



Telecom Decision CRTC 2009-680

Ottawa, 30 October 2009

Groupe CC – Violations of the Unsolicited Telecommunications Rules

File numbers: PDR 9174-499 and PDR 9174-704

In this decision, the Commission imposes administrative monetary penalties totalling \$9,000 on 9121-1920 Québec inc., also known as Groupe CC, for initiating three telemarketing telecommunications to consumers whose telecommunications numbers were registered on the National Do Not Call List (DNCL), for initiating the telecommunications without having paid all applicable subscription fees to the National DNCL operator, and for not identifying themselves properly at the beginning of the call, in violation of the Unsolicited Telecommunications Rules.

1. Between 10 November 2008 and 30 May 2009, the Commission received numerous complaints in relation to telemarketing telecommunications made by 9121-1920 Québec inc., also known as Groupe CC. On 12 August 2009, a notice of violation was issued to Groupe CC pursuant to section 72.07 of the *Telecommunications Act* (the Act). The notice informed Groupe CC that it had initiated three telemarketing telecommunications to consumers, in violation of Part II, sections 4 and 6, and of Part III, section 16 of the Commission's Unsolicited Telecommunications Rules (the Rules).¹
2. Groupe CC was given until 14 September 2009 to pay the administrative monetary penalties (AMPs) set out in the notice of violation or to make representations to the Commission with respect to the violations.
3. The Commission received representations by Groupe CC on 15 September 2009.
4. In its representations, Groupe CC contested the three supporting affidavits contained in the investigation report. It argued that telephone number 514-316-2979, which was cited in two of the affidavits, was not a Groupe CC telephone number, and that the second number in question, 450-678-6903, which was cited in the third affidavit, was provided to the complainant by the caller who is not an employee of Groupe CC.

¹ Part II, section 4 of the Rules states that a telemarketer shall not initiate a telemarketing telecommunication to a consumer's telecommunications number that is on the National DNCL, unless express consent has been provided by such consumer to be contacted via a telemarketing telecommunication by that telemarketer. Part II, section 6 of the Rules states that a telemarketer shall not initiate a telemarketing telecommunication on its own behalf unless it is a registered subscriber of the National DNCL and has paid all applicable fees to the National DNCL operator. Part III, section 16 of the Rules states that a telemarketer initiating a voice telemarketing telecommunication shall provide the following information in a clear manner upon reaching the intended party: (a) the name or fictitious name of the individual making the telecommunication; (b) the name of the telemarketer, whether the telemarketing telecommunication is made on its own behalf or on behalf of a client of the telemarketer; and (c) the name of the client, when the telemarketing telecommunication is being made on behalf of a client of the telemarketer.

5. The Commission has reviewed Groupe CC's representations and the supporting evidence, and concludes that Groupe CC initiated the telemarketing calls. The Commission finds that telephone number 514-316-2979 belongs to a Groupe CC employee who sold products for the company. The Commission notes that one of the affiants indicated that the person who called using that number stated that the call was on behalf of Groupe CC. The Commission also finds that telephone number 450-678-6903 belongs to Groupe CC since it provided that number to the National Do Not Call List operator when it registered.
6. In the circumstances of this case, the Commission considers that a penalty of \$1,000 for each of the violations committed under Part II, sections 4 and 6, and Part III, section 16 of the Rules, as verified through affidavits by complainants, is appropriate. The Commission therefore imposes AMPs totalling \$9,000 on Groupe CC.
7. The Commission hereby notifies Groupe CC of its right to apply to the Commission to review and rescind or vary this decision under section 62 of the Act and to appeal this decision to the Federal Court of Appeal under section 64 of the Act. Any review and vary application under section 62 of the Act must be made within 30 days of the date of this decision and the Commission will place all related documentation on its website to allow public participation in accordance with Part VII of the CRTC Telecommunications Rules of Procedure. An appeal from this decision may be brought in the Federal Court of Appeal with the leave of that Court. Leave to appeal must be applied for within 30 days of the date of this decision or within such further time as a judge of the Court grants in exceptional circumstances.
8. The amount of \$9,000 is due by **30 November 2009** and is to be paid in accordance with the instructions contained in the notice of violation. For any amount owing that is not paid by **30 November 2009**, interest calculated and compounded monthly at the average bank rate plus three percent will be payable on that amount and will accrue during the period beginning on the due date and ending on the day before the date on which payment is received.
9. If payment of the debt has not been received within 30 days of the date of this decision, the Commission intends to certify the unpaid amount and register the certificate with the Federal Court in order to collect the amount owing.

Secretary General

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