



Telecom Notice of Consultation CRTC 2011-776

PDF version

Ottawa, 15 December 2011

Notice of hearing

22 March 2012

Gatineau, Quebec

Brama Telecom Inc. – Compliance with the requirement to be a member of the Commissioner for Complaints for Telecommunications Services Inc.

File number: 8665-C12-201116038

The Commission calls Brama Telecom Inc. (Brama) to a public hearing commencing at 9:00 am on 22 March 2012 at the Conference centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec to show cause why, among other things, the Commission should not order the disconnection of Brama's telecommunications services for Brama's failure to become a member of the Commissioner for Complaints for Telecommunications Services Inc.

Background

1. The Commissioner for Complaints for Telecommunications Services Inc. (CCTS) is an independent consumer agency with a mandate to facilitate the resolution of complaints relating to services that telecommunications service providers (TSPs) offer to residential and small business customers.
2. As set out in Telecom Decision 2010-921 and Telecom Regulatory Policy 2011-46, the Commission requires, pursuant to section 24 of the *Telecommunications Act* (the Act), that all TSPs that provide services within the scope of the CCTS's mandate become members of the agency.
3. The requirement to become a member is triggered when the CCTS informs a TSP that it has received a complaint about the TSP that falls within the scope of the CCTS's mandate. The TSP is required to join the CCTS no later than five days after the date on which it is notified of the complaint.
4. Brama Telecom Inc. (Brama) is a TSP that offers local voice over Internet Protocol (VoIP)-based telecommunications services in Canada. As set out more fully below, it appears to the Commission that Brama is in non-compliance with the requirement to become a member of the CCTS.

5. Given Brama's apparent non-compliance with the requirement to become a member of the CCTS, the Commission hereby calls Brama to a public hearing to show cause why, among other things, the Commission should not order disconnection of the company's telecommunications services.

Correspondence with Brama regarding membership in the CCTS

6. The CCTS received five complaints from consumers about Brama's telecommunications services.¹ Based on its review of the complaints, the CCTS determined that the subject matter of the complaints fell within its mandate. The CCTS first notified Brama on 22 March 2011 that, as per the Commission's determinations, it was required to become a member of the CCTS by 27 March 2011. On 29 March 2011, the CCTS sent a second notice to Brama, indicating that it was required to join the CCTS by 4 April 2011.
7. Brama has not become a member of the CCTS in response to the CCTS's notification letters.
8. After informal discussions that Commission staff and CCTS staff held with Brama representatives failed to resolve the matter, the Commission issued a letter on 10 August 2011 to Brama stating the following, among other things:
 - Based on the Commission's records, the CCTS received an in-scope complaint about Brama and notified Brama that it must become a member of the CCTS.
 - As of the date of the letter, the Commission had no evidence that Brama is a member of the CCTS.
 - Pursuant to subsection 37(2) of the Act, Brama was to file, by 24 August 2011,
 - proof that it was or had become a member of the CCTS or arguments demonstrating that Brama does not provide services within the scope of the CCTS's mandate; and
 - identification of the service provider(s) it obtained service from as well as a list of the services provided to Brama.
 - If Brama failed to respond by 24 August 2011, the Commission would take further steps to enforce its membership requirement, including initiating a show cause proceeding to consider disconnection of Brama's telecommunications services.

¹ The complaints the CCTS received about Brama were dated 2 February, 3 March, 5 May, 15 June, and 17 June 2011, respectively.

9. Brama has not responded to the Commission's 10 August 2011 letter.
10. The Commission documents and complaints referred to above form part of the public record of this proceeding, which is available on the Commission's website at www.crtc.gc.ca under "Public Proceeding" or by using the file number provided above.

Brama's apparent non-compliance

11. As stated in the Commission's 10 August 2011 letter and based on the documentation obtained from the CCTS, it appears that Brama is in non-compliance with the requirement set out in Telecom Decision 2010-921 and Telecom Regulatory Policy 2011-46 to become a member of the CCTS following notification by the CCTS that it had received complaints about Brama that fell within the scope of its mandate.
12. The Commission further considers that Brama is in non-compliance with subsection 37(2) of the Act for failing to respond to the Commission's 10 August 2011 letter, which required Brama to submit the information outlined above to the Commission.

Procedure

13. The Commission intends to inquire into, hear, and determine these matters. Therefore, pursuant to section 48 of the Act, the Commission calls Brama to a public hearing to be held at 9:00 am at the Conference centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec, on 22 March 2012, to show cause
 - why the Commission should not order disconnection of Brama's telecommunications services for failure to comply with the requirement to become a member of the CCTS, as set out in Telecom Decision 2010-921 and Telecom Regulatory Policy 2011-46; and
 - why the Commission should not issue a mandatory order pursuant to section 51 of the Act with respect to Brama's failure to submit information to the Commission as required by subsection 37(2) of the Act.
14. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure), which came into force on 1 April 2011, apply to this proceeding.²
15. Brama is made a party to this proceeding and its appearance at the public hearing is mandatory. For purposes of the Rules of Procedure, Brama is considered an applicant in this proceeding.

² The Rules of Procedure set out, among other things, the rules for the filing, content, format, and service of interventions and interrogatories; the procedure for filing confidential information and requesting its disclosure; and the conduct of the public hearing. Accordingly, the procedure set out in this notice must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

Applicant's address

Park Place Corporate Centre

15 Wertheim Court, Unit 404

Richmond Hill, Ontario

L4B 3H7

- By **16 January 2012**, Brama is to file the following information with the Commission: (a) the name, telephone number, and email address of the participant (or the participant's representative) to be used to contact the participant immediately preceding and during the hearing, if necessary, to obtain information or to inform them of matters relating to the hearing; (b) the names and titles of any representatives who will appear on behalf of the participant at the hearing; and (c) the number of additional people associated with the participant who will attend the hearing (for planning purposes).
 - By **2 February 2012**, Brama is to file with the Commission (a) its submission regarding the allegations raised in this notice of consultation and the documentation provided, and (b) its responses to the questions set out in the Appendix to this notice.
16. All TSPs that provide telecommunications services to Brama, whether directly or indirectly, including Fibernetics Corporation and Iristel Inc., are made parties to this proceeding. The Commission directs each TSP that provides telecommunications services to Brama to file an intervention with the Commission, by **2 February 2012**, which describes the service(s) it provides to Brama and which indicates whether the TSP wishes to appear at the public hearing.
 17. Other persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues, by **2 February 2012** which must indicate whether the person wishes to appear at the public hearing.
 18. Persons requiring communications support such as assistive listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.
 19. An organization and conduct letter, providing directions on procedure with respect to the public hearing, including the scope of the issues to be examined during the public hearing, will be issued prior to the commencement of the public hearing.
 20. Brama may file a reply to any intervention, serving copies on all other parties, by **13 February 2012**.

21. The Commission will not formally acknowledge interventions. It will, however, fully consider all interventions, which will form part of the public record of the proceeding. Submissions longer than five pages should include a summary.
22. Parties are reminded that, in accordance with the Rules of Procedure, if a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date. A document must be filed with the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.
23. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
24. The Commission encourages parties to monitor the record of this proceeding and/or the Commission's website for additional information that they may find useful when preparing their submissions.
25. Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the

[Intervention/comment/answer form]

or

by mail to

CRTC, Ottawa, Ontario K1A 0N2

or

by fax at

819-994-0218

Important notice

26. All information provided as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information provided.
27. The personal information provided will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

28. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
29. The information provided to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not link directly to the information provided as part of this public process.

Examination of documents

30. An electronic version of the documents referred to in this notice is available on the Commission's website by selecting the file number within this notice OR from the "Public Proceedings" section of the Commission's website, which is accessible by selecting "View all proceedings open for comment," then selecting the "view entire record" link associated with this notice.
31. All interventions will also be available on the Commission's website, at the same location, by clicking on the "Interventions" link.
32. Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

Location of CRTC offices

33. Submissions may be examined or will be made available promptly upon request at Commission offices during normal business hours.

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional Offices

Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West, Suite 504
Montréal, Quebec H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

360 Main Street, Suite 970
Winnipeg, Manitoba R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

2220 – 12th Avenue, Suite 620
Regina, Saskatchewan S4P 0M8
Tel.: 306-780-3422

100 – 4th Avenue SW, Suite 403
Calgary, Alberta T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

858 Beatty Street, Suite 290
Vancouver, British Columbia V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Review of the Commissioner for Complaints for Telecommunications Services, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011*
- *Review of the Commissioner for Complaints for Telecommunications Services – Decision on membership, Telecom Decision CRTC 2010-921, 8 December 2010*

Appendix

As set out in paragraph 15 of this notice, Brama Telecom Inc. (Brama) is directed to file responses to the following questions with the Commission by **2 February 2012**.

1. List all the telecommunications services that Brama provides to its residential and/or business customers in Canada.
2. For each of the telecommunications services that Brama provides to its residential and/or business customers in Canada
 - a. provide a description of how the service is delivered to Brama's customers;
 - b. indicate whether Brama owns or operates any transmission facilities (as defined by section 2 of the *Telecommunications Act*) used to provide the service to its customers; and
 - c. indicate whether Brama resells the service of another telecommunications service provider (TSP) to provide the service to its customers and identify any such TSP and the manner by which the service is obtained (by tariff, contract, etc.).
3. Provide details and copies of all arrangements with other TSPs that allow Brama to interconnect with the networks of another TSP and to access the public switched telephone network (PSTN).