



# Compliance and Enforcement Notice of Consultation CRTC 2013-527

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Ottawa, 30 September 2013

## Call for comments

### Permanent number registration

File number: 8665-C12-201313030

*In this notice, the Commission initiates a proceeding to consider the appropriateness of making telecommunications number registrations on the National Do Not Call List permanent by discontinuing the requirement for Canadians to renew the registration of their numbers at five-year intervals.*

### Introduction

1. The Commission regulates unsolicited telecommunications pursuant to sections 41 to 41.7 and 72.01 to 72.15 of the *Telecommunications Act* (the Act). The Commission, in Telecom Decision 2007-48, established the Unsolicited Telecommunications Rules (UTRs), which is a comprehensive framework for unsolicited telecommunications. The UTRs include the National Do Not Call List (DNCL) Rules, the Telemarketing Rules, and the Automatic Dialing-Announcing Device (ADAD) Rules. The UTRs and the National DNCL came into operation on 30 September 2008.
2. The purpose of the National DNCL is to reduce the number of unwanted unsolicited telephone calls and faxes received by Canadians. The National DNCL enables Canadians to register their residential, wireless, voice over Internet Protocol (VoIP), or fax number free of charge in order to reduce the number of telemarketing calls and faxes they receive. Registrations can be done online or by calling a toll-free number. To sign up by telephone, Canadians must call from the number they wish to register.
3. Telemarketers must purchase subscriptions to the National DNCL and are not allowed to contact registered numbers 31 days after they are registered. As of early September 2013, there were approximately 11.9 million telephone numbers registered on the National DNCL.
4. In Telecom Decision 2007-48, the Commission noted that failure to remove disconnected and reassigned telecommunications numbers from the National DNCL might result in Canadians who have obtained a new telecommunications number being prevented from receiving telemarketing telecommunications that they may wish to receive. The Commission considered that these concerns could be mitigated through the establishment of a finite registration period at the end of which a

registered number would automatically be deregistered if the individual did not renew the registration. The Commission therefore established a three-year registration period for telecommunications numbers registered on the National DNCL, which was subsequently extended to five years.<sup>1</sup>

5. Canadians may deregister their residential, wireless, VoIP, or fax number from the National DNCL at any time by calling the National DNCL Service Line.

### **Permanent number registration**

6. In Telecom Public Notice 2008-14, the Commission requested comments from interested persons as to whether registrations of telecommunications numbers on the National DNCL should be made permanent. In Telecom Regulatory Policy 2009-200, the Commission concluded that, if registrations on the National DNCL were made permanent, an efficient and cost-effective process would need to be established to remove disconnected and reassigned numbers from the National DNCL.
7. Further, the Commission requested that the CRTC Interconnection Steering Committee (CISC) identify and evaluate options with regard to the processes and procedures that would be required for permanent number registration. On 22 October 2009, the CISC Business Process Working Group (BPWG) informed the Commission that, in its view, development and implementation of the necessary processes and procedures for permanent number registration would be extremely time consuming, costly to implement, and unnecessary.
8. In light of the BPWG's position, the Commission retained the organization responsible for removing disconnected and reassigned numbers from the United States Do Not Call Registry, PossibleNow Inc. (PossibleNow), to conduct a feasibility study for a similar procedure for the National DNCL. PossibleNow completed its report in March 2012.
9. PossibleNow's report set out the methodology and identified the data that would be required to remove disconnected and reassigned numbers from the National DNCL, and provided estimated costs and timelines for implementation. PossibleNow concluded that permanent number registration was achievable, but noted that its report was limited to publicly available information, best estimates, and judgments in regard to projected costs.
10. Upon receipt of PossibleNow's report, the Commission requested that the BPWG evaluate the findings and conclusions in that report, taking into account its members' access to cost and other data and their familiarity with the practices and processes related to the administration of telecommunications numbers in Canada.

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<sup>1</sup> See Telecom Regulatory Policy 2009-200.

11. The BPWG concluded that an efficient and cost-effective process to remove disconnected and reassigned numbers from the National DNCL could not be developed, citing data limitations as well as cost and accuracy concerns.<sup>2</sup>
12. The BPWG noted that no single source of basic listing interchange file (BLIF) data required for such a process exists in Canada and that the data that is available does not include wireless numbers, unlisted numbers, or numbers used by resellers and some VoIP providers. The cost of replicating and collecting such data from various market participants and developing information technology processes to facilitate removal of disconnected and reassigned numbers from the National DNCL was estimated by the BPWG to be in excess of \$6 million.
13. Moreover, because historic data on changes to directory listings or subscribers is only retained by local exchange carriers for a limited period of time, it would not be possible to determine if disconnected and reassigned numbers could be effectively removed retroactively to 2008.
14. Taking into account anticipated cost increases and revenues from telemarketer subscriptions under the *Unsolicited Telecommunications Fees Regulations*, the Commission considers that there will be no surplus funds available sufficient to offset the costs estimated by the BPWG. In Compliance and Enforcement Notice of Consultation 2012-588, the Commission signalled its intention to maintain rates at current levels.
15. The BPWG did identify two other options for the Commission to consider. One approach, referred to by the BPWG as the “non-permanent option,” is to retain the obligation on Canadians to re-register their numbers on the National DNCL after a fixed period of time.
16. The other option identified by the BPWG is to make the list permanent without a mechanism to remove disconnected and reassigned numbers. In regard to telecommunications numbers inadvertently on the National DNCL (that is, not registered by the current subscriber of the number), the BPWG noted that Canadians who find their telecommunications numbers on the National DNCL and who wish to receive telemarketing calls could request that they be removed.
17. The BPWG submitted that permanent number registration without a mechanism to remove disconnected and reassigned telecommunications numbers may be a more cost-effective approach.
18. The BPWG also noted that the side effect of this course of action is that the National DNCL would over time become increasingly contaminated with telecommunications numbers that have been disconnected and reassigned, to the detriment of the telemarketing organizations that purchase access to the National DNCL.

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<sup>2</sup> See BPWG report BPRE087a.

19. The Commission has carefully reviewed the PossibleNow and BPWG reports and considers that permanent number registration with a process to remove disconnected and reassigned numbers is not feasible on an efficient and cost-effective basis. In considering the data limitations, as well as the cost and accuracy concerns, identified by CISC's BPWG above, the Commission does not believe that telecommunications service providers should be required to bear overly burdensome costs. Further, it is neither desirable nor feasible to raise subscription fees paid by telemarketers to cover the costs identified to remove disconnected and reassigned numbers from the National DNCL.
20. However, the Commission notes that the National DNCL has been very popular with Canadians and considers that those who wish to continue to have their numbers on the National DNCL would benefit from permanent number registration. In this regard, the Commission notes the submission made by the Privacy Commissioner of Canada in the proceeding initiated by Compliance and Enforcement Notice of Consultation 2013-140, which refers to a 2011 survey commissioned by her office indicating that 88 percent of those surveyed were concerned or somewhat concerned about organizations sending unwanted emails, faxes, letters, or telephone calls.
21. In light of the above, the Commission is of the preliminary view that telecommunications number registrations on the National DNCL should be made permanent by discontinuing the requirement for Canadians to renew the registration of their numbers at five-year intervals. The Commission considers that concerns regarding the accuracy of the list could be addressed by continuing to provide Canadians with the ability to remove their telecommunications numbers from the National DNCL, better informing them of the alternatives available to them to register and deregister their numbers and seeking means to simplify or better facilitate that process.
22. The Commission is therefore initiating a proceeding to consider the appropriateness of permanent number registration and discontinuing the requirement for Canadians to renew the registration of their numbers at five-year intervals. The Commission is seeking views on possible means to inform Canadians of their ability to remove their telecommunications numbers from the National DNCL to ensure that individual preferences are reflected in the event of permanent number registration.
23. The Commission notes that registrations will begin expiring on 1 October 2013. With this in mind, the Commission is issuing Compliance and Enforcement Decision 2013-528, which extends existing and future registrations of telecommunications numbers on the National DNCL to six years. This will ensure that registrations do not begin to expire prior to the conclusion of this proceeding to consider the issue of permanent number registration.

### **Call for comments**

24. The Commission invites interested persons to comment on the following questions, providing supporting rationale and any evidence on which they rely:

- i) Should the registration of telecommunications numbers by Canadians on the National DNCL be made permanent? Can accuracy and individual preference concerns be appropriately addressed by better informing Canadians of their ability to remove their telecommunications numbers from the National DNCL?
- ii) As a Canadian, would you be concerned about receiving fewer telemarketing calls if you obtained a new telephone or fax number that was already registered on the National DNCL by its previous owner?
- iii) What measures should be taken, and by whom, to educate Canadians on the alternatives available to them to register or deregister their telecommunications numbers on the National DNCL in the event of permanent number registration?
- iv) Should changes be made to existing processes to simplify or better facilitate telecommunications number registrations and deregistrations?

## Procedure

- 25. *The Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding.<sup>3</sup> For help understanding the Rules of Procedure, see the *Guidelines on the CRTC Rules of Practice and Procedure*.
- 26. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **30 October 2013**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
- 27. The Commission will post the interventions on its website shortly after they are filed. All documents required to be served on a party or parties to the proceeding must be served using the contact information contained in the interventions.
- 28. All parties may file reply comments with the Commission, serving copies on all other parties, by **14 November 2013**.
- 29. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.
- 30. 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.

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<sup>3</sup> The Rules of Procedure set out, among other things, the rules for the filing, content, format, and service of interventions and interrogatories; the procedure for filing confidential information and requesting its disclosure; and the conduct of the public hearing, where applicable. Accordingly, the procedure set out in this notice must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

31. Parties are reminded that, in accordance with the Rules of Procedure, if a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date. A document must be filed with the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. 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. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after their deadline.
32. Submissions longer than five pages should include a summary, and each paragraph of all submissions should be numbered. In addition, 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.
33. The Commission encourages interested persons and 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.
34. 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

### **Important notice**

35. All information provided 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](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information provided.
36. The personal information provided 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.

37. 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.
38. The information provided 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 link directly to the information provided as part of this public process.

### **Availability of documents**

39. Electronic versions of the documents referred to in this notice are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by using the file number(s) provided at the beginning of this notice or by visiting the "Public Proceedings" section of the Commission's website. The documents can be accessed by selecting "View all proceedings open for comment," then clicking on the "View entire record" link associated with this particular notice. All interventions are also available on the Commission's website, at the same location, by clicking on the "Interventions" link associated with this particular notice.
40. Documents are also available and may be examined during normal business hours at the Commission offices directly involved with this public process or, upon request, within two business days at all other Commission offices.

### **Location of Commission offices**

Toll-free telephone: 1-877-249-2782  
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Fax: 604-666-8322

Secretary General

### **Related documents**

- *Extension of telecommunications number registrations on the National Do Not Call List*, Compliance and Enforcement Decision CRTC 2013-528, 30 September 2013
- *Review of the Unsolicited Telecommunications Rules*, Compliance and Enforcement Notice of Consultation CRTC 2013-140, 20 March 2013, as amended by Compliance and Enforcement Notice of Consultation CRTC 2013-140-1, 31 May 2013
- *Unsolicited Telecommunications Fees Regulations*, Compliance and Enforcement Decision CRTC 2013-26, 28 January 2013
- *Unsolicited Telecommunications Fees Regulations*, Compliance and Enforcement Notice of Consultation CRTC 2012-588, 23 October 2012
- *Modifications to some Unsolicited Telecommunications Rules*, Telecom Regulatory Policy CRTC 2009-200, 20 April 2009

- *Call for comments on potential modifications to some Unsolicited Telecommunications Rules*, Telecom Public Notice CRTC 2008-14, 20 October 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