



Telecom Decision CRTC 2014-481

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Public Interest Advocacy Centre and Chimo Community Services – Application regarding charges for wireless calls to helplines and measures to protect helpline-user confidentiality

*The Commission acknowledges the social benefits of free wireless calls to helplines and suppressing the associated call records from wireless bills. However, the applicants did not provide critical information that the Commission required to assess the impact, costs, and implementation strategies of such measures, as well as whether they would further the policy objectives of the Telecommunications Act. Accordingly, the Commission **denies** the application.*

The Commission encourages wireless service providers and helplines to collaborate with relevant stakeholders to investigate possible solutions for Canadians accessing helplines through wireless services and adopt industry best practices.

Application

1. The Commission received an application from the Public Interest Advocacy Centre and Chimo Community Services (collectively, the applicants), dated 29 January 2014, in which they requested that the Commission
 - require wireless service providers (WSPs), including resellers of wireless services, to provide access to helplines at no cost to wireless users or the helplines in question by zero-rating¹ calls made on a wireless device over a wireless network, and
 - direct WSPs to develop measures which protect the confidentiality of helpline users, so that details of any call made to a helpline, including account information which identifies the caller and the helpline, are not disclosed by the WSP.
2. The applicants submitted that, as a result of the increasing popularity of wireless telephony, access to voice telephony for a significant and growing proportion of Canadians means access to a wireless, and not wireline, network service. However, wireless usage costs, particularly for economically and socially vulnerable and at-

¹ Zero-rate, in the context of this decision, implies that wireless calls made to qualifying helplines would not count towards voice minutes on a post-paid plan and charges would not be incurred on a prepaid plan.

risk Canadians, can be substantial and can affect their ability to make use of their wireless phones. Furthermore, due to the nature of the services provided by helplines, calls can be lengthy. The applicants submitted that, as more and more Canadians rely primarily or exclusively on wireless services, the ability of helplines to continue offering service to users on a no-cost basis is increasingly being undermined.

3. As such, the applicants argued that charges imposed on the wireless users of helplines are a significant impediment to vulnerable and at-risk Canadians who require access to these services. The applicants submitted that the industry's failure to address this issue to date is not consistent with the requirements imposed by subsection 27(2) of the *Telecommunications Act* (the Act), and that by continuing to impose charges for wireless calls on users of helplines, Canadian WSPs harm helplines and their users, to the detriment of both. Additionally, in doing so, WSPs subject these helplines and their users to an undue or unreasonable disadvantage.
4. The applicants also argued that for helplines that provide services on a confidential or anonymous basis, and for users of their services, the disclosure of the helpline's telephone number could create a disincentive to use helplines, thus undermining the helplines' service objective. The applicants argued that a decision to require WSPs to zero-rate calls to helplines, as well as a requirement for WSPs to suppress these call details from detailed wireless bills, would further many of the policy objectives set out in section 7 the Act.²
5. The public record of this proceeding, which closed on 7 April 2014, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.

Should WSPs be required to zero-rate wireless calls to helplines and suppress the associated call records from detailed wireless bills at no cost to wireless users or the helplines?

6. The Commission received interventions regarding this application from several individual citizens, all of whom were in support of the application.
7. Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies); Bragg Communications Inc., carrying on business as Eastlink (Eastlink); MTS Inc. (MTS); Rogers Communications Inc. (RCI);

² The policy objectives addressed by the applicants are

- 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; and
- 7(h) to respond to the economic and social requirements of users of telecommunications services.

Saskatchewan Telecommunications (SaskTel); and Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron) all submitted that they support measures that would assist vulnerable Canadians and youth to access the services available from helplines. Many of these WSPs recognized the benefit of the requests made by the applicants and noted that the request is technically feasible for a limited number of helplines.

8. In fact, the Bell companies submitted that Bell Mobility Inc. (Bell Mobility) already zero-rates calls placed by its customers to the toll-free number for Kids Help Phone, where technology permits, and no record of the call appears on wireless phone bills. SaskTel stated that it had made efforts to offer similar functionality for the suppression of call details to ensure confidentiality for some unidentified customers.
9. MTS indicated that it supports the Cellphone Emergency Limited Link-up Program, an initiative that lends free MTS cell phones to victims of domestic abuse at times of extreme risk. TELUS Communications Company (TCC) submitted that it has a long history of involvement with numerous non-profit organizations that maintain or support various helplines across Canada through the establishment of its Charitable Giving program, whereby TCC will match donations made by program participants to eligible Canadian charities.
10. However, all of the above-noted WSPs and the Canadian Wireless Telecommunications Association submitted concerns over the broad definition of a helpline as provided by the applicants.³ They argued that it is unknown how many helplines would qualify under the definition provided by the applicants, submitting that without a clear scope, it would not be possible to estimate the technical requirements or potential cost of implementing the applicants' requests. MTS noted that the technical solution to the issues at hand would be substantially different depending on the number of helplines that would be eligible. Videotron argued that the application contained important information gaps, which would make any further action counterproductive and inefficient for all parties involved.
11. The Bell companies submitted that Kids Help Phone alone is associated with over 37,000 associations of various types that would likely meet the criteria proposed by the applicants.
12. Eastlink submitted that it may be more appropriate to pose certain questions to Health Canada and the provincial healthcare regulators who would be in the best position to provide determinations on critical elements of the proposal, such as what criteria would qualify a helpline under this application.
13. RCI submitted that alternatives to wireless phones, such as landlines and payphones, allow anonymous calls to helplines and should therefore not be dismissed. Additionally, local and toll-free calls from landlines would not incur per-minute

³ The applicants proposed that any eligible helpline must assist individuals, groups, or families seeking mental, emotional, or physical support; and provide information, aid, advice, assistance, counseling, or support.

charges. RCI also proposed that helplines could implement measures such as a call-back feature whereby helpline callers could text the helpline to initiate a call-back from the helpline. RCI indicated that incoming calls from a helpline would not be detailed on a wireless bill. Additionally, RCI proposed that helplines could offer a live chat option as an alternative to voice calls.

14. TCC submitted that a requirement on WSPs to zero-rate calls to helplines could potentially contravene subsection 27(2) of the Act because of different treatment of customer groups, leading to potential unjust discrimination or undue preference issues. TCC submitted that any requirement for WSPs to zero-rate wireless calls to helplines would require the Commission to revive its rate-setting powers under section 25 and subsection 27(1) of the Act with respect to wireless services.

Commission's analysis and determinations

15. The Commission recognizes the importance of the issues raised by the applicants and notes that almost all WSPs, who were parties to this proceeding, supported the social benefits sought in this application. The Commission recognizes the importance for Canadians to be able to access helplines and is concerned that such access could be impeded by the characteristics of wireless services, specifically metered usage and detailed billing. Further, this issue is highlighted by Canadians' increased, or sometimes exclusive, reliance on wireless services for their telecommunications needs.
16. Nevertheless, the Commission is unable, based on the record of this proceeding, to assess the full impact of the application and whether it would advance the policy objectives of the Act.
17. In an attempt to understand the scope of the application, the applicants were requested to provide key information regarding the defining features of a helpline, as well as a concise estimate as to how many helplines the definition would include. The Commission is of the view that the applicants were unable to sufficiently narrow their definition of "helplines" with the information available at this time and that the definition proposed by the applicants was unclear as to which helplines would be within scope. This could trigger the inclusion of thousands of potential helplines. Without a well-defined scope, it is not possible to establish the magnitude of the application.
18. Given the all-encompassing nature of the definition of "helplines" proposed by the applicants, the Commission was unable to assess the impact it would have on the general subscriber base, including costs and possible implementation strategies. The Commission was therefore unable to fully assess the issues raised by the applicants and TCC with respect to compliance with subsection 27(2) of the Act, and, more generally, whether the relief sought by the applicants would serve to further the policy objectives set out in section 7 of the Act.

19. In order for the Commission to fully assess the impact the application would have on the general subscriber base and whether approval would be consistent with the Act, the following information, among other things, would be required:
- a. evidence of any disadvantage faced by economically and/or socially vulnerable and at-risk Canadians;
 - b. a clearly defined scope of qualified helplines;
 - c. a proposed mechanism whereby helplines would be qualified;
 - d. a proposed mechanism to routinely update any database of qualified helplines;
 - e. the approximate number of qualifying helplines;
 - f. a forecast of the number of wireless minutes to be zero-rated, taking into consideration current wireless usage trends as well as any projected change in the number of helplines; and
 - g. an estimate of the impact this proposal could have on the greater subscriber base.
20. In light of all the foregoing, the Commission concludes that the applicants have not provided sufficient key information for it to determine if regulatory action is warranted at this time. The Commission therefore **denies** the application.
21. The Commission notes, however, that any WSP may choose to zero-rate wireless calls to helplines and ensure that these calls do not appear on a wireless bill, as demonstrated by Bell Mobility's initiative with Kids Help Phone. The Commission also encourages WSPs to collaborate with relevant stakeholders to investigate possible solutions for Canadians and adopt industry best practices regarding wireless calls to helplines.
22. The Commission notes that, in the meantime, possible actions can be adopted by helplines, in addition to any regulatory intervention, that would help users avoid wireless usage charges and confidentiality issues. For example, as suggested by RCI, helplines can initiate a call-back feature or an online live chat option for their users to anonymously access helplines at no additional charge. The Commission considers that, while these actions would not be a complete substitute, they could serve to complement helplines' existing services.

Secretary General