



Telecom and Broadcasting Decision CRTC 2022-28

PDF version

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When and how communications service providers must provide paper bills

The Commission determines that its intervention is warranted to ensure that more vulnerable customers can easily access paper bills from their telecommunications service providers (TSPs), including Canadian carriers, and broadcasting distribution undertakings (BDUs) [collectively, communications service providers (CSPs)].

In particular, the Commission mandates that TSPs, including Canadian carriers, provide paper bills upon request and at no charge to the following groups: (i) customers who self-identify as people with disabilities; (ii) customers who do not subscribe to Internet or wireless data from their CSP, or in the case of a wireless voice-only subscriber, do not have zero-rated access to the billing portal; and (iii) seniors.

The Commission further mandates that TSPs, including Canadian carriers, (i) make information easily available concerning how to request paper bills in the billing information or frequently asked questions sections of their websites, in their account management systems, and through their customer service representatives; (ii) train customer service representatives on how to answer inquiries on paper bills consistent with this decision; (iii) inform any new subscribers whether they provide paper bills generally or whether paper bills are limited to certain groups of customers, including those mandated by the Commission in this decision; and (iv) receive verbal or written consent prior to transitioning customers who do not subscribe to their Internet access or mobile data services to electronic billing and maintain associated records.

The Commission expects BDUs to adhere to all these same requirements as of the publication of this decision and intends to impose conditions of licence to this effect at the next opportunity. It also intends to revise the exemption order for smaller BDUs accordingly.

All of these requirements apply irrespective of the brand through which a CSP provides service.

The Commission also **directs** Bell Canada; Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications inc.; Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron Ltd.); Rogers Communications Canada Inc.; Saskatchewan Telecommunications; Shaw Communications Inc.; TBayTel; TELUS

Canada

Communications Inc.; TekSavvy Solutions Inc.; and Xplornet Communications Inc. to report to the Commission by **11 May 2022** on how they have provided their customers information about paper bills, including scripts and training materials for customer service representatives, and information on their websites.

Background

1. In recent years, Canadian carriers, telecommunications service providers (TSPs), and broadcasting distribution undertakings (BDUs) [collectively referred to as communications service providers (CSPs)] have taken various approaches to encourage customers to transition from paper to electronic billing (e-billing). Prior to December 2014, these approaches included charging fees for the issuance of paper bills or providing discounts to customers who opt for e-billing.
2. On 16 December 2014, the *Telecommunications Act* and the *Broadcasting Act* were amended to prohibit CSPs from charging fees for the issuance of paper bills.
3. While the Commission currently requires that bills be provided in alternative accessible formats, such as in braille or large print, for people with a visual disability, including people who are blind,¹ it does not otherwise mandate the format in which bills are provided.
4. The Commission is aware that many of the larger CSPs have started migrating existing customers from paper bills to e-billing as the default billing method. On the record of the proceeding that resulted in the Commission's [Report on Misleading or Aggressive Communications Retail Sales Practices](#),² some Canadians expressed concerns, among other things, related to the trend of CSPs transitioning customers from paper billing to e-billing.
5. In Telecom Decision 2020-80, the Commission denied a request by the Public Interest Advocacy Centre (PIAC) and the National Pensioners Federation (NPF) [collectively, PIAC-NPF] to require Koodo Mobile (Koodo) and other wireless service providers (WSPs) to provide paper bills upon request and at no charge. The Commission found that there was no existing legislative or regulatory obligation that mandated the provision of paper bills. The Commission also found that because the

¹ Pursuant to Telecom Order 98-626 and Telecom Decision 2002-13, Canadian carriers (including wireless carriers) and non-carrier TSPs must provide people with a visual impairment, including people who are blind, copies of bills in alternative formats, including in braille or large print. The Commission has also imposed requirements to provide other types of information in accessible formats, for instance, service contracts under the Commission's Accessibility Policy (set out in Broadcasting and Telecom Regulatory Policy 2009-430), the Television Service Provider Code (TVSP Code) [set out in Broadcasting Regulatory Policy 2016-1], the Wireless Code (set out in Telecom Regulatory Policy 2017-200), and the Internet Code (set out in Telecom Regulatory Policy 2019-269). Under these codes, customers must also be provided with a paper copy of their contract upon request.

² That proceeding was initiated by Telecom and Broadcasting Notice of Consultation 2018-246.

rationale and evidence on the record of that proceeding related largely to Koodo alone, it would not have been in the public interest to create a new obligation that would affect all WSPs based solely on that record.

6. Further, in Telecom Decision 2020-80, the Commission acknowledged that digital service innovation and price competition are important factors in the overall market. However, the Commission also noted the following with respect to consumers:
 - PIAC-NPF's application raised concerns about the need for vulnerable consumers to have access to paper bills.
 - PIAC-NPF's application and other complaints that the Commission has received may be signs that there are wider concerns with paper billing in general.
 - It is important to ensure that Canadians are able to receive clear information about their bills in an appropriate format.
7. The transition to online documents and e-billing is not unique to the broadcasting and telecommunications industries and is being promoted by the Government of Canada. The [2019-2022 Federal Sustainable Development Strategy for Canada](#) encourages the reduction of paper usage by moving to online, paperless billing. Moreover, the Canada Revenue Agency encourages Canadians to file their taxes online. Other industries, such as banking and utilities, are also encouraging customers to move to paperless statements.

Broadcasting and Telecom Notice of Consultation 2020-81

8. In order to develop an understanding of consumers' needs and to gather information regarding the practices of CSPs, the Commission initiated a public proceeding in Telecom and Broadcasting Notice of Consultation 2020-81 to examine the issue of the provision of paper bills. The scope of that proceeding included both telecommunications and broadcasting services because (i) the Commission has addressed issues with respect to billing in similar ways for both telecommunications and broadcasting services, and (ii) section 27.2 of the *Telecommunications Act* and section 34.1 of the *Broadcasting Act* set out similar prohibitions against charging for paper bills.
9. To ensure that the Commission had the factual record necessary to make a determination, and to assist parties in formulating their interventions, as part of this proceeding, the dominant CSPs in the Canadian market³ were required to respond to

³ For the purposes of this proceeding, the dominant CSPs in the Canadian market in alphabetic order are Bell Canada; Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink); Cogeco Communications inc. (Cogeco); Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); Rogers Communications Canada Inc. (RCCI); Saskatchewan Telecommunications (SaskTel); Shaw

requests for information (RFIs) concerning their billing practices as both a TSP and/or a BDU, as well as the practices of their respective subsidiaries.

10. In order for the Commission to develop an understanding of consumers' needs, individual Canadians, including people with disabilities, as well as organizations representing the interests of consumers in general and organizations concerned with accessibility issues specifically, were encouraged to provide the Commission with information on their needs regarding billing formats and how well CSPs were responding to these needs.
11. In addition to the dominant CSPs, the Commission received interventions from the following consumer advocacy groups: the Aboriginal Council of Winnipeg, the Manitoba Branch of the Consumers' Association of Canada, and Winnipeg Harvest (collectively, the Manitoba Coalition); the Consumers Council of Canada (CCC); the Forum for Research and Policy in Communications (FRPC); PIAC-NPF; Réseau FADOQ; and Union des consommateurs (l'Union). The Commission also received interventions from the following accessibility advocacy groups: the Canadian Association of the Deaf-Association des Sourds du Canada, Canadian National Society of the Deaf-Blind, Deaf Wireless Canada Consultative Committee-Comité consultatif pour les Services Sans fil des Sourds du Canada, and Deafness Advocacy Association Nova Scotia (collectively, DWCC et al.) and the CNIB [Canadian National Institute for the Blind] Foundation. Finally, the Commission received interventions from Competitive Network Operators of Canada (CNO), Distributel Communications Limited (Distributel), the Independent Telecommunications Providers Association (ITPA),⁴ the Province of British Columbia (Province of BC), RingCentral, Inc. (RingCentral), individual Canadians (individuals), and paper and printing industry representatives (paper industry advocates).
12. On 17 March 2020, in light of the COVID-19 pandemic, the Commission announced that it had suspended all deadlines between that date and 10 April 2020. The Commission subsequently set a revised deadline for the filing of final replies for 24 July 2020.

Commission staff's request for information

13. Following the receipt of final replies, Commission staff considered that additional information was required on the record of the proceeding and issued an RFI by way of a [letter](#) dated 30 November 2020. The record closed on 11 February 2021.

Communications Inc. (Shaw); TBayTel; TekSavvy Solutions Inc. (TekSavvy); TELUS Communications Inc. (TCI); and Xplornet Communications Inc. (Xplornet).

⁴ The ITPA is a non-profit organization that represents independent local exchange carriers in Ontario.

Regulatory framework

14. In determining the issues in this proceeding, the Commission must examine whether additional regulatory obligations should be imposed on Canadian carriers and TSPs under the *Telecommunications Act* and BDUs under the *Broadcasting Act*.
15. In exercising its regulatory authority under the *Telecommunications Act*, the Commission is required, by section 47, to have regard to the Canadian telecommunications policy objectives set out at section 7 and the policy directions issued by the Governor in Council.
16. The section 7 policy objectives speak to a range of considerations, including the orderly development of the Canadian telecommunications system; reliable, affordable, and high-quality service; personal privacy; the importance of market forces and efficient and effective regulation; and protecting the interests of users. Given the breadth of these objectives, pursuing them in the course of exercising the Commission's regulatory powers necessarily involves the balancing of competing objectives.
17. The 2006 Policy Direction⁵ and the 2019 Policy Direction⁶ (collectively, the Policy Directions) issued by the Governor in Council direct the Commission in how it must pursue the policy objectives. In particular, the 2006 Policy Direction states, among other things, that the Commission should rely on market forces to the maximum extent feasible and, where there is a need to use regulation, to do so in a manner that is efficient and proportionate to the purpose of the regulations and that interferes with competitive market forces to the minimum extent necessary. When regulatory measures are not economic in nature, they should be implemented in a symmetrical and competitively neutral way. The 2019 Policy Direction states, among other things, that in all of its decisions, the Commission should consider how it can encourage all forms of competition, foster affordability, enhance consumer rights, including those related to accessibility, and enable service innovation.
18. In exercising its regulatory authority under the *Broadcasting Act*, the Commission is required, pursuant to subsection 5(1), to have regard to the Canadian broadcasting policy objectives set out in subsection 3(1).
19. Like the objectives of the *Telecommunications Act*, these objectives are varied, and pursuing them entails balancing competing interests. They include an emphasis on the public nature of the broadcasting system and the role it can play in social and

⁵ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

⁶ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

economic development. They also indicate that distribution undertakings should provide their services at affordable rates, using the most effective technologies available at reasonable cost.

20. Subsection 5(2) of the *Broadcasting Act* sets out the specific regulatory policy goals of Parliament, to which the Commission must also have regard in carrying out its mandate. These include flexibility, adaptability to technological change, facilitating the provision of broadcasting to Canadians, and sensitivity to the administrative burden of regulation.
21. In 2019, the *Accessible Canada Act* (ACA) came into force. The ACA stresses the importance of involving people with disabilities in the crafting of solutions that will result in the identification, removal, and prevention of barriers. The ACA reaffirms Parliament's intention that the Commission have regulatory authority over accessibility issues relating to broadcasting and telecommunications and use this authority to remove and prevent barriers for people with disabilities in exercising the Commission's powers under the *Broadcasting Act* and *Telecommunications Act*.

Issues

22. As noted above, the issue of the provision of paper bills straddles both the broadcasting and telecommunications industries and involves the regulatory considerations set out above.
23. Through that lens, and on the basis of the issues set out in Broadcasting and Telecom Notice of Consultation 2020-81, the Commission has identified the following issues to be addressed in this decision:
 - Is there a need for Canadians or certain groups of Canadians to continue to receive paper bills? If so, is Commission intervention appropriate and warranted?
 - If Commission intervention is appropriate and warranted, what measures should the Commission impose?
 - To whom and how should any new measures apply?
24. The Commission has also briefly dealt with other issues, which were raised by parties on the record, under the heading "Other issues" below.

Is there a need for Canadians or certain groups of Canadians to continue to receive paper bills? If so, is Commission intervention appropriate and warranted?

Positions of parties

General needs

25. The Province of BC, TekSavvy Solutions Inc. (TekSavvy), all consumer advocacy groups, most individuals, and paper industry advocates were of the view that all consumers should have the option to choose between paper bills and e-billing. The CCC, PIAC-NPF, and some individuals indicated that paper bills should be the default option. In contrast, some individuals did not consider paper bills to be required for all consumers and found e-billing met their needs.
26. All consumer advocacy groups and most individuals argued that CSPs should be required to provide paper bills upon request. The CCC, the Manitoba Coalition, Réseau FADOQ, l'Union, and some individuals noted that certain groups of consumers, such as seniors, people without Internet access, and economically vulnerable consumers, may have a particular need for paper bills.
27. The Manitoba Coalition, PIAC-NPF, TekSavvy, and l'Union argued that the 2019 Policy Direction requires the Commission to take consumer-protective action, including accessibility-related measures.
28. PIAC-NPF submitted that enhancing and protecting the rights of consumers means giving precedence to consumer views on the proper way to manage their relationships with TSPs. They also argued it implies making consumer-favourable rules where there is a gap or ambiguity in the law or regulation and a practice is contrary to the interests expressed by consumers.
29. CSPs, with the exception of TekSavvy, submitted that the majority of CSPs already provide a variety of billing formats, including paper bills, to meet consumers' needs. Rogers Communications Canada Inc. (RCCI) and TELUS Communications Inc. (TCI) added that consumers who wanted paper copies could print electronic bills, and that consumers can access historic billing records for at least 18 months or in some cases, up to 36 months, through online portals.
30. According to these CSPs, there is no evidence that the market is failing to meet consumer needs or that further measures are necessary. They argued that there are multiple companies and brands in the market that provide various billing services as competitive differentiators, and that CSPs have policies in place to safeguard vulnerable consumers.
31. TCI submitted that all 12 CSPs that responded to the Commission's RFIs stated that they provide paper bills to at least some segment of their customers, either by default or upon request.

32. Consequently, CSPs, with the exception of TekSavvy, indicated that Commission intervention would not further the policy objectives identified in the *Telecommunications Act* and *Broadcasting Act*, but would instead hinder innovation, differentiation, competition, and reliance on market forces. Shaw Communications Inc. (Shaw), TCI, and Xplornet Communications Inc. (Xplornet) noted that the 2006 Policy Direction requires the Commission to rely on market forces to the maximum extent feasible. They added that the 2019 Policy Direction provides that the Commission should enable innovation in telecommunications services, including new technologies and differentiated service offerings.
33. TekSavvy argued that a policy is required to put consumer interests first and provide a choice of paper bills or e-bills. It added that forcing customers to receive e-bills is yet another example of the dominant service providers limiting consumer choice.
34. Bell Canada, Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink), and Xplornet acknowledged that certain groups of vulnerable Canadians may be more likely to require paper bills than others. These three parties proposed various groups that could be considered vulnerable, which included consumers with disabilities, consumers without Internet access, and seniors.
35. However, RCCI and Saskatchewan Telecommunications (SaskTel) argued that there is no clear evidence that the needs of these consumers are not being met by current practices. RCCI added that the current situation sufficiently addresses the needs of consumers while ensuring CSPs continue to adopt digital innovations.

Consumers with disabilities

36. All parties that commented on this issue supported providing bills in alternative formats to consumers with disabilities.
37. Some individuals' submissions drew attention to the specific needs of consumers with cognitive disabilities, for whom e-billing can be an accessibility barrier.
38. Shaw submitted that the record of this proceeding shows that Canadians with disabilities have access to a wide range of accessible bill formats, including electronic, braille, and large print, from virtually every large service provider. Shaw added that some service providers reserve paper bills exclusively for Canadians with disabilities. RCCI and SaskTel supported a continued obligation on providers to supply bills in alternative formats (including paper) to customers with disabilities, but submitted that no additional regulatory measures are warranted.

Customers without Internet access

Consumer advocacy groups and individuals

39. A number of consumer advocacy groups were of the view that consumers without Internet access have a barrier to accessing e-bills. Some individuals also cited lack of Internet access at home as a serious concern.

40. The FRPC submitted that unless BDUs are required to provide paper bills, those who do not have Internet access at home, or whose income does not allow extensive Internet use, may have to travel to a location where they can access e-bills electronically or incur additional Internet fees. In either case, the additional cost in time and money would disadvantage them.
41. Réseau FADOQ asserted that the prices of Internet services constitute a barrier to accessing e-bills. It pointed out that the CRTC's 2019 *Communications Monitoring Report* indicated that the average monthly cost for Internet service in Canada was \$80.31. In addition, certain regions of Canada remain unserved or underserved.
42. The Manitoba Coalition submitted that discontinuing paper bills raises concerns related to (i) the constraints associated with living on limited income, (ii) the affordability and reliability of Internet access, (iii) computer and Internet literacy, and (iv) Internet security.

CSPs

43. Not all CSPs were of the view that it is necessary to mandate paper bills for consumers without Internet access.
44. Both Eastlink and TCI submitted that they zero-rated the data required to access e-bills, including for customers whose rate plans do not include data.
45. Xplornet submitted that subscribers who have access to the Internet can access their bills online and are well-served by e-bills; therefore, it is unnecessary to impose a paper billing rule on Internet service providers. Distributel expressed a similar view that when a CSP offers Internet connectivity to customers, there is certainty that that customer can access e-billing.

Seniors

46. The FRPC argued that some Canadians, including older people who may be unfamiliar with today's technology, fear that they will be unable to defend themselves against phishing attacks, malware, botnets, identity theft, and online scams.
47. Multiple individuals gave examples of issues seniors face with e-billing, including problems accessing their online account, passwords that are hard to remember, and a lack of trust in the safety of automatic payments.
48. While Bell Canada supported an obligation to provide paper bills to seniors, RCCI submitted that this is unnecessary because RCCI provides paper bills upon request for customers who are seniors and identify as not being technologically savvy or comfortable using online billing.
49. TCI submitted that Canadian seniors are increasingly making the shift to online transactions and billing. TCI cited various sources in support, including Statistics

Canada data.⁷ They also noted that according to a CIBC [Canadian Imperial Bank of Commerce] news release, the bank saw a 250% increase among clients aged 65 years and older signing up for digital banking in the month of April 2020, and that from mid-March to mid-April 2020 alone, RBC [Royal Bank of Canada] saw an 84% increase in digital enrollment by seniors. TCI argued that Internet use among seniors is expected to continue to grow as seniors' attitudes towards technology becomes more receptive.

Commission's analysis and determinations

General needs

50. In evaluating whether there is a need for all or certain customers to continue receiving paper bills, the Commission must consider and weigh the telecommunications and broadcasting policy objectives. The Commission must also consider the appropriate approach to furthering these objectives. It does this by asking whether market forces are delivering satisfactory outcomes, whether regulatory mandates are necessary, or whether some combination of regulation and market forces is required in the circumstances.
51. In the Commission's view, the record does not demonstrate a general need for mandatory provision of paper bills to all customers. Many consumers have expressed a desire to receive paper bills for various legitimate reasons, such as record keeping, ease of review, etc. However, in many cases, market forces currently appear to be sufficient to address this.
52. Offering paper bills can be seen as a natural competitive incentive. One provider's refusal to cater to such a demand can be another provider's opportunity to gain a customer. In fact, there are competitive options in the marketplace, and many CSPs provide paper bills such that consumers would be able to select a service provider that provides paper bills if they choose. While many of the dominant CSPs have indicated on the record of this proceeding that they intend to migrate to e-billing as a default, or that they have already begun this process, very few CSPs restrict who can receive paper bills upon request. Accordingly, consumers can choose a larger or smaller provider that offers paper bills upon request.
53. In light of the above, the Commission considers that a universal obligation that paper bills be provided – which could reduce flexibility and adaptability to technological change while adding to regulatory burden – would not clearly respond to the needs of all users or amount to efficient and effective regulation. A universal mandate to provide paper bills would restrict the ability of CSPs to differentiate their billing services. Such a regulatory measure would, in the Commission's view, be neither efficient nor effective and would permit no real role for market forces. Such a

⁷ TCI referenced the [2019 Canadian Internet Use Survey](#).

mandate would be disproportionate in the circumstances and run counter to the 2006 Policy Direction.

54. Further, given the options available in the market, it is not clear that a universal mandate to provide paper bills is required to respond to consumer interests, including those specifically addressed in the 2019 Policy Direction. Not even individuals and consumer advocacy groups on the record of this proceeding were entirely in support of such a measure.
55. In the Commission's view, a general requirement to provide paper bills to all customers would also be out of step with a general shift to e-billing and other electronic means of sharing information and doing business in the Canadian government and broader economy.
56. However, there was a general consensus, by both CSPs and consumer advocacy groups, that there are special considerations in the case of three groups of customers (people with disabilities, customers without Internet access, and seniors). There is evidence on the record of this proceeding that despite CSPs' assertions, some customers who need paper bills are not able to receive them, indicating that market forces alone are insufficient to meet this need. As described in greater detail below, the Commission considers that an obligation imposed on CSPs to provide paper bills upon request would be appropriate to meet the need of these identified groups of customers.
57. From a cost and distribution perspective, the Commission recognizes that it may be in service providers' financial interests to migrate customers to e-billing. Moreover, for many customers, this migration should not unduly impact their ability to access their billing statement, review the charges, and pay their bills. In fact, for these customers, e-billing may represent a more efficient and convenient way to access their bills.
58. However, for the three identified groups of customers, this migration may present a significant barrier to their ability to access their billing statements, review the charges, and pay their bills. As a result, there is a higher likelihood for error in payments, missed payments, late payment charges, or possibly disconnection as a result of inadvertent non-payment.
59. Imposing supplementary measures to protect vulnerable consumers is consistent with previous Commission regulatory policies, including the Commission's Accessibility Policy (set out in Broadcasting and Telecom Regulatory Policy 2009-430), the Television Service Provider Code (TVSP Code) [set out in Broadcasting Regulatory Policy 2016-1], the Wireless Code (set out in Telecom Regulatory Policy 2017-200), the Internet Code (set out in Telecom Regulatory Policy 2019-269), and the 2019 Policy Direction. Commission intervention will also ensure that if and when CSPs transition to e-billing, customers who need paper bills will be protected.

60. In light of the above, the Commission considers that although the need for a universal obligation to provide paper bills for every customer has not been demonstrated, its intervention is appropriate and warranted to ensure that customers with disabilities, customers without home Internet access or mobile data services, and seniors have access to paper bills from Canadian carriers, TSPs, and BDUs upon request.

Customers with disabilities

61. The Commission has imposed regulatory obligations requiring the provision of bills in alternative formats for customers with a visual disability. Alternative formats include braille and large print as well as other electronic and non-print formats.
62. However, the record of this proceeding reveals additional accessibility issues experienced by customers with other types of disabilities, such as cognitive disabilities, who may have challenges using online billing and thus require their bills to be in a paper format. Further, the current obligations apply to telecommunications services only.
63. In light of the record of this proceeding, the Commission considers that there is a broader demonstrated accessibility need that can be addressed by paper bills.
64. In particular, while the needs of people with visual disabilities who subscribe to telecommunications services may be met by the current regulatory obligations in place, paper bills should be considered an accessible format going forward for all people with disabilities for whom e-billing represents a barrier. This may include, but is not necessarily limited to, people with cognitive disabilities. Furthermore, this accessibility measure should be available for BDU services in addition to telecommunications services.
65. The Commission considers that the benefits of paper bills as an accessibility measure outweigh any potential drawbacks. This targeted measure would further the interests of people with disabilities and protect and enhance their rights by ensuring that they receive critical billing information in a format they can understand. Unlike a general obligation, a targeted measure should have little impact on innovative billing technologies, general business practices, or market forces, and any increase in regulatory burden would be minimal. Only a specific group of customers is affected, and this group likely would not benefit from the innovations with respect to e-billing in any event.
66. The record indicates that most CSPs already provide paper bills to people with disabilities. Nonetheless, the Commission considers that the applicable accessibility considerations are significant, and that it is necessary to ensure access to paper bills for these customers in the form of a regulatory obligation.
67. This is consistent with the 2019 Policy Direction's call to interpret the policy objectives of the *Telecommunications Act* in a manner sensitive to accessibility and the policy objectives of the *Broadcasting Act*, which indicate that BDUs are to

provide their services at affordable rates using effective technologies. The Commission considers that these objectives can only be furthered when customers with disabilities are able to access their billing information. This would also be consistent with the general objectives of the ACA, which involve identifying, removing, and preventing barriers.

68. Accordingly, any customer who self-identifies as a person with a disability for whom e-billing represents a barrier must be provided with a paper bill upon request. The Commission considers that a person with disabilities is in a better position than their CSP to assess whether e-billing represents a barrier to their full and equal participation in the communications system.
69. Finally, the Commission considers that receiving paper bills should not prevent a customer with a disability from also having access to e-billing. The analysis set out above applies equally in cases where customers may need to access both paper and e-bills, as argued by DWCC et al.

Customers without Internet access

70. The Commission considers that it is not reasonable or appropriate to deny a paper bill to anyone who does not subscribe to an Internet service. This includes people without home Internet access or mobile wireless data services. The record shows serious consumer privacy and security concerns over accessing bills from Internet connections outside the home, such as through public Wi-Fi. Protection of privacy is a policy objective of the *Telecommunications Act* that informs the Commission's view that these concerns are valid.
71. Further, the Commission notes that both the *Broadcasting Act* and the *Telecommunications Act* prohibit CSPs from charging consumers for paper bills. Requiring customers to subscribe to and pay for Internet service that they would not otherwise subscribe to so that they can access their bills would be against the spirit of this prohibition.
72. Accordingly, in the Commission's view, an option for paper bills is a necessity for consumers who do not have access to home Internet or mobile data services. Specifically, customers of a CSP's BDU services or wireline voice services who do not also subscribe to home Internet or mobile data services from that same CSP must be able to receive a paper bill upon request. In the case of customers of a CSP's wireless voice services who do not also subscribe to home Internet or mobile data services, they must also be able to receive a paper bill upon request if they do not have zero-rated access to mobile billing from that CSP.⁸

⁸ While certain customers may have registered an email address with their CSP when they subscribed to their communications services, this alone cannot be taken to mean that they have home Internet or mobile data service access for the purposes of this requirement.

73. This represents a proportionate and targeted measure. Although CSPs are encouraged to innovate, the right of users to choose the services to which they subscribe should be preserved. Innovation in billing practices alone should not force subscribers to add additional services simply to be able to access their billing information. Moreover, where the broadcasting policy objectives relate to the rates to be charged by BDUs, it would be difficult to further them where vulnerable customers were effectively unable to access their billing information.

Seniors

74. No party proposed a formal definition of “senior,” but many interveners referred to seniors as consumers aged 65 and over. [Employment and Social Development Canada](#) and [Statistics Canada](#) both define a senior as a person aged 65 and over. In this decision, the Commission is using the same definition as other Government of Canada agencies and defines a senior as a person who is aged 65 and over.
75. The Commission acknowledges that seniors are increasingly accessing the Internet. Numerous parties referred to figures, including publicly available data from Statistics Canada, to demonstrate this. However, these figures also show that Internet use among seniors is still well below that of other age groups.⁹
76. Concerns were raised on the record that consumers who are seniors are less likely than younger consumers to be technologically adept, may be more prone to being deceived by online scams, and may experience visual, cognitive, or other issues that would impede e-billing usage.
77. Accordingly, the Commission considers that consumers who are seniors have a more pronounced need for paper billing. While the requirement that CSPs provide paper bills to customers with disabilities may help to address these concerns for some seniors, it would not address all of the stated concerns. Therefore, seniors must be able to receive a paper bill upon request.
78. The Commission acknowledges that not all customers who are seniors can or should be considered vulnerable. However, the provision of paper bills upon request will ensure that those who are vulnerable receive the billing information they need in the appropriate format for them, while seniors who are comfortable with and enjoy the convenience of e-billing would be able to continue with e-billing.
79. Similar to the other identified groups above, seniors represent a sub-group of consumers whose needs can be met through specific, targeted measures that serve the policy objectives that focus on Canadians without unduly detracting from those that focus on innovation or market forces.

⁹ See the 2019 Canadian Internet Use Survey cited by TCI.

If Commission intervention is appropriate and warranted, what measures should the Commission impose?

Positions of parties

80. Bell Canada, Eastlink, Xplornet, and all consumer advocacy and accessibility groups supported an obligation that CSPs provide paper bills to customers with disabilities, customers without Internet access, and seniors.
81. Consumer advocacy groups also submitted that it was often difficult to obtain information about paper billing or how to switch back to paper bills.
82. Some individuals expressed concern that e-bills did not or may not provide sufficient information for consumers to understand the charges and services included in their bill.
83. PIAC-NPF submitted that companies should be required to obtain explicit, verifiable consent to switch a customer to e-billing. PIAC-NPF added that customers who have been migrated to e-billing contrary to their will in the last three years should be able to switch back to paper billing, at no cost and upon simple request to their provider, by any means.
84. PIAC-NPF argued that the Commission should also institute a reporting requirement on all providers to report, quarterly, publicly, and with sufficient details, all customer complaints received internally regarding billing format and consumer choice, including complaints of charges, disconnections, adverse credit reporting, etc., for the next three years.
85. Xplornet submitted that the Commission may wish to require service providers that do not support paper billing to inform consumers of this as part of their sales transactions.

Commission's analysis and determinations

86. For reasons already set out above, in this decision, the Commission is imposing a requirement on CSPs to provide paper bills upon request and at no charge to
 - customers who self-identify as people with disabilities for whom e-billing represents a barrier to accessing their billing statement;
 - any customer who subscribes to wireline telephone, BDU service, or wireless voice-only service and who does not subscribe to Internet or wireless data from that same provider, or in the case of a wireless voice-only subscriber, does not have zero-rated access to the billing portal; and
 - seniors.

87. Consistent with the ACA, which places people with disabilities at the centre of solutions to remove barriers, and with the Commission's view that people with disabilities are in a better position to know whether a certain type of bill constitutes a barrier, when a person who self-identifies as having a disability requests a paper bill, it is to be provided to them. No further information, beyond self-identification, is to be required by the provider.
88. This is consistent with the protection of the privacy of subscribers and ensures that no additional fees will be incurred by people with disabilities in order to exercise their right to a paper bill,¹⁰ and is consistent with the principle set out in the ACA that all persons must be treated with dignity regardless of their disabilities. This is also consistent with the approach set out by the Commission in the Internet Code, TVSP Code, and Wireless Code that a customer only needs to self-identify as having a disability to be able to access a longer trial period. The Commission also considers that self-identification should not require membership in an organization.
89. The Commission considers that this new requirement to provide paper bills to specific groups should not and will not prevent CSPs from continuing to provide paper bills more broadly. Rather than limiting access to paper bills, this requirement is a safeguard to ensure that vulnerable customers who face various barriers in accessing bills electronically can receive paper bills on demand.
90. To ensure that this targeted safeguard protects the interests of subscribers in their relationships with providers and permits them to participate in the communications system on an equitable basis, customers eligible to receive paper bills must be aware of their rights and able to act on them without unreasonable or unnecessary barriers. In other words, those who are eligible must be able to request and obtain the paper bills to which they are entitled in a simple and direct manner; they must have an effective mechanism to make their choice known.
91. Accordingly, the Commission considers that certain ancillary requirements – mainly related to communications with subscribers – are necessary to operationalize the requirement to provide paper bills set out at paragraph 86 of this decision. Without these ancillary requirements, the purpose of the paper bill requirement would be defeated, as there would be an undue risk that those eligible to benefit from it would be unaware of it.
92. The record of the proceeding reveals concerns regarding available information, including on CSP's websites, to inform customers about how to request paper bills. Therefore, for customers to have the information they need, CSPs must make information easily available concerning how to request paper bills in the billing information or frequently asked questions (FAQ) sections of their websites and in

¹⁰ For instance, this ensures that a person with a disability would not need to incur a fee for a medical certificate or for membership in an accessibility group and would not need to disclose such personal information in order to exercise the right to a paper bill.

their account management systems. This information must also be provided by customer service representatives (whether human or automated) to ensure that customers understand that they may switch to paper bills if they are eligible and so choose.

93. Further, the large CSPs that were made parties to this proceeding (Bell Canada; Cogeco Communications inc. [Cogeco]; Eastlink; Quebecor Media Inc., on behalf of Videotron Ltd. [Videotron]; RCCI; SaskTel; Shaw; TBayTel; TCI; TekSavvy; and Xplornet) must report to the Commission by **11 May 2022** on how they have provided their customers information about paper bills, in accordance with the Commission's requirement, including scripts and training materials for customer service representatives and information on their websites. In reporting this information to the Commission, those CSPs are to keep in mind that the goal is to ensure that customers eligible to receive paper bills can do so simply and easily.
94. To minimize the administrative burden on smaller providers, only the CSPs mentioned in the paragraph above will be required to report. The Commission will review these reports and continue to monitor complaints on this issue. If there is evidence of need, the Commission may require additional reporting from this group of CSPs or from others as well.
95. So that consumers can make informed choices when choosing a service provider, CSPs must inform new subscribers during the sign-up process whether they provide paper bills generally or whether paper bills are limited to certain groups, including those mandated by the Commission in this decision.
96. The Commission acknowledges concerns regarding customers who may have been switched to e-billing without the choice to opt out, even if they belonged to one of the groups noted above. However, with the Commission's determinations in this decision, the customers belonging to those groups will have the option of receiving paper bills going forward. Given that the Commission is not requiring that CSPs provide paper bills to all customers, a general requirement to switch a customer back to paper bills would be inconsistent with the Commission's determinations.
97. That being said, the Commission considers that when a CSP does not provide a customer with Internet access or mobile data services, or in the case of a wireless voice-only subscriber, does not provide zero-rated access to the billing portal, that CSP must obtain verbal or written consent before switching that customer to e-billing and must maintain the records associated with that consent.
98. The Commission acknowledges that CSPs may not know if customers are seniors or have disabilities, but to the extent that they are aware of these matters, CSPs should not switch these customers to e-billing without verbal or written consent.¹¹

¹¹ This expectation does not alter the fact that these customers are, at all times, entitled to paper bills upon request and at no charge, and that for people with disabilities, consumers without home Internet access or

99. For any other customers, given the importance of receiving a bill, CSPs should notify these customers in advance of migrating them to e-billing in ways designed to ensure that the customer is aware of the change. This could include billing inserts, text messages, emails, and telephone messages, as appropriate.
100. Further, the record shows that some customers appear to have incurred late payment charges or been disconnected as a result of being transitioned to e-billing without sufficient notice. In response to RFIs on this matter, CSPs have indicated that as part of the process of transitioning customers, they provide advance notice via billing inserts. Although the Commission acknowledges that customers have a responsibility to pay bills on time, CSPs have a responsibility to provide adequate notice of their billings.
101. Therefore, for any customers who, within the first two billing cycles following the transition to e-billing, have either failed to pay their bill on time or have not accessed the billing portal, CSPs should make extra efforts, including telephone calls, emails, or text messages, as appropriate, to notify these customers of the change. If these customers have not been accessing the CSP's billing portal, the Commission would not consider sending messages through the portal as sufficient additional notification.
102. With respect to disconnection, the Commission notes that the [Deposit and Disconnection Code](#)¹² requires service providers to provide reasonable notice to the customer at least 14 days before disconnection and then again at least 24 hours in advance. However, the Commission considers that these protections may not be sufficient for customers in this situation. The Deposit and Disconnection Code allows for disconnection notice to be provided to customers via email if the customer has provided an email address. This code does not specify that the service provider must confirm that they have made contact with the customer. In the case of customers who fall into arrears following automatic transition to e-billing, the Commission considers that service providers should be expected to take further steps – beyond voicemails or emails – to make personal contact with the customer (for instance, making live contact via a telephone call) before commencing disconnection activities.
103. The Commission also notes some interveners' concerns that e-bills may not provide sufficient detail. In the Commission's view, a bill that only provides a final total to be paid is inadequate for customers, and CSPs should be expected to provide sufficient information on their e-bills to enable customers to fully understand the

mobile data services, and seniors who have already been migrated to e-billing, the CSP must, upon request, provide a paper copy of the most recently issued bill, and reinstate paper billing from that point.

¹² This code applies to local voice service. Similar protections exist under the other consumer codes.

monthly charges as related to the services to which they subscribe and any changes that took effect during the billing period.

104. In regard to the level of information that should be provided, Telecom Regulatory Policy 2011-569 sets out a regulatory measure associated with the provision of detailed monthly billing. In that decision, the Commission required incumbent local exchange carriers (ILECs) in non-forborne markets to provide bills that detail what local and optional services customers subscribe to and how much they are paying for each service. Consistent with this approach, the Commission expects CSPs to provide bills that detail what services and optional features or packages customers subscribe to and how much they are paying for each service, option, and package. In the case of service bundles, the bills should detail the services and optional features or packages that are included in the bundle and the price for that bundle.
105. In light of all the above, the Commission considers that additional protections are appropriate and necessary, and requires CSPs to
 - a) make information easily available concerning how to request paper bills in the billing information or FAQ sections of their websites, in their account management systems, and through their customer service representatives;
 - b) train customer service representatives on how to answer inquiries on paper bills consistent with this decision (if the CSP limits which customer groups can receive paper bills, this information is also to be provided on its website and by customer service representatives);
 - c) inform any new subscribers whether they provide paper bills generally or whether paper bills are limited to certain groups, including those mandated by the Commission in this decision; and
 - d) obtain verbal or written consent prior to transitioning customers who do not subscribe to their Internet access or mobile data services to e-billing and maintain associated records.
106. As noted earlier, the Commission also **directs** Bell Canada, Cogeco, Eastlink, RCCI, SaskTel, Shaw, TBayTel, TCI, TekSavvy, Videotron, and Xplornet to report to the Commission by **11 May 2022** on how they have provided their customers information about paper bills, including scripts and training materials for customer service representatives, and information on their websites.
107. Further, the Commission expects that the following will be adhered to as best practices:
 - a) CSPs are to make reasonable efforts to notify customers in advance of migrating them to e-billing, including bill inserts, text messages, emails, and telephone messages, as appropriate. CSPs are expected to make additional efforts to notify any customer who has been migrated to e-billing and who, within the first two

billing cycles following the migration, has either failed to pay their bill on time or has not accessed the billing portal.

- b) CSPs are to provide sufficient information on their e-bills to enable customers to fully understand their monthly charges (i.e. what services and optional features or packages customers subscribe to and how much they are paying for each service, option, and package) and any applicable changes. In the case of service bundles, the bills should detail the services and optional features or packages that are included in the bundle and the price for that bundle.
- c) CSPs are to take further steps beyond voicemails and emails and to make contact via a telephone call in the case of customers who fall into arrears following an automatic transition to e-billing and are at risk of being disconnected.

To whom and how should any new measures apply?

Positions of parties

- 108. Parties disagreed concerning to whom any obligation should apply if the Commission considers it necessary to impose one. The CCC, the Manitoba Coalition, PIAC-NPF, Réseau FADOQ, and l'Union indicated that any intervention should apply to all CSPs. The FRPC focused specifically on imposing a rule on BDUs. Bell Canada, Eastlink, RCCI, SaskTel, Shaw, TCI, and Videotron submitted that although they did not consider that regulatory intervention was required, any obligation regarding paper billing should be imposed on all CSPs, including non-facilities-based providers, regardless of size, in order to be equitable and meet the needs of vulnerable consumers.
- 109. CNOC and TekSavvy were of the general view that there was no need to apply a rule broadly, and that any rules should be targeted to the larger incumbents. CNOC submitted that because the national wireless services market exhibits signs of market failure, the rule should be imposed on the three national wireless carriers: Bell Canada, RCCI, and TCI.
- 110. TekSavvy added that a rule should be applied to the dominant providers, which does not include itself, in the short term until market forces are sufficient to enable customers to receive paper bills.
- 111. The ITPA argued that there is no need to impose regulatory measures on the small ILECs or other small CSPs.
- 112. Distributel and RingCentral submitted that a paper bill requirement should not apply to business customers. Distributel submitted that the demands of customers in the residential and business market often differ. RingCentral argued that to the extent that a business customer needs paper billing, the customer can find a CSP that offers a paper billing option.

113. In terms of how to apply the requirement, consumer advocacy groups agreed that any rule for TSPs should be imposed as a condition under section 24 of the *Telecommunications Act*. However, they differed on how to impose the requirements on BDUs. The Manitoba Coalition recommended that it be a condition of license under the *Broadcasting Act*. PIAC-NPF submitted that it should be a regulation under paragraph 10(1)(k) of the *Broadcasting Act*. The FRPC submitted that while its preference is that a rule be set as a regulation, it is not certain that the Commission has this authority, and if it does not, it should be included in the TVSP Code.

Commission's analysis and determinations

114. The Commission considers that all service providers must be required to adhere to the requirements set out in this decision at paragraphs 86 and 105. It would not adequately further the policy objectives to offer vulnerable consumers these protections in their dealings with certain service providers only. This is also consistent with the current obligation to provide accessible bills to people with a visual disability, including people who are blind, which applies to all providers of telecommunications services (carriers, including wireless carriers, and TSPs), regardless of size.

115. For greater clarity, all of the requirements set out in this decision apply irrespective of the brand through which a CSP provides service. To restrict the requirements to certain brands would be to risk them not achieving their purpose.

116. Further, given the targeted nature of the requirements, the record reveals no compelling reason that even smaller providers would be unable to comply. Given that consumers are increasingly adopting various e-services including e-billing, it should not be an onerous burden for all CSPs to provide paper bills upon request to these vulnerable groups, namely persons with disabilities; customers who do not have home Internet access or mobile data services, or in the case of a wireless voice-only subscriber, do not have zero-rated access to the billing portal; and seniors.

117. While there are many smaller CSPs who do not currently provide paper bills as a general practice, many of these companies only have a web presence, so it is likely that their customers are comfortable with the Internet and online transactions, and, by extension, e-billing. Many of these companies provide Internet and voice over Internet Protocol service; therefore, their customers would likely have Internet access. Lastly, having the new rules apply to all CSPs would also ensure regulatory symmetry and competitive neutrality.

118. Regarding business accounts, the record was generally framed in terms of the experiences and needs of residential customers or users with personal accounts. The record does not reveal a specific need with respect to business customers. Further, businesses may be in a better position to negotiate with their CSPs. For these reasons, the paper bill requirement is not aimed at business accounts.

Mechanism to impose an obligation

Imposing the requirements on carriers and TSPs

119. The Commission considers that on the telecommunications side, conditions on the offering and provision of services under sections 24 and 24.1 of the *Telecommunications Act* are the appropriate mechanism to impose these new obligations. Requirements related to billing and the provision of information are within the scope of these provisions, and they have historically been used in this way, for instance, to impose the Wireless Code and Internet Code.

120. In particular, all Canadian carriers providing local voice services, retail Internet service, and/or retail mobile voice and data services to residential or personal users are hereby made subject to the requirement to provide paper bills set out in paragraph 86 of this decision and the ancillary requirements regarding the provision of information set out in paragraph 105 of this decision, under section 24 of the *Telecommunications Act*. All non-carrier TSPs providing those same services are hereby subject to the same requirements under section 24.1.

Imposing the requirements on BDUs

121. Unlike under the *Telecommunications Act*, under the *Broadcasting Act*, no mechanism exists that would allow the Commission to impose these requirements on BDUs immediately.

122. The Commission may amend the licences of licenced BDUs under section 9(1) of the *Broadcasting Act* to impose requirements that further the broadcasting policy objectives and that relate to the circumstances of the licensee. However, it may only amend licences on its own motion where the licence in question was issued at least five years previously. For smaller, unlicensed BDUs, the Commission could amend the relevant exemption order for BDUs serving fewer than 20,000 subscribers, issued under section 9(4) of the *Broadcasting Act*, following a public process on the issue.

123. While the Commission may make regulations under section 10(1) of the *Broadcasting Act*, and licensed BDUs are subject to the *Broadcasting Distribution Regulations*, this power is principally aimed at programming, advertising, networks, dispute resolution, and information gathering.

124. Accordingly, for the time being, the Commission expects that all BDUs will provide paper bills on demand to people with disabilities, customers without home Internet access or mobile data services, and seniors. The Commission intends to convert this expectation to a condition of licence at BDUs' next licence renewals. It also intends to initiate a process to amend the BDU exemption order accordingly.¹³

¹³ With respect to the suggestion that the Commission impose the requirements by amending the TVSP Code, the TVSP Code and other consumer protection codes are administered by the Commission for

125. The Commission notes that most BDUs also offer telecommunications services, and that CSPs tend to provide bundles with a single bill. As a result, the requirement on carriers and TSPs should result in BDU customers benefitting from the requirements immediately as well.

Reporting requirements

126. With respect to the reporting requirement discussed at paragraph 106 of this decision and imposed on the largest CSPs regarding how they inform customers of their options with respect to paper bills, the Commission is exercising its powers under subsection 37(1) of the *Telecommunications Act* for carriers, subsection 37(2) of the *Telecommunications Act* for non-carrier TSPs, and subsection 11(2) of the *Broadcasting Distribution Regulations* for licensed BDUs.

Other issues

127. Parties raised the following other issues on the record of the proceeding:

- accessibility of account management portals
- a request from DWCC et al. that the CSPs create videos to explain e-billing
- a procedural request from TekSavvy about being characterized as a large TSP

Accessibility of account management portals

128. The CNIB raised concerns about the accessibility of e-bills and billing portals and recommended that

- the Commission address the lack of compliance to World Wide Web Consortium (W3C)¹⁴ standards from telecommunications providers;
- all websites and mobile applications be made accessible to subscribers with sight loss using any assistive technology they require; and

Complaints for Telecom-Television Services (CCTS). Including the obligation in that code would mean that the CCTS would address some, but not all, complaints about paper bills (for instance, those concerning telecommunications services). This could complicate the situation for customers with bundled television and telecommunications services. Moreover, the TVSP Code does not apply to exempt BDUs that are not affiliated with licensed BDUs. Finally, even if the Commission did choose to amend the TVSP Code in this way, that amendment would only apply to BDUs after their next licence renewal because the TVSP Code is imposed on licenced BDUs by way of a condition of licence.

¹⁴ See Broadcasting and Telecom Regulatory Policy 2009-430 for more details.

- robust user testing by assistive-technology users who are blind or partially sighted be implemented to ensure CSP websites and mobile applications are accessible because usability cannot be assessed solely by automated testing.

Commission's analysis and determinations

129. The Commission notes that in Broadcasting and Telecom Regulatory Policy 2009-430, it encouraged TSPs to adopt the W3C Web Content Accessibility Guidelines (WCAG), as updated from time to time, and to conduct user testing for the customer service portions of their websites to be as accessible as possible. Since 2009, legislation has been passed into law or is in the process of becoming law in several provinces that requires prescribed accessibility standards for websites, including the adoption of the WCAG. As a result, some WSPs have already taken steps to implement these guidelines.

130. In addition, given the importance of WSPs' websites in enabling Canadian consumers to make informed choices about their communications products and services, the Commission expected in Telecom Regulatory Policy 2016-496 that all WSPs' websites would meet the WCAG by 1 June 2017.

131. Similarly, it is important that CSPs' websites, portals, and mobile applications be accessible to all Canadians so that they may access information about their accounts and bills, regardless of whether they have opted for paper billing or an alternative format. Accordingly, the Commission reiterates its encouragements and expectations that CSPs' websites, including billing and account management portals, meet the WCAG and that the CSPs undertake regular checks to ensure any changes or modifications have not created new barriers.

132. The Commission also notes that the recently established *Canadian Radio-television and Telecommunications Commission Accessibility Reporting Regulations* under the ACA require all broadcasting undertakings, carriers, and TSPs with more than 10 employees to create accessibility plans, in consultation with people with disabilities, and to report on their implementation periodically. These accessibility materials must be available through their websites and compliant with the WCAG. These companies must also create an accessibility feedback mechanism. The Commission considers that these mechanisms present clear opportunities for people with disabilities to notify providers of any ongoing or new issues with web accessibility.

Request from DWCC et al. that the CSPs create videos to explain e-billing

133. DWCC et al. submitted that CSPs should create sign language videos with captioning and accessible transcripts to elaborate on specific concepts related to billing.

Commission's analysis and determinations

134. While DWCC et al.'s request is not specific to the issue of whether CSPs should provide paper bills and how they would do so, it would be beneficial for CSPs to better understand what other barriers people with disabilities may face in understanding their bills. Accordingly, the Commission encourages CSPs to consult and collaborate with people with disabilities to this end. As a result of such consultation, CSPs would be in a better position to understand what information and terminology related to billing it may be appropriate to explain in American Sign Language (ASL) or langue des signes québécoise (LSQ) videos.
135. If Canadians with hearing disabilities whose first language is ASL or LSQ have questions about their bills, Video Relay Service (VRS) is available to communicate with customer service representatives.

Procedural request from TekSavvy about being characterized as a large TSP

136. As noted in paragraph 9 above, the Commission required dominant CSPs to respond to RFIs. TekSavvy was included in this list. By way of a procedural letter dated 11 March 2020, TekSavvy objected to being characterized as a dominant CSP.
137. TekSavvy argued that it was unclear what the Commission meant by this term. Under the *Competition Act*, dominant service providers have a substantial degree of market power, which TekSavvy does not have. As a wholesale-based service competitor, TekSavvy is at a systemic competitive disadvantage to the incumbent carriers.
138. Accordingly, TekSavvy argued that this characterization is a mistake and perpetuates the mistaken notion that TekSavvy and the incumbents compete on a level playing field. TekSavvy requested that the Commission correct its notice.
139. In a letter dated 25 March 2020, Commission staff noted that this matter would be addressed at the time the Commission's decision on this proceeding was published.

Commission's analysis and determinations

140. TekSavvy's argument regarding the *Competition Act* is not relevant to any determination the Commission has to make in the present proceeding and the Commission is not purporting to apply that Act. Nonetheless, the Commission considers that irrespective of whether TekSavvy is as large as some other CSPs, its size is such that it was appropriate to seek its responses to RFIs to build the record of the proceeding.

Conclusion

141. In summary, the Commission considers that although the need for a universal obligation to provide paper bills for every consumer has not been demonstrated, its intervention is appropriate and warranted to ensure that customers with disabilities,

customers without home Internet access or mobile data services, and seniors have access to paper bills from Canadian carriers, TSPs, and BDUs upon request.

142. Accordingly, the Commission is imposing a requirement on CSPs to provide paper bills upon request and at no charge to the following groups: (i) customers who self-identify as people with disabilities for whom e-billing represents a barrier to accessing their billing statement; (ii) any customer who subscribes to wireline telephone, BDU service, or wireless voice-only service and who does not subscribe to Internet or wireless data from that same provider, or in the case of a wireless voice-only subscriber, does not have zero-rated access to the billing portal; and (iii) seniors. No further information, beyond self-identification, is to be required by the TSP of customers who self-identify as having disabilities.
143. Moreover, the Commission is imposing a requirement on CSPs to (i) make information easily available concerning how to opt for paper bills in the billing information or FAQ sections of their websites, in their account management systems, and through their customer service representatives; (ii) train customer service representatives on how to answer inquiries on paper bills consistent with this decision (if the CSP limits which customer groups can receive paper bills, this information is also to be provided on its website and by customer service representatives); (iii) inform any new subscribers whether they provide paper bills generally or whether paper bills are limited to certain groups, including those mandated by the Commission in this decision; and (iv) obtain verbal or written consent prior to transitioning customers who do not subscribe to their Internet access or mobile data services to e-billing and maintain associated records.
144. To reiterate, all of these requirements apply irrespective of the brand through which a CSP provides service.
145. These requirements apply immediately as conditions of service to Canadian carriers and TSPs. The Commission expects BDUs to adhere to all these same requirements and intends to impose conditions of licence to this effect at the next opportunity. It also intends to revise the exemption order for smaller BDUs accordingly.
146. The Commission also **directs** Bell Canada, Cogeco, Eastlink, RCCI, SaskTel, Shaw, TBayTel, TCI, TekSavvy, Videotron, and Xplornet to report to the Commission by **11 May 2022** on how they have provided their customers information about paper bills, including scripts and training materials for customer service representatives, and information on their websites.

Policy Directions

147. The Commission must exercise its power under the *Telecommunications Act* to further the policy objectives, having regard to the Policy Directions. This requires balancing competing interests, including interests relating to competition, market forces, and the needs of users. The 2006 Policy Direction states that when relying on regulation to pursue these objectives, the Commission should use measures that are

efficient, proportionate to their purpose, and competitively neutral to the greatest extent possible. The 2019 Policy Direction states that the Commission should consider how its decisions promote competition, affordability, consumer interests, and innovation.

148. The Commission considers that the regulatory measures set out above would appropriately balance these considerations, including paragraphs 7(a), (h), and (i) of the *Telecommunications Act*,¹⁵ subparagraphs 1(a)(ii) and 1(b)(iii) of the 2006 Policy Direction and 1(a)(iv) of the 2019 Policy Direction, by applying targeted, but symmetrical, regulatory measures that are efficient and that should prove effective in addressing the economic and social requirements of users and contributing to the protection of the privacy of persons. In particular, the Commission's approach should ensure that consumers can make informed choices in the marketplace consistent with their preferences and that specific subsets of vulnerable customers have potential barriers to effective interaction with their providers removed.
149. Under the *Broadcasting Act*, the Commission must further a separate set of policy objectives while having regard to a specific regulatory policy established by Parliament. The Commission considers that its approach is consistent with its obligations because it represents a flexible form of regulation that is sensitive to administrative burden, while ensuring vulnerable Canadians are able to effectively participate in the broadcasting system as BDU customers, thereby facilitating the provision of broadcasting to Canadians.

Secretary General

Related documents

- *Call for comments – Provision of paper bills by communications service providers*, Broadcasting and Telecom Notice of Consultation CRTC 2020-81, 3 March 2020; as amended by Broadcasting and Telecom Notice of Consultation CRTC 2020-81-1, 20 April 2020
- *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, 3 March 2020
- *The Internet Code*, Telecom Regulatory Policy CRTC 2019-269, 31 July 2019
- *Report regarding the retail sales practices of Canada's large telecommunications carriers*, Telecom and Broadcasting Notice of Consultation CRTC 2018-246,

¹⁵ The cited policy objectives of the Act 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(h) to respond to the economic and social requirements of users of telecommunications services; and 7(i) to contribute to the protection of the privacy of persons.

16 July 2018; as amended by Telecom and Broadcasting Notice of Consultation CRTC 2018-246-1, 16 October 2018

- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *Modern telecommunications services – The path forward for Canada’s digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016
- *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016
- *Regulatory measure associated with the provision of detailed monthly billing*, Telecom Regulatory Policy CRTC 2011-569, 2 September 2011
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009; as amended by Broadcasting and Telecom Regulatory Policy CRTC 2009-430-1, 17 December 2009
- *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, 8 March 2002
- Telecom Order CRTC 98-626, 26 June 1998