



Telecom Public Notice CRTC 2008-7

Ottawa, 9 June 2008

Notice of consultation

Review of the regulatory requirements to provide information to customers using various means of communication in light of Telecom Decision 2008-34

Reference: 8665-C12-200807828

Introduction

1. In *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006 (the Policy Direction), the Governor in Council requires the Commission to, among other things, rely on market forces to the maximum extent feasible and when relying on regulation, use measures in a manner that interferes with market forces to the minimum extent necessary to meet the telecommunications policy objectives (the policy objectives) set out in section 7 of the *Telecommunications Act* (the Act).
2. In Telecom Decision 2008-34, the Commission established an action plan to review existing social and non-economic regulatory measures in light of the Policy Direction. The action plan identified the regulatory requirements regarding the provision of information to customers using various means of communication¹ as a matter to be reviewed during the 2008-2009 fiscal year.

Background

3. Over the years, the Commission has imposed, mainly on the incumbent local exchange carriers (ILECs), a number of regulatory requirements designed to provide information to customers using various means of communication² (the information requirements). These requirements were meant to, among other things, make customers aware of their basic rights and responsibilities.³
4. Under the information requirements, the ILECs are required, for example, to publish information in their white pages directories, on their websites, and/or in billing inserts about the Terms of Service, the Statement of Consumer Rights, a description of the quality of service regime, the privacy implications of number and name display services, the Unsolicited Telecommunications Rules and information as to how to register on the National Do Not Call List, 900 service safeguards, and information pertinent to forborne markets.

¹ Referenced in the Appendix of Telecom Decision 2008-34 as "Mandatory disclosures in directories (e.g. terms of service, statement of consumers rights), billing inserts, and websites."

² Such means of communication include the introductory section of white pages directories, billing inserts, websites, online material, electronic mailings, Internet postings, marketing material used for television, radio and printed media, and service contracts.

³ Examples of some of these information requirements can be found in Telecom Order 94-687, and Telecom Decisions 86-7, 2004-4, 2005-17, 2005-19, 2006-52, and 2007-48.

Call for comments

5. The Commission invites parties to comment, in light of the Policy Direction, on the continued appropriateness of the information requirements.
6. For each of the information requirements, parties should address the following issues in their initial comments, providing supporting rationale and all evidence on which they rely, and structure their submissions according to the issues identified below:
 - (1) Can the purpose underlying the specific information requirement be achieved through reliance on market forces or is the information requirement still necessary?
 - (a) Identify the purpose of the specific information requirement and the policy objectives that are relevant to this purpose.
 - (b) Can market forces be relied on to achieve the policy objectives? Why or why not? Identify the relevant market forces.
 - (c) Identify and weigh the positive and negative consequences of (1) eliminating, and (2) retaining, the specific information requirement.
 - (2) Is the specific information requirement efficient and proportionate to its purpose?
 - (a) Identify the benefits and the harmful effects of the specific information requirement. Explain whether the benefits of the specific information requirement outweighs the harmful effects.
 - (b) Identify any alternative regulatory measure that would be more efficient and proportionate. Explain why that information requirement would be more efficient and proportionate and how it would achieve the policy objectives.
 - (3) Does any specific information requirement interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives?
 - (a) Identify whether, and if so how and to what extent, the specific information requirement interferes with the operation of competitive market forces, including the associated impacts on service providers and customers.
 - (b) Is the information requirement as minimally intrusive and as minimally onerous as possible?
 - (4) Is the specific information requirement implemented in a symmetrical and competitively neutral manner? If not,
 - (a) Identify aspects of the information requirement that are not symmetrical and/or competitively neutral.

- (b) Specify disadvantages faced by service providers impacted by the information requirement and quantify the disadvantages to the extent possible.
 - (c) Discuss the implications and feasibility of applying the information requirement in a symmetrical and competitively neutral manner to all service providers.
 - (d) Identify any possible alternative regulatory or non-regulatory information requirement and explain how that information requirement would achieve the policy objectives and comply with the Policy Direction.
7. The Commission notes that the outcome of this proceeding may result in changes to the information requirements of all telecommunications service providers.

Procedure

8. Persons interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the [online form](#), or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2, or by faxing at: 819-994-0218 by **30 June 2008** (the registration date). Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
9. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
10. All parties may file with the Commission, serving a copy on all other parties, comments with regard to the above-noted issues by **7 July 2008**.
11. All parties may file with the Commission, serving a copy on all other parties, reply comments by **21 July 2008**.
12. The Commission expects to issue a decision on the issues raised in this Public Notice within 120 days after the record closes.
13. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
14. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
15. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
16. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.

17. Each paragraph of all submissions should be numbered. In addition, the line ***End of document*** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
18. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

Important notice

19. Note that all information that you provide as part of this public process, except information granted confidentiality, 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 information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
20. The personal information you 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.
21. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, 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.
22. Please note that the information you 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 our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

Location of CRTC offices

23. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours.

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

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

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Secretary General

Related documents

- *Action plan for reviewing social and other non-economic regulatory measures in light of Order in Council P.C. 2006-1534*, Telecom Decision CRTC 2008-34, 17 April 2008
- *Unsolicited Telecommunications Rules framework and the National Do Not Call List*, Telecom Decision CRTC 2007-48, 3 July 2007, as amended by Telecom Decision CRTC 2007-48-1, 19 July 2007

- *Statement of consumer rights*, Telecom Decision CRTC 2006-52, 29 August 2006
- *900 service – Agreements and consumer safeguards*, Telecom Decision CRTC 2005-19, 30 March 2005
- *Retail quality of service rate adjustment plan and related issues*, Telecom Decision CRTC 2005-17, 24 March 2005
- *Call-Net Part VII Application – Promotion of local residential competition*, Telecom Decision CRTC 2004-4, 27 January 2004
- Telecom Order CRTC 94-687, 20 June 1994
- *Review of the general regulations of the federally regulated terrestrial telecommunications common carriers*, Telecom Decision CRTC 86-7, 26 March 1986

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>