



Telecom Notice of Consultation CRTC 2016-431

PDF version

Ottawa, 1 November 2016

File number: 1011-NOC2016-0431

Show cause proceeding and call for comments

Termination of participation in the Commissioner for Complaints for Telecommunications Services Inc. of VOIS Inc.

Deadline for submission of interventions: 1 December 2016

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

The Commission requires all telecommunications service providers (TSPs) that offer services within the scope of the Commissioner for Complaints for Telecommunications Services Inc.'s (CCTS) mandate to be participants in the CCTS (the CCTS participation requirement). The Commission has consistently made it clear that the CCTS may terminate the participation of a TSP that does not comply with its obligations to the CCTS. As a result, the TSP may then be found in contravention of a Commission regulatory requirement which may constitute a violation of the Telecommunications Act (The Act) and result in enforcement actions by the Commission.

The CCTS has terminated the participation of VOIS Inc. (VOIS) in the CCTS for failing to honour the fundamental rules of the CCTS's complaint handling process. VOIS did not co-operate with the CCTS during the investigation of six complaints and, most significantly, did not provide affected customers with the remedies to which they were entitled as determined by the CCTS.

The Commission therefore initiates a proceeding for VOIS to show cause

- *why the Commission should not find that VOIS is in contravention of the CCTS participation requirement, thereby committing a violation under section 72.001 of the Act; and*
- *if VOIS is found to have committed a violation, why (i) an administrative monetary penalty in the amount of \$15,000 should not be imposed against it; and (ii) a Mandatory Order requiring it to take the necessary steps to restore its participation in the CCTS within 30 days of the order should not be issued against it.*

The Commission also intends to consider whether, if VOIS is found to have committed a violation, Mr. Harpreet Randhawa, a Director of VOIS, may be considered personally liable for the violation under section 72.008 of the Act.

The CCTS provides a valuable service to Canadians, helping consumers resolve disputes with their TSPs. Given the important role played by the CCTS, the Commission takes violations of the CCTS participation requirement to be a very serious matter.

Background

1. The Commission exercises its powers and duties under the *Telecommunications Act* (the Act) with a view to implementing the Canadian telecommunications policy objectives set down by Parliament.¹ As a result, the Commission takes non-compliance with the regulatory obligations it imposes on telecommunications service providers (TSPs) very seriously and it uses the measures at its disposal that are most appropriate in the circumstances to encourage compliance.
2. The Commissioner for Complaints for Telecommunications Services Inc. (CCTS) is an independent telecommunications consumer body that assists Canadians who have been unable to resolve disputes regarding forborne services with their service providers. The CCTS is an integral component of a deregulated telecommunications market and it provides a valuable service to Canadian consumers.²
3. In order to ensure that Canadian consumers have recourse when they are unable to resolve complaints with their TSP, the Commission has required, as of 2011, that all TSPs that provide services within the scope of the CCTS's [mandate](#) be participants in the CCTS (the CCTS participation requirement).
4. Initially, the CCTS participation requirement was imposed indirectly on non-carriers through their contracts and other arrangements with Canadian carriers. In Broadcasting and Telecom Regulatory Policy 2016-102 (the CCTS policy), the Commission modified the CCTS participation requirement in light of amendments to the Act introduced in 2014, to impose the requirement directly on non-carrier TSPs. The requirement is as follows:

... pursuant to sections 24 (regarding carriers) and 24.1 (regarding non-carriers) of the *Telecommunications Act*, that as a condition of offering or providing telecommunication services, every person who is a participant in the CCTS as of 17 March 2016 and continues to offer services within the scope of the CCTS's mandate be a participant in the CCTS ...³
5. To become a participant in the CCTS, a TSP signs the CCTS Membership or Participation Agreement,⁴ a contract in which the participant agrees, among other

¹ See section 7 of the Act for a list of the policy objectives.

² The importance of this organization to the communications system is discussed in, for instance, *Order requiring the CRTC to report to the Governor in Council on consumer complaints*, P.C. 2007-533, 4 April 2007, and in paragraph 13 of Broadcasting and Telecom Regulatory Policy 2016-102.

³ See paragraph 45 of Broadcasting and Telecom Regulatory Policy 2016-102.

⁴ Prior to 2014, the CCTS Participation Agreement was known as the Membership Agreement. In 2014, changes were made to the terminology used by the CCTS in order to account for the coming into force of

things, to abide by the Participation Agreement and the CCTS's By-laws, to be bound by and observe the CCTS's Procedural Code, to submit to and honour remedies levied by the CCTS, and to co-operate in good faith with any investigation conducted by the CCTS.

6. In the CCTS policy, the Commission clarified that the CCTS can revoke the participation of a TSP that has breached the obligations imposed on them by virtue of their participation in the CCTS. Further, the Commission stated that, in the event that the CCTS terminated the participation of a TSP, the Commission could take further actions to enforce the participation requirement including, in appropriate circumstances, the imposition of administrative monetary penalties (AMPs) under section 72.001 of the Act.
7. The 2014 amendments to the Act, among other things, created a general AMPs regime⁵ under which the Commission is empowered to impose AMPs on persons who contravene the Act or regulations or decisions made by the Commission under the Act. The purpose of a penalty imposed under this regime is to promote compliance with the Act, regulations, and Commission decisions and not to punish.⁶ The Commission has published Compliance and Enforcement and Telecom Information Bulletin 2015-111 which sets out its general approach under the general AMPs regime.

The termination of VOIS' participation in the CCTS

8. On 11 August 2016, the Chair of the CCTS's Board of Directors sent a letter to the Commission indicating that it had terminated the agreement between itself and VOIS Inc. (VOIS), through which VOIS had been a participant in the CCTS, for VOIS' default of its obligations under the Participation Agreement. VOIS, a Calgary-based TSP, provides telephone and Internet services to residential and business customers and had been a participant in the CCTS since September 2011.
9. The letter specified that VOIS' participation was terminated on 5 August 2016 for its failure to adhere to the provisions of the CCTS Participation Agreement, including its responsibilities to abide by the CCTS's Procedural Code.⁷ The letter noted that, in six cases, VOIS had failed to implement remedies which are binding upon it, following the CCTS's investigation of complaints received from VOIS customers.

the *Canada Not-for-profit Corporations Act*, under which the CCTS was continued. As a result, TSPs formerly known as "members" of the CCTS were thereafter referred to as "participants" in the CCTS.

⁵ See sections 72.001 to 72.0093 of the Act.

⁶ A contravention of section 17 or 69.2 of the Act, or of rules made by the Commission under section 41 of the Act (which includes the Unsolicited Telecommunications Rules), are not violations for the purposes of the general AMPs regime.

⁷ In becoming a participant in the CCTS, a TSP agrees to obligations set out in the CCTS Participation Agreement including to honour remedies levied by the CCTS, and to co-operate in good faith with any investigation conducted by the CCTS. As an independent organization, the CCTS is responsible for the compliance and enforcement of these obligations.

10. The CCTS has provided the Commission with specific documentary evidence detailing (i) the chronology of events leading to the termination of the CCTS Participation Agreement between the CCTS and VOIS, and (ii) the efforts taken by the CCTS to enforce the CCTS Participation Agreement.⁸ A summary of this evidence is provided in Appendix 1 of this notice. The evidence included a copy of the agreement between VOIS and the CCTS, signed by Mr. Harpreet Randhawa, a Director of VOIS, on 27 September 2011.
11. All documentary evidence that the CCTS has filed upon which the current notice is based is hereby incorporated into the record of the proceeding and will be accessible through the Commission's website, by using the file number provided above. Where the CCTS has designated information as confidential, an abridged version of the document containing the confidential information has been added to the public record of the file.

Has a violation been committed?

12. The previous CCTS participation requirement, set out in Telecom Regulatory Policy 2011-46, required TSPs to be participants in the CCTS until the period ending on 20 December 2015. The requirement was extended on an interim basis in Telecom Decision 2015-478, until the Commission made its determinations related to the CCTS review initiated by Telecom Notice of Consultation 2015-239. In Broadcasting and Telecom Regulatory Policy 2016-102, published on 17 March 2016, the Commission determined it was appropriate to maintain a mandatory participation requirement for TSPs and set out that every person who is a participant in the CCTS as of 17 March 2016 and continues to offer services within the scope of the CCTS's mandate is required to remain a participant in the CCTS.
13. It appears that VOIS was a participant in the CCTS as of 17 March 2016. The CCTS has filed a copy of the agreement signed by VOIS on 27 September 2011, making it a participant in the CCTS. There is no evidence presently before the Commission demonstrating that VOIS ceased to be a participant prior to 17 March 2016, or at any point prior to its expulsion by the CCTS on 5 August 2016.
14. Further, it appears that VOIS continues to offer services within the scope of the CCTS's mandate. For instance, on 30 June 2016, approximately five weeks prior to its expulsion, VOIS was deemed to have accepted a recommendation from the CCTS regarding an in-scope complaint that had been submitted to the CCTS in February 2016. The recommendation was not disputed by VOIS at that time, despite its having been given the opportunity to do so. There is no evidence presently before the Commission demonstrating that VOIS has ceased offering in-scope telecommunications services in the interim. As of today's date, [VOIS' website](#) promotes in-scope telecommunications services, including telephone and Internet services to both residential and business subscribers.

⁸ As set out in the CCTS policy, the Commission expects that, before a participant is expelled, the CCTS will have taken steps to bring the company into compliance with its obligations to the CCTS.

15. Based on the above, it would appear that the CCTS participation requirement is applicable to VOIS. As VOIS' participation in the CCTS was terminated by the CCTS on 5 August 2016 for default of VOIS' obligations under the CCTS Participation Agreement, it appears that VOIS has been in contravention of the CCTS participation requirement between 5 August 2016 and the date of this notice.
16. Accordingly, VOIS is to show cause why it should not be found to have committed a violation under section 72.002 of the Act in respect of the relevant time period.

If a violation is found, what are the appropriate enforcement measures?

17. Given the value of the CCTS to consumers, the importance of TSPs' participation in the CCTS, and the necessity that consumers receive the recourse to which they are entitled, VOIS is to show cause why, if it is found to have committed a violation, the Commission should not
- impose an AMP against VOIS in the amount of **\$15,000**; and
 - issue a Mandatory Order requiring VOIS to participate in the CCTS within **30 days** of the order.

Administrative monetary penalty

18. Section 72.002 of the Act sets out the factors that the Commission must take into account in determining the appropriate amount of an AMP in a given case as follows:
- the nature and scope of the violation;
 - the person's history of compliance;
 - any benefit the person obtained from the commission of the violation;
 - the person's ability to pay;
 - factors established by any regulations (currently there are none); and
 - any other relevant factor.
19. In the present case, the Commission considers that, if a violation is found, an AMP in the amount of \$15,000⁹ would properly reflect the purpose of the penalty and the factors set out in the Act. This is based on an analysis of these factors taking into account the information already on the record of the proceeding as set out in this notice. VOIS now has the opportunity to demonstrate why this analysis may not be appropriate in the circumstances, and to file any evidence that supports its position.

⁹ The maximum penalties under the general AMPs regime, as set out in section 72.001 of the Act, are (i) \$25,000 for a first violation or \$50,000 for any subsequent violation, in the case of an individual; and (ii) \$10 million for a first violation or \$15 million for any subsequent violation, in any other case, including a corporation such as VOIS.

Nature and scope of the apparent violation

20. It appears that VOIS has been expelled from the CCTS due to its repeated and long-standing failure to participate in the complaint resolution process and provide required remedies to complainants. As noted above, the requirement to be a participant in the CCTS reflects the importance of the CCTS and its value to consumers. Accordingly, the Commission considers that the nature of the apparent violation is serious.
21. In terms of the scope of the apparent violation, the number of subscribers who would no longer have access to the CCTS as a result of the termination of VOIS' participation may be a relevant consideration. Accordingly, the Commission is requiring VOIS, and its Director Mr. Harpreet Randhawa, to submit information in this regard, as set out in Appendix 2 of this notice.

History of compliance

22. There is no evidence that VOIS has committed any previous violations of the Act, regulations, or Commission decisions.

Benefit obtained from the violation

23. VOIS does not appear to have received any direct benefit as a result of the apparent violation.¹⁰ However, VOIS' apparent failure to respect the CCTS' rules, including by withholding reimbursements from customers who had been determined to warrant them is nonetheless a relevant consideration. This is discussed in greater detail below, under the "Other relevant factors in the determination of the amount" heading.

Ability to pay

24. The Commission intends to incorporate VOIS' 2015 telecommunications revenues, as filed by VOIS in March 2016 on a confidential basis, in its assessment of this factor, should it find that a violation has been committed and that an AMP is appropriate.
25. VOIS has the opportunity to indicate why the Commission should not do so, or to file additional information that may assist the Commission in its consideration of this factor. VOIS may designate financial information as confidential in accordance with the Act and the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).¹¹

¹⁰ The Commission notes that, under the terms of the CCTS Participation Agreement, VOIS is still liable to respect the binding recommendations and decisions of the CCTS that were made while VOIS was a participant of the CCTS.

¹¹ VOIS may also consult Broadcasting and Telecom Information Bulletin 2010-961 for more information regarding the procedure for designating information as confidential.

Factors established by any regulations

26. At this time no such factors have been established.

Other relevant factors in the consideration of the amount

27. The Commission is of the view that VOIS' apparent failure to (i) co-operate with the CCTS in its complaint resolution process over more than two years, and (ii) provide remedies, including reimbursements of amounts that the CCTS determined were improperly billed, to six customers as required by the CCTS, is relevant and provides valuable context that helps to understand the circumstances surrounding the termination of VOIS' participation in the CCTS.
28. Further, VOIS has demonstrated a lack of co-operation by failing to respond to a letter sent by Commission staff on 31 August 2016, which requested that VOIS provide certain information related to the termination of its participation in the CCTS.
29. Taking VOIS' lack of co-operation with the CCTS, and with Commission staff, into account when considering the amount of an AMP would appear to be consistent with the purpose of a penalty under the general AMPs regime, which is to promote compliance with the Act, regulations, and Commission decisions made under the Act. The lack of co-operation appears to be an indication that VOIS does not take its regulatory obligations seriously.
30. Moreover, VOIS' apparent contravention of the CCTS participation requirement could negatively impact the CCTS's perceived effectiveness in helping consumers resolve complaints and encourage non-compliance with the CCTS participation requirement more generally. Accordingly, general deterrence may be an appropriate regulatory consideration in the circumstances.
31. If VOIS is found to have contravened the CCTS participation requirement between 5 August 2016 and the present date and an AMP is imposed, such an AMP would only reflect that particular violation of the Act. It would not limit the Commission's ability to pursue additional enforcement actions in respect of any separate or subsequent violations that may be found in the future.

Mandatory Order

32. The evidence provided by the CCTS appears to demonstrate a cavalier attitude, on VOIS' part, as to whether or not it is in compliance with the CCTS participation requirement.
33. The Commission considers that, if it finds that a violation has been committed, it would be necessary to consider whether a Mandatory Order is required in order to ensure that VOIS becomes a participant of the CCTS within **30 days** of the order.

34. If such a measure was implemented, VOIS would be required to take all steps necessary for the CCTS to rescind the termination of the CCTS Participation Agreement. Further, failure to abide by the terms of a Mandatory Order could form the basis for a subsequent violation of the Act.

Personal liability of officers and directors

35. Section 72.008 of the Act provides that an officer, director, agent, or mandatary of a corporation that commits a violation is liable for the violation if they directed, authorized, assented to, acquiesced in, or participated in the commission of the violation.

36. In the event that VOIS is found to have committed a violation, the Commission intends to consider whether there is sufficient evidence to find Mr. Harpreet Randhawa, a Director of VOIS, jointly liable for such a violation. To this end, the Commission is requiring the submission of information in this regard, as set out in Appendix 2 of this notice.

Requirement to provide information to the Commission

37. Pursuant to subsection 37(2) of the Act, the Commission may require that any person other than a Canadian carrier that is in possession of information necessary for the administration of the Act submit such information to the Commission.

38. Directions that VOIS, and Mr. Harpreet Randhawa, provide certain information regarding the number of subscribers to VOIS' telecommunications services that fall within the scope of the mandate of the CCTS and regarding the Directors and Officers of VOIS are set out in Appendix 2 of this notice.

39. A failure on VOIS' part, or on Mr. Randhawa's part, to respond fully and accurately to these directions may result in a contravention of subsection 37(2) of the Act that may constitute a violation under section 72.001 of the Act. In such an event, further process may be initiated by the Commission in order to address whether additional enforcement measures would be appropriate.

Show cause proceeding

40. In light of the above, the Commission **directs** VOIS to show cause

- why the Commission should not find that VOIS has committed a violation, under section 72.001 of the Act, by contravening the condition, imposed under section 24.1 of the Act, that all persons who were participants in the CCTS as of 17 March 2016 and that continue to offer services within the scope of the CCTS's mandate be participants in the CCTS, from 5 August 2016 to the date of this notice; and

- if VOIS is found to have committed a violation, why
 - i. an AMP in the amount of **\$15,000** should not be imposed against it; and
 - ii. a Mandatory Order requiring it to take the necessary steps to restore its participation in the CCTS within **30 days** of the order should not be issued against it.
41. VOIS is to file any evidence that supports its position. Further, VOIS and Mr. Harpreet Randhawa are **directed** to provide the information set out in Appendix 2 of this notice.
42. In addition, VOIS may comment on whether the Commission should also consider Mr. Harpreet Randhawa liable for any violation that VOIS is found to have committed.
43. Interested persons may also file interventions on these matters.

Procedure

44. The Rules of Procedure, which apply to this proceeding, 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 related documents, which can be found on the Commission's website at 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.
45. VOIS and Mr. Harpreet Randhawa are made parties to this proceeding as of the date of this notice. VOIS is to file its submissions with the Commission by **1 December 2016**. VOIS and Mr. Randhawa must also provide the information required by the Commission, as set out in Appendix 2 of this notice, by **1 December 2016**.
46. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **1 December 2016**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
47. 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.

48. All parties may file replies to interventions with the Commission by **12 December 2016**. Parties are to consult the Commission's website to determine who has filed interventions for the purpose of exercising their right of reply.
49. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
50. 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.
51. 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.
52. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the

[\[Intervention/comment/answer form\]](#)

or

by mail to

CRTC, Ottawa, Ontario K1A 0N2

or

by fax to

819-994-0218

53. 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.
54. 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.

55. 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.
56. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.

Important notice

57. 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, 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.
58. 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.
59. 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.
60. 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

61. 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 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.
62. 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

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Central Building
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Tel.: 819-997-2429
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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

- *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
- *Review of the Commissioner for Complaints for Telecommunications Services Inc. – Interim decision regarding the membership requirements for telecommunications service providers*, Telecom Decision CRTC 2015-478, 23 October 2015
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *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
- *Guidelines regarding the general administrative monetary penalties regime under the Telecommunications Act*, Compliance and Enforcement and Telecom Information Bulletin CRTC 2015-111, 27 March 2015
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Review of the Commissioner for Complaints for Telecommunications Services*, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011
- *Procedures for filing confidential information and requesting its disclosure in Commission decisions*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010
- *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 2016-431

Summary of the evidence filed by the CCTS¹²

From March 2014 to June 2016, the CCTS investigated six separate customer complaints against VOIS. Each complaint had concluded with a binding recommendation or decision requiring VOIS to compensate the customers and, in some circumstances, take additional actions such as correcting negative credit reports.

VOIS failed to take any of the steps required of it in these six cases. Specifically, it did not co-operate with the CCTS's complaint resolution process or provide the required remedy to the customers.

The efforts taken by the CCTS to bring VOIS into compliance with the CCTS Participation Agreement prior to terminating VOIS' participation in the CCTS include

- reaching out by email and telephone on multiple occasions from June 2015 to July 2016 to Mr. Harpreet Randhawa, a Director of VOIS, regarding its failure to provide remedies to customers;
- publicizing VOIS' breach of its obligations to the CCTS in press releases and on its website on [22 October 2015](#) and [1 February 2016](#); and
- sending a letter to Mr. Harpreet Randhawa on 5 July 2016 by email and registered mail to advise that VOIS was in default of its obligations under the CCTS Participation Agreement and laying out the specific actions that VOIS must take to correct the default.

In its letter of 5 July 2016, the CCTS advised VOIS that it was in default of its obligations under the CCTS Participation Agreement and at risk of having its participation in the CCTS terminated if it did not demonstrate that it had provided the required remedies to complainants by 1 August 2016. VOIS was also warned that (i) should its participation in the CCTS be terminated, the CCTS would inform the Commission that VOIS is no longer a participant in the CCTS, and (ii) contravention of the CCTS participation requirement could result in a violation of the Act and in the Commission taking enforcement action against VOIS.¹³

VOIS failed to take the required steps and, as a result, the CCTS's Board of Directors voted to terminate VOIS' participation in the CCTS on 5 August 2016.

¹² The evidence summarized in this Appendix has been considered by the Commission in its determination to issue the present notice. In making its ultimate determination on the matters set out in this notice, the Commission will weigh this evidence against any additional evidence filed on the record of the proceeding, including that filed by VOIS. Parties are encouraged to consult the public record of the proceeding, available through the Commission's website by using the file number referenced above, in order to view the documents submitted by the CCTS in their entirety.

¹³ The CCTS policy requires that such notifications be provided by the CCTS to the participant and to the Commission.

Appendix 2 to Telecom Notice of Consultation CRTC 2016-431

Provision of information by VOIS and Mr. Harpreet Randhawa

Pursuant to subsection 37(2) of the Act, VOIS and Mr. Harpreet Randhawa are both separately required to file the following information on the record of this proceeding by no later than **1 December 2016**:

- the number of subscribers to telecommunications services provided by VOIS that fall within the scope of the CCTS's mandate; and
- a complete list of the directors and officers of VOIS and their responsibilities within the company, including responsibilities related to compliance with CCTS and Commission obligations.

Failure to file this information may result in a contravention of the Act that would constitute a violation under section 72.001 of the Act.

VOIS and Mr. Randhawa may designate information filed as confidential in accordance with the Act and the Rules of Procedure.