



## Telecom Notice of Consultation CRTC 2010-247

Ottawa, 30 April 2010

### Notice of hearing

**27-29 September 2010**

**Gatineau, Quebec**

### Review of the Commissioner for Complaints for Telecommunications Services

File number: 8665-C12-201007229

*In this notice, the Commission initiates a proceeding to review the structure and mandate of the Commissioner for Complaints for Telecommunications Services. This proceeding will examine the consumer agency's independence and effectiveness in fulfilling its mandate. In addition, the Commission will re-examine the appropriateness of the existing membership requirement. The proceeding will include a public consultation, which will begin on 27 September 2010.*

### Introduction

1. In previous decisions, the Commission stated that it would initiate a review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc. (the Agency), and associated matters,<sup>1</sup> including, on a *de novo* basis, whether all telecommunications service providers (TSPs) with annual telecommunications revenues over \$10 million should be required to be members of the Agency.<sup>2</sup>

### Background

#### The Order in Council

2. In *Order requiring the CRTC to report to the Governor in Council on consumer complaints*, P.C. 2007-533, 4 April 2007 (the Order), the Governor in Council considered that
  - an independent agency with a mandate to resolve complaints from individual and small business retail customers ("Consumer Agency") should be an integral component of a deregulated telecommunications market;
  - the mandate of an effective Consumer Agency should include, in addition to resolving complaints, developing or approving related industry codes of conduct and standards; publishing an annual report on the nature, number and resolution of complaints received for each TSP; and, as appropriate, identifying issues or trends that may warrant further attention by the Commission or the government;

<sup>1</sup> See Telecom Decision 2007-130.

<sup>2</sup> See Telecom Decision 2008-46.

- the governance structure of an effective Consumer Agency should be designed to ensure its independence from the telecommunications industry by incorporating elements such as: a governing body composed of a majority of members who are not affiliated with any TSP; a chief executive officer appointed by the governing body and also not affiliated with any TSP; and a budget set by its governing body and provided by the industry at a level sufficient to effectively execute its mandate; and
- all TSPs should participate in and contribute to the financing of an effective Consumer Agency and that its structure and mandate would be approved by the Commission.

### **The creation of the Agency**

3. In response to the Order, certain TSPs established the Agency,<sup>3</sup> and the Commission held a public proceeding<sup>4</sup> to consider whether it should approve the structure and mandate of the Agency.

### **Commission decisions**

4. In 2007,<sup>5</sup> the Commission
  - approved the structure and mandate of the Agency, subject to modifications being made<sup>6</sup> to the Agency's governance structure, mandate, and remedies;
  - requested that the Agency make changes to improve the accessibility of its services and develop a comprehensive communications plan;
  - noted that it would review the effectiveness of the Agency within three years of the Agency meeting the conditions of approval; and
  - determined that all TSPs with annual Canadian telecommunications service revenues exceeding \$10 million in the previous year are required to be members of the Agency.
5. In 2008,<sup>7</sup> in response to a review and vary application, the Commission, among other things, varied the mandatory membership requirement by applying an expiration date (20 December 2010) and by determining that the Commission would review the issue of mandatory membership on a *de novo* basis as part of its review of the Agency.
6. In 2009,<sup>8</sup> the Commission requested that the Agency develop an industry code on disconnection and deposits, which is now due to be submitted to the Commission by 19 July 2010.<sup>9</sup>

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<sup>3</sup> See paragraph 3 of Telecom Decision 2007-130 for a list of the TSPs that established the Agency.

<sup>4</sup> See Telecom Public Notice 2007-16.

<sup>5</sup> See Telecom Decision 2007-130.

<sup>6</sup> The Agency met all conditions of approval as of August 2008.

<sup>7</sup> See Telecom Decision 2008-46.

<sup>8</sup> See Telecom Regulatory Policy 2009-424.

<sup>9</sup> See Telecom Regulatory Policy 2010-27.

## Call for comments

7. The Commission hereby initiates a public proceeding to review the Agency and calls for comments on the following aspects of the Agency: its (a) membership, (b) governance and voting structure;<sup>10</sup> (c) mandate; (d) remedies; and (e) other matters, including the accessibility of the Agency's services its public awareness and outreach campaigns and the Agency's overall effectiveness. More specifically
  - a) Should the Commission continue to require certain TSPs to be members of the Agency in order to ensure the ongoing effectiveness of the Agency? If so, to which TSPs should a membership requirement apply, and for what duration?
  - b) Do the Agency's governance and voting structure ensure its effectiveness and independence?
  - c) Is the Agency effectively fulfilling all aspects of its mandate, i.e., resolving complaints, developing or approving industry codes and standards, monitoring and reporting on trends, and publishing an annual report on complaints? Is the scope of its current mandate appropriate?
  - d) Are the remedies offered by the Agency appropriate and effective?
  - e) How effectively is the Agency meeting the accessibility and language needs of telecommunications consumers? Have the Agency's public awareness and outreach initiatives been effective in increasing awareness and use of its services?
8. Parties providing comments in this process should provide full supporting rationale and all evidence on which they rely.

## Procedure

9. The Agency is made a party to this proceeding. Concurrent with the issuance of this notice, interrogatories are being issued to the Agency. The Agency is to file responses to these interrogatories, serving a copy on all interested parties, by **31 May 2010**.
10. Other 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 **24 May 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.
11. 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.

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<sup>10</sup> These are set out in the Agency's membership agreement, procedural code, and bylaws, and are available in the Agency's 5 August 2008 submission at: [http://www.crtc.gc.ca/PartVII/eng/2007/8638/c12\\_200719099.htm](http://www.crtc.gc.ca/PartVII/eng/2007/8638/c12_200719099.htm)

12. Any person who wishes merely to file written comments in this proceeding, without receiving copies of the various submissions, may do so by writing to the Commission by **28 June 2010** at the address or fax number noted above, or by filling out the online form.
13. All parties may file comments with the Commission regarding the above-noted issues, serving copies on all other parties, by **28 June 2010**.
14. All parties may file reply comments with the Commission, serving copies on all other parties, by **12 July 2010**.
15. The Commission will hold a public consultation, beginning on Monday, **27 September 2010** at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec, to address the matters set out in this notice. The public consultation is expected to last three business days. Persons or groups that wish to make an oral presentation at the public consultation must notify the Commission by **12 July 2010**.
16. All parties may file final arguments with the Commission, serving copies on all other parties, by **7 October 2010**. Final arguments should be no longer than four pages.
17. The Commission expects to publish a decision on the issues raised in this notice by **20 December 2010**.
18. 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.
19. 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.
20. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
21. Electronic submissions should be in HTML format. As an alternative, those making submissions may use Microsoft Word for text and Microsoft Excel for spreadsheets.
22. 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.
23. 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**

24. 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](http://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.

25. 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.
26. 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.
27. 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**

28. 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

Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel.: 204-983-6306  
Fax: 204-983-6317

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

10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
Tel.: 780-495-3224

580 Hornby Street, Suite 530  
Vancouver, British Columbia V6C 3B6  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General

## **Related documents**

- *Application to review and vary part of Telecom Regulatory Policy 2009-424 regarding deposit and disconnection policies for local exchange carriers, Telecom Regulatory Policy CRTC 2010-27, 20 January 2010*
- *Revised regulatory requirements for management of customer accounts, Telecom Regulatory Policy CRTC 2009-424, 17 July 2009*
- *Applications to review and vary certain determinations in Telecom Decision 2007-130 regarding the establishment of an independent telecommunications consumer agency, Telecom Decision CRTC 2008-46, 30 May 2008*
- *Establishment of an independent telecommunications consumer agency, Telecom Decision CRTC 2007-130, 20 December 2007*
- *Proceeding to consider the organization and mandate of the Commissioner for Complaints for Telecommunications Services, Telecom Public Notice CRTC 2007-16, 22 August 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>.*