



Telecom Order CRTC 2006-128

Ottawa, 30 May 2006

TELUS Communications Company

Reference: Tariff Notice 204

Destandardization of Non-Listed Telephone Numbers service

*In this Order, the Commission **approves** TELUS Communications Company's application to destandardize Non-Listed Telephone Numbers service in Alberta.*

1. The Commission received an application by TELUS Communications Company (TCC), dated 2 March 2006, proposing revisions to its General Tariff item 129, Directory Listings, to destandardize Non-Listed Telephone Numbers service (Non-Listed Numbers) in Alberta.
2. TCC noted that Non-Listed Numbers was a service that omitted a subscriber's directory listing from TCC's telephone directories for a monthly fee. TCC also noted that the subscriber's directory listing was, however, still in TCC's Directory Assistance records and the subscriber's telephone number would be provided to Directory Assistance customers upon request.

Background

3. In *New procedures for disposition of applications dealing with the destandardization and/or withdrawal of tariffed services*, Telecom Circular CRTC 2005-7, 30 May 2005 (Circular 2005-7), the Commission indicated that in order for it to properly assess a proposal for the destandardization and/or withdrawal of a tariffed service, the applicant must file an application containing the following information:
 - a) service proposed to be destandardized and/or withdrawn;
 - b) proposed date for destandardization;
 - c) proposed date for ultimate withdrawal of service;
 - d) type of destandardization;
 - e) rationale for the application;
 - f) availability of a substitute, with rationale as to why it is reasonable in terms of equivalent functionality, availability in the same geographical area, and cost (including the initial outlay and ongoing costs to the customer);
 - g) the transition plan;

- h) relevant information concerning existing customers, such as the number of customers affected;
 - i) a copy of the notice to affected customers; and
 - j) any other information the applicant believes is relevant.
4. The Commission further indicated in Circular 2005-7 that if the applicant considered that certain criteria did not apply to a particular application, the applicant was expected to provide submissions on why it believed those criteria should not apply.
5. The Commission noted in Circular 2005-7 that the applicant had to provide notice to each customer affected by its application to destandardize and/or withdraw a particular service, and that the notices should be sent to affected customers on the date the application was filed. In the notice, the applicant had to include items a) to g) set out in paragraph 3 above, as well as clear and detailed information as to how an affected customer could participate in the Commission's process, including the date when comments must be received by the Commission. Further, the Commission noted in Circular 2005-7 that interested parties should be allowed 45 calendar days to comment on an applicant's destandardization and/or withdrawal application.

TCC's application

6. TCC submitted that its application was consistent with the criteria established in Circular 2005-7 as follows:
- a) service proposed to be standardized and/or withdrawn
TCC proposed to destandardize Non-Listed Numbers.
 - b) proposed date for destandardization
TCC requested that the Commission grant approval of the proposed destandardization of Non-Listed Numbers with an effective date of 8 May 2006.
 - c) proposed date for ultimate withdrawal of service
Not applicable – TCC submitted that it was not proposing to withdraw Non-Listed Numbers at this time.
 - d) type of destandardization
TCC proposed to destandardize Non-Listed Numbers in Alberta by discontinuing the offering of this service to new subscribers. TCC submitted that existing subscribers would not be affected, as this service would continue to be available to them, including moves, changes, and rearrangements.

e) rationale for the application

TCC indicated that Non-Listed Numbers had a small, steadily declining subscriber base. TCC noted that Non-Listed Numbers was not offered in British Columbia, and that the company had no plans to extend the service to British Columbia. Further, TCC submitted that destandardizing Non-Listed Numbers in Alberta would assist it in harmonizing its Directory Listings offerings in both provinces.

f) availability of a substitute, with rationale as to why it is reasonable in terms of equivalent functionality, availability in the same geographical area, and cost (including the initial outlay and ongoing costs to the customer)

As an alternative to Non-Listed Numbers, TCC submitted that Non-Published Telephone Numbers service, which the company offered in both Alberta and British Columbia, had all the features of Non-Listed Numbers. In addition, TCC noted that the subscriber's directory listing would not be available via Directory Assistance, thereby making Non-Published Telephone Numbers service a more effective service than Non-Listed Numbers for protecting a subscriber's privacy.

TCC indicated that, in Alberta, Non-Published Telephone Numbers service was offered at the same monthly rates to business and residential subscribers as Non-Listed Numbers (\$3.85 per month for business customers and \$2.00 per month for residential customers). TCC submitted that Non-Published Telephone Numbers service was a reasonable substitute for Non-Listed Numbers given that Non-Published Telephone Numbers service provided similar functionalities at the same price, and was available in the same geographic areas as Non-Listed Numbers.

g) the transition plan

TCC submitted that since it was not planning to withdraw the service at this time, and existing subscribers could retain Non-Listed Numbers until they cancelled the service, it did not see a need for a transition plan as required in Circular 2005-7. Accordingly, TCC did not include a transition plan in either its application or its customer notification letter.

h) relevant information concerning existing customers, such as the number of customers affected

TCC provided the number of subscribers in confidence.

i) a copy of the notice to affected customers

TCC indicated that it had notified existing Non-Listed Numbers subscribers of its application by way of a letter that was sent concurrently with its application being filed. TCC provided a copy of the customer notification letter with its application, providing its customers a comment period of 45 calendar days, as required in Circular 2005-7.

j) any other information the applicant believes is relevant

No additional information was filed.

Process

7. The Commission received comments from Cathy Clements dated 15 March 2006, from Heather Hepburn dated 2 April 2006, and from Peter Ouellette dated 16 April 2006.
8. TCC filed reply comments dated 27 April and 4 May 2006.

Positions of parties

9. Customer comments included the following:
 - A concern was raised as to the number of calls received at a private home from solicitors. It was submitted that there should be a law to stop businesses and charities from soliciting private residences on the telephone.
 - Opposition was raised by a customer concerning the "cancellation" of the service, as well as the publishing of the customer's telephone number and address in the telephone directory; however, it was requested that the telephone number and address of this customer should be available, upon request, through Directory Assistance in the event that someone had lost or misplaced the customer's telephone number.
 - It was submitted by a customer that Non-Listed Numbers was an invaluable service in an age when privacy was constantly under attack. This customer noted that TCC already charged a fee for using Directory Assistance, which further discouraged unsavoury or commercial contact. With this in mind, the customer wanted to know the reasons for TCC's application to destandardize Non-Listed Numbers, and requested an explanation as to how the changes proposed by TCC would benefit customers who depended on the level of invaluable security and privacy provided by Non-Listed Numbers.

TCC's reply comments

10. With respect to the comment that businesses and charities should be stopped from soliciting private residences on the telephone, TCC submitted that this concern was outside the scope of the company's application, and thus was not relevant to the Commission's determination in this matter.
11. TCC noted that only one customer filed comments to object to the company's application, and for that matter, this customer was objecting not to the grandfathering of the service itself, but rather to the cancellation of service. TCC submitted that the company's application did not propose to cancel service for existing customers and therefore should be of no concern to that customer.

12. Recognizing customer concern about privacy protection, TCC submitted the following:

- Contrary to one customer's apparent understanding that anyone with legitimate reasons and knowing that customer's address could obtain that person's telephone number from Directory Assistance, Non-Listed Numbers would not provide the level of privacy protection that this individual would need since one could obtain a telephone number from Directory Assistance even without a full address.
- Non-Published Telephone Numbers service was similar to Non-Listed Numbers, with the added feature that the directory listing would not be available to Directory Assistance. As such, Non-Published Telephone Numbers service would be a more effective service for protecting privacy.
- Customers seeking a lesser level of privacy protection could have partial listing information in the directory; i.e., they could have their name and city, name and street with the house number omitted, or name and address with the apartment number omitted. There was no additional charge for partial directory listing.

Commission's analysis and determinations

13. The Commission notes that comments were received from only three subscribers, one of whom opposed the "cancellation" of Non-Listed Numbers.
14. With respect to the comments made concerning the soliciting of private residences on the telephone by businesses and charities, the Commission agrees that these comments are outside the scope of this proceeding and are not relevant to the Commission's determination in respect of TCC's application.
15. With respect to the opposition raised concerning the "cancellation" of Non-Listed Numbers, the Commission notes TCC's submission that the service would be available to existing subscribers until they cancelled the service.
16. With respect to the request for TCC's reasons to destandardize Non-Listed Numbers, the Commission finds that the company has provided persuasive rationale in its application in support of its request.
17. With respect to the request for an explanation as to how the changes proposed by TCC would be of benefit to customers, the Commission notes that Non-Published Telephone Numbers service would be a more effective service for protecting privacy. The Commission also notes that Non-Published Telephone Numbers service is available at the same price as Non-Listed Numbers.

18. The Commission finds that TCC has fulfilled the customer notification and evidentiary requirements of Circular 2005-7, and considers TCC's application to destandardize Non-Listed Numbers in Alberta to be reasonable.
19. In light of the above, the Commission **approves** TCC's application, effective the date of this Order.

Secretary General

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