



**Broadcasting and Telecom Notice of Consultation
CRTC 2015-239**

*Review of the structure and mandate
of the
Commissioner for Complaints for Telecommunications Services Inc.*

Intervention of the

**National Pensioners Federation (NPF)
Council of Senior Citizens' Organizations of British Columbia (COSCO)
&
Public Interest Advocacy Centre (PIAC)**

25 August 2015

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Executive Summary

E1. The National Pensioners Federation (NPF), Council of Senior Citizens' Organizations of British Columbia (COSCO) and Public Interest Advocacy Centre (PIAC) – together “**NPF-COSCO-PIAC**” – are pleased to provide the Canadian Radio-television and Telecommunications Commission with their comments on Broadcasting and Telecom Notice of Consultation CRTC 2015-239, *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*

E2. Looking forward, CCTS must have the right tools to mature into a robust, independent and accountable communications ombudsman who is able to effectively undertake complaints resolution, comprehensive research and reporting, and public outreach. In order to foster a path towards maturity, specific aspects of CCTS must be carefully overseen and directed by the Commission in the process of this review. These areas are:

1. Public awareness;
2. Mandatory participation;
3. Independent governance;
4. Adequate funding and budget;
5. Comprehensive research and reporting; and
6. Effective enforcement.

E3. **Public awareness:** The key missing piece in assessing public awareness is *measurement*. Public awareness of CCTS has been challenging for consumer groups and the Canadian public to determine due to a serious absence of regular measurement and reporting on public awareness—this data is crucial to assessing CCTS' effectiveness in carrying out its mandate. To that end, CCTS should be required to allocate funding to regular public awareness measurement and reporting. NPF-COSCO-PIAC also propose specific outreach and promotional requirements for CCTS and for Participating Service Providers.

E4. **Mandatory participation:** All service providers offering any communications services in the retail market in Canada should be required to participate in the CCTS immediately going forward if they do not do so already. All Canadian customers should have fair and equal access to an efficient, independent complaints resolution process free of charge. Mandatory participation would apply to all TVSPs, as well as TSPs, for both regulated and forborne services.

E5. **Independent governance:** NPF-COSCO-PIAC have serious concerns about the current Board structure and voting structure, which could create conflicts of interest on important issues. Therefore, NPF-COSCO-PIAC make several

recommendations regarding governance which include: equal representation of independent, consumer, and industry Directors; requirement for Board votes, not Member votes; and institution of Ordinary Resolution votes on matters critical to CCTS' ability to fulfill its mandate.

- E6. **Adequate funding and budget:** An adequate and transparent budget is critical to the ability of CCTS to carry out its mandate. TVSPs should be required to make additional funding contributions to CCTS on top of TSP contributions – even for integrated service providers. The CCTS annual budget should be made publicly available, and CCTS should be required to allocate sufficient funding to activities such as public awareness and outreach, and reporting.
- E7. **Comprehensive research and reporting:** The Commission should create clear CCTS reporting requirements, such as reports on public awareness and systemic issues, and regular reporting to the Commission on various issues including service provider non-compliance.
- E8. **Effective enforcement:** The Commission should be responsible for enforcing compliance with CRTC policies and orders related to the CCTS, CCTS decisions, and all other Participating Service Provider obligations towards the CCTS.
- E9. A summary of NPF-COSCO-PIAC's recommendations can be found below.

NPF-COSCO-PIAC RECOMMENDATIONS:

Consumer Experience with CCTS

Recommendation 1: The CCTS should be required to commission public opinion research yearly on an ongoing basis, and to have the results of this research published in the Annual Report and made publicly available in full.

Recommendation 2: The CCTS must provide its website and key information in multiple languages in addition to English and French.

Recommendation 3: The CCTS must make accessibility tools more visible and widely available on its website.

Public Awareness

Recommendation 4: The Commission should impose public awareness requirements on CCTS such as:

- A CCTS Marketing and Communications Budget;
- A CCTS Research Budget, part of which will be used to commission research on public awareness and consumer preferences in learning about CCTS;
 - Promotional materials in various languages;
- Regular meetings or a “Consumer Forum” between CCTS and consumer groups;
and
- Regular reporting in addition to CCTS Annual Reports.

Recommendation 5: The Commission should impose public awareness requirements on Participating Service Providers such as:

- Public Service Announcements;
- Emails and SMS messages promoting CCTS; and
- Automated messages promoting CCTS when customers contact customer service representatives.

Recommendation 6: The Commission should order the establishment of a transparent, annual CCTS research budget to conduct surveys and further examine the effectiveness of public awareness initiatives.

Participation in the CCTS

Recommendation 7: CCTS participation must be mandatory and immediately effective for all communications service providers (including TVSPs and telecommunications resellers) and customers (regulated and forborne services) going forward.

CCTS Mandate

Recommendation 8: The CCTS’ mandate should include complaints about goods or services that are bundled or sold with a communications service, except customer-provided equipment.

CCTS Structure

Recommendation 9: The CCTS Board of Directors should consist of:

- 3 Industry Directors;
- 3 Consumer Directors;
- 2 Independent Directors; and
- 1 Independent Chair,

each of whom are subject to terms of no more than 6 years.

Recommendation 10: Matters such as:

- Appointment of the Commissioner;
- Compensation of the Commissioner;
- Repeal or amendment of any provisions in the Procedural Code;
- Level of CCTS funding, including Participating Service Provider fees and costs;
- Annual Budget;
- Business Plan; and
- Participation Agreement,

must be determined by Ordinary Resolution votes of the Board of Directors.

Recommendation 11: If the Commission does not implement Recommendation 10, then Industry Directors should be excluded from voting on specific matters which could raise potential conflicts of interest such as: (i) outreach and public awareness, (ii) research, (iii) reporting, and (iv) funding for these initiatives.

Recommendation 12: While incorporating TVSP representatives, the CCTS Board should retain the same number of Industry Directors in total – that is, 3 Industry Directors.

Remedies

Recommendation 13: The \$5,000 compensation cap should be raised to \$25,000.

Reporting

Recommendation 14: The Commission should create clear CCTS reporting requirements, including:

- (i) Complete and transparent Mid-Year and Annual Reports,
- (ii) Investigative and research reports, e.g. on systemic issues and trends,
- (iii) Regular reports to the CRTC on matters such as systemic issues and service provider compliance, and
- (iv) An annual “Ombudsman’s Report.”

Enforcement

Recommendation 15: The Commission should be responsible for enforcing compliance with CRTC policies and orders related to CCTS, CCTS decisions, and all other Participating Service Provider obligations towards the CCTS.

Budget and Funding

Recommendation 16: The CCTS should be required to make its annual budget publicly available.

Recommendation 17: The CCTS should be required to allocate sufficient funding in its annual budget to support activities such as:

- (i) Public awareness and outreach activities,
- (ii) Comprehensive and transparent Mid-Year and Annual Reports,
- (iii) Investigations, research and reporting on systemic issues,
- (iv) Regular reports to the Commission, and
- (v) The Ombudsman's Report.

Recommendation 18: TVSPs should be required to contribute to CCTS funding on top of current contributions from TSPs.

Future Review

Recommendation 19: The CCTS should continue to be reviewed every five years with flexibility to review serious issues within a shorter time frame, should the Commission decide that circumstances so warrant.

Recommendation 20: The CCTS Performance Report should include more detailed metrics, such as those related to customer and stakeholder satisfaction, and describe strategies for improvement.

Glossary of Abbreviations

ACMA	Australian Communications and Media Authority
CCTS	Commissioner for Complaints for Telecommunications Services
CFC	U.K. Consumer Forum for Communications
CRTC	Canadian Radio-television and Telecommunications Commission
FCC	U.S. Federal Communications Commission
OBSI	Ombudsman for Banking Services and Investments
TIO	Australia Telecommunications Industry Ombudsman
TSP	Telecommunications Service Provider
TVSP	Television Service Provider

1. Putting CCTS on the Path Forward

1. The National Pensioners Federation (NPF), Council of Senior Citizens' Organizations of British Columbia (COSCO) and Public Interest Advocacy Centre (PIAC) – together “**NPF-COSCO-PIAC**” – are pleased to provide the Canadian Radio-television and Telecommunications Commission (**CRTC** or **Commission**) with their comments on Broadcasting and Telecom Notice of Consultation CRTC 2015-239, *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*
2. Canadians may have changed the way they access and use communications services since the Governor in Council ordered the creation of a “Consumer Agency” in 2007, but communications services are more central to everyday life than ever—and are still growing in importance.
3. In 2007, there were 48.9 million telecommunications connections in Canada.¹ In 2013, there were 51.5 million.² In 2007, there were only about 5.0 million subscriptions of bundled services.³ In 2013, that number had doubled to 10.4 million.⁴
4. It is therefore now equally, if not more, important for Canadians to have independent recourse to resolve problems and challenges they encounter with their communications service providers.
5. These problems are neither rare nor inconsequential. The Commissioner for Complaints for Telecommunications Services (**CCTS**) has seen its role evolve into a fair, experienced and established ombudsman for telecommunications complaints and concerns over the last seven years. In its first 2007-2008 Annual Report, CCTS said it had accepted 2,226 complaints within its mandate that year.⁵ By the time of its 2013-2014 Annual Report, CCTS had accepted 11,340 complaints in the previous year.⁶ The scope of CCTS' responsibilities has also widened, as the organization now administers binding codes of conduct such as the Wireless Code and the Deposit and Disconnection Code.
6. Looking forward, CCTS must have the right tools to mature into a robust, independent and accountable communications ombudsman who is able to effectively undertake complaints resolution, comprehensive research and reporting, and public outreach. In order to foster a path towards maturity, specific

¹ CRTC, *Communications Monitoring Report* (July 2010), Table 5.1.8.

² CRTC, *Communications Monitoring Report* (October 2014), Table 2.0.3.

³ CRTC, *Communications Monitoring Report* (September 2012), Table 5.1.10.

⁴ CRTC, *Communications Monitoring Report* (October 2014), Table 2.0.4.

⁵ CCTS, *2007-2008 Annual Report* (October 2008) at p 10.

⁶ CCTS, *Annual Report 2013-14* (2014) at p 9.

aspects of CCTS must be carefully overseen and directed by the Commission in the process of this review. These areas are:

- 7. Public awareness;**
- 8. Mandatory participation;**
- 9. Independent governance;**
- 10. Adequate funding and budget;**
- 11. Comprehensive research and reporting; and**
- 12. Effective enforcement.**

7. NPF-COSCO-PIAC's recommendations in regards to these areas are focused on strengthening CCTS' ability to effectively carry out its mandate as an independent ombudsman. Measures must be in place to continuously promote and improve *public awareness* of CCTS, ranging from the awareness of complainants to that of the average communications customer. There must also be *mandatory participation* of and contributions from all service providers offering communications services in Canada for all customers—all Canadians deserve to avail themselves of CCTS services. CCTS can only operate as a truly independent and effective ombudsman where the independence of its *governance* structure is safeguarded. In a similar vein, the Commission must ensure that CCTS is given adequate *funding* and allocated appropriate budget expenses so that it is able to carry out activities important to its role and responsibilities. CCTS must remain accountable to the Commission and to Canadians by undertaking *comprehensive research and reporting* on its role and activities. Finally, the Commission must ensure there are effective *enforcement* mechanisms for service providers who do not comply with CRTC policies and orders related to the CCTS, CCTS decisions, and all other obligations towards the CCTS.
8. Although NPF-COSCO-PIAC will answer the Commission's questions in numerical order rather than addressing each of these issues separately, NPF-COSCO-PIAC's responses altogether will touch on each of these areas.

2. The Service an Independent Communications Ombudsman Provides to Consumers (Q1)

1) *Comment on how an independent communications ombudsman serves the needs of consumers.*

- *Address the service that it provides by resolving complaints about phone, wireless, and Internet services, reporting on these complaints, and administering related codes of conduct.*
- *Address the service it would provide by resolving complaints about television services, reporting on these complaints, and administering related codes of conduct.*

9. The CCTS operates as a not-for-profit organization and has a mandate to assist consumers with concerns about products and services offered in the telecommunications sector, including:

- Home Telephone;
- Long Distance telephone services (including prepaid calling cards);
- Wireless phone services (including voice, data, and text);
- Wired and wireless Internet access services;
- White page directories, Directory assistance, and Operator services; and
- Other forborne (unregulated) retail telecommunications services.⁷

10. The types of concerns handled by the CCTS are issues that arise between consumers and service providers, such as:

- Compliance with contract terms and commitments (but not the contract terms themselves).
- Billing disputes and errors (but not the price of the service itself).
- Service Delivery – concerns regarding the installation, repair or disconnection of service; and
- Credit management. For example, complaints about security deposits, payment arrangements and collections treatment of customer accounts.⁸

11. According to the 2013-2014 Annual Report of the CCTS, 11,340 complaints were accepted, or reached stage 2 of the compliant resolution process described by the CCTS in their Annual Reports.⁹ Of those complaints, 11,196 or 99% were concluded before the CCTS was compelled to issue a recommendation to both

⁷ Commissioner for Complaints for Telecommunications Services, *Mandate*, <<http://www.ccts-cprst.ca/complaints/mandate>>.

⁸ Commissioner for Complaints for Telecommunications Services, *Mandate*, <<http://www.ccts-cprst.ca/complaints/mandate>>.

⁹ Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p. 7.

parties proposing a resolution.¹⁰ Of the complaints that were concluded, 87% were successfully resolved, and only 7 required the CCTS to make an official recommendation (stage 5) while 1 required a decision (stage 6).¹¹ The remaining 13% of concluded complaints (1,434) were done so for any number of reasons, including:

- A determination by the CCTS that a service provider reasonably met their obligations to the customer;
- The service provider extended a resolution that was reasonable to the CCTS but rejected by the customer; or
- The customer withdrew the complaint.¹²

The CCTS also noted 77% of complaints to the CCTS in 2013-2014 were concluded within 40 days.¹³

12. NPF-COSCO-PIAC submit that, when compared to alternative industry dispute resolution models, the CCTS model appears to have numerous positive attributes. For instance, CCTS' primary focus is to resolve complaints relating to a customer's telecommunications services. Other organizations of this nature can be given numerous other regulatory tasks and responsibilities that may limit their overall success.
13. For those complainants that are compelled to contact the CCTS, the agency appears to be very accessible, has a simple process for complaint handling, and attempts to provide resolution in a timely fashion. Complaints are accepted through multiple channels – online, using a telephone or by mail. Once the relevant documentation is provided by complainants, the necessary investigative effort is carried out by CCTS agents. As noted, the vast majority of complaints are resolved before the CCTS is compelled to issue a recommendation, and 77% of complaints to the CCTS in 2013-2014 were concluded within 40 days, while 89% were processed within 60 days.¹⁴
14. Survey evidence suggests those who use the CCTS are satisfied with the service. For instance, from 2010-2011 to 2012-2013, over 90% responded it was relatively easy to contact the CCTS.¹⁵ In both years, at least 84% of respondents noted the

¹⁰ Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p. 7.

¹¹ Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p. 7.

¹² Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p.

34.

¹³ Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p. 7.

¹⁴ Commissioner for Complaints for Telecommunications Services, *2013-2014 Annual Report*, p. 3.

¹⁵ Commissioner for Complaints for Telecommunications Services, *2012-2013 Annual Report*, p.

25, Commissioner for Complaints for Telecommunications Services, *2011-2012 Annual Report*, p.

23 and Commissioner for Complaints for Telecommunications Services, *2010-2011 Annual Report*,

p. 33.

service they received, whether from contact centre agents, complaint resolution agents or investigators, was polite and professional.¹⁶ Finally, over 70% of respondents surveyed each year felt CCTS staff acted impartially and the complaint process was fair.¹⁷

15. Certain levels of transparency provided by the CCTS must also be noted. The agency provides detailed information on the structure of organization, senior staff, its complaint process, detailed annual reporting on complaints statistics, as well as the identification of systemic industry issues.
16. NPF-COSCO-PIAC anticipates that CCTS would conduct its service in a similar manner as described above to resolve complaints concerning the provision of television services.

3. The Consumer Experience with the CCTS (Q2-Q3)

2) The CCTS surveys customers who have used its services and publishes the results in order to obtain feedback on the quality of service it provided and to identify areas for improvement. Does the survey provide an effective and appropriate measurement of consumer satisfaction?

17. Generally, the surveys conducted by the CCTS provide an effective and appropriate measurement of CCTS customer satisfaction, which is separate from consumer satisfaction. However, NPF-COSCO-PIAC question what appears to be at times incomplete and inconsistent reporting of all customer survey results.
18. There is evidence to suggest the CCTS used to be more forthcoming about the release of their customer surveys, even if it resulted in questions being raised regarding the level of public awareness of the organization. For instance, the customer survey results found in the CCTS Annual Report for 2013-2014, when compared to the Annual Reports for 2010-2011, 2011-2012 and 2012-2013, appeared to be less comprehensive – with the number of survey respondents as well as the results from the following questions notably missing:

¹⁶ Commissioner for Complaints for Telecommunications Services, *2012-2013 Annual Report*, p. 25-26, Commissioner for Complaints for Telecommunications Services, *2011-2012 Annual Report*, p. 23-24, and Commissioner for Complaints for Telecommunications Services, *2010-2011 Annual Report*, p. 33-34.

¹⁷ Commissioner for Complaints for Telecommunications Services, *2012-2013 Annual Report*, p. 26, Commissioner for Complaints for Telecommunications Services, *2011-2012 Annual Report*, p. 24, and Commissioner for Complaints for Telecommunications Services, *2010-2011 Annual Report*, p. 34.

Year	Did your service provider tell you about the CCTS?	Have you seen a notice of CCTS on your bill?	Have you seen a notice about CCTS on your service provider's website?
	% Responding "Yes"		
2010-2011	8.11	9.43	9.59
2011-2012	6.7	14.4	9.8
2012-2013	9.9	15.2	16.7
2013-2014	Not Published	Not Published	Not Published

19. Coincidentally, upon release of the 2012-2013 Annual Report of the CCTS, [PIAC raised concerns](#) regarding the obligation of carriers to promote the existence of the CCTS by various methods.¹⁸ PIAC anticipated reviewing the figures in the 2013-2014 Annual Report to identify any trends or observe any progress on the three measures outlined in the table above. As a result, PIAC was disappointed to learn that this was not possible since the CCTS decided not to publicize these figures in 2013-2014. It is clear from the information provided by the CCTS to the Commission for this proceeding the agency still collects this information.¹⁹ By not making this information public, NPF-COSCO-PIAC believe all stakeholders were hindered in their ability to determine the effectiveness of public awareness initiatives related to the CCTS. Moreover, the decision not to include the customer survey results for the questions addressed in the table above is in direct contradiction to the Commission's expectations outlined in Telecom Regulatory Policy CRTC 2011-46. At that time the Commission stated the following regarding public awareness initiative reporting:

"The Commission considers that the CCTS's annual report is the key mechanism by which its stakeholders, including consumers, TSPs, and the Commission, can assess the CCTS's performance on matters such as the results of its complaint resolution activities, trends in complaints,

¹⁸ PIAC, "Annual Report Shows Telecom Providers not Advising Consumer of Complaint Body." *Media Release*. November 6, 2013. Online: <<http://www.piac.ca/our-specialities/annual-report-shows-telecom-providers-not-advising-consumers-of-complaints-body/>>.

¹⁹ CCTS (2015). "CCTS Customer Survey – English/French Breakdown," *CCTS Submission to CRTC Notice of Consultation 2015-239*, Attachment 25. The attachment provides data entries for percentage of respondents who recall seeing a bill message and list "Service Provider" as an option under the response group labeled "Other." However, by omitting the number of respondents, or the percentage of respondents under the columns of the table labeled "ENG" and "FRE" it is difficult to determine figures that are comparable to data provided by the CCTS in their Annual Reports for 2010-2011, 2011-2012 and 2012-2013.

operational improvements, and **the effectiveness of public awareness initiatives**. In this regard, the Commission considers that the annual report should be **as comprehensive as possible**.”

In light of the above, the Commission expects the CCTS to include, at a minimum, each of the following items in its annual report:

- (a) total contacts divided into total complaints and total non-complaint contacts;
- (b) total complaints divided into closed and open complaints;
- (c) total complaints divided into in-scope and out-of-scope complaints;
- (d) total in-scope complaints divided into a list of in-scope services or matters;
- (e) total out-of-scope complaints divided into each item in the CCTS’s list of 16 out-of-scope services or matters, as set out in its Procedural Code;
- (f) remedies awarded and accepted (at the recommendation and decision stages) during that year; and
- (g) **measurements of public awareness** and customer satisfaction.²⁰

- 20. NPF-COSCO-PIAC argue that measurements of public awareness of the CCTS should go much further than issuing and selectively publicizing customer surveys by the CCTS. In fact, in order to meet the standard spelled out by the Commission in Telecom Regulatory Policy CRTC 2011-46, the CCTS should be compelled to commission public opinion research on an ongoing basis, and have the results of this research publicly available in full.
- 21. NPF-COSCO-PIAC believe that the manner in which this research is disclosed may be made at the discretion of the CCTS. However, the determination of whether it should be disclosed should not. NPF-COSCO-PIAC believes the notion that public awareness of an organization can be appropriately measured when the organization only surveys its own customers is simply inadequate. Furthermore, NPF-COSCO-PIAC believe that until a substantial proportion of the Canadian public is aware the CCTS exists, *attempting to determine its effectiveness in fulfilling its mandate will remain inconclusive*.

²⁰ Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011 at para. 33. Online: <<http://www.crtc.gc.ca/eng/archive/2011/2011-46.htm>>. See also Commissioner for Complaints for Telecommunications Services, *Developing Public Awareness of CCTS – Updated*, <<http://www.ccts-cprst.ca/documents/public-awareness>>. (Emphasis added)

Recommendation 1: The CCTS should be required to commission public opinion research yearly on an ongoing basis, and to have the results of this research published in the Annual Report and made publicly available in full.

3) *For consumers who have made a complaint with the CCTS, comment on your experience in using the CCTS for resolving your dispute.*

22. NPF-COSCO-PIAC believe that the CCTS website and complaints receiving process could be significantly improved to increase access to and accessibility of its services.
23. While CCTS services are offered in English and French, the CCTS must make its website, information tools, services, and staff available in various non-official languages spoken by Canadians. The 2011 Canadian Census showed that 3.67 million Canadians, or 11.0% of the population, most often spoke a non-official language at home.²¹ Moreover, 6.56 million Canadians, or 19.8% of the population, had a mother tongue that was a not English or French.²²
24. Other ombudsman and provincial regulators offer information and services in multiple languages. The Ombudsman for Banking Services and Investments and Travel Industry Council of Ontario websites can be accessed in 14 languages in addition to English and French. The UK Ombudsman Services provides a Google Translate tool on its website as well as key information in 9 languages other than English.²³ And the TIO in Australia provides a factsheet in 32 languages other than English.²⁴
25. Therefore, the CCTS should be required to provide:
 - Its website; and
 - Key information (e.g. complaints contact information, types of complaints the CCTS can receive, requirements to approach service provider first

²¹ Statistics Canada, *Population by language spoken most often and regularly at home, age groups (total), for Canada, provinces and territories* (2011), online: StatCan <<https://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hltfst/lang/Pages/Highlight.cfm?TabID=1&Lang=E&PRCode=01&Age=1&tableID=403&queryID=1>>.

²² Statistics Canada, *Population by mother tongue and age groups (total), 2011 counts, for Canada, provinces and territories* (2011), online: StatCan <<https://www12.statcan.gc.ca/census-recensement/2011/dp-pd/hltfst/lang/Pages/highlight.cfm?TabID=1&Lang=E&Asc=1&PRCode=01&OrderBy=999&View=1&tableID=401&queryID=1&Age=1>>.

²³ See for instance: Ombudsman Services, "Meeting your needs," online: Ombudsman Services <<http://www.ombudsman-services.org/meeting-your-needs.html>> (accessed 20 July 2015).

²⁴ Telecommunications Industry Ombudsman, "Translations," online: TIO <<https://www.tio.com.au/publications/translations>> (accessed 20 July 2015).

in as many languages as possible in order to improve access to the CCTS' services.

26. Furthermore, the CCTS must make its accessibility services more prominent on its website. It is now common to find clear options on ombudsman websites to increase the font size, to change the colour of the webpage, or to access an "Accessibility" link. The UK Ombudsman Services also provides sign language interpretation. These types of tools are entirely invisible on the CCTS website. Therefore, the CCTS should also be required to make these and other types of accessibility readily available.

Recommendation 2: The CCTS must provide its website and key information in multiple languages in addition to English and French.

Recommendation 3: The CCTS must make accessibility tools more visible and widely available on its website.

4. Public Awareness of the CCTS (Q4-Q8)

4) What measures, including online approaches, should the CCTS take to promote itself and increase public awareness of the CCTS?

27. The Ombudsman for the Province of Ontario, André Marin, has written that an Ombudsman's work, like justice in a democracy, must not only be done – it must, in many cases, be seen to be done.²⁵ It cannot exist in a vacuum. Mr. Marin contends "that value can only be achieved when citizens know about an Ombudsman's office and the work that it does."²⁶
28. Public awareness to promote the CCTS as an avenue for Canadian consumers was considered during the proceedings leading to Telecom Decision 2007-130 and Telecom Regulatory Policy CRTC 2011-46. The initiatives derived from these proceedings have been helpful; however, it is clear the challenge of having the existence of the CCTS as common knowledge in Canada still persists. As such,

²⁵ André Marin & Gareth Jones (2010). *Impact and Progress: Measuring Ombudsman Performance: Setting Performance Standards and Indicators*. Asian Ombudsman Association/Asian Development Bank. Page 54.

²⁶ André Marin & Gareth Jones (2010). *Impact and Progress: Measuring Ombudsman Performance: Setting Performance Standards and Indicators*. Asian Ombudsman Association/Asian Development Bank. Page 54.

NPF-COSCO-PIAC propose that the following initiatives be considered in order to promote the CCTS while raising public awareness of the organization.

4.1 Public awareness initiatives for CCTS

29. **Establish a Marketing and Communications Budget for the CCTS** – The Commission should consider requiring the CCTS to establish a designated budget for marketing and communications that is transparent and disclosed and reviewed in CCTS Annual Reports going forward.
30. NPF-COSCO-PIAC believe some members of the CCTS Board of Directors are incentivized to have the budget and expenses associated with the CCTS remain in obscurity. However, NPF-COSCO-PIAC believe that allowing this obscurity to contribute to the lack of public awareness of the CCTS would be unacceptable.
31. As an alternative, NPF-COSCO-PIAC suggest the Commission require the CCTS to establish a Marketing and Communications Budget for the express purpose of raising the level of public awareness about the organization. The proposed communications budget should be made public so all stakeholders, including the Commission, are aware of the financial resources allocated to meet this challenge.
32. **Create promotional materials in multiple languages** – A significant portion of Canadian consumers engage in communications services in a language other than English or French.²⁷ The Commission should acknowledge this reality by recommending that the CCTS develop and distribute communications material in multiple languages. The Telecommunication Industry Ombudsman in Australia, for instance, produces a fact sheet in over 30 languages as well as multilingual brochure.²⁸
33. **Research Budget for CCTS** – The expectations outlined in Telecom Regulatory Policy CRTC 2011-46 made it clear measurements of public awareness were supposed to be collected and publicly distributed. Unfortunately, it appears this has not happened for four years, and that, in fact, the CCTS' level of transparency in this regard has at times declined since Telecom Regulatory Policy CRTC 2011-46 was issued. As a result, the Commission should require the CCTS to designate an annual research budget that would be publicly transparent. Part of the research budget would be used in particular to ensure that the Commission's 2011

²⁷ More than 200 languages were reported in the 2011 Census of Population as a home language or mother tongue. In fact, 6.2% of Canadians spoke a language other than English or French as their sole home language. Statistics Canada, *Linguistic Characteristics of Canadians*. Online: <<http://www12.statcan.ca/census-recensement/2011/as-sa/98-314-x/98-314-x2011001-eng.cfm>>.

²⁸ Telecommunication Industry Ombudsman (TIO), *Personal Correspondence with PIAC*, July 20, 2015.

expectation for measurements of public awareness is fulfilled and the results made public.

34. This measurement of public awareness research should be conducted at least every two years until the next CCTS review to identify trends and potential focus of future outreach activities. When the Telecommunication Industry Ombudsman (TIO) in Australia began assessing public awareness, it conducted surveys in 2004, 2006, 2008.²⁹ After a baseline of research results were established, the following survey was not conducted until 2012. NPF-COSCO-PIAC suggest a similar strategy could be undertaken to measure aspects of public awareness of the CCTS.
35. Alternatively, NPF-COSCO-PIAC suggest the Commission could take it upon itself to monitor the level of public awareness of the CCTS and include these figures in the Commission's annual *Communications Monitoring Report* going forward.
36. **Regular meetings with consumer representatives** – Research from other jurisdictions indicates regular interaction between the communication services industry ombudsman and consumer representatives is an effective method to share information and views with each other to the benefit of all stakeholders.³⁰ While the current structure of the CCTS does enable input from consumer representatives, there are currently no formalized meetings between consumer representatives and CCTS officials.
37. **Report newsworthy results in a timely fashion** – NPF-COSCO-PIAC contends there are no constraints compelling the CCTS to wait until the production of its Annual Report to release information that may be of interest to consumers. Many ombudsman offices release newsworthy achievements routinely, while the release of the Mid-Year report by the CCTS in 2015 was the exception rather than the norm. Releasing information in a more timely fashion provides the CCTS additional opportunities to engage the media and the public directly. These additional interactions will continually demonstrate the value of the agency and justify its existence as the independent arbiter between Canadians and their telecommunications service providers.

²⁹ Telecommunication Industry Ombudsman (TIO), *Personal Correspondence with PIAC*, July 20, 2015.

³⁰ Ofcom. Consumer Forum for Communications. Online: <<http://www.ofcom.org.uk/about/how-ofcom-is-run/organisations-we-work-with/consumer-forum-for-communications/>>; TIO (2013). TIO Talks. No. 3, P. 6. Online: <https://www.tio.com.au/__data/assets/pdf_file/0016/140560/TIOTalks_No3_2013_web.pdf>; ComReg. Consumer Advisory Panel. Online: <http://www.comreg.ie/consumer_initiatives/consumer_advisory_panel.593.html>; and Commission for Communications Regulation (ComReg), Annual Report 2012. Dublin, Ireland. p. 13. Online: http://www.comreg.ie/_fileupload/publications/COMREGAR12.pdf.

38. **Ask consumers how they would prefer to learn about CCTS** – In the United Kingdom, the Financial Ombudsman Service learned in 2010 that the most popular means of hearing about the ombudsman service was on television, with 55% of survey respondents saying this is how they would most like to learn about the service.³¹ However, the same data revealed a substantial number of respondents preferred hearing about the ombudsman online (29%).³² Stakeholders and the CCTS itself will remain unaware of the types of platforms are most effective in generating greater public awareness until they, or the Commission, employ the time and resources to ask Canadians and analyze the results.

Background

39. NPF-COSCO-PIAC are concerned that no consistent, formal measurement of public awareness of the CCTS has taken place since Telecom Regulatory Policy CRTC 2011-46 was issued. Without these types of indicators, stakeholders cannot determine with any certainty whether the approaches developed through the consultations leading up the Telecom Regulatory Policy CRTC 2011-46 have been effective in raising public awareness of the CCTS.
40. The CCTS noted to the Commission that budgetary pressures have limited either the number of initiatives that CCTS could undertake or how soon CCTS could undertake them.³³ The information supplied by the CCTS to the Commission indicates that adhering to the public awareness reporting expectations spelled out under Telecom Regulatory Policy CRTC 2011-46 is not considered by the CCTS as “closely related to its core mandate.”³⁴
41. The CCTS also indicated the challenge of measuring success of public awareness activities.³⁵ However, NPF-COSCO-PIAC note that in contrast, Australia’s Telecommunication Industry Ombudsman (TIO), which is responsible for a similar mandate to the CCTS in a similarly sized market, has conducted public awareness surveys in 2004, 2006, 2008, and 2012.³⁶ As a result, the TIO has been able to

³¹ Financial Ombudsman Service (2010). “Ombudsman Focus: The Ombudsman’s Consumer-Research Work,” *Ombudsman News*. Issue 85. Online: <<http://www.financial-ombudsman.org.uk/publications/ombudsman-news/85/85-ombudsman-focus.htm>>.

³² Financial Ombudsman Service (2010). “Ombudsman Focus: The Ombudsman’s Consumer-Research Work,” *Ombudsman News*. Issue 85. Online: <<http://www.financial-ombudsman.org.uk/publications/ombudsman-news/85/85-ombudsman-focus.htm>>.

³³ CCTS (2015). “Information requested by the Canadian Radio-television and Telecommunications Commission: Q3,” *CCTS Submission to CRTC Notice of Consultation 2015-239*. Page 6.

³⁴ CCTS (2015). “Information requested by the Canadian Radio-television and Telecommunications Commission: Q3,” *CCTS Submission to CRTC Notice of Consultation 2015-239*. Page 6.

³⁵ CCTS (2015). “Information requested by the Canadian Radio-television and Telecommunications Commission: Q3,” *CCTS Submission to CRTC Notice of Consultation 2015-239*. Page 6.

³⁶ Telecommunication Industry Ombudsman (TIO), *Personal Correspondence with PIAC*, July 20, 2015. See also TIO, “Consumer Awareness of TIO at an All-time High,” *Media Release*, March 13,

determine that more than 33% of Australians said they would contact the TIO if they could not resolve a complaint with their service provider (unaided awareness).³⁷ Moreover, observers can conclude this was a vast improvement on the 15% of respondents who were aware of the TIO during the last public awareness survey conducted by the TIO in 2008.³⁸

42. NPF-COSCO-PIAC also found that, depending on the ombudsman concerned, 37 to 45% of those surveyed in the United Kingdom in 2003 were aware of an ombudsman without prompting.³⁹ Other ombudsmen, such as the Police Ombudsman of Northern Ireland, enjoy even greater public recognition rates.⁴⁰ In addition, in 2003, the Office of the Ombudsman in British Columbia reported that 73% of survey respondents had heard of their office.⁴¹
43. There are precedents for tracking the public awareness of ombudsmen in Canada. Shortly after the introduction of the first ombudsman in North America, the Alberta Ombudsman in 1967, approximately 1,000 Albertans were surveyed in 1969 and again in 1971. The result found that 8% of those surveyed mentioned the Ombudsman unprompted as a possible avenue for complaint resolution.⁴² NPF-COSCO-PIAC suggest the 1977 study contains measurements the Commission and the CCTS may wish to consider to address the challenge of measuring the public awareness of an ombudsman.⁴³

2013. Online: <<http://www.tio.com.au/publications/news/consumer-awareness-of-tio-at-all-time-high>>.

³⁷ Telecommunication Industry Ombudsman. "Consumer Awareness of TIO at an All-time High," *Media Release*, March 13, 2013. Online: <<http://www.tio.com.au/publications/news/consumer-awareness-of-tio-at-all-time-high>>.

³⁸ Telecommunication Industry Ombudsman. "Consumer Awareness of TIO at an All-time High," *Media Release*, March 13, 2013. Online: <<http://www.tio.com.au/publications/news/consumer-awareness-of-tio-at-all-time-high>>.

³⁹ Trevor Buck, Brian Thompson & Richard Kirkham, *Ombudsman Enterprise and Administrative Justice* (Ashgate Publishing Group, 2011). P. 94.

⁴⁰ Trevor Buck, Brian Thompson & Richard Kirkham, *Ombudsman Enterprise and Administrative Justice* (Ashgate Publishing Group, 2011). P. 94, 96, and Police Ombudsman for Northern Ireland (2010), *Annual Report and Accounts*. Page 42. The Financial Services Ombudsman in the United Kingdom enjoyed a 73 per cent recognition rate in 2009 when respondents were prompted and the Police Ombudsman of Northern Ireland enjoyed public recognition rates between 84% and 90% from 2002 to 2010.

⁴¹ British Columbia (2003). *Budget Submission Fiscal 2005-2007*. Office of the Ombudsman. Page 19.

⁴² KA Firedmann, 'The Public and the Ombudsman: Perceptions and Attitudes in Britain and in Alberta', 1977, *Canadian Journal of Political Science*. Volume 10, Issue 03. Page 500.

⁴³ CCTS and the Commission may also wish to review Myer Siemiatycki et al. (2015). *The Impact of Ombudsman Investigations on Public Administration: A Case Study and Evaluation Guide*. Office of Toronto Ombudsman. Pages 59-83. Online: <<http://www.glendon.yorku.ca/cappa2015/wp-content/uploads/sites/22/TPresentation-Siemiatycki-the-Impact-of-Ombudsman-Investigations-on-Public-Administration-Final1.pdf>>.

44. NPF-COSCO-PIAC also note the Ombudsman for the Province of Ontario released a detailed analysis in 2010 of strategies to be employed in order to raise the public awareness of an Ombudsman's Office. The 60-page report outlines six performance measurement principles focusing on measuring the overall impact that an Ombudsman office makes in meeting its primary goal of improving good governance and tackling maladministration.⁴⁴
45. A January 2015 study of the Office of the City of Toronto Ombudsman highlighted the benefits of ongoing collection of qualitative and quantitative data related to the work of city ombudsman's office.⁴⁵ The continuous capture of information allows for the analysis of geographic trends over time.⁴⁶ Ongoing evaluation can allow ombudsman to draw connections between changing circumstances.
46. Part of the role of the CCTS, in NPF-COSCO-PIAC's view, is to promote to the public at large that an avenue is present for Canadians with telecommunications services. Therefore, the simple conclusion that the CCTS is effectively fulfilling the role of a telecommunications ombudsman by accepting and concluding over 11,000 complaints in 2014-2015 is a limited finding, particularly when compared to offices of a similar nature in other jurisdictions.
47. For instance, Australia's Telecommunication Industry Ombudsman (TIO) accepted over 138,000 complaints in 2013-2014. Moreover, this figure represented a significant decrease in the number of complaints issued by Australians since 2010-2011.⁴⁷
48. Ofcom in the United Kingdom reports receiving over 70,000 calls per year from consumers.⁴⁸ Ofcom conducts in-depth, periodic consumer research, which is published regularly in an accessible form on their website to help monitor whether their work is successful in achieving the desired outcomes.⁴⁹

⁴⁴A Marin & Gareth Jones (2010). *Impact and Progress: Measuring Ombudsman Performance: Setting Performance Standards and Indicators*. Asian Ombudsman Association/Asian Development Bank. Page 2.

⁴⁵Myer Siemiatycki et al. (2015). *The Impact of Ombudsman Investigations on Public Administration: A Case Study and Evaluation Guide*. Office of Toronto Ombudsman. Pages 56-57.

⁴⁶ Myer Siemiatycki et al. (2015). *The Impact of Ombudsman Investigations on Public Administration: A Case Study and Evaluation Guide*. Office of Toronto Ombudsman. Pages 57.

⁴⁷ Telecommunication Industry Ombudsman (2014). *TIO Complaints – The Year in Review 2013-2014*. Melbourne, Australia at 4. Online:
https://www.tio.com.au/_data/assets/pdf_file/0006/158964/TIO-complaints-the-year-in-review-2013-14_WEB.pdf

⁴⁸ Ofcom (July 2014). *Ofcom 2013/14 Annual Report*. London. P. 40. Online:
<http://www.ofcom.org.uk/files/2014/07/annrep1314.pdf>.

⁴⁹ Ofcom (July 2014). *Ofcom 2013/14 Annual Report*. London. P. 38. Online:
<http://www.ofcom.org.uk/files/2014/07/annrep1314.pdf>

49. In Ireland, a country with a population of 4.6 million, or about one-sixth that of Canada's, ComReg received over 26,000 queries and complaints in 2014.⁵⁰
50. NPF-COSCO-PIAC believe that if more Canadians knew the CCTS existed, the CCTS could see an even higher number of complaints. The World Bank has stated that "outreach activities are not worth much if they do not successfully contribute to the goal of increased awareness of the Ombudsman Institution (OI) among the public and other stakeholders."⁵¹ Moreover, the limited evidence provided by the CCTS suggests measures need to be taken so that more Canadians are aware the CCTS exists.
51. While NPF-COSCO-PIAC are not recommending a specific "goal threshold" of public awareness of the CCTS, having no indicators of the percentage of Canadians who are aware of the CCTS challenges the ability of Canadians and the Commission to determine the CCTS' effectiveness; the Commission recognized this in Telecom Regulatory Policy CRTC 2011-46.⁵² NPF-COSCO-PIAC submit that establishing baseline measurements would be a welcome development towards raising public awareness and identifying any groups of Canadians that require specific outreach efforts by the CCTS and Participating Service Providers.

What is Happening Elsewhere?

52. It may be informative to examine the outreach activities of Australia's TIO, Ofcom, and ComReg to ascertain if the outreach services undertaken by these bodies could be effectively employed by the CCTS going forward. For instance, the TIO attends a range of community events to raise awareness about their work and how they help resolve complaints between consumers or small businesses and their

⁵⁰ ComReg, *Consumer Statistics Q1 January to March 2014*. Online: http://www.askcomreg.ie/tell_us/consumer_statistics_q1_january_to_march_2014.409.LE.asp, ComReg, *Consumer Statistics Q2 April to June 2014*. Online: http://www.askcomreg.ie/tell_us/consumer_statistics_q2_april_to_june_2014.410.LE.asp, ComReg, *Consumer Statistics Q3 July to September 2014*. Online: http://www.askcomreg.ie/tell_us/consumer_statistics_q3_july_to_september_2014.411.LE.asp, and ComReg, *Consumer Statistics Q4 October to December 2014*. Online: http://www.askcomreg.ie/tell_us/consumer_statistics_q4_october_to_december_2014.412.LE.asp. Consumers contacted ComReg's Consumer Management Team about their fixed and mobile phones, premium rate services, internet and postal service.

⁵¹ World Bank. *Governance & Public Sector Management: Monitoring Effectiveness*. Online: <<http://web.worldbank.org/WBSITE/EXTERNAL/TOPICS/EXTPUBLICSECTORANDGOVERNANCE/0,,contentMDK:23543160~pagePK:148956~piPK:216618~theSitePK:286305,00.html>>.

⁵² Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011. Para. 33 (g).

telecommunications providers.⁵³ In addition, the TIO sponsors a small number of events or activities staged by intermediary organizations. Sponsorships might be in the form of funding, support or resources, with the primary consideration being how proposals improve TIO's accessibility to disadvantaged and vulnerable consumers.⁵⁴

53. To conduct these outreach activities, the TIO spends an estimated \$150,000 per year and has two staff dedicated to outreach activities. This represents 0.6 per cent of the TIO's annual operating budget of \$25,000,000.⁵⁵
54. Furthermore, the TIO produces a fact sheet in over 30 languages as well as multilingual brochure. TIO invested approximately \$15,000 to have the multilingual information updated in 2014.⁵⁶
55. In addition to outreach activities, NPF-COSCO-PIAC notes that the TIO has the capacity to produce its own research content. For instance, the agency produced 17 research submissions in 2013-2014, participating in the review of Australia's Mobile Premium Services Code and proposing changes to privacy legislation and deregulation initiatives.⁵⁷ By identifying and proposing recommendations related to the issues being faced by Australian telecommunications consumers, the TIO provides research beneficial to both service providers and regulators, and builds a growing public presence. This content generation and brand building is not currently being undertaken in a similar manner and scale by the CCTS in Canada.
56. In the United Kingdom, Ofcom refers protracted disputes between customers and communication service providers to an Ofcom-approved alternative dispute resolution service. Ofcom has established the Consumer Forum for Communications (CFC) to help decision-makers be more informed about consumers' preferences and priorities. The CFC is an informal forum for consumer representatives to share information and views with each other, and with people who create and implement communications policies that affect consumers.⁵⁸

⁵³ Telecommunication Industry Ombudsman. *Outreach*. Melbourne, Australia. Online: <https://www.tio.com.au/consumers/outreach>.

⁵⁴ Telecommunication Industry Ombudsman. *Outreach*. Melbourne, Australia. Online: <https://www.tio.com.au/consumers/outreach>.

⁵⁵ Telecommunication Industry Ombudsman (TIO), *Personal Correspondence with PIAC*, July 20, 2015.

⁵⁶ Telecommunication Industry Ombudsman (TIO), *Personal Correspondence with PIAC*, July 20, 2015.

⁵⁷ Telecommunication Industry Ombudsman (2014). *2013-2014 Annual Report*. Melbourne, Australia. p. 21. Online: https://www.tio.com.au/_data/assets/pdf_file/0005/162662/TIO-2014-Annual-Report-WEB.pdf.

⁵⁸ Ofcom. *Consumer Forum for Communications*. London. Online: <http://www.ofcom.org.uk/about/how-ofcom-is-run/organisations-we-work-with/consumer-forum-for-communications/>

57. This may be an undertaking the Commission could consider establishing between the CCTS and consumer groups. A forum could create the setting for the CCTS to inform consumer groups of trends and potential structural challenges present in the communications sector. In exchange, the consumer groups could relay messaging to the CCTS on what they have been hearing from their members and Canadian consumers.
58. ComReg in Ireland provides a series of websites for Irish consumers. One contains general information on communications services. A second has a price comparison tool which allows consumers to compare their usage data with figures supplied by communications services providers. ComReg also produces a website dedicated to premium rate services allowing consumers to check the name and contact details of a premium rate services provider based on a five digit number.⁵⁹ ComReg monitors developments in the communications market by liaising with various stakeholders using a variety of mechanisms such as their Consumer Line, websites, Outreach programme, the ComReg Consumer Advisory Panel, the Forum on Electronic Communications Services for People with Disabilities and relevant surveys and inputs from consumer organizations.⁶⁰

Recommendation 4: The Commission should impose public awareness requirements on CCTS such as:

- A CCTS Marketing and Communications Budget;
- A CCTS Research Budget, part of which will be used to commission research on public awareness and consumer preferences in learning about CCTS;
- Promotional materials in various languages;
- Regular meetings or a “Consumer Forum” between CCTS and consumer groups; and
- Regular reporting in addition to CCTS Annual Reports.

5) Are there specific consumer segments where the CCTS should focus its promotional activities?

59. NPF-COSCO-PIAC believe it may be speculative to target specific consumer segments until a transparent research budget is established for the CCTS to track public awareness levels in a comprehensive manner. With the research budget proposed by NPF-COSCO-PIAC, the CCTS can conduct and review the initial

⁵⁹ Commission for Communications Regulation (ComReg), *Annual Report 2012*. Dublin, Ireland. p. 13. Online: <http://www.comreg.ie/fileupload/publications/COMREGAR12.pdf>.

⁶⁰ Commission for Communications Regulation (ComReg), *Annual Report 2012*. Dublin, Ireland. p. 13. Online: <http://www.comreg.ie/fileupload/publications/COMREGAR12.pdf>.

empirical research to determine if specific consumer segments require more focus than others. Moreover, by requiring the CCTS to make the results of this data collection public, other stakeholders can review the data and identify trends.

60. NPF-COSCO-PIAC note the Financial Ombudsman Service in the United Kingdom conducts detailed research and targeted awareness-raising work with specific groups of consumers who are less aware of their consumer rights – including their right to complain.⁶¹ In 2010, the Financial Ombudsman Service identified Asian consumers, Black African and Caribbean consumers, young consumers under 25, older consumers (aged 65 and over), individuals with mental or physical challenges, and parents with young families as groups who could benefit from targeted awareness efforts.⁶²
61. Similarly, a review of the existing CCTS customer data may reveal specific consumer segments where public awareness levels are substantially lower than others. However, without regular and transparent reporting, NPF-COSCO-PIAC are currently uncertain as to the type of data the CCTS has collected.

6) Are the current measures used by CCTS participants to promote the CCTS sufficient? If not, what additional measures could participants in the CCTS take to promote the Agency?

62. In 2010, during proceeding leading up to Telecom Regulatory Policy CRTC 2011-46, CAC/CWP noted the following:

The CCTS Communications Plan was over one year in the making and is not, at the TSP end at least, really being implemented. It is our understanding that information messages have been placed on a major carrier bill on at least one occasion and that this method produced prodigious results at CCTS in terms of contacts. Unfortunately, many were simply calls to ask what the CCTS was and did. A properly executed communications plan should help with this situation of low consumer recognition.

...

CAC/CWP submit that most TSPs are making little to no effort to publicize this service. CAC/CWP also submit that customers are not routinely informed of the CCTS by customer service representatives, even when their complaint no longer can be escalated or resolved within the TSP.⁶³

⁶¹ Financial Ombudsman Service (2010). "Ombudsman Focus: The Ombudsman's Consumer-Research Work," *Ombudsman News*. Issue 85. Online: <<http://www.financial-ombudsman.org.uk/publications/ombudsman-news/85/85-ombudsman-focus.htm>>.

⁶² Financial Ombudsman Service (2010). "Ombudsman Focus: The Ombudsman's Consumer-Research Work," *Ombudsman News*. Issue 85. Online: <<http://www.financial-ombudsman.org.uk/publications/ombudsman-news/85/85-ombudsman-focus.htm>>.

⁶³ Nor, for that matter, when the TSP involved goes to the trouble of outlining its complaints escalation procedure. For example, Bell Canada lists a four-step process that identifies how a

TSPs should not now be able to argue the CCTS is ineffective or unknown, as this failing is, in large measure, due to their (in)action.⁶⁴

63. NPF-COSCO-PIAC contend the current measures used by CCTS participants to promote the CCTS are far from sufficient and could more readily be viewed as a partial failure, rather than a success. The CCTS has existed since 2007, yet current measures used by CCTS participants have resulted in an estimated 15% or less of Canadians knowing the CCTS exists. The exact figure is unknown. NPF-COSCO-PIAC believes any notion the CCTS has been a success remains clouded by this dubious level of public awareness. NPF-COSCO-PIAC submits that any industry could have an excellent dispute resolution mechanism available to their customers; however, its effectiveness is limited if only a small percentage of the public is aware the dispute resolution mechanism exists. Therefore, NPF-COSCO-PIAC contend that the CCTS could be even more effective if a greater number of Canadians knew it existed.
64. NPF-COSCO-PIAC noted the majority of TSPs consulted by the Commission undertake only those activities directed by the Commission to promote the CCTS. In fact, the response provided by many TSPs to the Commission's question, "Please describe any other ways, if any, that your company promotes the CCTS," was simply "not applicable." The response provided by Cogeco was typical:

"Cogeco does not promote the CCTS in any other way."⁶⁵

65. The degree to which Canadian consumers are aware of the CCTS as an avenue for dispute resolution has a direct effect on the ability of the CCTS to carry out its mandate. Moreover, NPF-COSCO-PIAC believes the majority of Canadian consumers have little or no knowledge that the CCTS exists as an avenue to resolve consumer concerns regarding telecommunications services. For instance, during the CRTC's *Let's Talk TV* proceeding, Union des consommateurs disclosed that 72.5% of respondents said they did not know that CCTS was available to resolve disputes they had in the telecommunications sector.⁶⁶ In addition, the

customer escalates a complaint within Bell Canada but does not describe a Step 5 of proceeding to the CCTS if the customer still is not satisfied, nor link to the CCTS from this explanatory page.

Online: http://support.bell.ca/en-on/Customer_service/How_to_escalate_a_complaint

⁶⁴ Telecom Notice of Consultation CRTC 2010-247, Intervention of Consumers' Association of Canada and Canada Without Poverty (28 June 2010) at paras 40 and 44.

⁶⁵ Cogeco, Re: CRTC File: 8657-C12-201505505 – Review of the Commissioner for Complaints for telecommunications Services (CCTS) – Request for Information - Cogeco Responses (20 July 2015) at p 3.

⁶⁶ Union de consommateurs, Observations: Allocution prononcée par Sophy Lambert-Racine devant le CRTC, 9 septembre 2014. Online:

<https://services.crtc.gc.ca/pub/DocWebBroker/OpenDocument.aspx?DMID=2196923>

CRTC released a survey in April 2014 revealing only 13% of respondents noted they received information with their cell phone contract about the CCTS.⁶⁷

66. NPF-COSCO-PIAC note many Participating Service Providers in the CCTS also have access to television distribution services. Therefore, NPF-COSCO-PIAC suggest that Participating Service Providers be required to undertake public awareness initiatives as described below.

4.2 Public awareness initiatives for Participating Service Providers

67. **Create and air Public Services Announcements** – By mandating public service announcements on television, the Commission could dramatically alter the public awareness landscape surrounding the CCTS. The Commission, the CCTS and service providers have had a sufficient amount of time to review the effect of previous initiatives. As a result, it is clear a more noticeable means of promoting the CCTS is required.
68. **Introduction of explanatory email with every new Internet subscription** – NPF-COSCO-PIAC proposes that on every occasion a Canadian obtains a new Internet subscription, changes service providers, or changes Internet service plans, they should receive, from their Internet Service Provider (ISP), an electronic message explaining the role of and how to contact the CCTS. This would be a cost-effective method to disseminate information about CCTS in a non-intrusive manner.
69. **Introduction of explanatory text message with every new wireless subscription** – On every occasion a Canadian obtains a new wireless subscription, changes service providers, or changes wireless service plans, they should receive, from their Wireless Service Provider, a text message explaining the role and how to contact the CCTS. On every occasion a Canadian transfers their wireless service to another provider, they should receive a text message explaining the role of and how to contact the CCTS.
70. NPF-COSCO-PIAC noted that Rogers, in addition to bill notifications and online reference to the CCTS, uses text messages to promote the CCTS to customers who do not receive invoices such as pre-paid customers every six months.⁶⁸ NPF-COSCO-PIAC would support imposing these types of initiatives as requirements on all service providers.

⁶⁷ Harris Decima. *Wireless Code Public Opinion Research: Quantitative Research Report*. April 7, 2014. Page 4, 14. Online: <http://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/crtc/2014/057-13-e/report.pdf>

⁶⁸ Rogers Communications (2015). CRTC File: 8657-C12-201505505 – *Review of the Commissioner for Complaints for telecommunications Services (CCTS) – Request for Information - Rogers Communications Responses*.

71. **Include CCTS messaging in service providers' interactive voice response systems** – NPF-COSCO-PIAC noted the majority of TSPs consulted by the Commission undertake only those activities directed by the Commission and the CCTS Communications Plan to inform customers of CCTS. NPF-COSCO-PIAC believe that Participating Service Providers should also be required to include automated messaging promoting the CCTS when customers contact customer service representatives and while they are on hold.
72. Given the reluctance shown by many Participating Service Providers to promote the agency in any manner beyond what it is instructed by the Commission, as well as the conflicted position the staff of the CCTS, NPF-COSCO-PIAC submit that the Commission must make CCTS public awareness activities outlined in this submission requirements on all service providers. It is clear that merely suggesting or recommending that communications activities be undertaken has not been as effective as the Commission anticipated in raising the public awareness level of the CCTS.

Recommendation 5: The Commission should impose public awareness requirements on Participating Service Providers such as:

- Public Service Announcements;
- Emails and SMS messages promoting CCTS; and
- Automated messages promoting CCTS when customers contact customer service representatives.

7) How could TVSPs promote the CCTS? Should TVSP participation be leveraged to promote the CCTS, such as by a requirement to broadcast public service announcements about the CCTS?

73. NPF-COSCO-PIAC submit that the current obligations imposed on TSPs, as well as the ones NPF-COSCO-PIAC proposed above in their response to Question 6 would be equally applicable to TVSPs, including:
- Broadcast of Public Services Announcements;
 - Contributing to the establishment of a marketing and communications budget; and
 - Contributing to the establishment of a research budget.
74. NPF-COSCO-PIAC believe that TVSPs should be required to implement public awareness initiatives as soon as possible, rather than waiting until they are considered CCTS Participating Service Providers.

75. The need for more Canadians to be aware of the CCTS should not be allowed to be further delayed due to inaction. Therefore, public service announcements promoting the CCTS, for instance, could be mandated immediately by the Commission. Limited TSP efforts to promote the CCTS in the past show that Participating Service Providers are generally uninterested in voluntarily publicizing an ombudsman service.

8) How should the effectiveness of these public awareness initiatives be measured?

76. In Telecom Regulatory Policy CRTC 2011-46, the Commission noted that “the degree of public awareness of the CCTS is crucial to its effectiveness – consumers will not seek recourse with the CCTS if they are not aware that it exists or of how it might help them.”⁶⁹

77. NPF-COSCO-PIAC note this is the third occasion for the Commission to consider the initiatives that could be employed to increase public awareness of CCTS. The low volume of evidence provided by CCTS since 2010, consisting primarily of customer surveys, suggests the need for additional resources. Moreover, there must be clear direction by the Commission to have the CCTS, or the Commission itself, more effectively measure the growth or decline in the public awareness of the CCTS going forward.

78. NPF-COSCO-PIAC submit that customer surveys of CCTS customers, which are not always publicly available, is not a fulfillment of the Commission’s 2011 expectation to measure public awareness. In fact, the Commission supported the CCTS’ commitment to employ surveys to gauge the effectiveness of its public awareness initiatives and directed the CCTS “to report on the findings of these initiatives on its website, in a timely manner, and in its annual reports.”⁷⁰

79. In the view of NPF-COSCO-PIAC, the limited action of the CCTS since 2010 to measure public awareness suggests the CCTS does not consider the degree of public awareness of the CCTS crucial to its effectiveness. However, it is possible CCTS staff is also being curtailed in these efforts by a lack of resources or direction from the CCTS Board of Directors not to engage further in the measurement of public awareness.

80. One option is for the Commission to undertake measurements of public awareness itself. Upon identifying the CCTS’ apparently conflicted position, however, the

⁶⁹ Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011, <<http://www.crtc.gc.ca/eng/archive/2011/2011-46.htm>>.

⁷⁰ Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011, para. 33. Online: <<http://www.crtc.gc.ca/eng/archive/2011/2011-46.htm>>.

Commission could also order the establishment of a transparent, annual research budget for the ombudsman – especially for tracking levels of public awareness. NPF-COSCO-PIAC submit the resources for this research budget should come from Participating Service Providers on an annual basis, and that the funding structure should remain in place until the next review of the CCTS by the Commission.

81. In addition, NPF-COSCO-PIAC suggest reviewing the metrics and strategies outlined in a recent report by the Ombudsman for the Province of Ontario. Some of these are already employed by the CCTS, such as audience reach for media coverage.
82. The Ombudsman for the Province of Ontario suggests using a press clipping service, an annual in-depth analysis of press coverage, a monthly review of media, using search systems such as Factiva, and measuring the number of complaints in relation to media coverage to determine any correlations.⁷¹ Moreover, the Ombudsman recommends active use of social media channels and measurement tools for its website use such as Google Analytics.⁷²

Recommendation 6: The Commission should order the establishment of a transparent, annual CCTS research budget to conduct surveys and further examine the effectiveness of public awareness initiatives.

5. Participation In the CCTS By Communications Service Providers (Q9-Q12)

9) Should participation in the CCTS continue to be mandatory for all TSPs that provide services within the CCTS's mandate? Why or why not? Provide supporting rationale.

83. NPF-COSCO-PIAC believe participation should be mandatory for all communications service providers (including TSPs) providing services to Canadians. Simply put, if you are a TSP operating in the retail market in Canada, your services fall within the mandate of the CCTS.

⁷¹ Marin, A. and Gareth Jones (2010). *Impact and Progress: Measuring Ombudsman Performance: Setting Performance Standards and Indicators*. Asian Ombudsman Association/Asian Development Bank. Page 58.

⁷² Marin, A. and Gareth Jones (2010). *Impact and Progress: Measuring Ombudsman Performance: Setting Performance Standards and Indicators*. Asian Ombudsman Association/Asian Development Bank. Page 58.

84. NPF-COSCO-PIAC suggest any move to make the application of the CCTS model non-universal would result in confusion among those Canadians the CCTS is designed to serve. Furthermore, under an amended model that was non-universal in application, some complaints which would have been viewed as routine by the CCTS would be submitted to the CRTC for adjudication. This potential duplication would be an inefficient use of resources for the Commission.
85. Moreover, NPF-COSCO-PIAC note that customers of regulated services continue to be denied recourse through the CCTS in accordance with the Commission's decision in Telecom Regulatory Policy 2011-46. In that decision, the Commission considered it to be "duplicative to add regulated services to the CCTS's scope of complaints, because the Commission is mandated to receive and address complaints about these services."⁷³
86. NPF-COSCO-PIAC submit that a Canadian customer today would be likely unable to distinguish between regulated and forborne services when he or she subscribes to several communications services, and would expect to be able to use CCTS for all the services to which he or she is subscribed. Therefore, customers of regulated services should no longer be excluded from accessing CCTS services to resolve their complaints. To reduce duplication, NPF-COSCO-PIAC would not oppose a determination by the Commission to direct complaints which would otherwise fall within CCTS' mandate from it to CCTS' complaints resolution service. As noted below, for both initially "regulated" and forborne services, if the matter had been adjudicated or studied by the CCTS, then under the enforcement mechanisms suggested below, complaints arising initially from either regulated or forborne services could be brought to CRTC for final resolution.
87. In the United States, for example, there is little potential for a communications service provider to be outside the scope of the Federal Communications Commission (FCC) regarding the treatment of consumer complaints, even given the jurisdiction of state regulatory authorities.⁷⁴ The same applies to Australia's Communications and Media Authority (ACMA) and the Telecommunication Industry Ombudsman (TIO).
88. However, the major concern NPF-COSCO-PIAC have is one of fairness. In fact, customers in regulated or forborne areas can have precisely the same complaint but only those customers in forborne areas have access to the CCTS, which is specifically designed to resolve consumer complaints at no cost to the complainant. By contrast, the CRTC is, despite having a formal process to deal

⁷³ At para 29.

⁷⁴ Federal Communication Commission. *Consumer Help Centre: Issues Outside the Jurisdiction of the FCC*. Online: <<https://consumercomplaints.fcc.gov/hc/en-us/articles/202958440-Issues-Outside-the-Jurisdiction-of-the-FCC>>.

with such complaints, ill-equipped to satisfactorily resolve low-value, high volume routine consumer complaints. The CRTC therefore should find a way to delegate a portion of its regulatory authority over such consumer complaints to CCTS in “regulated” areas.

10) Should participation in the CCTS become immediately mandatory on a going-forward basis for small TSPs that are not currently CCTS participants (i.e. instead of the requirement being triggered by a complaint)?

89. In Telecom Regulatory Policy CRTC 2011-46, the Commission was concerned that the CCTS could be faced with a significant administrative burden in the event it had to absorb a large number of new members at the same time. As a result, the Commission decided non-member TSPs that offer services within the scope of CCTS’ mandate would become members of the CCTS within five days of the date that the CCTS notifies the TSP that the CCTS has received an in-scope complaint about it.
90. NPF-COSCO-PIAC submit that this concern regarding the introduction of new members has now passed. Moreover, making CCTS participation an automatic condition would create greater regulatory certainty, whereas a service provider might be caught off guard were it to be suddenly notified of mandatory participation and provided a range of new obligations it must immediately fulfill when a customer has made a complaint.
91. Further, for the customer unlucky enough to bring the “first” complaint against a TSP, that customer has to wait for the TSP to join CCTS – a process that in the past has been hindered by delay and occasional outright refusals (and subsequent show-cause hearings) to join CCTS by the TSP.
92. Consumers should not be required to be the prime mover of the regulatory system.
93. Accordingly, the Commission should now mandate that every TSP offering service to Canadians should become members of the CCTS.

11) With recent amendments to the Telecommunications Act that allow the Commission to directly impose conditions of service on resellers, should the requirement that TSPs participate in the CCTS be imposed directly on resellers on a going-forward basis?

94. Yes, NPF-COSCO-PIAC believe that, with the passing of section 24.1 of the Act, mandatory participation in the CCTS should be imposed as a condition on all TSPs, including resellers.

95. Communications customers should not have unequal access to an independent complaints resolution ombudsman because they receive their services from a reseller rather than a Canadian carrier. There is no distinction between carrier and reseller apparent to the Canadian customer. Any concern with the constitutionality of section 24.1 should be brought as a reference to the courts.⁷⁵

12) Should participation in the CCTS be mandatory for all licensed TVSPs and related exempt undertakings? Why or why not? Provide supporting rationale.

96. In NPF-COSCO-PIAC's view, CCTS participation should be mandatory and immediately effective for all TVSPs, including exempt undertakings. NPF-COSCO-PIAC suspect that the vast majority of TVSPs also offer telecommunications services such as wireline phone and Internet. Therefore, NPF-COSCO-PIAC do not anticipate there being a significant administrative burden or stark unfamiliarity among TVSPs regarding CCTS.
97. Furthermore, with around 10.4 million bundled communications subscriptions in 2013, Canadians would rightly expect to be able to use CCTS services regardless of the size of their provider, or whether their provider is a TSP or TVSP. In Telecom Regulatory Policy CRTC 2011-46, the Commission determined that all residential and small business consumers that obtained forborne telecom services in Canada, including those that received services from TSPs that do not have more than \$10 million in revenues, should benefit from the services provided by the CCTS.⁷⁶ If a similar approach were applied to TVSPs, then CCTS would likely be mandatory for all licensed TVSPs and related exempt undertakings.
98. One of the considerations underlying the membership decision in TRP 2011-46 was that, due to the CCTS's significant utility to consumers, membership in the CCTS should be comprehensive to allow for all consumers to access the CCTS' services regardless of the revenues of the consumer's TSP.⁷⁷ NPF-COSCO-PIAC see little reason to deviate from this logic when applied to licensed and exempted TVSPs.
99. Moreover, the Commission has indicated its intention to require all licensed TVSPs and related exempt undertakings to adhere to the TVSP Code administered by the

⁷⁵ In NPF-COSCO-PIAC's view, with the legislation of section 24.1, the Commission is not required to ask in every proceeding whether the parties believe direct regulation of resellers is appropriate.

⁷⁶ Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011, para 13. Online. <<http://www.crtc.gc.ca/eng/archive/2011/2011-46.htm>>.

⁷⁷ Canadian Radio-television and Telecommunications Commission, *Telecom Regulatory Policy CRTC 2011-46*, January 26, 2011, para 15. Online. <<http://www.crtc.gc.ca/eng/archive/2011/2011-46.htm>>.

CCTS in Broadcasting Notice of Consultation 2015-105. Therefore, CCTS participation should be mandatory for both licensed and exempt TVSPs.

Recommendation 7: CCTS participation must be mandatory and immediately effective for all communications service providers (including TVSPs and telecommunications resellers) and customers (regulated and forborne services) going forward.

6. CCTS's Mandate (Q13-Q15)

13) Does the CCTS's mandate remain appropriate with respect to the categories of complaints it can address about telecommunications services (i.e. compliance with contract terms, billing disputes and errors, service delivery, and credit management for telecommunications services and complaints related to codes of conduct that the CCTS administers)? Why or why not?

100. Generally, the CCTS' mandate, including the administration of binding codes such as the Wireless Code and the TVSP Code, is appropriate. NPF-COSCO-PIAC already proposed in their response to Question 9 above that CCTS' mandate also be expanded to include customers of regulated telecommunications services.
101. In addition, the CCTS Procedural Code explicitly excludes services such as "Internet applications or content," "Equipment" and "Alarm monitoring."⁷⁸ However, more and more goods and services are now sold with a telecommunications subscription. For instance, wireless subscriptions can now be purchased with applications such as *Bell Mobile TV* and *Spotify Premium*, and Rogers, for instance, has heavily marketed its *Smart Home Monitoring Solutions*.⁷⁹
102. Equipment, in particular, is an important aspect as many communications subscriptions are now tied to equipment which are required to access the service. These include:
- Handsets and cellular devices;
 - Modems and routers; and
 - Set-top boxes (for television service).

⁷⁸ CCTS Procedural Code (18 January 2012), ss 3(a), (e) and (i).

⁷⁹ Rogers, "Smart Home Monitoring Solutions," online: Rogers <<http://www.rogers.com/web/content/smart-home-monitoring-solutions-new>> (accessed 14 July 2015).

Repairs and warranties for this equipment are also often tied to the service provider's terms and conditions of service.

103. NPF-COSCO-PIAC believe that, from the customer's perspective, it no longer makes sense to single out and exclude specific service and applications where they are bundled or sold with a communications subscription. Moreover, customers are often powerless or unsuccessful in resolving a problem with a third party with which the customer may not have a relationship – particularly where the customer is charged through his or her communications service bill. In these cases, a service provider should be responsible for assisting to attain a resolution for the aggrieved customer.
104. Therefore, NPF-COSCO-PIAC propose that the CCTS mandate incorporate issues relating to **goods or services that are bundled or sold with a communications service**. This would not include customer-provided equipment.
105. At the very least, CCTS' mandate should match that of the TIO's in Australia, which handles all consumer complaints about:

2.7(b) ... a problem with telecommunications equipment supplied by a provider, or with the provider's network infrastructure, that affects the consumer's access to a telecommunications service supplied or offered by the provider;

...

2.9 ... a provider's agent, dealer, contractor, related company or related person. We will only hold the provider responsible if we think it is fair and reasonable to do so.⁸⁰

106. Goods or services bundled or sold with a communications service should therefore fall within the CCTS's scope or mandate.

Recommendation 8: The CCTS' mandate should include complaints about goods or services that are bundled or sold with a communications service, except customer-provided equipment.

14) Should the CCTS address the same types of issues for consumers of services provided by TVSPs that it addresses for consumers of telecommunications services? Why or why not? What additional issues, if any, should it address?

107. Yes, generally NPF-COSCO-PIAC submit that the CCTS should address the same types of issues for services provided by TVSPs as for those provided by TSPs –

⁸⁰ Telecommunications Industry Ombudsman Terms of Reference (1 December 2014), ss 2.7(b) and 2.9.

including the issues proposed by NPF-COSCO-PIAC above in response to Question 13.

108. NPF-COSCO-PIAC believe that issues such as billing, contractual terms, service delivery and mandatory codes of conduct are equally applicable to television service as they are to telecommunications services. This is only becoming more relevant as bundles of communications services continue to grow in popularity. Congruence in the types of complaints received across all communications services would also be more consumer-friendly and better allow communications customers to understand the forms of recourse available to them.
109. These categories of issues would also include issues specifically related to the provision of television service, such as changes in packaging and programming options, termination fees, problems arising from equipment such as set-top boxes, as well as the administration of the TVSP Code.
110. NPF-COSCO-PIAC note that it is important that CCTS receive and resolve television service complaints related to *all* these television service issues – *not* merely those espoused in the forthcoming TVSP Code. The Commission has not always made this clear, as it has typically solely referred to CCTS as the administrator of the new TVSP Code,⁸¹ rather than an ombudsman which would receive all complaints (within its mandate) related to television service. The Commission must clarify that CCTS would be authorized to receive and resolve ***all complaints related to television service.***

15) Certain services associated with the telecommunications industry are excluded from the scope of the CCTS, such as alarm monitoring, telemarketing, and accessibility services. Are there specific services provided by TVSPs that should be excluded from the CCTS's mandate?

111. NPF-COSCO-PIAC submit that, generally, all services provided by TVSPs, including NPF-COSCO-PIAC's proposals in their responses to Questions 13 and 14, should be included in CCTS' mandate. Broadcast content, journalistic ethics and independence, and advertising could be excluded from CCTS' mandate and remain within the authorities of the Commission, the Canadian Broadcast Standards Council, the Competition Bureau, and the Advertising Standards Council.

⁸¹ See, for instance: Broadcasting and Telecom Notice of Consultation CRTC 2015-239 at para 11, and Broadcasting Regulatory Policy CRTC 2015-104 at paras 22-23.

7. CCTS's Structure (Q16-Q21)

16) *Is the current structure of the CCTS's Board of Directors and the voting structure appropriate?*

7.1 *Independence of CCTS central to purpose*

112. NPF-COSCO-PIAC note that the Commission is entitled and was specifically directed by the Order in Council to determine and approve CCTS' structure, mandate and functions.

113. Independence is at the heart of a functioning and effective ombudsman. In their intervention to Telecom Notice of Consultation 2010-247,⁸² CAC/CWP highlighted this by pointing to Governor in Council Order P.C. 2007-0533, which stated that:

an independent agency with a mandate to resolve complaints from individual and small business retail customers ("Consumer Agency") should be an integral component of a deregulated telecommunications market;

which agency would be self-funding, independent, industry established, and whose structure and functions would be determined by the Commission;

the governance structure of an effective Consumer Agency should be designed to ensure its independence from the telecommunications industry.

114. While the Order in Council directed the CCTS to be *established* and funded by the industry, it did not state that the industry would be permitted to run, manage or operate the ombudsman. In fact, the Order made it clear that the "Consumer Agency" was to operate entirely independently and outside the control of the industry. Imposed measures such as a majority of governing body members who were unaffiliated with TSPs and an independent Chair were specifically intended to ensure that independence and the provision of a budget which would be sufficient for the CCTS to ***effectively execute its mandate.***

115. NPF-COSCO-PIAC would be seriously concerned by any stakeholder intervention or interference which could undermine CCTS' independence. For instance, NPF-COSCO-PIAC would be troubled by any possibility that CCTS submissions to the Commission or any other body would need to be approved by CCTS Members.

116. While the Board is prohibited from generally intervening in any individual complaint,⁸³ NPF-COSCO-PIAC are concerned that the CCTS Board structure,

⁸² At paras 13-14.

particularly in combination with the voting structure, creates circumstances which compromise the independence of the CCTS and its ability to carry out its mandate effectively. NPF-COSCO-PIAC will elaborate on this below.

7.2 *Board structure*

117. NPF-COSCO-PIAC have serious concerns about the current structure of the CCTS Board of Directors, which contrasts sharply with the Board structures of other telecommunications ombudsman services in similar jurisdictions.

118. The CCTS Board currently consists of:

- 3 Industry Directors nominated by Participating Service Providers;
- 2 Independent Directors consisting of Members appointed by Canadian consumer groups; and
- 2 Independent Directors consisting of Members appointed by the Board Nominating Committee.⁸⁴

119. First, some Boards, including that of the UK Ombudsman Services, include no industry directors at all, even though the services are also funded by participating companies. As the Ombudsman Services state,

This board ensures the independence of the Ombudsman service and has the responsibility for appointing the chief ombudsman. Participating companies (those who are subject to investigation by Ombudsman Services) have no part in this board and no role in running the organisation.⁸⁵

120. Even those Boards which do have industry directors, such as that of the TIO in Australia, have an equal number of “Industry Directors” and “Consumer Directors.” The current TIO Board consists of:

- 4 Directors with industry experience;
- 4 Directors with consumer experience;
- 2 Independent Directors; and
- 1 Independent Chair.⁸⁶

⁸³ CCTS Inc By-Law No 1, s 52.

⁸⁴ CCTS Inc By-law No 1, ss 6 and 29.

⁸⁵ Ombudsman Services, *The independence of Ombudsman Services* (January 2015), online: Ombudsman Services <http://www.ombudsman-services.org/downloads/OSindependence_factsheet.pdf> at p 1.

⁸⁶ See: Constitution of Telecommunications Industry Ombudsman Limited ACN 057 634 787, s 12.1; and

121. The fact that Participating Service Providers currently appoint more Board directors than the Consumer Groups or the Independent Committee each do is inequitable and an exception to the Boards of ombudsman services in other jurisdictions. Furthermore, TSPs have provided no well-founded reason why the composition of the Board should be uneven—they were permitted by the Governor in Council to establish the CCTS, but not to manage it.
122. Therefore, NPF-COSCO-PIAC submit that the CCTS Board should consist of at least the same number of Independent Directors and Directors with consumer experience each as those with industry experience. Therefore, NPF-COSCO-PIAC submit there should be 3 Directors with industry experience, 3 Directors with consumer experience, and 3 Independent Directors. In other words, the Board would consist of:
- **3 Industry Directors;**
 - **3 Consumer Directors;**
 - **2 Independent Directors; and**
 - **1 Independent Chair.**
123. Furthermore, NPF-COSCO-PIAC note that section 32 of the CCTS By-laws only restricts the terms of the Independent Directors and Consumer Directors, *not* those of the Industry Directors. This raises serious concerns of fairness and advantages in Board incumbency. NPF-COSCO-PIAC therefore recommend that the 6-year term apply to *all* Board Directors.
124. NPF-COSCO-PIAC's proposed Board structure would help to protect the independence and integrity of CCTS.

7.3 *Voting structure*

125. NPF-COSCO-PIAC have two key concerns regarding the current CCTS voting structure.
126. The first is the distinction between **Member votes** and **Board votes**. NPF-COSCO-PIAC note that some decisions which are critical to the functioning of CCTS and its ability to carry out its mandate are decided by Member votes rather than Board votes.

Telecommunications Industry Ombudsman, "Board," online: TIO <<https://www.tio.com.au/about-us/board>> (accessed 3 July 2015).

127. This is a serious vulnerability that creates intrinsic conflicts of interest, particularly when Industry Members may favour their interests over the effective functioning of CCTS. While Members are able to vote based on the interests they represent, Board directors have a duty to make decisions based on the best interests of the Corporation – for instance, including ensuring that the Corporation has adequate financial resources.
128. This is why critical decisions, such as approval of the annual budget, are typically made by the Boards of Directors of ombudsmen in other jurisdictions, *not* Members. In Australia for instance, the TIO's budget and business plan are prepared by the Ombudsman, and approved by the Board.⁸⁷ The budget and Terms of Reference of the Canadian Ombudsman for Banking Services and Investments are also approved by the Board of Directors, not Members.
129. In contrast, critical decisions which affect the functioning of CCTS are currently voted on by CCTS Members, not the Board. These include in particular the approval of the:
- Annual Budget – including changes to the budgets and the amounts payable by Participating Service Providers;
 - Business Plan; and
 - The form of the Participation Agreement between CCTS and Participating Service Providers. NPF-COSCO-PIAC specifically note that any changes to Article 5 of the Participation Agreement relating to costs and funding of CCTS, is subject to the approval of all the Industry Members.⁸⁸
130. NPF-COSCO-PIAC are concerned that Industry Members are likely to vote against the interests of CCTS in regards to these issues in particular, as decisions on these matters could be unfavourable to service provider interests.
131. NPF-COSCO-PIAC submit that all matters generally should be determined by Board votes, not Member votes, in order to protect the integrity and independence of the CCTS. NPF-COSCO-PIAC note that the following matters in particular:
- Appointment or removal of the Commissioner;
 - Compensation of the Commissioner;
 - Repeal or amendment of any provisions in the Procedural Code;
 - Level of CCTS funding, including Participating Service Provider fees and costs;
 - Annual Budget;
 - Business Plan; and

⁸⁷ Constitution of Telecommunications Industry Ombudsman Limited ACN 057 634 787, s 9.4.

⁸⁸ CCTS Inc By-law No 1, s 20(b).

- Participation Agreement,

are crucial and must be determined by votes of the Board of Directors, *not* the Members of the Corporation. These decisions must be made in the best interests of CCTS, not its Members. This is critical to ensuring both the independence of the CCTS and its ability to effectively execute its mandate.

132. Second, NPF-COSCO-PIAC submit that the current voting structure for specific items or matters is inappropriate and creates clear **conflicts of interest** for Industry Members.
133. Specifically, NPF-COSCO-PIAC are concerned that subjecting items related to CCTS' funding, budget and business plan to votes by Extraordinary Resolution⁸⁹ creates conflicts of interest which could compromise CCTS' ability to carry out its mandate effectively. (NPF-COSCO-PIAC note that changes related to TSP costs and funding of CCTS under Article 5 of the Participation Agreement in particular must be approved by all Industry Directors.⁹⁰)
134. These votes often require the approval of all Industry Members, yet as the CCTS is funded by and reports on TSPs, Industry Members are placed in inherent conflicts of interest when determining both the amount and allocation of funding, as well as transparent reporting.
135. Two issues, for instance, that may create conflicts of interest when determining the allocation of funding are: (i) public awareness and outreach, and (ii) comprehensive research and reporting. It would not necessarily be in the interests of service providers to promote either public awareness of the CCTS, which could create an increase in the number of complaints and consequently an increase in required funding, or transparent reporting on complaint issues and TSPs.
136. These conflicts of interest have been recognized by ombudsman services in Canada and other jurisdictions. Board votes on these other ombudsmen services are typically only subject to votes by Ordinary Resolution (that is, a simple majority). Requirements for Special Resolution or Extraordinary Resolution are extremely rare and indeed often designed to avert industry influence over specific matters. For instance, the by-laws of the Ombudsman for Banking Services and Investments (OBSI) designate specific "**Independence Matters**" which require approval of the *majority of non-Industry Directors* ("Community Directors").⁹¹ These Independence Matters include:

⁸⁹ "Extraordinary Resolution" means a resolution confirmed by an affirmative vote of at least six (6) of the seven (7) Members at a meeting duly called for that purpose.

⁹⁰ *Ibid*, s 20(b)(ii).

⁹¹ Consolidation of By-Law No 1 and By-Law No 2 of Ombudsman for Banking Services and Investments, s 7.12.

- the appointment or removal of the Ombudsman;
- the compensation of the Ombudsman;
- the adoption and amendment of terms of reference for the Ombudsman;
- the approval of the Corporation's budget;
- nomination of individuals for election as Community Directors; and
- any other matter that the Directors may, from time to time, determine, by way of an Ordinary Resolution, should be treated as an Independence Matter for the purpose of this By-law No. 1 on the basis that such matter is material to the independence of the Corporation.⁹²

137. Inadequate funding for outreach and public awareness initiatives could hinder the CCTS' ability to effectively resolve telecom customer complaints. Similarly, without comprehensive reporting, it would be nearly impossible for the Canadian public to know whether CCTS is able to meet its mandate.⁹³ Order in Council 2007-0533 stated that, in addition to its annual report, the "Consumer Agency" ought to, as appropriate, "identify issues or trends that may warrant further attention by the Commission or the government."⁹⁴ Therefore, CCTS has a responsibility to provide transparent reports on systemic issues in the communications market.

138. Therefore, NPF-COSCO-PIAC submit the Commission require that items pertaining to:

- ◆ Appointment of the Commissioner;
- ◆ Compensation of the Commissioner;
- ◆ Repeal or amendment of any provisions in the Procedural Code;
- ◆ Level of CCTS funding, including Participating Service Provider fees and costs;
- ◆ Annual Budget;
- ◆ Business Plan; and
- ◆ Participation Agreement,

be determined by Ordinary Resolution votes of the Board of Directors only.

139. Otherwise, NPF-COSCO-PIAC propose that Industry Directors be excluded from voting on specific matters such as: (i) outreach and public awareness, (ii)

⁹² *Ibid*, s 1.1(r).

⁹³ The current Participation Agreement between CCTS and Participating Service Providers states that the mandates of CCTS are: (a) to provide resolution of complaints and (b) to make public annual reports, including statistical information. See: CCTS, *Amended and Restated Participation Agreement* (10 April 2014), s 2.3.

⁹⁴ The Order further elaborated that these types of issues could include: "the availability of consumer choice, the impact of marketing strategies and practices, consumer billing and contracts."

research, (iii) reporting, and (iv) funding for these initiatives entirely, due to the conflicts of interest posed.

Recommendation 9: The CCTS Board of Directors should consist of:

3 Industry Directors;
3 Consumer Directors;
2 Independent Directors; and
1 Independent Chair,

each of whom are subject to terms of no more than 6 years.

Recommendation 10: Matters such as:

Appointment of the Commissioner;
Compensation of the Commissioner;
Repeal or amendment of any provisions in the Procedural Code;
Level of CCTS funding, including Participating Service Provider fees and costs;
Annual Budget;
Business Plan; and
Participation Agreement,

must be determined by Ordinary Resolution votes of the Board of Directors.

Recommendation 11: If the Commission does not implement Recommendation 10, then Industry Directors should be excluded from voting on specific matters which could raise potential conflicts of interest such as: (i) outreach and public awareness, (ii) research, (iii) reporting, and (iv) funding for these initiatives.

17) Should the CCTS change the structure of its Board of Directors to reflect the addition of television services to its mandate? If so, how and why?

140. NPF-COSCO-PIAC agree that the Board should reflect both telecom and television service providers. However, NPF-COSCO-PIAC also note that many TSPs are TVSPs and vice versa, and that the majority of complaint issues which CCTS will encounter will be common to both sectors.
141. Moreover, NPF-COSCO-PIAC would be seriously concerned by the impact a further Industry-concentrated Board would have on the independence of CCTS.
142. Therefore, although the Board of Directors should incorporate TVSP representatives, the total number of Industry Directors should *not* change, and

remain limited to three Directors in total. Given the number of integrated television and telecommunications service providers, there should be no difficulty in finding an industry-side slate of directors able to manage all interests, including TVSP interests, at the Board table.

Recommendation 12: While incorporating TVSP representatives, the CCTS Board should retain the same number of Industry Directors in total – that is, 3 Industry Directors.

18) Should the CCTS change its voting structure to reflect the addition of TVSP participants and complaints related to the provision of television services to its mandate? If so, how and why?

143. Subject to the general proposed changes to the voting structure which NPF-COSCO-PIAC discussed above in response to Question 16, NPF-COSCO-PIAC submits that the CCTS voting structure need *not* be changed specifically to reflect the addition of television service providers.

19) Do the remedies provided by the CCTS to consumers as set out in its Procedural Code, including compensation up to \$5,000 per complaint, remain appropriate and sufficient to meet the needs of consumers of both telecommunications and television services?

144. NPF-COSCO-PIAC submit that the types of remedies set out in section 12 of the current CCTS Procedural Code are generally appropriate.

145. However, the current compensation cap of \$5,000 must be significantly increased. Generally, there is no conceptual reason why a wronged customer who is entitled to a certain level of compensation (in addition to any billing errors) ought to be subjected to a cap on that level of compensation. In fact, a cap would not be reasonable or needed where an ombudsman is independent and prohibited from awarding exemplary or punitive damages, which is intended to be the case with the CCTS.

146. NPF-COSCO-PIAC understand that caps on compensation may provide a level of predictability for service providers. However, if so, a \$5,000 cap is far too low and falls well short of standard caps set by ombudsman services in other jurisdictions.

147. In Australia, for instance, the TIO's dispute resolution process can recommend a reward of up to \$100,000, but the TIO may also arbitrate a complaint if the total

value of the complaint exceeds that amount.⁹⁵ The UK Ombudsman Services can reward up to £10,000 per communications complaint.⁹⁶

148. It is also important to note that the CCTS receives complaints from small business customers as well as residential customers, and small business customers are likely to have much higher telecommunications bills.⁹⁷
149. The CCTS Annual Reports have not always reported on the compensation amounts awarded to complainants. However, the last three reports show that while the vast majority of rewards fall under \$500, at least a small percentage is still caught by the \$5,000 cap.

Number of complaints awarded at each compensation range	2011-2012	2012-2013	2013-2014
<\$100	3,045	4,178	3,208
\$100-\$499	2,716	4,308	3,547
\$500-\$999	436	958	691
\$1,000-\$4,999	209	386	324
≥\$5,000	16	35	25
Total	6,422	9,865	7,795

Source: CCTS Annual Reports - "Compensation Analysis"

150. NPF-COSCO-PIAC are troubled that some customers who may have been entitled to compensation greater than \$5,000 were only able to recover a portion of what they were owed. NPF-COSCO-PIAC are also concerned that service providers may low-ball awards to complainants because they are aware of the cap.
151. In addition, NPF-COSCO-PIAC note that the level of compensation owed will likely rise where television service complaints are added to the CCTS' mandate, particularly where customers are subscribed to bundles of communications services.

⁹⁵ Telecommunications Industry Ombudsman Terms of Reference (1 December 2014), ss 3.16 and 3.19.

⁹⁶ Ombudsman Services, "Resolutions," online: Ombudsman Services <<http://www.ombudsman-services.org/awards-communications.html>> (accessed 14 July 2015).

⁹⁷ The CCTS Procedural Code defines a "small business" as one whose:

- (i) net monthly invoice for all telecommunications services in the month preceding the month in which a complaint is made against such Participating Service Provider; or
 - (ii) average net monthly invoices for all telecommunications services in the three (3) month period preceding the month in which a complaint is made against such Participating Service Provider;
- did not exceed \$2,500.

A monthly invoice of \$2,500 is already half the \$5,000 award cap.

152. In these cases, the \$5,000 cap restricts the fair recourse available to wronged customers and prevents the CCTS from effectively executing its mandate.
153. Therefore, NPF-COSCO-PIAC propose that the compensation cap be raised significantly – to \$25,000.

Recommendation 13: The \$5,000 compensation cap should be raised to \$25,000.

20) Comment on whether any changes are required to the categories of complaints the CCTS reports on its annual and mid-year reports as a result of the addition of services provided by TVSPs to its mandate.

154. The CCTS Annual Report currently provides a “Summary of Leading Complaint Issues” in the body of its report, as well as a more detailed breakdown of complaint issues in an appendix. The latest 2014-2015 CCTS Mid-Year Report provided a table listing the top ten issues raised in complaints.
155. NPF-COSCO-PIAC submit that the high-level categories of complaint issues reported for the telecom sector are applicable to the television sector as well. NPF-COSCO-PIAC would expect that television-specific issues, such as changes to packaging and programming, as well as other issues addressed in the TVSP Code, would be reported as “sub-issues” under the high-level categories.
156. NPF-COSCO-PIAC also submit, however, that with the addition of television service complaints, CCTS reports should also identify the number of complaints related to bundles of communications services.

21) Are there other modifications to the CCTS structure that could make its operations more effective or efficient? If yes, describe the modifications and provide the rationale for their adoption.

157. As argued in this intervention, NPF-COSCO-PIAC believe the following aspects of CCTS are critical to ensuring that it meets its mandate:
1. Public awareness;
 2. Mandatory participation;
 3. Independent governance;
 4. Adequate funding and budget;
 5. Comprehensive research and reporting; and
 6. Effective enforcement

158. As NPF-COSCO-PIAC has addressed most of these issues in other areas of this intervention, they will focus on the “Reporting” and “Enforcement” aspects here. In this respect, NPF-COSCO-PIAC has several proposals.

7.4 Reporting

159. **First**, CCTS must report in a comprehensive and transparent manner in all its Annual and Mid-Year Reports. As discussed in their response to Question 2, NPF-COSCO-PIAC are concerned, for instance, that CCTS only appears to publish some of the data obtained from its customer survey reports. NPF-COSCO-PIAC submit that all the data from customer complaints and surveys ought to be published, including the raw data in spreadsheets, for transparency reasons and to allow independent analysis by consumer advocates, journalists, academics and the general public. The Commission must also ensure that CCTS is provided a sufficient budget to publish detailed and complete reports.

160. **Second**, NPF-COSCO-PIAC propose that the CCTS be mandated to investigate and report on systemic issues which emerge from its complaint resolution processes. Service providers do not and are not required to report the number and types of customer complaints which are managed internally. However, the CCTS, as an independent ombudsman that has developed specialized expertise in customer complaints, should be empowered to investigate and publish separate reports on systemic issues in the communications industry. Its current annual reports only publish high-level identification of trends and case studies. NPF-COSCO-PIAC submit that being an effective ombudsman also means providing comprehensive reports on issues arising in complaints.

161. **Third**, a process and requirements must be established whereby the CCTS files formal, regular reports (annually or semiannually) to the Commission so that the public interest in effective complaints resolution can be achieved. NPF-COSCO-PIAC note that this falls well in line with the role of the Commission, which was directed by the Governor in Council to determine the “structure and functions”⁹⁸ of the CCTS. NPF-COSCO-PIAC suggest that these reports could discuss matters such as:

- Systemic issues and trends, including those which are out-of-mandate;
- Level of compliance or non-compliance of Participating Service Providers;
- Public awareness monitoring; and
- Funding and budget.

⁹⁸ Governor in Council Order P.C. 2007-0533.

162. NPF-COSCO-PIAC similarly submit that the Commission must ensure the CCTS has appropriate funding set aside for the creation of these reports.
163. **Finally**, NPF-COSCO-PIAC propose – in order to better understand CCTS’ ability to effectively carry out its mandate – that CCTS be granted the opportunity to publish an annual “Ombudsman’s Report,” distinct from the organization’s Annual Report, which reflects the Commissioner’s view of CCTS’ activities and discharge of its mandate over the last year. This Ombudsman’s Report would be published without revisions or approval from the Board or Members.
164. The UK Ombudsman Services articles for instance, describes a “Chief Ombudsman’s Report” as an “annual report (which shall be distinct from the annual report of the Company) relating to the discharge of the Chief Ombudsman’s functions.”⁹⁹ The articles of association explicitly state that the Board shall:
- (g) receive the Chief Ombudsman's Report required by Article 68 and publish such report, incorporating any additional comments presented by the Chair as the Board decides are appropriate in the Board's sole and absolute discretion only as a foreword to the report and without changing the content of the report provided by the Chief Ombudsman;¹⁰⁰
165. In sum, NPF-COSCO-PIAC submit there must be greater transparency in CCTS reporting on its functions and activities, as well as on customer complaints and systemic issues. NPF-COSCO-PIAC believe this would be greatly facilitated by:
- Comprehensive, detailed and complete Mid-Year and Annual Reports;
 - Requirements and budgeting for investigations and reporting on systemic issues;
 - Requirements for regular CCTS reports to the CRTC on matters such as systemic issues, service provider compliance, and public awareness; and
 - The creation of an annual “Ombudsman’s Report.”

7.5 Enforcement

166. NPF-COSCO-PIAC also submit that there must be sufficient monitoring and enforcement of Participating Service Provider compliance with both Commission policies, CCTS decisions, and other obligations which affect the operation of the CCTS such as timely payment of fees and CCTS promotion.

⁹⁹ Articles of Association of the Ombudsman Service Limited (17 July 2012), art 1.

¹⁰⁰ *Ibid*, art 14(g).

167. The CCTS itself points out that ensuring compliance is one of its key challenges, particularly in regards to: the participation requirement, communications (public awareness) plan, and timely payment of fees.¹⁰¹
168. In NPF-COSCO-PIAC's view, the Commission would be best placed to enforce TSP compliance with their CCTS obligations. The CRTC now has a wide enforcement spectrum to ensure compliance with its edicts, particularly given the recent addition of a general administrative monetary penalty power. The CCTS, on the other hand, has few tools and remedies at its disposal should it wish to enforce a decision or contractual term or obligation against a service provider.
169. NPF-COSCO-PIAC have already proposed above that CCTS be required to file regular reports with the Commission regarding matters such as systemic issues raised in complaints and the level of Participating Service compliance. NPF-COSCO-PIAC submit that the Commission should be responsible for enforcement and imposing penalties where a Participating Service Provider has been non-compliant. The Commission could draft a bulletin outlining the appropriate procedure and penalties, or decide on a case by case basis.

Recommendation 14: The Commission should create clear CCTS reporting requirements, including:

- (i) Complete and transparent Mid-Year and Annual Reports,
- (ii) Investigative and research reports, e.g. on systemic issues and trends,
- (iii) Regular reports to the CRTC on matters such as systemic issues and service provider compliance, and
- (iv) An annual "Ombudsman's Report."

Recommendation 15: The Commission should be responsible for enforcing compliance with CRTC policies and orders related to CCTS, CCTS decisions, and all other Participating Service Provider obligations towards the CCTS.

8. CCTS's Funding Model (Q22-Q23)

22) Is the CCTS's current funding model appropriate?

170. NPF-COSCO-PIAC submit that CCTS' current funding model is generally appropriate. Telecom ombudsmen in other jurisdictions are also funded by service providers.

¹⁰¹ CCTS(CRTC)4Jun15-2 NC 2015-239 at p 9.

171. Ombudsmen in other jurisdictions are typically funded through:
- a) Annual fees based on the amount of funding required for the ombudsman to operate;¹⁰²
 - b) Fees charged for each individual complaint processed;¹⁰³ or
 - c) A combination of a) and b) above.¹⁰⁴
172. The CCTS' current funding model, which considers both the organization's operating expenses and the number of complaints received from each Participating Service Provider, appears to be efficient, functional and appropriate thus far.
173. However, NPF-COSCO-PIAC are concerned that there is significant lack of transparency surrounding the CCTS' budget and that – similar to government agencies and administrative tribunals – the CCTS should be required to **make its annual budget publicly available**. Publishing the CCTS' annual budgets would be an important measure of public accountability. Otherwise, it would be challenging for the Canadian public to gauge whether the CCTS has the resources to effectively carry out its mandate – as directed in Order in Council 2007-0533.
174. Furthermore, in line with NPF-COSCO-PIAC's response to other questions above, NPF-COSCO-PIAC believe that the Commission should require the CCTS to allocate sufficient funding in its annual budget to support:
- Public awareness and outreach activities;
 - Comprehensive and transparent Mid-Year and Annual Reports;
 - Investigations and reporting on systemic issues;
 - Regular reports to the Commission; and
 - The Ombudsman's Report.

¹⁰² Service de médiation pour les télécommunications, « À propos », online : Service de médiation pour les télécommunications <<http://www.ombudsmantelecom.be/fr/a-propos.html?IDC=23>> (accessed 13 July 2015).

¹⁰³ Telecommunications Industry Ombudsman, "Billing and payments", online: TIO <<https://www.tio.com.au/members/billing-and-payments>> (accessed 13 July 2015).

¹⁰⁴ See: Ombudsman Services, "Cost," online: Ombudsman Services <<http://www.ombudsman-services.org/funding.html>> (accessed 13 July 2015).

Recommendation 16: The CCTS should be required to make its annual budget publicly available.

Recommendation 17: The CCTS should be required to allocate sufficient funding in its annual budget to support activities such as:

- (i) Public awareness and outreach activities,
- (ii) Comprehensive and transparent Mid-Year and Annual Reports,
- (iii) Investigations, research and reporting on systemic issues,
- (iv) Regular reports to the Commission, and
- (v) The Ombudsman's Report.

23) Should the CCTS change its funding model to reflect the addition of television services to its mandate? If so, how and why?

175. While the structure of the current funding model may not need to change, NPF-COSCO-PIAC submit that the CCTS would likely need increased funding in order to accommodate TV complaints on top of telecommunications complaints. NPF-COSCO-PIAC believe it would be unreasonable to expect the CCTS to expand its mandate without additional resources and funding in order to ensure that it can effectively resolve complaints.
176. Therefore, TVSPs should be required to contribute to CCTS funding on top of current contributions from TSPs. Integrated service providers should be required to contribute additional amounts for their broadcasting distribution activities and not contribute solely based on their telecommunications activities.
177. TVSPs could contribute a general annual "subscription" fee the first year, with further contributions in following years based on the number of TV complaints related to each specific provider.

Recommendation 18: TVSPs should be required to contribute to CCTS funding on top of current contributions from TSPs.

9. Future Review (Q24-Q25)

24) What is the appropriate time frame for the next review of the CCTS?

178. NPF-COSCO-PIAC submit that a comprehensive CCTS review held every five years would be appropriate. However, the Commission should continue to monitor

any systemic or recurring issues, including those raised by CCTS reports to the Commission, related to the operation of CCTS. Should any serious issues arise, the Commission could undertake an earlier review on its own motion or by petition of any party—however, the Commission should not permit an incessant or bad faith call for extraordinary reviews of the CCTS.

Recommendation 19: The CCTS should continue to be reviewed every five years with flexibility to review serious issues within a shorter time frame, should the Commission decide that circumstances so warrant.

25) Is the current CCTS performance report the appropriate framework for measuring the performance of the Agency? If not, what measures are appropriate and why?

179. While the CCTS Performance Report provides helpful baseline results, NPF-COSCO-PIAC believe it is far from detailed enough – particularly in regards to complaint resolution.
180. Australia’s TIO, for instance, provides various other metrics related to its performance, including:
- Age of complaints;
 - Number of customers requesting a review;
 - Number of case review requests requiring further investigation;
 - Number of service providers requesting a review (reclassification); and
 - Number of reclassifications granted;
 - Consumer satisfaction; and
 - Stakeholder satisfaction.¹⁰⁵
181. While not all the indicators listed above are relevant to CCTS, NPF-COSCO-PIAC submit that CCTS performance must be gauged by a much wider range of factors than those based on timeliness. In particular, NPF-COSCO-PIAC believe that customer and stakeholder satisfaction are important measures to take into account when assessing CCTS’ performance.
182. Moreover, CCTS should also describe means and strategies by which it intends to increase customer satisfaction with the complaints resolution process. While general customer satisfaction appears to be high, there are noticeable differences in results. For instance, while only about 1.2% of customers in the 2013-14 Annual Report stated that the CCTS process was not timely, 13.3% did not believe the

¹⁰⁵ “**Stakeholder satisfaction**” includes surveys of representatives from government, consumer advocates, industry and the media.
Telecommunications Industry Ombudsman, *2013-2014 Annual Report* at pp 10-12.

resolution and investigation processes were fair and 12.0% did not believe CCTS had acted impartially and without favouritism.¹⁰⁶

183. Therefore, CCTS should also describe strategies to increase customer satisfaction and address certain indicators of customer dissatisfaction.

Recommendation 20: The CCTS Performance Report should include more detailed metrics, such as those related to customer and stakeholder satisfaction, and describe strategies for improvement.

10. Recommendations and Conclusion

184. CCTS' role as an independent ombudsman for consumers will only become more critical as communications services grow in significance and value to the Canadian life, economy and society.
185. It is important, therefore, that CCTS' role is as expansive and all-encompassing as possible and that it is equipped to effectively carry out its mandate and responsibilities through independent governance, adequate funding, regular research and reporting, and effective enforcement.
186. It is equally important that all Canadians have the opportunity to access CCTS services. All stakeholders must work towards promoting CCTS and increasing public awareness of CCTS services—in some cases, Commission intervention is required, particularly where a conflict of interest may arise. CCTS participation must be mandatory and immediately effective for all service providers offering communications services in Canada, as well as for all customers, regardless of whether they subscribe to regulated or forborne services.
187. These goals can be achieved where the Commission ensures that the CCTS is strong, effective and independent, particularly by addressing the areas of:
1. Public awareness;
 2. Mandatory participation;
 3. Independent governance;
 4. Adequate funding and budget;
 5. Comprehensive research and reporting; and
 6. Effective enforcement.

¹⁰⁶ CCTS, *Annual Report 2013-14* (2014) at p 39.

188. NPF-COSCO-PIAC have proposed various specific recommendations in order to strengthen CCTS' position in each of the above areas. These are summarized below.
189. NPF-COSCO-PIAC are pleased to provide these initial comments, and believe that a strong and independent communications ombudsman is essential to empowering Canadian consumers and achieving the public interest in the telecommunications sector.

NPF-COSCO-PIAC RECOMMENDATIONS:

Consumer Experience with CCTS

Recommendation 1: The CCTS should be required to commission public opinion research yearly on an ongoing basis, and to have the results of this research published in the Annual Report and made publicly available in full.

Recommendation 2: The CCTS must provide its website and key information in multiple languages in addition to English and French.

Recommendation 3: The CCTS must make accessibility tools more visible and widely available on its website.

Public Awareness

Recommendation 4: The Commission should impose public awareness requirements on CCTS such as:

- A CCTS Marketing and Communications Budget;
- A CCTS Research Budget, part of which will be used to commission research on public awareness and consumer preferences in learning about CCTS;
 - Promotional materials in various languages;
- Regular meetings or a "Consumer Forum" between CCTS and consumer groups;
and
- Regular reporting in addition to CCTS Annual Reports.

Recommendation 5: The Commission should impose public awareness requirements on Participating Service Providers such as:

- Public Service Announcements;
- Emails and SMS messages promoting CCTS; and
- Automated messages promoting CCTS when customers contact customer service representatives.

Recommendation 6: The Commission should order the establishment of a transparent, annual CCTS research budget to conduct surveys and further examine the effectiveness of public awareness initiatives.

Participation in the CCTS

Recommendation 7: CCTS participation must be mandatory and immediately effective for all communications service providers (including TVSPs and telecommunications resellers) and customers (regulated and forborne services) going forward.

CCTS Mandate

Recommendation 8: The CCTS' mandate should include complaints about goods or services that are bundled or sold with a communications service, except customer-provided equipment.

CCTS Structure

Recommendation 9: The CCTS Board of Directors should consist of:

- 3 Industry Directors;
- 3 Consumer Directors;
- 2 Independent Directors; and
- 1 Independent Chair,

each of whom are subject to terms of no more than 6 years.

Recommendation 10: Matters such as:

- Appointment of the Commissioner;
- Compensation of the Commissioner;
- Repeal or amendment of any provisions in the Procedural Code;
- Level of CCTS funding, including Participating Service Provider fees and costs;
- Annual Budget;
- Business Plan; and
- Participation Agreement,

must be determined by Ordinary Resolution votes of the Board of Directors.

Recommendation 11: If the Commission does not implement Recommendation 10, then Industry Directors should be excluded from voting on specific matters which could raise potential conflicts of interest such as: (i) outreach and public awareness, (ii) research, (iii) reporting, and (iv) funding for these initiatives.

Recommendation 12: While incorporating TVSP representatives, the CCTS Board should retain the same number of Industry Directors in total – that is, 3 Industry Directors.

Remedies

Recommendation 13: The \$5,000 compensation cap should be raised to \$25,000.

Reporting

Recommendation 14: The Commission should create clear CCTS reporting requirements, including:

- (i) Complete and transparent Mid-Year and Annual Reports,
- (ii) Investigative and research reports, e.g. on systemic issues and trends,
- (iii) Regular reports to the CRTC on matters such as systemic issues and service provider compliance, and
- (iv) An annual “Ombudsman’s Report.”

Enforcement

Recommendation 15: The Commission should be responsible for enforcing compliance with CRTC policies and orders related to CCTS, CCTS decisions, and all other Participating Service Provider obligations towards the CCTS.

Budget and Funding

Recommendation 16: The CCTS should be required to make its annual budget publicly available.

Recommendation 17: The CCTS should be required to allocate sufficient funding in its annual budget to support activities such as:

- (i) Public awareness and outreach activities,
- (ii) Comprehensive and transparent Mid-Year and Annual Reports,
- (iii) Investigations, research and reporting on systemic issues,
- (iv) Regular reports to the Commission, and
- (v) The Ombudsman’s Report.

Recommendation 18: TVSPs should be required to contribute to CCTS funding on top of current contributions from TSPs.

Future Review

Recommendation 19: The CCTS should continue to be reviewed every five years with flexibility to review serious issues within a shorter time frame, should the Commission decide that circumstances so warrant.

Recommendation 20: The CCTS Performance Report should include more detailed metrics, such as those related to customer and stakeholder satisfaction, and describe strategies for improvement.

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