



## Telecom Decision CRTC 2015-478

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Ottawa, 23 October 2015

*File number: 8657-C12-201505505*

### **Review of the Commissioner for Complaints for Telecommunications Services Inc. – Interim decision regarding the membership requirement for telecommunications service providers**

*The Commission is extending, on an **interim basis**, the requirement that all telecommunications service providers (TSPs) that offer services within the scope of the Commissioner for Complaints for Telecommunications Services Inc.'s (CCTS) mandate be members of the CCTS.*

*The CCTS is Canada's telecommunications ombudsman. Its mandate includes helping consumers with complaints about their phone, wireless, and Internet services.*

*The Commission is in the process of reviewing the structure and mandate of the CCTS, including whether TSP participation should continue to be mandatory.*

*Since the current membership requirement will expire on 20 December 2015, before the Commission has made its determinations related to the CCTS review, this interim decision will provide regulatory certainty.*

#### **Introduction**

1. In Telecom Decision 2010-921, the Commission required that all telecommunications service providers (TSPs) offering services within the scope of the Commissioner for Complaints for Telecommunications Services Inc.'s (CCTS) mandate were to be members<sup>1</sup> of the CCTS for a period of five years.
2. In Telecom Regulatory Policy 2011-46, the Commission provided the following implementation details associated with the membership requirement:

“... for a period ending on 20 December 2015

- as a condition of providing telecommunications service, all Canadian carriers are required to be members of the CCTS commencing five days after the date on which the CCTS informs the Canadian carrier that the

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<sup>1</sup> Due to changes in the *Canada Not-for-profit Corporations Act*, in 2015 the CCTS replaced the term “members” with “participants.” For the purpose of this decision, the terms “member” and “membership” will be used.

CCTS has received a complaint about the Canadian carrier falling within the scope of the CCTS's mandate; and

- as a condition of providing telecommunications service to any reseller, all Canadian carriers are required to include in their service contracts and other arrangements with such resellers the stipulation that any such reseller is required to be a member of the CCTS commencing five days after the date on which the CCTS informs the reseller that the CCTS has received a complaint about the reseller falling within the scope of the CCTS's mandate.”
3. In Broadcasting and Telecom Notice of Consultation 2015-239, the Commission initiated a review of the structure and mandate of the CCTS and announced that it would hold a public hearing beginning on 3 November 2015. As part of its review, the Commission is considering, among other things, whether membership in the CCTS should continue to be mandatory for TSPs. The record for the proceeding is set to close with the filing of final submissions on 20 November 2015.
  4. Given the relationship between the membership requirement and the other issues under consideration in the review proceeding, including the question of whether membership in the CCTS should be mandatory for all licensed television service providers and related exempt undertakings, the Commission will be unable to make its determinations and render a final decision regarding TSP membership before the expiry of the current requirement on 20 December 2015.
  5. The Commission's interim decision favours regulatory certainty. Should the Commission choose to reimpose the membership requirement in some form following the completion of the proceeding initiated by Broadcasting and Telecom Notice of Consultation 2015-239, a gap between the existing requirement and the new requirement could create significant confusion for the public and practical issues for the CCTS and TSPs. On the other hand, maintaining the status quo for a short period of time in order to permit the Commission to complete its analysis would not be onerous on TSPs. Therefore, the Commission is extending the current membership requirement on an **interim basis** until the Commission renders a final decision on the issues raised in Broadcasting and Telecom Notice of Consultation 2015-239.

Secretary General

### **Related documents**

- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Notice of Consultation CRTC 2015-239, 4 June 2015, as amended by Broadcasting and Telecom Notices of Consultation CRTC 2015-239-1, 24 July 2015; and 2015-239-2, 25 September 2015

- *Review of the Commissioner for Complaints for Telecommunications Services, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011*
- *Review of the Commissioner for Complaints for Telecommunications Services – Decision on membership, Telecom Decision CRTC 2010-921, 8 December 2010*