



Telecom Decision CRTC 2008-34

Ottawa, 17 April 2008

Action plan for reviewing social and other non-economic regulatory measures in light of Order in Council P.C. 2006-1534

Reference: 8663-C12-200800864

Introduction

1. In Telecom Public Notice 2008-1, the Commission announced its intention to develop an action plan to prioritize its review of existing social and other non-economic regulatory measures, with a view to ensuring that such measures are implemented in a manner consistent with 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).
2. The Policy Direction requires, among other things, that the Commission rely on market forces to the maximum extent feasible and regulate where there is still a need to do so, in a manner that interferes with market forces to the minimum extent necessary to meet the policy objectives of the *Telecommunications Act* (the Act). The Policy Direction also requires that the Commission, when relying on regulatory measures, specify the telecommunications policy objective that is advanced by those measures. With respect to regulatory measures that are of a social or non-economic nature, the Policy Direction requires that the Commission should, to the greatest extent possible, implement measures in a symmetrical and competitively neutral manner.
3. The Commission invited parties to prioritize the social regulatory measures identified on the record of the proceeding leading to Telecom Decision 2007-51 as Category A (to be addressed in the 2008-2009 fiscal year) or Category B (to be addressed in the 2009-2010 fiscal year). The Commission also invited parties to identify and prioritize any additional existing social or other non-economic regulatory measure they thought should be reviewed.
4. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
5. The Commission considers that economic measures that have been or will be scheduled for review pursuant to Telecom Decision 2007-51 are outside the scope of this proceeding and, therefore, will not deal with them in this Decision.

What is the appropriate action plan for reviewing existing social and other non-economic regulatory measures?

6. The Commission notes that most parties submitted prioritized lists of social and other non-economic regulatory measures for review and that many agreed that a high priority should be assigned to reviewing certain regulatory measures, such as privacy safeguards and

obligations, the retail quality of service regime, and mandatory disclosures in directories. In determining the order for its review, the Commission has considered several factors, including, among others, the priority assigned by each party.

7. In addition, the Commission considers that social and other non-economic regulatory measures that are broadly applied affect a large number of stakeholders and, therefore, should generally be given a higher priority than more narrowly focused regulations. As a result, the breadth of a regulatory measure was another factor the Commission considered in determining the priority for review.
8. The Commission notes that the Consumer Groups were of the view that the Commission should delay its review of privacy safeguards and obligations. The Consumer Groups proposed that the review be delayed until the Federal Government has completed its review of the *Personal Information Protection and Electronic Documents Act* (PIPEDA). The Commission considers that delaying its review of privacy measures pending the federal review and tabling of amendments to PIPEDA would unnecessarily postpone consideration of an important matter that many parties consider to be a priority.
9. The Commission notes that any new accessibility measures for persons with disabilities are to be examined in a proceeding scheduled for the current fiscal year, which was announced in the Commission's 3-Year Work Plan 2008-2011. Existing accessibility measures for persons with disabilities, such as message relay service, will be scheduled for review in this action plan for the 2009-2010 fiscal year.
10. Regarding the Consumer Groups' request that the Commission establish factors to determine whether a measure is efficient and proportionate in advance of any review of regulatory measures, the Commission considers that what constitutes efficient and proportionate regulation depends entirely on the circumstances of the regulation and the policy objective the regulation is aimed at achieving. Accordingly, the Commission considers that it would be inappropriate to make such a determination prior to the review of the specific regulatory measure.

Conclusion

11. The Commission's action plan to review the existing social and non-economic regulatory measures in order to implement the Policy Direction is set out in the Appendix to this Decision. The Commission notes that some of the regulatory measures set out in the Appendix apply in forborne as well as in non-forborne areas. The Commission intends to initiate proceedings with respect to Category A measures during the current fiscal year and Category B measures in fiscal year 2009-2010.

Secretary General

Related documents

- *Call for comments on priorities regarding the review of social and other non-economic regulatory measures*, Telecom Public Notice CRTC 2008-1, 22 January 2008
- *Action plan for the review of Commission regulatory measures in light of Order in Council P.C. 2006-1534*, Telecom Decision CRTC 2007-51, 11 July 2007

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>

Appendix

Review of social and non-economic regulatory measures – Action plan		
Category	Regulatory measure	Timing for review
A	Retail quality of service indicators, standards, reporting, and rate adjustment plan	2008-2009
	Mandatory disclosures in directories (e.g. terms of service, statement of consumer rights), billing inserts, and websites	2008-2009
	Statement of consumer rights	2008-2009
	Process for disconnection, late payment charge, dishonoured payment charge, deposit policies and toll restrict	2008-2009
	Privacy safeguards and obligations	2008-2009
B	Detailed monthly billing	2009-2010
	Alternative format bills	2009-2010
	Different time limits for recovering unbilled and overbilled accounts	2009-2010
	Obligation to serve (forborne and non-forborne markets)	2009-2010
	Message relay service	2009-2010
	Discount on Touch-Tone for persons with disabilities	2009-2010
	Free directory assistance and automated directory assistance call completion for persons with disabilities and senior citizens	2009-2010
	Pay telephone TTY – requirement to equip with a TTY by 2010 all single pay telephones in wire centres with a registered deaf user and no pay telephone banks	2009-2010
	Free inside wire repair for customers with no network interface device	2009-2010
	Free construction allowance related to access service	2009-2010
	Competitive local exchange carrier requirement to file serving area maps	2009-2010
	Free routing of calls based on exchange boundaries for N-1-1 services (2-1-1 referral services, 3-1-1 municipal services, and 8-1-1 triage services)	2009-2010