

CONSUMERS COUNCIL OF CANADA

Before the Canadian Radio-television and
Telecommunications Commission

Broadcasting and Telecom Notice of Consultation
CRTC 2015-239, as amended by 2015-239-01

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

Intervention

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I SUMMARY

- ES 1 The Consumers Council of Canada requests to appear at the public hearing. The Council is one of a very small number of national consumer groups and an indirect stakeholder in the CCTS through its eligibility to vote for the two consumer representatives on the CCTS's Board of Directors. It has a clear interest in the improvement of the public's awareness of the CCTS, its real and perceived independence, the effectiveness of processing complaints, and, perhaps most importantly, the capturing of unresolved complaints for resolution - a direct result of increased public awareness.
- ES 2 The Council believes that for those who have a complaint that is processed through the CCTS, that the annual customer satisfaction survey is a reasonable, effective and appropriate method of tracking outcomes. The Council finds that the survey hides a significant flaw. That is, for all the unresolved complaints that could or should've been brought to the attention of the CCTS but were not, how did the organization serve those individuals and how satisfied were they?
- ES 3 An important indicator to demonstrate the likelihood that the CCTS is performing its function, is the level of Public Awareness of the CCTS, the number and nature of unresolved complaints, and the reasons why the complaints are abandoned without resolution, or not brought forward to the CCTS. That is all about Public Awareness.
- ES 4 We believe that the number of unresolved complaints with TSPs that do not make it to the CCTS, for any number of reasons, is significant, probably many times more than those that do make it. We estimate that approximately 43,500,000 contracts are eligible for CCTS services and resolution. For these 43,500,000 contracts there were only 11,340 complaints filed with the CCTS last year. That's about one complaint for every 4,000 contracts. Who can stand up and truly say they believe that is even close to the real number?
- ES 5 We recommend that the CCTS, in conjunction with a diverse stakeholder panel, conduct three comprehensive surveys, one for each of Telephone Services, Internet Access Services, and Wireless Services, with the objective of determining the following in enough detail to get statistical information by various demographics and by TSP:

- A Level of awareness of existence of an independent ombudsman for this service.
- B How people became aware of CCTS, if they know about it
- C Level of unresolved
- D Nature of unresolved complaints
- E Effectiveness of PA campaign by TSPs - by phone and by notification or website.
- F For those with an unresolved Complaint the reasons for not using CCTS.
- G Specifically, what consumers would expect their TSP to do to tell them about how to use the services of the CCTS.

- ES 6 The Council recommends that a comprehensive, responsive web design be considered that will adjust for tablets, large and small, as well as the various sizes of smartphones, given the poor display of the current site on mobile devices, particularly smartphones.
- ES 7 Consider using the Google Grant program to support an implementation of a Google AdWords public awareness and marketing campaign.
- ES 8 Reconsider changes to TSP participation, CCTS structure, funding model and mandate based on results of the survey program, over the next two years as part of the next review process.

II INTRODUCTION

- 1 This proceeding arises for two reasons. (1) Conditions set out in Telecom Decision 2010-921 required certain conditions of service that expire on December 20, 2015. (2) From the recent inclusion of TVSP complaints within the purview of the CCTS as noted in Broadcasting Regulatory Policy CRTC 2015-104. This Broadcasting and Telecom Notice of Consultation CRTC 2015-239 posed a remarkably comprehensive and probing set of 26 questions to interested parties.

- 2 This submission by the Consumers Council of Canada (“the Council”), a not-for-profit organization that supports the protection and strengthening of consumers’ rights, submits its intervention to this proceeding. The Council supports an improved marketplace, and focuses its advocacy on the rights and responsibilities of consumers.
 - 3 The Council is one of a very small number of national consumer groups and an indirect stakeholder in the CCTS through its eligibility to vote for the two consumer representatives on the CCTS’s Board of Directors. It has a clear interest in the improvement of the public’s awareness of the CCTS, its real and perceived independence, the effectiveness of processing complaints, and, perhaps most importantly, the capturing of unresolved complaints for resolution - a direct result of increased public awareness.
 - 4 The Review of the Commission for Complaints for Telecommunications Services, Telecom Notice of Consultation CRTC 2010-247, 30 April 2010, as amended by Telecom Notice of Consultation CRTC 2010-247-1, 12 August 2010 resulted in certain commitments, many around the issue of public awareness. All parties have indicated the importance of public awareness (to varying degrees and in varying ways). Efforts were made to improve public awareness immediately after the inception of CCTS and following its review in 2010. Yet the scant research in the area has produced little information, and nothing indicating any level of public awareness of CCTS’s role that is close to acceptable.
 - 5 The Council is concerned about this lack of focus on determining and increasing public awareness, including how easy, or difficult, it is for consumers to find and bring their unresolved complaints to the CCTS. It questions whether it is a funding issue, a lack of independence (perceived or real), a performance issue or truculence by the objects of complaint in participation. The Council does not definitively know, but in this submission will present possibilities, and suggest a method to determine the facts, which should have taken place following the 2010 review and Review of the Commissioner for Complaints for Telecommunications Services, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011.
- A *CCC Primary Focuses in this Submission of Intervention***
- 6 The Council finds that all questions posed by the CRTC in its Notice of Consultation are important ones and require thoughtful objective discussion and demand answers. The Council will confine its responses in this Intervention

document primarily to those relating to Public Awareness and the Consumer Experience.

B *CCC Questionnaire to our Public Interest Network*

- 7 More than 350 consumer opinion leaders and interested parties participate in the Council's Public Interest Network (PIN). These are people who make themselves available to offer their thoughts about consumer issues. The PIN acts as a touchstone for the Council's advocacy. It is available to help the Board of Directors establish its annual priorities and provides Council researchers consumer perspectives of specific consumer issues.
- 8 They Council sent an online questionnaire to the PIN membership soliciting responses including the following:
- awareness of, and any experience with, the CCTS;
 - unresolved complaints they have had that would have been directed by them to the CCTS is they were aware of it; and,
 - recommendations for what the CCTS, the TSPs and consumer groups can do to increase public awareness of the CCTS.
- 9 The Council received 66 responses to the 359 questionnaire sent out - an 18.4% response rate. Most questions were open-ended, as the Council seeks qualitative responses regarding PIN members' experiences, issue identification, insights and recommendations, with a lesser focus on quantitative or statistical outcomes. The Council does not suggest that the responses are necessarily representative of the Canadian population or any specific demographic group. It does know that the responses are commonly carefully considered and come from individuals with an interest or stake in the issues queried, including general consumer protection.
- 10 Responses to this survey have been included with this submission of intervention, both summarized and verbatim.

III CONSUMER EXPERIENCE

A *Customer Satisfaction Survey Shines Light on Only Part of the Story*

- 11 The CRTC asked whether the annual customer satisfaction survey provides an effective and appropriate measurement of consumer satisfaction. The Council believes that for those who have a complaint that is processed through the CCTS, that this is a reasonable, effective and appropriate method of tracking outcomes.
- 12 There is no indication in the Annual Report section on the Consumer Satisfaction survey results of what improvements would be necessary and what should be done to achieve them. The Annual Report should indicate the changes in CCTS processes made or to be made as a result of the survey.
- 13 The Council suggests that the survey include a series of questions determining the reasons for bringing the complaint to the CCTS and the service provided by the TSP in advance of the escalated complaint, and also some accounting of whether the TSP followed appropriate procedures prior to the complaint. The procedures being referred to in this instance relate to the complaint escalation process, not the service delivery, or billing or contract issue.
- 14 The Council finds that the survey hides a significant flaw. That is, for all the unresolved complaints that could or should've been brought to the attention of the CCTS but were not, how did the organization serve those individuals and how satisfied were they. This is addressed under Public Awareness, although we maintain firmly that the CCTS has an obligation to those individuals who do not contact the CCTS, and that showing the results as they are may distort perceptions of the performance of CCTS and the TSPs.
- 15 People who did not contact the CCTS for one reason or another were not asked why? Therefore, many consumer complaints that would reasonably be considered the responsibility of CCTS if the consumer was aware did not get included. These could be people who, if wronged, are ultimately more seriously wronged than those who do contact CCTS. The survey does not include the responses of those who do not make contact with CCTS, do not begin the complaints process, or give up on it, or do not know about it. We are not suggesting that the CCTS change their annual customer satisfaction survey for this, but to ensure that their public awareness efforts are such that people are made aware of the CCTS and have the option of filing a complaint.

16 It is reasonable to assume, that those not included, because their situation was not resolved, will be less satisfied. But it need not just be assumed. This can be tested as part of the survey the Council will recommend.

B PIN members have had no experience with the CCTS

17 Of the 66 responses to the Council's survey of the PIN, no respondent had had an experience with the CCTS. All other responses to the survey by respondents dealt with the nature of their unresolved complaints with TSPs, public awareness, and recommendations for improved awareness.

C CCTS should begin to shift from just internal processing to also external assessment and gathering

18 It is nice to revel in the reduced number of complaints and a rosy review from clients served. However, an important indicator to demonstrate the likelihood that the CCTS is performing its function, is the level of Public Awareness of the CCTS, the number and nature of unresolved complaints, and the reasons why the complaints are abandoned without resolution, or not brought forward to the CCTS. That is all about Public Awareness

IV PUBLIC AWARENESS

A From the inception of the CCTS public awareness has been a keen need

19 Broad public awareness is important, and has been from the inception of the CCTS eight years ago.

- The Commission considers that the Agency would be more effective if there were broad public awareness regarding its role, responsibilities, and procedures. The Commission also considers that an appropriate communications plan would incorporate public awareness requirements for both the Agency and its TSP members.¹*

20 The initial view of the CRTC was that referrals to the CCTS should come after an initial failed attempt to resolve a consumer's dispute.

¹ Telecom Decision CRTC 2007-130 Ottawa, 20 December 2007 Establishment of an independent telecommunications consumer agency para 113

- *The Commission also considers that if an initial attempt by a TSP member to resolve a consumer's dispute fails, the TSP should inform the consumer about the Agency.*²

21 And perhaps most importantly resources should be allocated to develop and carry out ongoing public awareness campaigns.

- *The Commission further considers that the Agency should allocate sufficient resources and develop a plan for its initial and ongoing public awareness campaigns.*³

B Public Awareness is crucial to the CCTS's effectiveness

22 The importance of public awareness is paramount to the CRTC as noted in the CRTC 2010 Notice of Telecom Consultation to the initial three-year review of its operations:

- *"The Commission considers 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."*⁴

23 The CRTC considers it important to employ surveys to gauge effectiveness.

- *The Commission also supports the CCTS's commitment to employ surveys to gauge the effectiveness of its public awareness initiatives. The Commission directs the CCTS to report on the findings of these initiatives on its website, in a timely manner, and in its annual reports.*⁵

C More than 43,500,000 contracts come under the purview of the CCTS

24 How many contracts come under the purview of the CCTS? For wireless contracts, as of June 30, 2015 in Canada, there were approximately 28,586,472 wireless

² Telecom Decision CRTC 2007-130 Ottawa, 20 December 2007 Establishment of an independent telecommunications consumer agency, para 114

³ Telecom Decision CRTC 2007-130 Ottawa, 20 December 2007 Establishment of an independent telecommunications consumer agency para 115

⁴ Telecom Regulatory Policy CRTC 2011-46, Review of the Commissioner for Complaints for Telecommunications Services, Ottawa, 26 January 2011, para 51

⁵ CRTC 2011-46, para 50

subscribers.⁶ 87% of households had Internet access⁷ at the end of 2014. Applying that to Statscan's 2011 census number of 13,320,610⁸ households it works out to roughly 11.5 million Internet connections⁹. Taking a conservative view of contracts and reducing this number by 1/3 for combined connections in apartment buildings etc., it would be reasonable to conclude there are approximately 7.6 million contracts. In 2013, 56% of households had landlines. That's approximately 7.4 million landline contracts. These combine to more than 43,500,000 contracts.

- 25 For those 43,500,000 contracts there were 11,340 complaints¹⁰ filed with the CCTS in 2014. That means that only one in 3,800 consumers who had an unresolved complaint decided to take it to the CCTS. Some people will be too lazy, some won't have the time to complain, some don't want the frustration and just decide to forget about it. If one were to estimate that these account for half of unresolved complaints, one might conclude that 1 in 1,900 people had an unresolved complaint with their TSP. Is that something the average reasonable person would consider as realistic, given the considerable media attention and anecdotal evidence to the contrary? The Council does not mean to suggest that all these people would have a problem, but it does believe that it is higher than 1 in 1,900. Considerably. So the Council suggests that the CCTS and the TSPs, with the guidance/assistance of the CRTC staff, and a small number of consumer groups conduct a survey to determine the real numbers - objectively and fairly.

D Common Sense Points to a clear gap in complaint resolution (for unknown reasons)

- 26 The Commission indicates clearly the importance of public awareness. Yet there is little evidence that public awareness of the CCTS is even close to what it should be. Furthermore, there is evidence to the contrary, in that only 13%¹¹ of consumers are aware of the CCTS through notifications by their TSPs.

⁶ CWTA Document wireless subscribers

⁷ <http://cira.ca/factbook/2014/the-canadian-internet.html>

⁸ <http://www.statcan.gc.ca/tables-tableaux/sum-som/l01/cst01/famil55c-eng.htm>

⁹ Granted, some connections will be in apartments and part of a larger contract.

¹⁰ CCTS 2013-14 Annual Report

¹¹ From CRTC Notice of Consultation, 2015-239 n a July 2014 poll conducted by Harris Decima on behalf of the Commission concerning the Wireless Code, only 13% of respondents with cellphones indicated that they received information with their cellphone contract or agreement about how they could complain to the CCTS.

27 From the 2103-14 Annual Report of the CCTS, as the lead line in the CEO's message:

- *“Undoubtedly the most noteworthy development at CCTS in 2013-14 is the decrease in the number of customer complaints we received.”¹²*

28 That is a notable statistic, but is it necessarily 'good news'? The Council cannot conclude this statistic is a good indicator of performance. We think that good news would be complaints handled by the CCTS rising to the number of estimated unresolved complaints, and then through focused efforts of the CRTC, the CCTS, and the TSPs enjoy a steady decrease in the numbers of complaints handled.

29 This methodological problem is the focus of the Council's submission. The CCTS must find out a reasonable estimate of the level and nature of unresolved complaints against the TSPs. CCTS should set new goals for dealing with these unresolved complaints and draft a plan to reduce their numbers, and to indicate actions to be taken if that is not accomplished within a reasonable time. The Council believes the focus of the organization is wrong when the story the CCTS promoted after the release of its 2013-14 report was the reduction in complaints handled. What can be the reason for this being the headline, and not one of the following:

- How can Canadian be such whiners day to day about their telecommunication services, when really only about 11,000 of them have anything to complain about, although we seem to hear a lot about it day to day?
- How can the TSPs manage to deflect unresolved complaints?
- Are we being too polite and not complaining enough through official channels?
- Is it too expensive in time or money to complain about your TSP, other than to your neighbours and work colleagues?
- Perhaps people are just annoyed with themselves about their own oversights and transfer it to their TSP.

¹² CCTA Annual Report 2013-14

- 30 The actions taken by the CCTS in its public awareness campaigns often measure the impressions left - impressions, as in how many people are reached by the media story or the message. We would prefer to see measures dealing with outcomes. These could include increases in complaints filed due to media stories, or complaints not filed because consumers realized they had misunderstood certain terms. Communication is about getting the message across and understood, not just saying it and reporting that it has been said.
- 31 Ultimately, the CCTS continues to focus on the decrease in complaints in its annual reports or its low rate of increase. The Council believes this indicates CCTS is missing (or avoiding) the important question to answer. The question is: How many unresolved complaints are out there that would come to the CCTS if consumers were aware and believed that they would get fair and timely restitution?

E First step, asses level and nature of problem.

- 32 There is agreement that public awareness is low. There is agreement at least with consumer groups, some of the public, the CRTC and the CCTS, that the CCTS needs to improve public awareness of its role. Before any significant steps can be taken to improve public awareness, CCTS and the CRTC must first determine the level and nature of the problems consumers experience.
- 33 We recommend that the CCTS, in conjunction with a diverse stakeholder panel, conduct three Comprehensive Surveys, one for each of Telephone Services, Internet Access Services, and Wireless Services, with the objective of determining tehe following in enough detail to get statistical information by various demographics and by TSP¹³. The sub titles indicate the benefit and use of the information gathered:
- Level of awareness of existence of an independent ombudsman for this service. And awareness of the CCTS as the owner of that role.
 - i. Level of advertising, where and to whom by CCTS and by TSPs
 - How people became aware of CCTS if they know about it

¹³ In most cases information about performance of TSPs is important to having a fairly competitive marketplace. Witness Telus's marketing of their performance in the mid 2015 CCTS report.

- i. Nature, location, message and timing of advertising
- Level of unresolved complaints
 - i. Degree of effort
 - ii. Focus on performance of TSPs
- Nature of unresolved complaints
 - i. This can be used to determine reporting, and to determine recommendations for improvements in performance by TSPs
- Effectiveness of PA campaign by TSPs - by phone and by notification or website.
 - i. How many consumers have an unresolved complaint, and were not informed about this by their TSP during the attempted resolution? Ostensibly this is a performance indicator for the TSP, for which they should be accountable.
 - ii. Determine the effectiveness of notifications by TSPs to their customers in their bills, and on their websites.
- For those with an Unresolved Complaint the reasons for not using CCTS.
 - i. Can be used to determine overall problems with level of reward, expectation of success
- Ways in which they would seek ombudsman, including what search terms they would use
 - i. Should the CCTS decide to use AdWords in its public awareness initiatives and/or campaigns we would suggest that querying the people who would do the searching would be more representative of real search terms. In AdWords knowing the words that your potential “customers” use is particularly useful and increases effectiveness considerably.
- Specifically, what they would expect their TSP to do to tell them about how to use the services of the CCTS and when that should happen,

particularly when dealing with phone support where indicators of adherence (levels of performance) to committed public awareness actions are not as determinable

- 34 Reviewing public awareness and improving it will not be a short process, and should become a fundamental activity of CCTS. If a significant commitment is not made, the Council foresees no resolution of the problem of the low level of public awareness of CCTS and its role.
- 35 The process should be, and would take place within a timeframe of no more than two years:
- Assemble a survey project team including CCTS, TSPs, consumer group representation, CRTC staff, customer satisfaction organization (akin to a J.D. Power) and external research organization (e.g., Ipsos Reid, Harris/Decima)
 - Set expected current goals of survey
 - Conduct survey
 - Assess expectation gap
 - Set goals for one year hence
 - Set actions to be taken if goals are unmet
 - In one year, resurvey and act accordingly
 - CRTC to hold consultation on results and expected actions

F The CCTS Web site is not developed for smartphones

- 36 The CCTS is proud of their website as evidenced by their inclusion of it on the covers of their 2012-13¹⁴ and 2013-14¹⁵ Annual Reports, and on page 2 of the Mid-Year Report August 1, 2014-January 31, 2015. However, the site displayed on the smartphones is a poor representation of a website on a mobile device. It was

¹⁴ When You Need Help, Annual Report 2012-13 CCTS

¹⁵ Driving Positive Change, Annual Report 2013-14 CCTS

understandable not to have a mobile-browser enabled website two years ago, but certainly not today.

- 37 Some TSPs have very good websites that are mobile enabled. The Council suggests that the CCTS follow the lead of Bell¹⁶ and Telus¹⁷ in this regard. Their web sites are “responsive” in that they respond to the screen they will be displayed on. The web site on a smartphone looks different than on a desktop. Most websites appear poorly on mobile devices if not designed specifically for them or in a responsive development environment. These two sites are particularly good because they have been enabled for mobile devices in their entirety and not just at the top layers. Typically in such designs there is no need to go to a specific mobile address. The system understands and redirects accordingly.
- 38 The Council would not suggest a smartphone/mobile app as a key piece of a public awareness campaign. Most people download apps after they are aware of an organization. The Council believes a responsive, well-designed web site will be more effective than an app, and not draw away resources needlessly.
- 39 Furthermore responsive web design gets higher rankings in Google’s scoring system and, therefore, search results, particularly for searches from mobile devices, as they noted when rolling out their mobile friendly update in April of this year.¹⁸
- 40 The Council suggests that a comprehensive, responsive web design be considered that will adjust for tablets, large and small, as well as the various sizes of smartphones.
- 41 The Council believes that there is no excuse for an organization that is the final arbiter over 28,000,000 cell phone contracts not to enable a mobile friendly site. It has yet to be determined, but it could be speculated that most and certainly many accesses to the complaints submission process will soon be through mobile devices. These statistics would be available to CCTS through their website site development environment and should be considered if they haven’t been already.

¹⁶ www.bell.ca if accessed from a smartphone

¹⁷ www.telus.com if accessed from a smartphone

¹⁸ <http://googlewebmastercentral.blogspot.ca/2015/04/rolling-out-mobile-friendly-update.html>

42 The name CCTS-CGRST etc. can be confusing on websites and searches. Consider renaming pages so that headlines that appear in search results are more indicative of the purpose of the organization and that they appear in only the language that was queried. There is an urgent need for better Search Engine Optimization as it relates to the titles displayed in search results. This does not refer to placement in search results, which for the CCTS is quite good for reasonable search terms.

G *Other ways to inform the public*

43 The Council's PIN members were asked for ways the TSPs, the CCTS and consumer groups could help to raise public awareness of the CCTS. Respondents also suggested that the CCTS should have a strong web and social media presence, and could use this to share stories of successful complaints. Additionally, they said CCTS should make itself easy to find in Google search and should have simple, clear and easy to understand landing pages. They further suggested an advertising campaign and reaching out to the news media.

44 The CCTS should investigate participation in Complaint Forums. They do contain vital information about consumers' complaints, and offer a place to redirect an individual's anger from a vitriolic rant in public to a more reasoned adjudication with an arbiter and the TSP. The CCTS should consider instituting a process to review, and possibly participate, in such forums. Frankly, we are not in a position to recommend the action to take as the CCTS reviews these forums, but we do believe that the answer will be obvious as the various forums are reviews. Many should probably be ignored, but there are many that are reasonable outlets for consumers looking for answers.

45 A review of a site such as Howard Forums¹⁹ could prove quite instructive. There are forums at the other end of the complaint spectrum. A quick search of the term "Rogers sucks" brings forward several Internet addresses. Similar searches for "bell sucks" and "Telus sucks" and "Shaw sucks" bring up the same results (more or less). The lessons may be different at both ends of the spectrum, but we believe that learning is available at both ends.

¹⁹ <http://www.howardforums.com/forum.php>

- http://communityforums.rogers.com/t5/forums/forumtopicpage/board-id/Getting_connected/thread-id/14264
- https://www.reddit.com/r/canada/comments/1q4pu8/this_is_why_rogers_sucks/
- https://twitter.com/rogers_sucks
- <https://www.facebook.com/CanadiansAgainstRogers>
- <https://www.facebook.com/pages/Rogers-Sucks/112886228769206>
- <https://www.facebook.com/CanadiansAgainstRogers>
- <http://www.yelp.ca/biz/rogers-communication-toronto>

46 It is important to realize that participation can range from browsing to full fledged engagement and direction of individuals to the CCTS site, possibly even advertising on some of the more respectable forums.

H Consider Using AdWords

47 The majority of the larger TSPs use Google AdWords to support their advertising. They understand its effectiveness. Some even use it to show ads when their competitors names are searched. The CCTS can take advantage of this powerful Google marketing/advertising/awareness tool.

48 For organizations that are not-for-profits there are significant benefits available from technology companies such as Google. Google AdWords will provide \$10,000 a month towards AdWords. That can be anywhere from 5,000 to 10,000 clicks to the CCTS site a week from people specifically looking for complaint issues around wireless, Internet or telephone services. Under the Google Grants program Google provides up to \$10,000 a month for not-for-profits to apply to text based AdWords ads. On the surface the CCTS should be eligible, but we suggest that you review the eligibility guidelines.²⁰ There is an exclusion for governmental entities and organisations, but given the CCTS's self description as an independent

²⁰ <http://static.googleusercontent.com/media/www.google.com/en//grants/pdf/us-marketing-playbook.pdf>

organization, we suggest that this be investigated - regardless, of the eligibility to the free Google Grants program.

I Areas of greater Focus for Public Awareness

49 In today's world of staggering information accessibility and availability, and trustworthiness, etc., and new technological requirements, the definition of "vulnerable" or susceptible is broadening. It is no longer adequate to look just at those with lesser incomes, educations and access. The Council believes that no reliable answer presents here in the absence of valid survey research results.

J TSPs follow a minimalist view of notification regarding the CCTS

50 The required method of notification by the TSPs is generally adhered to. Its efficacy is as yet undetermined. The only survey dealing with it showed a low response. Reduction in unresolved complaints should be the number-one objective.

51 The Council maintains that awareness of the CCTS earlier would cause some people to go to the CCTS sooner. Less time of consumers would be wasted. Information to resolve complaints might be more readily available. If a TSP did treat a consumer inappropriately, it will also save time.

52 Of the PIN survey respondents, approximately one third had previously heard of the CCTS. Most heard of it from the news media or through their work. Curiously, not one respondent stated that they'd heard of the CCTS through communications from their TSP, and only one said they'd found it when looking to make a complaint. Interestingly the PIN members are consumer-protection-oriented individuals, and while not all would know about the CCTS, this is still low awareness, particularly for a group like the PIN.

53 Even the small survey of PIN members, identified accounts of several complaints that respondents think they should have taken to the CCTS, or would have done so had they known about it. We note in the following paragraphs excerpts of those that indicate that there are unresolved complaints that would be fixed if people knew about the CCTS. Some of the mentioned problems were eventually resolved, but often after an unreasonably long and aggravating process. Perhaps they might have been resolved more quickly by a quick redirection to the CCTS.

54 These stores suggest that there are widespread issues with the dispute resolution processes at TSPs. Consumers are not being referred to the CCTS after a reasonable amount of effort spent trying to settle an issue, and instead are kept indefinitely at some level of escalation until they give up or the issue is resolved at a high cost to a consumers' time. In the second example, our respondent's experience casts doubt on Rogers' "4-step internal complaints process" and at what point they will consider this process to be exhausted and refer the consumer to the CCTS. In other cases, PIN members felt forced to accept an unsatisfactory resolution or the issue was not resolved at all:

- *"We moved from Toronto to Brighton. We told Bell to discontinue our telephone and Internet services in Toronto and move them to Brighton, which Bell did quite promptly. Well over a year later we received a dunning letter from a collection agency for unpaid bills for services to our old Toronto address. During that time we did not receive a single bill from Bell for our old Toronto address. If we had, we would have challenged it immediately. It took countless hours on the 'phone and writing letters to get the matter resolved and even longer to get Bell to reset our credit ratings."*
- *"had an experience with Rogers where I changed everything over to them. They told me that I would experience a 15-minute loss of service with the switch over. I experienced more than 21 days without service, during which I called their service line a half a dozen times. They kept telling me the same thing, that the problem wasn't on their end, they that would "escalate" the call, and that they would resolve the situation within 24 hours. They literally told me this same thing six times, like every time I called was the first time. Finally I called them and cancelled all service, then I had to fight them for almost a year because they wanted me to pay a huge contract default and pay for the service I never received."*
- *"A Bell salesman was selling new Internet connections at our condo building and he told us that there would be no activation fees. The issue is that I was actually charged that fees on my first bill. And when I contacted Bell, they resolved it by waiving off half of the amount. To be honest, I should not be paying a dime of the activation fees because their own employee promised no activation fees. Misrepresentation of this nature is*

not taken very seriously by telecom companies and I feel there should be a redressal [sic] system to keep them in check.”

- *“I was charged over \$1,400 for text messages when I have free unlimited texting. It was not specified that the free unlimited texting was restricted to Canada only so I texted while away on vacation only to come home to a \$1,400 bill. Eventually I was able to get the bill down to \$400 but I still felt that they should have specified that the unlimited texting was actually limited to Canada only.”*
- *Had these consumers known about the CCTS or been informed of it in the dispute resolution process, they could have had their complaints resolved fairly instead of feeling forced to accept the decision of their TSP. Other respondents, while not having personally had unresolved disputes, brought more anecdotal evidence that many more complaints remain unresolved and unnoticed by the CCTS:*
 - *“I am aware of them through my interactions with the federal govt esp. the CRTC. There is very little publicity given to the complaints process. There seems to be little desire for the public to know of the mechanism.”*
 - *“I was not aware specifically of CCTS. From general discussions with friends and acquaintances, my impression is that there is a lot of dissatisfaction with and ignorance of this industry. There are many unresolved complaints and just plain ignorance.”*

55 The Council acknowledges that this is not, nor is it meant to be, a statistically valid survey. It is, however, highly indicative that there are many complaints not reaching the CCTS due to low public awareness and flawed dispute resolution mechanisms on the part of the TSPs.

56 The Council asked PIN members for ways the TSPs, the CCTS and consumer groups could help to raise public awareness of the CCTS. Suggestions for the TSPs were largely what is already mandated for them, adding that information about the CCTS should be in a conspicuous place on the TSP’s website and on every monthly billing statement. It was also suggested that the CCTS should be mentioned at the beginning of the complaints process instead of only when the TSP has judged it to be over. This would make consumers more aware of their options and be much easier to enforce. This, to the Council, is the key recommendation. Inform

customers at the outset of the complaints handling process that if they are dissatisfied with the resolution offered, they can go to the CCTS.

K Some inform better than others

57 TSPs can inform more clearly. Tybaytel²¹ does it well. It is clear, and not all in tiny font. We would like to see more of them do it like Tybaytel and Scotiabank²². It's clear and they appear to take ownership of the process and make that clear to consumers.

58 Not all do it well. The Council would suggest that Bell²³ redo its disclosure. Bell's choice to obscure the existence of CCTS under successive clicks may be seen as intentionally evasive, or disingenuous. Even when one searches for CCTS the words on the page related to CCTS are hidden under at least two successive clicks.

59 TSPs state very clearly their consumer / customer focus (examples). While the organizations do include the CCTS reference, they don't make it as clear as they could if it was as important as some of them suggest their customer relationships are. How about a CCTS button that is required to be on all web sites? Big, bright blue, and on every page. While we would not recommend it at this point, we do believe that the CRTC consider an action like this if public awareness activities do not improve adequately.

L Vonage Sets a Good Example

60 One good example of notification is what Vonage sends to its subscribers for its VOIP telephone, as a single purpose message, not buried in a small point font amidst other detailed information.

61 Vonage sends out an email every quarter with the details of the CCTS. It stands out, even though it's in plain text and in two languages. The Council would suggest that TSPs distribute this in the language of choice for their customers to simplify it even more. The notice distributed is as follows:

²¹ <http://www.tbaytel.net/support/customer-care/more/complaint-process>

²² <http://www.scotiabank.com/ca/en/0,,355,00.html>

²³ http://support.bell.ca/billing-and-accounts/how_to_escalate_a_complaint

- Message from the Commissioner for Complaints for Telecommunications Services (CCTS)
- CCTS is an independent agency whose mandate is to resolve complaints of individual and small business customers about their telecommunications services. If you have a complaint about your telephone, wireless, or Internet service, you must first try to resolve it directly with your service provider. If you have done so and have been unable to reach a satisfactory resolution, CCTS may be able to help you, free of charge.
- To learn more about CCTS, you may visit its website at www.ccts-cprst.ca or call toll-free at 1-888-221-1687.²⁴

V CCTS's MANDATE

62 The Commission requested comments on whether the CCTS's mandate remains appropriate with respect to categories of complaints. The Council believes that the results of the survey will bring the best information on which to base any changes to these categories of complaints.

VI CCTS's STRUCTURE

63 The current board structure is four independent members and three industry members. However, positive outcomes regarding public awareness is particularly low. This falls clearly at the foot of the board, which has been less than effective at determining public awareness and dealing with such matters that would be expected of an independent ombudsman that has a responsibility to ensure access to those with unresolved TSP complaints.

64 The Council cannot be certain of the reasons for this, given board confidentiality, however, it suggests that it is one of the following and requests an answer as to which it is:

- Inappropriate structure and/or board composition
- Board performance

²⁴ Email to Vonage Telephone Customer, Howard Deane, July 20, 2015

- Undue influence (or lack of independence) at the board level, or within the board
- Inadequate funding

65 The Council believe that any decisions made related to voting need to be done only after the first question has been determined.

66 Going forward there should be no shift in the board percentage or voting that would more favour industry representation, given that independence, or appearance thereof, may be questioned.

VII CCTS's FUNDING MODEL

67 It is very possible that the structure of the funding model may be preventing the CCTS, and its board, from properly fulfilling its mandate regarding public awareness and capturing an appropriate level of unresolved complaints. As a consumer group, the Council is not in a position to determine this, however. Therefore, the Council hesitates to recommend changes without that knowledge.

68 This information would be forthcoming from the recommended survey. The possibility exists of a number of unresolved complaints many times the current intake of the CCTS. In light of that, speculation on actual funding requirements is idle.

69 While it is difficult to know whether the structure of the funding model or the level of funding is appropriate, it is knowable that the participants in the CCTS do have the financial wherewithal to support the CCTS in whatever manner it is determined it should best serve.

70 The combined 2014 net income after tax of the participant TSPs (including non telecommunications activities) is significant, well into the billions. That's profit available for reinvestment. The majority, if not all, of the TSPs make it clear in their marketing and missives that the customer experience is important to them, and that they invest in their customers. The Council believes the TSPs have the financial resources to match their stated commitment of customer satisfaction. The Council observes there is a gap between their commitment and what happens in the ultimate resolution of complaints. The Council eagerly awaits the results of an objective, fair, comprehensive, multi-party survey to determine the expanse

of the gap, and further await the actions and commitments forthcoming from the results of this survey.

- 71 As the Commission works to assess the funding model, and determine any modifications, the Council encourages it to consider the inherent disincentive in the current funding model. The current model has a clear motivation to keep complaints down, on paper. Three reasons:
- Fewer real complaints are good for the business and the consumer
 - Fewer complaints of any sort are better for the TSP because fees are variable based
 - Fewer complaints are better for the TSP as the CCTS tends to rule more in favour of the customer than the TSP.
- 72 Nevertheless, the Council does believe that given the inability to fund an adequate survey to fulfill a key principle process responsibility of an ombudsman, there may be a shortfall in the funding necessary to do so.

VIII FUTURE REVIEW

- 73 The Commission asked what would be the appropriate timeframe for the next review of the CCTS.
- 74 The Council submits that the next review should be timed to the schedule of the survey it recommends in the Public Awareness section. Initially we would suggest a timeframe of no more than two years, beginning to end.

*** End of document ***