</sup> The Commission considers that these matters are beyond the scope of this proceeding as they have been, or are currently being, reviewed as part of other proceedings in light of the Policy Direction.

Secretary General

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<sup>28</sup> See Telecom Public Notice 2003-4.

<sup>29</sup> Most recently modified in Telecom Decision 2008-22.

<sup>30</sup> Most recently modified in Telecom Decision 2008-22.

<sup>31</sup> Currently being reviewed as a follow-up to Telecom Decision 2008-105.

## Related documents

- *Retail quality of service regime in non-forborne markets*, Telecom Decision CRTC 2008-105, 6 November 2008
- *Unresolved issues related to the accessibility of telecommunications and broadcasting services to persons with disabilities*, Broadcasting Notice of Public Hearing CRTC 2008-8/Telecom Public Notice CRTC 2008-8, 10 June 2008, as amended by Broadcasting Notice of Public Hearing CRTC 2008-8-1/Telecom Public Notice CRTC 2008-8-1, 24 July 2008, and Broadcasting Notice of Public Hearing CRTC 2008-8-2/Telecom Public Notice CRTC 2008-8-2, 17 October 2008
- *Review of the regulatory requirements to provide information to customers using various means of communication in light of Telecom Decision 2008-34*, Telecom Public Notice CRTC 2008-7, 9 June 2008
- *Action plan for reviewing social and other non-economic regulatory measures in light of Order in Council P.C. 2006-1534*, Telecom Decision CRTC 2008-34, 17 April 2008
- *Mandatory customer contract renewal notification and requirements for service destandardization/withdrawal*, Telecom Decision CRTC 2008-22, 6 March 2008
- *Unsolicited Telecommunications Rules framework and the National Do Not Call List*, Telecom Decision CRTC 2007-48, 3 July 2007, as amended by Telecom Decision CRTC 2007-48-1, 19 July 2007
- *Amendment to the statement of consumer rights*, Telecom Decision CRTC 2006-78, 21 December 2006
- *Statement of consumer rights*, Telecom Decision CRTC 2006-52, 29 August 2006
- *MTS Allstream and Bell Canada - Part VII applications regarding 900 service*, Telecom Decision CRTC 2006-48, 3 August 2006
- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by Order in Council P.C. 2007-532, 4 April 2007
- *Follow-up to Emergency service obligations for local VoIP service providers, Decision 2005-21 – Customer notification requirements*, Telecom Decision CRTC 2005-61, 20 October 2005
- *Regulatory framework for voice communication services using Internet Protocol*, Telecom Decision CRTC 2005-28, 12 May 2005, as amended by Telecom Decision CRTC 2005-28-1, 30 June 2005

- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005
- *900 service - Agreements and consumer safeguards*, Telecom Decision CRTC 2005-19, 30 March 2005
- *Access to pay telephone service*, Telecom Decision CRTC 2004-47, 15 July 2004
- *Call-Net Part VII Application - Promotion of local residential competition*, Telecom Decision CRTC 2004-4, 27 January 2004
- *Conditions of service for wireless competitive local exchange carriers and for emergency services offered by wireless service providers*, Telecom Decision CRTC 2003-53, 12 August 2003, as amended by Telecom Decision CRTC 2003-53-1, 25 September 2003
- *Measures with respect to incumbent telephone company regulatory compliance*, Telecom Public Notice CRTC 2003-4, 10 April 2003
- *Revision requested to Canadian numbering plan area relief planning guidelines*, Telecom Decision CRTC 2002-18, 10 April 2002
- *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, 8 March 2002
- *Approval of revised Canadian NPA Relief Planning Guidelines*, Decision CRTC 2001-607, 26 September 2001
- *Alternative formats for a person who is blind*, Order CRTC 2001-690, 31 August 2001
- *Access to Bell Canada's SimplyOne by persons who are blind*, Order CRTC 2001-164, 26 February 2001
- Telecom Order CRTC 98-626, 26 June 1998
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997
- *Local service pricing options*, Telecom Decision CRTC 96-10, 15 November 1996, as amended by Telecom Decision CRTC 96-10-1, 29 November 1996
- Telecom Order CRTC 96-1191, 29 October 1996
- Telecom Order CRTC 95-559, 11 May 1995

- Telecom Order CRTC 94-687, 20 June 1994
- *Review of the general regulations of the federally regulated terrestrial telecommunications common carriers*, Telecom Decision CRTC 86-7, 26 March 1986

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*