



Telecom Order CRTC 2013-27

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Ottawa, 29 January 2013

Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Discretionary power to waive early cancellation fees

File numbers: Bell Aliant Tariff Notice 415
Bell Canada Tariff Notice 7363

1. The Commission received applications from Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) and Bell Canada (collectively, the Bell companies), dated 11 September 2012, in which they proposed to modify the terms and conditions pertaining to their 30-day deactivation policies for Calling Features and Home Phone subscriptions such that they could waive early cancellation fees at their discretion.
2. On 21 September 2012, Commission staff requested that the Bell companies identify the criteria that they intend to use to determine whether customers subject to early cancellation fees may have these fees waived. The Bell companies replied that they had no set criteria under which they would waive customers' early cancellation fees. However, the Bell companies did indicate that the requested discretionary power was intended to allow their customer service representatives greater latitude in serving their customers.
3. The Commission did not receive any comments regarding the Bell companies' applications. The public record of this proceeding, which closed on 21 November 2012, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file numbers provided above.

Commission's analysis and determinations

4. The Commission is of the view that, if approved, the applications could benefit consumers. However, the Commission notes that the Bell companies have not provided any rationale in support of the proposed discretionary application of their tariffs, other than it would provide their customer service representatives with more latitude in serving their customers.
5. The Commission notes that subsection 27(2) of the *Telecommunications Act* reads as follows:

No Canadian carrier shall, in relation to the provision of a telecommunications service or the charging of a rate for it, unjustly discriminate or give an undue or unreasonable preference toward any person, including itself, or subject any person to an undue or unreasonable disadvantage.

6. The Commission notes that tariffs provide it with the ability to protect all customers that subscribe to non-forborne telecommunications services. The Commission considers that, if the Bell companies' proposal to waive early cancellation fees, with no rationale as to the use of their discretion, were to be approved, it would lose that ability insofar as the tariffs would no longer apply equally to all customers.
7. The Commission considers that the proposal to waive early cancellation fees at the Bell companies' discretion raises the potential of unjust discrimination.
8. In light of the above, the Commission **denies** the above-referenced applications.
9. The Commission, however, encourages the Bell companies to consider waiving early cancellation fees for all of their customers and/or removing the relevant tariffs entirely.

Secretary General