

Stephen Schmidt  
Vice-President – Telecom Policy & Chief Regulatory Legal Counsel  
Telecom Policy & Regulatory Affairs

(613) 597-8363 Telephone  
(613) 597-8374 Facsimile  
regulatory.affairs@telus.com

28 March 2014

Mr. John Traversy  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Gatineau, Québec  
K1A 0N2

VIA GC KEY  
File No. 8620-P8-201400845

Dear Mr. Traversy:

**Re: Part 1 Application by the Public Interest Advocacy Centre and Chimo Community Services regarding charges for wireless calls to helplines Answer of TELUS Communications Company**

1. TELUS Communications Company (“TELUS” or the “Company”) is in receipt of a joint Part 1 application dated 29 January 2014 filed with the Commission by the Public Interest Advocacy Centre (“PIAC”) and Chimo Community Services (“Chimo”), (collectively the “Applicants”), regarding charges for wireless calls to helplines and other issues.
2. On 18 March 2014 TELUS filed with the Commission its substantive comments and answers to the Commission’s interrogatories as set in a Commission staff letter dated 3 March 2014. This letter and TELUS’ 18 March 2014 submission constitute TELUS’ full Answer to the Applicants’ Part 1 application.
3. In their application, the Applicants request that the Commission, i) require wireless service providers (“WSPs”) and resellers of wireless services provide access to helplines at no cost to users or the helplines in question and, ii) direct

that WSPs develop measures which protect the confidentiality of helpline users so that details of a call to a helpline (including account information which identifies the caller and helpline) are not disclosed by the WSP to anyone.

### **Overview of TELUS' Position**

4. TELUS opposes this application. First, the Applicants have not made any case as to why the Commission should rate regulate the wireless services that customers pay to access helplines via wireless services. They are asking for re-regulation of a forborne rate, and have not made a case out for such re-regulation. In addition, the Applicants incorrectly assert a *Telecommunications Act* (the “Act”) section 27(2) issue with the current rates, and in fact, they are the ones who might cause a section 27(2) problem if their relief is granted.
5. Just as importantly, the Applicants have not adequately defined their request, nor have they provided sufficient information to the Commission and respondent parties to assess the potential costs of the relief sought in the application. The application is deficient in that all of the responding WSPs<sup>1</sup> have stated that they are not able to adequately answer the questions posed by the Commission regarding the technical feasibility of the request, the potential costs involved, and issues that would need to be addressed in any potential IT architecture design, build, and management of a helplines system in Canada.
6. In the interrogatory responses, some WSPs including TELUS have stated their appreciation of the valuable work that all of these organizations do in so many communities across our vast country, but that is not an adequate justification to provide the relief sought. TELUS has previously stated the following:

TELUS agrees with the Applicants that those in need should not be deterred from calling helplines, or any other social service agency, and spending the time that the individual needs to get the help and advice that he/she requires. However there are significant public policy and social questions as to how society might fund such services and more importantly, how to determine which social or

---

<sup>1</sup> In addition to TELUS, see the answers to the Commissions interrogatories from Bell Canada and Bell Aliant (the “Companies”), Quebecor Media, MTS Inc., Rogers Communications and SaskTel filed 18 March 2014.

public service agencies might or should benefit from some sort of cost support<sup>2</sup>.

7. TELUS has also stated that because of the substantive and important public policy questions raised in this application, any such review requires the input of not just the Commission, and the parties to this proceeding, but all interested stakeholders in all jurisdictions. While SaskTel has suggested the possibility of establishing a CISC committee,<sup>3</sup> TELUS' position is that such suggestion is premature given the deficiencies and lack of information and substance in this application.
8. While TELUS does not support the application, it does have a long history and involvement with numerous non-profit organizations that maintain or support various helplines across Canada. TELUS also notes that there a number of organizations and individual interveners<sup>4</sup> who have expressed support for this application.
9. TELUS, its team members and retirees have longstanding relationships with more than half of the organizations that filed letters of support with the application. Our support includes a combination of both corporate support and individual support through TELUS' [Charitable Giving Program](#)<sup>5</sup>. Of the eight supporting organizations listed in the application, TELUS, our team members and retirees have contributed to five of these B.C. organizations as follows.

#### Ending Violence Association of BC

In April 2013, TELUS made an in-kind donation to provide 20 smartphones and network access to help launch a new mobile safety app, the "[SOS Response](#)" personal safety app,<sup>6</sup> designed to work as a 24/7 mobile, monitored alarm system. The program commenced as a pilot

---

<sup>2</sup> Paragraph 7 of TELUS' answer to interrogatories filed 18 March 2014.

<sup>3</sup> SaskTel's position is qualified by its comment that "telecommunication providers should not be expected to provide access to helplines at no cost."

<sup>4</sup> <https://services.crtc.gc.ca/pub/ListeInterventionList/Default-Default.aspx?en=2014-0084-5&dt=i&lang=e>

<sup>5</sup> [https://about.telus.com/community/en/team\\_telus/employee\\_charitable\\_giving/](https://about.telus.com/community/en/team_telus/employee_charitable_giving/)

<sup>6</sup> <http://www.swc-cfc.gc.ca/med/news-nouvelles/2013/0426-eng.html>

project in five B.C. communities: Prince George, Terrace, Vernon, Courtenay and Surrey. The focus of the pilot project is to increase the safety of women who are designated to be at high risk for domestic violence by an ex-partner who has been charged by police.

#### Family Services of Greater Vancouver

Since 2001, TELUS, our team members and retirees have contributed more than \$16,400 to the Family Services of Greater Vancouver.

#### Vancouver Coastal Health

Since 2002, TELUS, our team members and retirees have contributed more than \$12,600 in charitable contributions to the Vancouver Coastal Health Authority. TELUS also supports the various hospital foundations within the Vancouver Coastal Health Authority area. While TELUS is not able to ascertain if some of these monies have been allocated to support helplines directly, the foundations raise dollars to improve patient care within the authority area, help pay for specialized equipment and support medical research.

#### Women Against Violence Against Women Rape Crisis Centre

Since 2002, TELUS, our team members and retirees have contributed over \$16,780 to the Women Against Violence Against Women / Rape Crisis Centre.

#### Richmond Youth Service Agency

Since 2008, the Company and TELUS team members and retirees have also made financial contributions to the Richmond Youth Service Agency.

10. TELUS notes that the above information only relates to five of the BC organizations that the Applicants have noted in their application. The Company, our team members and retirees also support similar organizations, helplines and charities across all of Canada.

## **Application Does Not Present any Evidence as to Why Re-Regulation Is Justified**

11. In the application, the Applicants seek to have wireless rates for calls made to helplines to be free (also known as “zero-rated”) for customers. As a result, they are asking that the Commission impose rate regulation<sup>7</sup> for wireless services, services that have been forborne for many years by the Commission. As such, they are asking the Commission to revive their rate setting powers under sections 25 and 27(1) of the Act with respect wireless services.

12. In order for the Commission to reverse its forbearance order, a high evidentiary burden must be satisfied. The Commission set out this test in a recent decision.

In order to determine whether the sections of the Act that were the subject of forbearance should be reapplied in whole or in part, the evidence should demonstrate that the circumstances that gave rise to forbearance have changed to such an extent that the Commission’s original findings are no longer consistent with section 34 of the Act.<sup>8</sup>

13. Of note, under section 34(2) of the Act, the Commission has a duty to forbear if there is a competition sufficient to protect the interests of users. The Applicants have provided no evidence as to how rate regulation of wireless services is justified and therefore, it has not provided any basis as to why the Commission should rescind its forbearance order. TELUS also notes that it would be improper for the Applicants to file such evidence in its reply.

14. TELUS also adds that there are many solutions available already that allow customers to access helplines at no cost. These include access via a wireline telephone, including any payphone, calling from a wireless service during a free calling period based on the customer’s wireless plan, access via Internet chat or e-mail, or correspondence via SMS text messaging. All of these alternative modes of communication are available to customers.

---

<sup>7</sup> In section 2 of the Act, a rate is defined as including “zero consideration.”

<sup>8</sup> *Northwestel Inc. – Regulatory Framework, Modernization Plan, and related matters*, Telecom Regulatory Policy CRTC 2013-711, para. 211.

## **Relief Would Cause Unjust Discrimination and Undue Preference Issues**

15. A major issue with the application is that the Applicants have single out a category of helplines for zero rating of wireless calls, but there are many other equally worthy causes and public and private organizations that would also benefit from such proposed treatment. Charities, governments, first responders, hospitals and schools are all groups that use and pay for their telecommunications services.
16. TELUS' position is that it is extremely difficult to put in place a principled basis for choosing any such select group for preferential treatment, helplines or other, to the exclusion of other entities, all of which perform equally important social tasks and functions. As previously noted, such treatment could potentially contravene section 27(2) of the *Telecommunications Act* ("Act") because of different treatment of customer groups, leading to unjust discrimination or undue preference issues.
17. In the past, the Commission has examined the issue of preferential rates for entities such as health and educational organizations. The Commission itself has stated that preferential rates for certain organizations is "not consistent with today's competitive environment" because it would cause discounted rates "not otherwise available to other customers."<sup>9</sup> The Commission's statements in its past orders directly contradict the position of the Applicants that by "continuing to impose charges for wireless calls on users of helplines" WSPs are subjecting helplines and their users, to the detriment of to an undue or unreasonable disadvantage."<sup>10</sup> In fact, it is the Applicants who seek to impose a potential preference or advantage, because certain helplines would receive preferential treatment while other helplines or other public service organizations would not.

---

<sup>9</sup> See, for example, *Eligibility criteria for preferential tariffs to educational or health service entities*, Telecom Order CRTC 2004-59, para. 6 and Telecom Order CRTC 2003-454, para. 6 and 7.

<sup>10</sup> Application, para. 45.

### **Insufficient information or scope provided by the Applicants**

18. In the application and in their responses to the Commission's interrogatories, the Applicants do not provide any estimate of the number of helplines that might be included nor do they provide any suggestions as to how such helplines would be vetted and chosen for inclusion on a list for zero rating by a WSP. TELUS and other WSPs state that they are unaware of any organization that has the capability or mandate to take on the responsibility to vet, approve, and provide ongoing qualification of those helplines that might be suggested for zero rating.
19. TELUS reiterates that the zero-rating of a wireless call to a helpline (or to any number) imposes costs on WSPs. In addition to the actual loss of revenue, there are the network (capital and operating expenditures) costs to implement and maintain the zero-rating. Calling a helpline from a wireline phone is also not free. There is a cost to the subscriber to pay for the access to the wireline network to make the call, albeit those wireline costs are generally recovered through monthly flat rates, rather than metered usage. In essence, this Application proposes that the costs associated with wireless calls made to a select group of helplines from a subset of wireless subscribers be shifted on to all other wireless subscribers, businesses and organizations, because the costs for the zero rated calls must be recovered from other customers.

### **No consensus whether the Applicant's request is technically feasible**

20. TELUS has previously noted that the best measure currently available to ensure confidentiality, and which is technically feasible, is to call a helpline from a landline.
21. Another technical solution would require that a database of qualified helpline numbers be established, vetted and maintained by some third party and then shared with the WSPs. Such a process would be administratively burdensome and complex. TELUS cannot envision what third party would be willing to take on such a role, including the assumption of the liabilities associated with same. TELUS would also want to know what role(s) the Commission might assume in this process.

22. The WSPs operate multiple networks (LTE, HSPA, and CDMA) to serve subscribers using new and legacy devices. The architecture of some networks has also resulted in service providers operating multiple, connected regional networks. Given the complexity of wireless networks and the way that they are integrated with billing systems, TELUS' operations and billing teams are unsure whether TELUS could guarantee that all such calls that were to be zero would be captured by changes made to the Company's billing systems that would be necessary to attempt to comply with the Applicants' request.
23. The reality is that the WSP's ability to implement the requested changes, if the Commission were to require further feasibility studies if the concept is ever actually scoped sufficiently, are directly related to the capabilities of the WSPs existing IT and billing systems.
24. Assuming that a technical solution can be found, such a service would require ongoing support for troubleshooting, a process to regularly update the helpline numbers and various other operational issues and costs that all WSPs are not able to fully determine.
25. This is also not an issue of technical feasibility but an issue of customer transparency of their bills. In general, wireless services are metered, and in order to be transparent, a WSP must provide the customer with the ability to obtain detailed monthly billing so that the customer can ascertain the calls made and the charges associated with those calls. As a result, detailed billing is part of customer service transparency for postpaid wireless services.
26. If TELUS were to be required to zero rate wireless calls to specific designated helplines, TELUS would prefer not to display them as masked calls on customer invoices, but instead would prefer to not display them at all. Displaying masked calls to customers on an invoice would be a "call driver" to TELUS' customer service representatives, resulting in additional operational costs.
27. In summary, the information provided by the Applicants in their application and in their interrogatory responses is lacking in both clarity and detail with the result



that TELUS and the WSPs have all stated that we are unable to provide substantive answers to the Commissions question as to the steps or costs involved.

### **Contractual and privacy issues between WSPs and account holders**

28. Detailed monthly billing is available to a customer for billing transparency. Account holders have the right to see the usage on his/her account to see the services that they have incurred so that they can assess the correctness of their bills. This is a normal established industry practice for detailed monthly billing for postpaid wireless services.
29. TELUS has also previously noted that this Application raises potential privacy and *Personal Information Protection and Electronic Documents Act* (“PIPEDA”) issues if TELUS receives a request from an account holder for access to a record of a call made to a helpline. TELUS’ Wireless Service Terms give the account owner the right to “inspect any TELUS records related to the provision of your service, provided that you pay TELUS’ related extraordinary costs.” On its face, this provision gives the account holder the right to inspect any records related to the account holder’s service, including records of calls made by other users of that service, but it does not oblige TELUS to produce the invoices that include the information.
30. However, where a caller to a confidential helpline (e.g. a youth) and the account holder are different individuals, any record of that call in TELUS’ possession constitutes “personal information” for purposes of PIPEDA. The record can be regarded as personal information of the caller and, arguably, of the account holder as well. In any event, TELUS is obliged (and entitled) to treat that personal information in accordance with PIPEDA.
31. If TELUS received a request from the account holder for access to a record of a call made to a helpline and if TELUS thought that disclosure of that record to the account holder might endanger the security of the caller, then TELUS could refuse to disclose the record to the account holder pursuant to section 9(3)(c) of PIPEDA. This section of the Act permits TELUS to refuse to give access to

personal information “...if to do so could reasonably be expected to threaten the life or security of another individual.”

32. TELUS notes that while this right to refuse access is in conflict with the provision of TELUS’ Service Terms, common sense suggests that, where the caller’s security might be endangered by the disclosure of personal information, TELUS’ right to refuse access should take precedence over the account holder’s right of access.

### **WSPs unable to estimate costs**

33. TELUS and other WSPs have stated that it is impossible to provide an accurate estimate of costs at this time because the proposal remains ill-defined and is not fully scoped. WSPs and the Commission still don’t have an estimate of the number of helplines that might be involved, and statistics on the average number of calls and minutes per year that each eligible helpline might receive.
34. TELUS, Rogers, the Companies and SaskTel have all noted that a third party would be required to determine which helplines would qualify for zero rating and to maintain and update such a list. The costs associated with this aspect would also have to be factored in. Finally, the addition and/or deletion of helpline numbers would continue on an ongoing basis and would also require significant third-party administration and internal administration costs for the WSPs.

### **Other possible methods that could be explored so that customers do not incur charges for calls to helplines**

35. There are many methods that could be explored by the helpline providers themselves so that customers do not incur charges when they call for service. As noted before, any wireline call would be free, so customers could seek service using a wireline telephone. All payphones are equipped with free dialing to 1-800 numbers. Some helplines will have only a local number, while others will have toll free (provincial or national) lines so that the user can call from their local area code and not incur any long distance charges.

36. While the Applicants have stated that they do not want the helpline organizations picking up the costs to zero rate incoming calls, TELUS' position is that this is still an option that should not be dismissed outright. It is possible to set up a helpline service so that the cost of a call made from a wireless phone is picked up by the organization providing the helpline. For example, while not a helpline, the [#TAXI](#) service adds a charge (\$1.25 to \$2.50 per call) for the cost of using this service from a wireless phone.
37. TELUS also reviewed with its operations teams whether there are other possible options that might be available to help minimize the operational costs for organizations that have helplines. For example, the organization could possibly purchase bulk minutes at a discounted or special price and then the cost of the call would be zero-rated for the incoming caller. However, TELUS has not had any demand or request from not-for-profit organizations or helplines for this type of service.
38. In their answer to interrogatory 2 (a) The Companies discuss the [Kids Help Phone](#) ("KHP"). TELUS notes that the KHP alone is affiliated with approximately 37,000 organizations, which provides some idea of the scope that would be involved to accomplish the Applicant's request to extend zero rating for wireless customers to an undefined group of helplines. As TELUS has pointed out in its interrogatory answer, the KHP also allows the user to connect online and have a "[Live Chat](#)" with a counsellor during certain time periods.

### **Summary**

39. In summary, TELUS recognizes that the helplines are valuable services and has provided charitable support to many such organizations. However, this Part 1 Application asks has not presented any evidence as to why the Commission should rescind its longstanding retail rate forbearance order and regulate the rates for wireless services. In addition, the relief sought in this application amounts to preferential treatment but does not offer any principled basis so select which organizations should obtain such treatment. As such, such treatment could amount

to unjust discrimination or an undue preference, contrary to section 27(2) of the Act.

40. Furthermore, the application does not provide sufficient information nor does it address the key substantive and practical issues that would need to be resolved at the outset to allow TELUS and other WSPs to seriously review the merits of this proposal. For these reasons, the application should be denied by the Commission.

Yours truly,

*{Original signed by Stephen Schmidt}*

Stephen Schmidt  
Vice-President - Telecom Policy & Chief Regulatory Legal Counsel  
Telecom Policy & Regulatory Affairs

cc: [piac@piac.ca](mailto:piac@piac.ca)  
Distribution List from CRTC letter dated 17 February 2014  
Kay Saicheua, CRTC, [kay.saicheua@crtc.gc.ca](mailto:kay.saicheua@crtc.gc.ca)  
Nanao Kachi, CRTC, [nanao.kachi@crtc.gc.ca](mailto:nanao.kachi@crtc.gc.ca)  
Meghan Flood, CRTC, [meghan.flood@crtc.gc.ca](mailto:meghan.flood@crtc.gc.ca)  
Marten Burns, TELUS, (613) 597-8490

\*\* End of Document \*\*