



Telecom Notice of Consultation CRTC 2010-130

Ottawa, 4 March 2010

Call for comments

Unsolicited Telecommunications Rules – Financial and insurance products and services offered to existing clients

File number: 8665-C12-201004101

Introduction

1. In Telecom Decision 2007-48, the Commission established a comprehensive framework setting out rules governing the National Do Not Call List (National DNCL) and unsolicited telecommunications received by consumers. The Commission's Unsolicited Telecommunications Rules (the Rules) include the National DNCL Rules, the Telemarketing Rules, and the Automatic Dialing-Announcing Device (ADAD) Rules.
2. On 16 December 2008, the Commission issued Telecom Circular 2008-3 (the financial bulletin) to clarify certain obligations under the Rules for those involved in selling and promoting financial products and services (investment or financial advisors). On 15 May 2009, the Commission issued Telecom Information Bulletin 2009-282 (the insurance bulletin) to similarly clarify the application of certain Rules for those involved in selling and promoting insurance products and services (insurance agents or brokers).

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3. In the financial bulletin, the Commission concluded that taking into account the nature of the service of providing financial advice and the expectations of clients, telecommunications by an investment or financial advisor to an existing client regarding financial products or services do not constitute telemarketing under the Rules; therefore, the Rules do not apply to such calls.
4. In contrast, in the insurance bulletin, the Commission concluded that telecommunications by insurance agents or brokers to sell or promote insurance products or services, including telecommunications to existing clients, constitute telemarketing under the Rules.
5. The Commission notes that, as a result of the bulletins, there is a difference in the application of the Rules to telecommunications by investment or financial advisors regarding financial products and services to existing clients, and telecommunications by insurance agents or brokers regarding insurance products and services to existing clients. In short, the National DNCL Rules, the Telemarketing Rules, and section 2 of the ADAD Rules apply to the latter but not the former type of telecommunications. The Commission is interested in obtaining comments on whether this difference should be maintained.

6. In light of the above, the Commission invites comments from interested parties on the following questions:
 - a) Should telecommunications by investment or financial advisors to existing clients regarding financial products or services constitute telemarketing under the Rules? If so, under what circumstances?
 - b) Should telecommunications by insurance agents or brokers to existing clients regarding insurance products or services constitute telemarketing under the Rules? If so, under what circumstances?
7. In their comments, parties should address the impact of their proposed treatment of the telecommunications in question on the Commission's existing framework for unsolicited telecommunications to consumers, which is designed to prevent undue inconvenience and nuisance while giving due regard to freedom of expression.

Procedure

8. Parties interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the online form; or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2; or by faxing to: 819-994-0218 by **19 March 2010** (the registration date). Parties are to provide their email addresses, where available. If parties do not have access to the Internet, they are to indicate when they notify the Commission whether they wish to receive disk versions of hard-copy filings.
9. As soon as possible after the registration date, the Commission will post on its website a complete list of interested parties, their mailing addresses, and, if available, their email addresses, identifying those parties who wish to receive disk versions.
10. All parties may file comments with the Commission regarding the above-noted issues, serving copies on all other parties, by **7 April 2010**.
11. All parties may file reply comments with the Commission, serving copies on all other parties, by **19 April 2010**.
12. The Commission expects to publish a decision on the issues raised in this notice of consultation within 120 days of the close of record.
13. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
14. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
15. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.

16. Electronic submissions should be in HTML format. As an alternative, those making submissions may use Microsoft Word for text and Microsoft Excel for spreadsheets.
17. Each paragraph of all submissions should be numbered. In addition, the line ***End of document*** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
18. 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.

Important notice

19. Note that all information that parties provide 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 information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
20. The personal information that parties provide 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.
21. 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.
22. Please note that the information that parties provide 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 our website with the help of either our own search engine or a third-party search engine will not link directly to the information that was provided as part of this public process.

Location of CRTC offices

23. 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

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Secretary General

Related documents

- *Unsolicited Telecommunications Rules and the National Do Not Call List Rules as they relate to the insurance industry*, Telecom Information Bulletin CRTC 2009-282, 15 May 2009
- *Unsolicited Telecommunications Rules and the National Do Not Call List Rules as they relate to investment dealers, mutual fund dealers, and investment and financial advisors*, Telecom Circular CRTC 2008-3, 16 December 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

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>.