



## Telecom Notice of Consultation CRTC 2016-293

PDF version

Ottawa, 28 July 2016

*File number: 1011-NOC2016-0293*

### Notice of hearing

**6 February 2017  
Gatineau, Quebec**

### Review of the Wireless Code

**Deadline for submission of interventions: 26 September 2016**

[\[Submit an intervention or view related documents\]](#)

The Commission will hold a public hearing, **beginning on 6 February 2017 at 9:00 a.m.**, at the **Conference Centre, Phase IV, 140 Promenade du Portage, in Gatineau, Quebec.**

*The Wireless Code (the Code) is a national code of conduct for providers of retail mobile wireless voice and data services that came into effect 2 December 2013. The Code aims to make it easier for individual and small business consumers to get information about their contracts with wireless service providers and about their associated rights and responsibilities, establish standards for industry behaviour, and contribute to a more dynamic marketplace.*

*The Commission committed to a review of the Code's effectiveness within three years of its implementation. The Commission is calling for comments on the effectiveness of the Code and how the Code should be updated to reflect the evolution of the wireless market since the Code's implementation.*

*The review is an opportunity for Canadians to engage with the Commission on how the Wireless Code is responding to their needs, whether it continues to be effective as the wireless market evolves, and how to resolve any issues that have arisen since the Code's implementation.*

### Introduction

#### Telecom Notice of Consultation 2012-206 proceeding

1. In Telecom Notice of Consultation 2012-206, the Commission initiated a proceeding to consider whether the conditions in the Canadian wireless market had changed sufficiently to warrant Commission intervention in the development of a national retail wireless services consumer code.

2. In the resulting Telecom Decision 2012-556, the Commission found that, while conditions for forbearance had not changed sufficiently to require the regulation of rates or to interfere in the competitiveness of the retail wireless market, it was necessary to develop a mandatory code to address the clarity and content of mobile wireless service contracts and related issues.

### **Telecom Notice of Consultation 2012-557 proceeding**

3. Concurrent with the release of Telecom Decision 2012-556, the Commission, with the issuance of Telecom Notice of Consultation 2012-557, initiated a proceeding to establish a mandatory code to address the clarity and content of mobile wireless service contracts and related issues (the Wireless Code or the Code). In order to develop the Wireless Code, the Commission called for comments on the content of the Code, to whom the Code should apply, how the Code should be enforced and promoted, and how the Code's effectiveness should be assessed and reviewed.
4. The Commission received comments from over 5,000 participants, including hundreds of individual Canadians, as part of the online consultation and interventions in the proceeding.
5. The Commission established the Wireless Code in Telecom Regulatory Policy 2013-271. The Code came into effect on 2 December 2013 for all contracts that were entered into, amended, renewed, or extended on or after that date. As of 3 June 2015, the Code applied to all wireless contracts, regardless of when they were entered into.
6. Besides addressing issues related to the clarity and content of contracts for wireless services, the Code protects consumers by decreasing the risk of bill shock and allowing them to refuse a change to the key terms and conditions of their contract.
7. Altogether, the Code has 61 provisions divided into 10 sections: clarity; contracts and related documents; the critical information summary; changes to contracts and related documents; bill management; mobile device issues; contract cancellation or extension; security deposits; disconnection; and the expiration of prepaid cards.
8. The Code's objectives are to
  - make it easier for individual and small business customers<sup>1</sup> to obtain and understand the information in their wireless service contracts;
  - establish consumer-friendly business practices for the wireless service industry where necessary; and
  - contribute to a more dynamic wireless market.

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<sup>1</sup> Small businesses are defined as those whose average monthly telecommunications bill is under \$2,500.

9. In Telecom Regulatory Policy 2013-271, the Commission stated its intention to initiate a formal review of the Code within three years of its implementation. The overarching goal of such a review would be to ensure that the Code continues to be effective as the wireless market evolves.

### **Additional background information concerning the Wireless Code**

10. The administrator of the Code, the Commissioner for Complaints for Telecommunications Services Inc. (CCTS), is responsible for (i) resolving any complaints related to the Wireless Code, (ii) monitoring trends in complaints, and (iii) reporting on both complaints and trends in its annual report. When a customer has a complaint about their wireless services, they are expected to first try to resolve the problem directly with the service provider. However, if the customer is not satisfied with the service provider's response, they can contact the CCTS.
11. For its part, the Commission enforces the Code by addressing issues related to delayed implementation and systemic non-compliance. The Commission also issues guidance or clarifications in relation to the Code in response to applications from wireless service providers (WSPs) or other parties.
12. The Commission has not amended the Code since its implementation. However, the Commission has issued a number of decisions in response to applications to review and vary (i.e. reconsider or change) or clarify certain aspects of the Code. These applications related to the definition of indeterminate contracts (i.e. contracts that do not have a set duration and automatically renew each month); the Code's requirements in relation to "tab" contracts;<sup>2</sup> the expiration dates of prepaid cards; the Code's application to corporate plans; changes to prepaid contracts without consent; the consistency of early device upgrade programs with contract cancellation and extension rules; the Code's suspension and disconnection rules; and the Code's prohibition of 30-day cancellation policies.<sup>3</sup> Details on how certain sections of the Code were clarified by the Commission are set out in Appendix 1 of this notice.<sup>4</sup>

### **Call for comments**

13. The Commission hereby initiates a public proceeding under the *Telecommunications Act* (the Act) to review the Wireless Code and invites comments on a number of issues. Parties are invited to comment on the Wireless Code, which is set out in [Appendix 1 of Telecom Regulatory Policy 2013-271](#). Furthermore, in their submissions, parties are asked to respond to the questions set out in Appendix 2 of this notice.

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<sup>2</sup> Tab contracts are contracts for wireless services in which the customer obtains a device at a reduced upfront cost and the amount of the device subsidy goes onto the customer's "tab." Thereafter, a percentage of the customer's monthly bill is used to "pay down" their tab.

<sup>3</sup> The Commission issued a clarification in a response to a request from Quebecor Media Inc. that Bell Canada and its subsidiaries be directed to give individual and small business customers pro-rated refunds when those customers cancel retail local voice (including voice over Internet Protocol (VoIP)) services, Internet services, and wireless services.

<sup>4</sup> Also see Telecom Decisions 2014-101, 2015-198, 2015-211, and 2015-212.

14. The specific issues to be addressed in this proceeding (also set out in Appendix 2 of this notice) are as follows:

- The effectiveness of the Wireless Code
- The evolution of the retail mobile wireless market since the implementation of the Wireless Code
- The content and wording of the Wireless Code
- Consumer awareness of the Wireless Code
- How the Wireless Code's effectiveness should be assessed and reviewed going forward

15. Since the Code's implementation, as part of its evaluation plan, the Commission has engaged an outside party to collect public opinion data on wireless issues and awareness of the Code and its administrator, the CCTS. The Commission also invites parties to this proceeding to comment on the [Wireless Code Public Opinion Research 2014](#), the [Wireless Code Public Opinion Research 2015](#), and the [Wireless Code Public Opinion Research 2016](#).

16. In their interventions, parties should provide supporting rationale and all evidence on which they rely to formulate their positions.

#### **Online discussion forum**

17. In order to facilitate further engagement by Canadians on the issues addressed in this notice, the Commission will also open an online discussion forum to allow the public to engage in discussion on issues and questions relating to this proceeding. The online consultation will consist of two phases. Phase 1 will be held from **13 to 26 September 2016** and Phase 2 will be held from **6 to 14 February 2017**. Further details of the online consultation will be announced at a later date.

18. Following each online consultation period, the record for the online discussion will be made part of the record of this proceeding. Parties to this proceeding will have an opportunity to comment on these discussions in their final submissions. Transcripts of the online discussion will also be made available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca).

19. The Commission notes that, as a result of this proceeding, it could impose additional obligations on some or all mobile WSPs, including resellers, whether or not they are parties to this proceeding.

## Out of scope issues

20. It should be noted that the following issues are outside the scope of this proceeding:

- rates and competitiveness of the marketplace;
- wholesale issues;
- mobile device standards;
- Internet traffic management practices (ITMPs) and differential pricing (e.g. zero-rating) – these issues are being examined by the Commission in a separate proceeding ([Telecom Notice of Consultation 2016-192](#));
- false advertising;
- privacy obligations of WSPs under the *Personal Information Protection and Electronic Documents Act* (PIPEDA);
- network infrastructure issues;
- the role of the CCTS as the administrator of the Code and participation in the CCTS by WSPs – these issues were examined as part of the review of the CCTS ([Broadcasting and Telecom Regulatory Policy 2016-102](#)); and
- the Commission’s enforcement role and its new power to impose administrative monetary penalties (AMPs) on telecommunications service providers for violations of the Act or any decisions or regulations the Commission makes pursuant to the Act.

## Procedure

21. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission’s website at [www.crtc.gc.ca](http://www.crtc.gc.ca), under “Statutes and Regulations.” The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

22. The Commission will hold a public hearing, beginning on **6 February 2017 at 9:00 a.m.**, at the **Conference Centre, Phase IV, 140 Promenade du Portage, in Gatineau, Quebec**. The hearing is expected to last no longer than five days.

23. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **26 September 2016**. The intervention must be filed in accordance with section 26 of the Rules of Procedure, must clearly put forward the party's position with respect to the issues set out in this notice, and must include one of the following statements in either the first or the last paragraph:
1. I request to appear at the public hearing.
  2. I do not want to appear at the public hearing.
24. The Commission intends to request additional information, in the form of interrogatories, from any party to the proceeding, following the initial intervention period. Responses to requests for information are to be filed with the Commission by **26 October 2016**.
25. All parties may file reply comments to parties' interventions and responses to requests for information with the Commission by **7 November 2016**.
26. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
27. Parties who wish to appear at the public hearing must provide reasons why their written intervention is not sufficient and why an appearance is necessary.
28. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the hearing. An organization and conduct letter, providing directions on procedure with respect to the public hearing, will be issued before the hearing begins.
29. Although the public hearing will be held in **Gatineau, Quebec**, parties may participate from the Commission's regional offices via videoconference. Parties interested in doing so are asked to indicate, at the time they file their interventions, the regional office where they wish to appear. A list of the Commission's regional offices is included in this notice. In addition, the Commission may provide Skype, videoconference, or teleconference links to other locations should it receive requests to do so.
30. Persons requiring communications support, such as assistive listening devices and sign language interpretation, must state their request for such support on the first page of their intervention and confirm their specific requirements with the Commission at least **20 days** before the public hearing begins so that the necessary arrangements can be made.

31. Following the hearing, all parties may file final submissions with the Commission on any matter within the scope of this proceeding by **24 February 2017**. Final submissions, including an executive summary, are not to exceed 15 pages.
32. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
33. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
34. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website guidelines for preparing documents in accessible formats.
35. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax to**  
819-994-0218

36. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
37. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

38. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

39. All information that parties provide as part of this public process, except information designated confidential, 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 includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and facsimile numbers.

40. 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.

41. 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.

42. 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 the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

43. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

44. Documents are also available from Commission offices, upon request, during normal business hours.

### **Commission offices**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière  
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Tel.: 416-952-9096

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**Alberta**

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## British Columbia

858 Beatty Street, Suite 290  
Vancouver, British Columbia V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General

## Related documents

- *Examination of differential pricing practices related to Internet data plans*, Telecom Notice of Consultation CRTC 2016-192, 18 May 2016, as amended by Telecom Notice of Consultation CRTC 2016-192-1, 3 June 2016
- *Quebecor Media Inc. - Prohibition of 30-day cancellation policies - Application regarding pro-rated refunds for cancelled services*, Telecom Decision CRTC 2016-171, 5 May 2016
- *TELUS Communications Company – Prohibition of 30-day cancellation policies – Application regarding liquidated damages*, Telecom Decision CRTC 2016-170, 5 May 2016
- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc. – Broadcasting and Telecom Regulatory Policy* CRTC 2016-102, 17 March 2016
- *Wireless Code – Requests for clarification on how the disconnection rules apply to suspensions*, Telecom Decision CRTC 2015-376, 14 August 2015
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *The Public Interest Advocacy Centre and the Consumers' Association of Canada - Application regarding the consistency of Rogers Communications Partnership's "Rogers Next" and TELUS Communications Company's "T-UP!" early upgrade programs with the Wireless Code*, Telecom Decision CRTC 2015-212, 21 May 2015
- *The DiversityCanada Foundation and the National Pensioners Federation - Application seeking relief for wireless customers affected by TELUS Communications Company's Large Prepaid Balance Policy*, Telecom Decision CRTC 2015-211, 21 May 2015
- *Wireless Code - Application to review and vary Telecom Decision 2014-528 (clarification of how the Wireless Code applies to corporate wireless service plans)*, Telecom Decision CRTC 2015-198, 15 May 2015
- *Wireless Code – Clarification of how the Wireless Code applies to corporate wireless service plans*, Telecom Decision CRTC 2014-528, 8 October 2014

- *Wireless Code – Request by DiversityCanada Foundation to review and vary Telecom Regulatory Policy 2013-271 regarding expiry of prepaid wireless service cards*, Telecom Decision CRTC 2014-101, 5 March 2014
- *Wireless Code – Request by Quebecor Media Inc. to review and vary Telecom Regulatory Policy 2013-271 regarding the definition of “indeterminate contracts,”* Telecom Regulatory Policy CRTC 2013-598, 8 November 2013
- *Requests for clarification on how the Wireless Code applies to tab contracts,* Telecom Regulatory Policy CRTC 2013-586, 31 October 2013
- *The Wireless Code,* Telecom Regulatory Policy CRTC 2013-271, 3 June 2013
- *Proceeding to establish a mandatory code for mobile wireless services,* Telecom Notice of Consultation CRTC 2012-557, 11 October 2012, as amended by Telecom Notices of Consultation CRTC 2012-557-1, 1 November 2012; 2012-557-2, 21 December 2012; 2012-557-3, 28 January 2013; 2012-557-4, 11 February 2013; and 2012-557-5, 13 March 2013
- *Decision on whether the conditions in the mobile wireless market have changed sufficiently to warrant Commission intervention with respect to mobile wireless services,* Telecom Decision CRTC 2012-556, 11 October 2012
- *Proceeding to consider whether the conditions in the Canadian wireless market have changed sufficiently to warrant Commission intervention with respect to retail wireless services,* Telecom Notice of Consultation CRTC 2012-206, 4 April 2012
- *Filing of joint supporting interventions,* Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure,* Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

## **Appendix 1 to Telecom Notice of Consultation CRTC 2016-293**

### **Wireless Code clarifications**

Since the Wireless Code was implemented, the Commission has clarified certain aspects of the Code in response to requests from WSPs and consumer groups. The clarifications are as follows:

#### **Telecom Regulatory Policy 2013-586 (clarification on how the Wireless Code applies to tab contracts)**

In this decision, in response to applications from Rogers Communications Partnership (now known as Rogers Communications Canada Inc. (RCCI)) and TELUS Communications Company (TCC), the Commission clarified that the Wireless Code applies to all contracts for retail mobile wireless voice and data services provided to individual and small business consumers, including tab contracts. The Commission also provided clarification on how the maximum early cancellation fee may be calculated for tab contracts, and what information must be included in a tab contract to ensure that each customer clearly understands whether they are subject to an early cancellation fee, and, if so, how it applies. Finally, the Commission clarified how cancellation fees are to be calculated in the case of early device upgrades.

#### **Telecom Regulatory Policy 2013-598 (a request by Quebecor Media Inc. to review and vary Telecom Regulatory Policy 2013-271 regarding the definition of “indeterminate contracts”)**

The Commission clarified that, for indeterminate contracts with device subsidies that were signed prior to 2 December 2013, the existing early cancellation fee set out in the customer’s contract will continue to apply until either (a) the date that the cancellation fee reaches \$0 under the contract, (b) the date that the customer upgrades their wireless device, or (c) 3 June 2015, whichever occurs first.

#### **Telecom Decision 2014-528 (clarification of how the Wireless Code applies to corporate wireless service plans)**

In response to an application from TCC, the Commission reiterated that the Wireless Code applies to retail mobile wireless voice and data services provided to individuals and small businesses. This means that it applies to all wireless plans for such services where the contract is between (a) an individual and a service provider, or (b) a small business and a service provider. Further, the Commission clarified that the Wireless Code applies to all contracts between an individual and a WSP where the individual is responsible for some or all charges related to the contract.

Accordingly, the Commission found that both “corporate individual plans” and “employee purchase plans,” as they are described by TCC, are wireless contracts between an individual and a service provider where the individual is responsible for some or all charges associated with the contract, including but not limited to roaming and overage charges. Thus, the Commission clarified that the Wireless Code applies to “corporate individual plans” and “employee purchase plans” as described by TCC.

The Wireless Code does not apply to “enterprise plans” as described by TCC, which are agreements between a service provider and a medium or large business where the individual using the service is not responsible for any of the charges incurred.

**Telecom Decision 2015-376 (clarification on how the disconnection rules apply to suspensions)**

In response to an application from Rogers Communications Partnership (now RCCI), the Commission clarified how the Wireless Code’s disconnection rules apply to suspensions. Specifically, the Commission clarified that the disconnection rules apply before the first suspension in a disconnection cycle.

**Telecom Decision 2016-170 (Prohibition of 30-day cancellation policies – Application regarding liquidated damages)**

The Commission denied a request by TCC to direct Shaw Communications Inc. to cease requiring the payment of liquidated damages when small business customers cancel retail local voice or Internet services before service installation work has begun. Since this issue may affect all customers of all service providers, TCC's focus on a single service provider made the scope of its application too narrow.

The Commission reminded all service providers, however, that liquidated damages should be reasonable and commensurate with the actual loss incurred, and that clear contract terms are essential to empowering consumers to make informed decisions about their services.

**Telecom Decision 2016-171 (Prohibition of 30-day cancellation policies - Application regarding pro-rated refunds for cancelled services)**

The Commission clarified that service providers must not charge for a service that is not, and cannot be, provided following cancellation. Moreover, all service providers must provide refunds for retail wireless, local voice (including voice over Internet Protocol (VoIP)), and Internet services following cancellation of such services when some or all of the monthly service fees are billed in advance. The refunds must be pro-rated, based on the number of days left in the last monthly billing cycle after cancellation.

## Appendix 2 to Telecom Notice of Consultation CRTC 2016-293

### Questions for discussion in this proceeding

In light of the Commission's determination that it is appropriate to review the Wireless Code three years following its implementation to ensure its ongoing effectiveness, the Commission invites detailed comments, with supporting rationale, on the following:

- The effectiveness of the Wireless Code
- The evolution of the retail mobile wireless market since the implementation of the Wireless Code
- The content and wording of the Wireless Code
- Consumer awareness of the Wireless Code
- How the Wireless Code's effectiveness should be assessed and reviewed going forward

#### *I. The effectiveness of the Wireless Code*

The Commission created the Wireless Code with the following objectives:

- to make it easier for individual and small business customers to obtain and understand the information in their wireless service contracts;
- to establish consumer-friendly business practices for the wireless service industry where necessary; and
- to contribute to a more dynamic wireless market.

The Commission invites detailed comments, with supporting rationale, on whether the Code has contributed to a better understanding by Canadians and WSPs of their rights and responsibilities in the retail wireless market, and whether the Code has minimized consumers' barriers to switching WSPs.

#### *II. The evolution of the retail mobile wireless market since the implementation of the Wireless Code*

The retail wireless market continues to rapidly evolve. Marketing and business practices, consumer behaviour and preferences, and industry trends have changed since the Code was established in 2013.

For example:

- The popularity of family or shared plans is growing. According to the *Wireless Code Public Opinion Research 2016*, there has been a 5% increase in the use of family plans (up from 25% to 30% in 2016) at the expense of individual plans (down from 73% to 68% in 2016).<sup>5</sup> Notably, the report also indicates that Canadians with a family or shared plan are more likely to have made a complaint about their wireless services.
- Deloitte Global predicts that in 2016 consumers will sell or trade-in approximately 120 million used smartphones, generating more than \$17 billion for their owners, an increase from 80 million smartphones sold or traded-in in 2015.<sup>6</sup> International Data Corporation estimates that 5.3% of the smartphones currently in use by Canadians are second-hand devices handed down or sold to them from family members, friends, or strangers.<sup>7</sup>
- The uses for smartphones and their capabilities are evolving and becoming increasingly sophisticated. For example, users can increasingly pay for products and services with their phone.<sup>8</sup>
- According to the *Wireless Code Public Opinion Research 2016*, Canadians are increasingly describing data as being an “essential” component of their wireless service.<sup>9</sup> This is supported by statistics from the Commission’s 2015 *Communications Monitoring Report*, which show that Canadians’ appetite to access mobile applications, multi-media services, social networking, Internet browsing, and other data intensive activities have driven wireless data growth to over 14.9% in 2014, and, on average, 22.4% over the past five years.<sup>10</sup>

The Commission invites detailed comments, with supporting rationale, on changes in the retail wireless market since the Code came into effect that necessitate modifications to the Code to ensure its ongoing effectiveness.

### III. *The content and wording of the Wireless Code*

The Code includes obligations on WSPs pertaining to

- A. clarity;
- B. contracts and related documents;
- C. the critical information summary;

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<sup>5</sup> TNS Canada, *Wireless Code Public Opinion Research 2016*, page 35

<sup>6</sup> Deloitte Global, *Technology, Media & Telecommunications Predictions 2016*, page 50

<sup>7</sup> International Data Corporation Press Release, *The Secondary Market for Smartphones in Canada is at 1.4 Million, and Growing*, 12 May 2016

<sup>8</sup> Deloitte Global, *Technology, Media & Telecommunications Predictions 2016*, page 12

<sup>9</sup> TNS Canada, *Wireless Code Public Opinion Research 2016*, page 44

<sup>10</sup> The Commission’s 2015 *Communications Monitoring Report*, page 220

- D. changes to contracts and related documents;
- E. bill management;
- F. mobile device issues;
- G. contract cancellation or extension;
- H. security deposits;
- I. disconnection; and
- J. the expiration of prepaid cards.

All sections of the Code apply to postpaid services, with the exception of section J, whereas only certain sections apply to prepaid services.

The Commission invites detailed comments, with supporting rationale, on what changes, if any, should be made to either the wording or the content of the Wireless Code and associated definitions to enhance the Code's effectiveness. For each proposed change, parties should outline the specific problem to be addressed, explain how the proposed change to the policy would address this problem, and propose specific wording to be included in the Wireless Code.

#### *IV. Consumer awareness of the Wireless Code*

In order for the Code to be effective, consumers must be aware of their rights and responsibilities under the Code. According to *Wireless Code Public Opinion Research 2016*, 45% of Canadians recalled hearing about the Code, down from 50% in 2015 and 52% in 2014.

The Commission invites detailed comments, with supporting rationale, on whether any additional measures should be taken to enhance consumer awareness or understanding of the Code.

#### *V. How the Wireless Code's effectiveness should be assessed and reviewed going forward*

The Commission invites detailed comments, with supporting rationale, on when and how the Wireless Code should be reviewed in the future to ensure its continued effectiveness.