

**Before the Canadian Radio-television and
Telecommunications Commission**

**Broadcasting and Telecom Notice of
Consultation CRTC 2015-239/239-1,**

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

Initial Comments

of

CCTS

25 August 2015

Introduction

1. The Commissioner of Complaints for Telecommunications Services (CCTS) is pleased to participate in the *Broadcasting and Telecom Notice of Consultation CRTC 2015-239, Review of the structure of mandate of the Commissioner of Complaints for Telecom Services (NC 2015-239)*. In addition to the mandate, activities, structure and funding of CCTS, the consultation is seeking comment on the services CCTS provides to consumers and consumers' experience with CCTS. CCTS addresses each of these issues in response to the questions in Appendix 2 of NC 2015-239. CCTS requests to appear at the public hearing to respond to Commission questions and to provide any further comment or clarification required.
2. CCTS, as an independent telecommunications consumer agency, has a mandate to:
 - i. Provide independent, impartial, timely, efficient and informal resolution of complaints made by individual consumers and small business customers about the forborne telecommunications services received from their participating service providers (PSPs), and to make public annual reports, including statistical information and trends¹;
 - ii. Administer the CRTC's Deposit and Disconnection Code (DDC) and the Wireless Code (TWC), responding to and resolving complaints relating to the codes, monitoring of trends and reporting on both complaints and trends.
3. As well, in the third Let's Talk TV Decision, Broadcasting Regulatory Policy 2015-104, the Commission determined that there should be a television service provider (TVSP) code of conduct and that CCTS should administer that code. In making this determination the Commission observed "that the majority of BDUs that offer other communications services, such as Internet, local voice services and wireless services, will offer incentives for their customers to purchase a bundle of these services. In a marketplace where a growing number of consumers take advantage of these offers, it becomes ever more important to have a consistent approach to informing consumers and dealing with consumer complaints".²
4. Since its inception in 2007, CCTS has helped tens of thousands of Canadian consumers. In the nearly five years since the Commission's last review, CCTS has accepted and resolved over 53,000 complaints, with close to 90% of these resolved in a manner satisfactory to both parties, most at the earliest stage of the process. This high resolution rate is a result of CCTS' focus on resolving disputes independently, fairly, efficiently and effectively to the mutual satisfaction of the customer and the service provider. Such efficient and effective resolution is only accomplished by the development of robust processes for use by a dedicated staff, and by working collaboratively with service providers and customers.

¹ Participation Agreement, s 2.3 - provided as CCTS(CRTC)4Jun15-1 Attachments 3 and 4, in English and French respectively.

² Broadcasting Regulatory Policy CRTC 2015-104, paragraph 23

5. This collaborative approach creates a “virtuous circle”. Resolving complaints quickly eliminates frustration for customers and saves time and money for providers. The result should be happier customers and a lower rate of churn for providers. At the same time, this collaboration gives service providers insight into areas of customer frustration enabling them to address these on a more widespread basis, either by eliminating the irritant or by developing a more refined internal process to respond to customer issues as they arise. This, in turn, should reduce the number of complaints to CCTS and, in theory, increase customer satisfaction, to the benefit of both customers and service providers. Finally, in the event that a complaint does go to CCTS, the positive experience gained by all parties has resulted in the majority of Participating Service Providers (PSPs) working cooperatively with CCTS to facilitate prompt resolution of problems. This may help explain the year-over-year decline in the number of complaints to CCTS in 2013-14, a trend which has continued into 2014-15.

6. During the time that has elapsed since the 2010 CRTC review, CCTS has also assumed responsibility for DDC and TWC. As with any significant change, the addition of code administration has come with some growing pains. In the case of DDC and particularly TWC, these include the work involved and time consumed in interpreting the code in the context of individual complaints.

7. The experience gained from resolving complaints and administering DDC and TWC has provided CCTS with insights into which practices work effectively for consumers and PSPs, and which raise challenges for all stakeholders. This experience informs CCTS’ responses to the questions in Appendix 2 of NC 2015-239. The responses are organized under the broad headings used by the Commission in Appendix 2, as follows:
 - i. CCTS Services and Experience – *question 1*
 - ii. Consumer Experience – *questions 2-3*
 - iii. Public Awareness – *questions 4-8*
 - iv. Participation in the CCTS - *questions 9-12*
 - v. Mandate of CCTS – *questions 13-15*
 - vi. CCTS’ Structure – *questions 16-21*
 - vii. Funding Model Considerations – *questions 22-23*
 - viii. Future Review – *questions 24-25*

CCTS Services and Experience – serving consumer needs (Q#1)

- *Comment on how an independent communications ombudsman serves the needs of consumers.*
8. As envisioned in Order in Council 2007-533 (the Order), CCTS is an independent consumer agency with a mandate to resolve complaints from individual consumers and small businesses about their deregulated telecommunications services. CCTS monitors and reports on the complaints received, the time taken for resolution and relevant trends in the nature of the

complaints. As well, in the context of the government's broad vision, administering industry codes of conduct logically falls within the purview of CCTS.

9. CCTS' complaint handling activities are informed by performance standards that are based on the guiding principles of the International Organization for Standardization (ISO) in ISO 10003 (External Dispute Resolution Standard) and approved by its Board of Directors. These performance standards cover 11 key principles, including accessibility, fairness, competence, timeliness, confidentiality, transparency and continual improvement. As outlined in CCTS(CRTC)4Jun2015-2, CCTS has defined objectives (80%) for: call answer response times at the Contact Centre (120 seconds); response time for written communication (3 days); conclusion of complaints at the pre-investigation level (40 days); and, conclusion of complaints requiring investigations (60 days from commencement of investigation). CCTS has exceeded these objectives in 27 of the last 28 quarters³.
10. Consumer satisfaction with CCTS is high. The feedback from the CCTS customer survey shows that overall customer satisfaction has been increasing year over year and is close to 90% for some key aspects of CCTS' service, demonstrating that consumers who have used the services of CCTS are very satisfied with it. These results are discussed in more detail in the Consumer Experience section below.
11. In addition to the work of its staff, CCTS attributes much of its success and the consequential customer satisfaction to its approach. The primary goal of CCTS is timely and satisfactory complaint resolution. As discussed above, collaboration and cooperation between CCTS and the industry in resolving complaints appears to be contributing to increasingly positive consumer experiences with CCTS. This degree of success in resolving customer complaints would not be possible without "buy in" from PSPs.
12. CCTS provides PSPs with detailed quarterly statistical reporting, which it has refined over the years based on feedback from the PSPs. CCTS' objective is to provide PSPs with data that offers them better insight into consumer issues that are specifically relevant to their operations and services. This data allows the PSPs to develop insight into the aspects of their businesses which are driving consumer dissatisfaction and generating complaints. In turn, this allows them to adjust and make changes to improve their service offerings to their customers.
13. Although CCTS has, to date, only dealt with telecom complaints, the experience gained and processes developed for handling these complaints and administering the related codes of conduct place CCTS in a good position to resolve similar issues that arise for consumers of TV services. From a consumer perspective, having a single point of contact for independent resolution of both unregulated telecom and TV distribution services is logical, particularly given the high degree of convergence in the industry and the bundling of telecom and TV services

³ Attachments 17 and 18 filed in CCTS(CRTC)4Jun15-2 NC 2015-239.

sold to consumers. This should result in increased customer satisfaction, and diminish some of the consumer frustration resulting from the absence of a CCTS-like organization to which customers can turn for their TV complaints. Also, the collaborative processes employed by CCTS would provide TVSPs with the same insight into customer issues that current PSPs currently receive about telecom issues.

14. Finally, it is important to recognize that the services provided to customers and the role played by CCTS and its staff extend well beyond complaint resolution. In 2013-14 ⁴ for example, in addition to accepting and resolving over 11,000 complaints, CCTS' Contact Centre handled over 50,000 pieces of written correspondence and responded to more than 130,000 customer phone calls. The calls and correspondence received cover a wide range of issues including inquiries about CCTS and its role and processes, the customer's service provider, telecommunications issues in general, and TWC, among others. In responding to these inquiries, CCTS staff often provides information to customers about CCTS and its processes, as well as the codes which it administers. Should the call involve a matter outside its mandate, CCTS directs customers to the resource or organization responsible for addressing the issue at hand. While all customer contacts (over 180,000 in 2013-14 alone) consume time and money, it is clear that CCTS is offering a useful informational and educational service to customers and to the public at large.

Consumer Experience (Q#2-3)

- *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?*
 - *For consumers who have made a complaint with the CCTS, comment on your experience in using the CCTS for resolving your dispute.*
15. CCTS strives to ensure that contact between itself and customers is positive from the initial point of contact through to the completion of the customer's interaction with CCTS. A key factor for customers is the timely resolution of complaints. With this in mind, the CCTS process is designed to achieve complaint resolution at the earliest possible point in the process. CCTS focusses on timely, informal resolution whenever possible, rather than lengthy "legalistic" processes. CCTS ensures that its staff is knowledgeable and professional, which contributes to the timeliness of complaint resolution, and as the survey results show, to the high level of overall customer satisfaction with CCTS.
 16. While there are a number of ways in which one could measure whether CCTS has been effective (including through a review of its statistical performance), probably the best way to

⁴ CCTS 2013-2014 Annual Report filed in CCTS(CRTC)4Jun15-2 NC 2015-239, Attachment 17, pages, 7 and 32.

measure whether the “consumer experience” is satisfactory is by asking customers who have used CCTS’ services. Beginning in 2010 CCTS developed an in-house survey and sent it electronically to customers who had filed complaints with CCTS that had been fully concluded. One of the objectives of the survey was to measure levels of customer satisfaction with various aspects of CCTS’ processes and service delivery. CCTS began to publicly report the results of the customer survey in its 2010-11 Annual Report. As noted in CCTS(CRTC)4Jun15-2 NC 2015-239, one of the questions asked is specifically designed to determine a customer’s overall sense of satisfaction with aspects of CCTS’ process, and Attachment 20 shows the very high satisfaction rate reported by customers. CCTS has provided as Appendix 1 to these comments a summary of the reported survey results for all of the customer service questions from 2010 to 2014. They demonstrate a very high rate of satisfaction with CCTS on all the measures surveyed.

17. Consumer feedback garnered from the survey is also one of the ways CCTS determines how to improve its service. Indeed, the responses to the survey questions that address the measures being taken by the PSPs under “Developing Public Awareness of CCTS” (“the Plan”) were one of the factors that motivated CCTS to revise the Plan in 2012 and to reconsider it again in 2015. Another example involves the survey responses to the questions about the timeliness of our service. In 2010-11 only 68% of survey respondents answered “yes” to the question about whether CCTS completed its work in a reasonable time (though another 16% answered “somewhat”). This was an important factor in prompting us to take a close look at how we did our work. Subsequently, we made changes to process, technology, training and resourcing. By 2013-14, 89% of respondents answered “yes” to that question (and another 10% answered “somewhat”).

Public Awareness (Q#4-8)

- *What measures, including online approaches, should the CCTS take to promote itself and increase public awareness of the CCTS?*
 - *Are there specific consumer segments where the CCTS should focus its promotional activities?*
 - *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?*
 - *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?*
 - *How should the effectiveness of these public awareness initiatives be measured?*
18. CCTS shares the view that public awareness is vital for CCTS to be of value to consumers, small businesses and service providers, and CCTS takes seriously the continuing need to ensure public awareness of the services that it provides. Detailed background on CCTS’ public awareness initiatives, successes and challenges is provided in response to CCTS(CRTC)4Jun15-3 NC 2015-239. As noted in this response, CCTS believes that focussed measures on the part of all stakeholders are the most effective means of raising public awareness. CCTS’ public

awareness plan is built on the strategy of ensuring that information about CCTS is readily available to customers at the time they experience a problem – directly from CCTS, through their service provider, and at key referral points.

19. The cornerstone of CCTS' approach to public awareness and the basis of the Plan is ensuring that those customers who encounter a problem with their service are readily able to:
 - i. Determine the specifics of their service provider's process for complaint-handling;
 - ii. Easily find information about CCTS, and appropriate contact information, if the problem cannot be resolved to the customer's satisfaction by the service provider; and
 - iii. Be specifically informed by the PSP about the right of recourse to CCTS, if the customer goes far enough in the PSP's internal complaint handling process.
20. This is a best practice and is the most effective manner in which to connect with customers. In this regard, information obtained from the CCTS customer survey shows that the internet is the resource most often used by customers to find CCTS. Consequently online tools – complaint forms, a "Guide to Making a Complaint", a web chat feature - are prominent aspects of CCTS' website. CCTS also has plans to upgrade its web site in 2015-16 by providing better social media integration and more useful content. In addition to upgrading its web site and implementing all its commitments in the Plan, CCTS has used media coverage, outreach to consumer organizations and to federal and provincial government departments and officials, and has recently recruited a Communications Officer as part of its efforts to improve awareness.
21. The Commission has also played a significant role in increasing public awareness as it regularly informs customers with complaints about unregulated retail telecommunications services of the option for recourse to CCTS. As well, the Commission's stated commitment to provide Canadians as consumers, creators and citizens with access to a world class communications system has led to an increased level of awareness of, and participation in, CRTC processes by individual consumers. This is evident from the unprecedented level of consumer/citizen participation in the TWC and Let's Talk TV proceedings. Through these processes, including CCTS participation in them, consumers are not only gaining a better understanding of their communications services, rights and responsibilities but are also gaining awareness of CCTS.
22. The role of PSPs in increasing public awareness of CCTS cannot be overstated. PSPs have a direct relationship with the customer and are the customer's initial point of contact when there is a service problem. This is why the 2012 update of the Plan included an obligation for PSPs to inform customers of their right of recourse to CCTS sooner – after the second level of escalation of a customer complaint – in the PSPs' complaint resolution process. As noted in CCTS(CRTC)4Jun15-2 NC 2015-239, in April 2015 the CCTS Board revisited the public awareness plan. It was aware of the limited and inconclusive data from the July 2014 Harris Decima poll conducted for the CRTC and the Union des consommateurs survey, parts of which were filed in the Commission's "Let's Talk TV" proceeding.⁵ In light of this and in order to provide CCTS with

⁵ Broadcasting Notice of Consultation CRTC 2014-190

its own baseline data, a decision was made for CCTS to conduct public polling in the 2015-16 fiscal year.

23. The Board also concluded that better information was needed on the extent of PSP compliance with the Plan. To this end, CCTS conducted a survey of 133 PSPs in May 2015. The objective of the survey was to obtain information related to the degree of PSP compliance with the Plan. A copy of the English-language questionnaire is provided as Appendix 2, and the French-language questionnaire as Appendix 3. Unfortunately only 47 PSPs, or 35% of those to which the survey was sent, responded to the survey. CCTS has analyzed the responses and summarized the results. This summary is provided as Appendix 4 to these comments. While there is overlap between the survey questions and the requests for information issued by the Commission on 4 June 2015, the CCTS survey is designed to determine the extent to which PSPs are compliant with all their commitments under the Plan including: i) White Pages message and text; ii) CCTS Notice and PSP website link; iii) customer bill messages; iv) customer notification by service provider; and, v) terms of service (optional). Some of the survey questions required explanations and could not be answered with a simple yes or no, and thus a degree of subjective analysis was required in analyzing the responses.
24. Based on the information provided by the 47 respondents, there is not full compliance in any of the five areas identified above. For those PSPs which publish White Pages, 75% report that their publication contains the required CCTS notice, with text that matches that required by the Plan. Of the responding service providers with a website, 81% have the required notice and provide a link to the CCTS site, as required by the Plan. However, of the 26 providers with a website featuring a search function, only 8% are fully compliant with the requirement that the search function return a hit to the CCTS notice/link page of their site for all seven of the prescribed search terms. Compliance with the bill message requirement is self-reported at 66% for customers receiving a monthly bill and 35% for customers that do not receive a monthly bill. Customer notification of CCTS by the service provider when it is unable to resolve a complaint at the second level of escalation is the most important and perhaps the most contentious requirement. It is also difficult to measure due to the varied internal complaint escalation processes of service providers. However, based on CCTS' analysis of the responses, only 32% of respondents comply with this requirement of the Plan. As noted a summary of the full analysis is provided in Appendix 4.
25. With respect to TVSPs, the increase in the breadth of services included in the CCTS mandate due to administration of the TVSP code of conduct and, presumably, the inclusion of retail TV consumer complaints generally, should also serve to expand public awareness. In addition, this Commission proceeding, as well as the release of the TVSP Code, and its eventual implementation will produce substantial media coverage about CCTS.⁶ Further, given the media resources available to them, CCTS expects that TVSP participants will add an expert

⁶ See CCTS(CRTC)4Jun15-3 NC 2015-239, Attachment 21

voice as to the most effective means at their disposal to increase public awareness of CCTS. The TVSPs have data available to them, collected and compiled for purposes of promoting awareness of their own media services, that could help to determine the relative effectiveness of broadcasting tools in increasing accessibility to and public awareness of CCTS.

26. As discussed above, CCTS will conduct its own public awareness polling during the 2015-16 fiscal year. To CCTS' knowledge, there is no consensus, either in the ombudsman community or among academics, as to the appropriate level of public awareness. CCTS knows of no other similar organization that has a definitive target in this regard. While there is no definitive benchmark to measure the optimum level of awareness for an organization like CCTS, continued polling and surveys will provide some indication of whether awareness is increasing over time and which initiatives are contributing most to this increase.
27. One of the considerations in the design of any awareness campaign is to ensure that each dollar spent promoting awareness delivers the greatest return from a customer perspective. Certain measures that might be considered to be reasonable for an awareness campaign (e.g. advertising) can be costly, and CCTS is mindful that although its funding is provided by the PSPs, such funding is not unlimited. CCTS must consider this when determining which public awareness activities should be undertaken. In particular, CCTS seeks some assurance that these efforts are the most cost-effective means of reaching the target audience i.e., will produce the greatest awareness for consumers in need of recourse to CCTS. In addition, the cost of the awareness initiatives must not come at the expense of CCTS' core business activities.
28. Finally, CCTS reiterates the remarks made in response to the Commission's Requests for Information about the need for the development of a compliance/enforcement process for CCTS matters. Under section 3.1 of the CCTS Participation Agreement (the contract for services between CCTS and its PSPs), the PSPs contract to "adhere to, be bound by and observe" the Agreement, the Procedural Code, and the public awareness plan (described in the Agreement as the "communications" plan). As discussed in CCTS(CRTC)4Jun15-2 NC 2015-239, PSP compliance is an operational challenge and CCTS is seeking to work with the Commission to put in place a more robust regime to deal with non-compliance. This could extend to public awareness measures, as well as other compliance issues related to the requirements of the Participation Agreement and the Procedural Code.

Participation in the CCTS (Q#9-12)

- ***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.***

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

29. The Commission will consider all of the evidence before it in determining which service providers will be required to participate in CCTS. CCTS wishes to bring to the Commission's attention that there are operational issues with the current participation regime that impact customers and also raise issues related to the effective use of CCTS' time and resources as well as to compliance and enforcement. CCTS asks that the Commission consider these factors in making the public interest determination as to which service providers should be compelled to participate, and under what process.
30. Administrative simplicity and enforceability of the mechanism that triggers participation is one of the most important aspects of a workable mandated participation regime. Generally speaking, the more straight-forward the participation mechanism is the easier it will be to facilitate participation and deal with non-compliance. Under the current regime, service providers with annual Canadian telecom revenues of \$10M or more are required to participate as a condition of operation, and those TSPs having annual revenues less than \$10M and which were not participants in December 2010 are only required to become participants five days after CCTS receives a complaint from one of their customers. As discussed in response to CCTS(CRTC)4Jun15-2 NC 2015-239, TSP compliance with the participation mandate is an operational challenge. Philosophically CCTS is not opposed to this participation trigger mechanism, however, practically speaking this mechanism has proven to be very time-consuming and has led to delays in the resolution of the customer complaints that trigger the participation of a new TSP.
31. The main challenge, which has been enforcing TSP participation within five days after receiving a complaint, warrants discussion as it directly affects consumers. The administration of this approach to participation is complicated by a number of factors. First, it can often be a challenge to "find" the TSP, i.e., to locate its contact information. Then the challenge becomes making contact with a senior representative of the TSP to explain that CCTS has received a customer complaint and that the TSP is now required to participate. Many smaller service providers appear only to become aware of the regulatory obligation to participate in CCTS when they are contacted by CCTS. Regardless of whether CCTS is able to contact a senior representative of the TSP, the next challenge is to locate a physical address to which CCTS can send the participation package. CCTS must then wait for the TSP to complete and return the necessary material (including signed Counterpart Participation Agreement, Statutory

Declaration of Revenues, contact information sheet, payment of fees, etc.). It is only then that CCTS can add the TSP's name to its case management system, formally accept the complaint, and begin working on its resolution.

32. Finding a senior contact at the TSP with whom to discuss the participation requirement can be a lengthy and time-consuming process. However, even after such contact has been made and an address to send the participation package has been provided, it still takes on average 50 days⁷ (as opposed to the prescribed five days) for the service provider to return all of the necessary material required to sign them up. This adds months to the resolution of a complaint, which is frustrating to customers and harmful to the credibility of CCTS.
33. Sometimes, despite all of CCTS' best efforts, the TSP simply refuses to participate. Since 2011, CCTS has referred a total of 29 TSPs to the CRTC because they refused to join CCTS when required. Of these, 11 eventually joined CCTS; however it took, on average, 103 days between the date that CCTS first referred the TSP to the CRTC and the date that the TSP actually joined CCTS. Three TSPs went out of business and therefore couldn't be signed up. The remaining 15 TSPs are still pending action with the CRTC and have been with the CRTC for an average of 663 days. This adds further costs and consumes CCTS and Commission resources as refusal to participate can result in CRTC proceedings and Orders compelling participation.⁸
34. CCTS understands that there may be no simple solution to this problem. However, in its view, administration and enforcement would be greatly simplified if a list of TSPs mandated to participate could be produced by the Commission and provided to CCTS, and if the Commission directly linked a TSP's right to offer service, to its participation in CCTS, in a manner that it could enforce.
35. Regardless of whether changes are made to the participation regime for TSPs, CCTS recommends this approach be used to bring TVSPs into participation. In CCTS' view simplification of the mechanism that triggers participation, at the very least for TVSPs, would reduce customer frustration arising from delays in the participation process, as well as some of the compliance issues associated with participation.
36. As noted above this simplification could be achieved if the Commission were to establish, by a specified date and as a condition of operation or licence⁹, that identified TVSPs are required to become participants in CCTS. Ideally this date would precede the effective date of the TVSP code implementation and CCTS' administration thereof. A list of the mandated TVSPs, i.e., those TVSPs meeting the participation trigger, would be provided to CCTS, and CCTS would

⁷ Based on 2014-15 data

⁸ Telecom Decision CRTC 2013-495 and Telecom Orders CRTC 2013-496, 2013-497, and 2013-498

⁹ The actual trigger would depend upon which TVSPs the Commission determined as a matter of public policy should be mandated to participate e.g., only licenced TVSP, all TVSPs licensed and exempt, or some other combination.

administer the enrollment and orientation of those TVSPs. Once the initial TVSP enrollment has taken place, future participation would be determined by the trigger requirement(s) and would occur incrementally. Again, such TVSPs ideally would be required to demonstrate that they have actually become participants, i.e., “signed up” with CCTS, as a condition of being permitted to do business.

37. Simplifying this one aspect of the regime is highly desirable but will not, however, obviate the need for rigorous enforcement of participant compliance. As discussed in response to CCTS(CRTC)4Jun15-2, CCTS is seeking to work with Commission to develop and implement a robust enforcement regime to address non-compliance with any and all aspects of the TSP/TVSPs’ mandate to participate in CCTS.

CCTS Mandate (Q#13-15)

- ***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?***
 - ***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?***
 - ***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?***
38. As noted at the outset, CCTS’ mandate is to provide independent, impartial, timely, efficient and informal resolution of complaints made by individual consumers and small business customers about the forborne telecommunications services they receive from their PSPs. CCTS specifically amended the Procedural Code to make it clear that it can accept all complaints related to the provision of forborne telecommunications services, unless explicitly excluded by s.3 of the Procedural Code¹⁰. This, in CCTS’ view, continues to be appropriate.
39. The addition of TV would not necessitate any major changes to the mandate, structure or funding. There will, however, be a need to change some of the language in the constating documents to reflect participation of TVSPs and broadcasting services. These changes should not be fundamental in nature; for example, section 3(b) “Broadcasting” would have to be deleted from the exclusions listed in the Procedural Code. Also some amendments to the

¹⁰ The Procedural Code is provided as Attachments 8 and 9 of CCTS(CRTC)4Jun-1 NC 2015-239. In CCTS’ view, the exceptions set out in section 3 (a) through (p) are reasonable for its telecom mandate .

language throughout to include reference to both telecom and “television services” or “broadcast distribution”, would be required.

40. While CCTS is not expert in TV services, and thus not able to comment fully on specific TV-related service exclusions, CCTS submits that the overall objective should be to duplicate for TV the broad scope of complaints currently allowed for telecom. The principle underlying the s. 3 telecom service exclusions of the Procedural Code is to exclude from the mandate items that are regulated (e.g. emergency services, payphones, 900/976 services), or issues for which another more expert body already exists (e.g. privacy issues, advertising issues). This same principle should apply to any exclusions to TV services and is in keeping with the Commission’s statement at paragraph 4 of BNC 2015-105¹¹, “The TVSP Code would not address issues that are already addressed in other broadcasting industry codes and regulations, including issues related to content of television programming and advertising, such as violence and equitable portrayal.”

CCTS Structure (Q#16-21)

- *Is the current structure of the CCTS’s Board of Directors and the voting structure appropriate?*
- *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?*
- *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?*
- *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?*
- *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.*
- *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.*

41. As discussed in response to CCTS(CRTC)Jun15-2 NC 2015-239, following governance changes made to ensure compliance with the Canada Not-for-profit Corporations Act, there are currently seven Members of CCTS. These Members also act as CCTS’ Directors. Three Members are appointed by the industry – one each by the incumbent local exchange providers (ILECs), the cable companies and the “Other TSPs”, two by the Canadian consumer groups, and two by the Board on recommendation from the Independent Directors Committee, acting as a Nominating Committee. When voting on matters which the By-law places in the hands of the Board, Directors are required to vote based on their view as to the best interests of CCTS.

¹¹ Broadcasting Notice of Consultation CRTC 2015-105, *Call for Comments on the Television Service Provider Code of Conduct working document*, 25 March 2015

When voting on matters which require approval by the Members, the Members are entitled to vote in the interests of their constituency.

42. As stated in its comments in the Let's Talk TV proceeding, CCTS envisions that TV services will be a relatively simple and efficient addition to its mandate. To begin with, a substantial number of TVSPs are part of a corporate family that already participates in CCTS. It would not be necessary to create a separate participation category for TVSPs. Representation in CCTS governance is based on the nature of the service provider, not the line of business in which it offers service. Further, in light of the CNPCA, changing the governance structure would be a time-consuming and costly exercise and one that is not required in order to facilitate the participation of the TVSPs. Those TVSPs that are not part of a corporate family that provides telecom services and, therefore not already CCTS participants, could participate as part of the "Other" category. Of course, this category could be re-named to reflect its diverse membership.
43. There is no consensus among CCTS' Directors and Members about the appropriateness of the current voting structure, therefore CCTS will make no comment on that question.
44. Finally, CCTS does not believe, and there is no evidence to suggest that the remedies or amount of compensation available to CCTS to address customer complaints are insufficient. Under section 12 of the Procedural Code, CCTS has authority to require a PSP to remedy its failure to meet its obligations to the customer, notwithstanding the financial amount at issue. In addition to this authority, CCTS may also award compensation of up to \$5,000 for "loss, damage, or inconvenience incurred by the Customer arising directly from the circumstances of the complaint". This sum has proven ample to address the complaints that CCTS has dealt with to date.

CCTS Funding Model (Q#22-23)

- **Is the CCTS's current funding model appropriate?**
 - **Should the CCTS change its funding model to reflect the addition of television services to its mandate? If so, how and why?**
45. CCTS is funded by its PSPs based on a formula approved by its Members. Every PSP pays a fee for each customer complaint accepted by CCTS (known as a Complaint-Based Fee or "CBF"). Since 1 August 2014, CBF funds 40% of CCTS' budget (CBF had been previously set at 33%). The CBF contains a series of escalating price levels, which are designed to incent early resolution of complaints, and to compensate CCTS for the additional resources required to deal with the complaint as it proceeds through the CCTS process. CCTS bills CBF quarterly in arrears (i.e. in the quarter following the conclusion of the complaint).

46. PSPs with greater than \$10 million in annual Canadian telecommunications revenues also pay a Revenue-Based Fee (“RBF”). The amount to be paid by each RBF payer is calculated in proportion to that payer’s proportionate share of total eligible Canadian telecommunications revenues reported to CCTS by all the RBF payers. Since August 1, 2014, RBF funds 60% of CCTS’ budget (it was previously 66%). CCTS bills RBF quarterly in advance.
47. Participating Service Providers with less than \$10 million in annual Canadian telecommunications revenues do not pay RBF. Instead, they pay an Annual Fee, currently set at \$100. In addition, any new PSP pays a one-time fee of \$500 when it first “signs up” with CCTS. This fee is designed to defray the cost of bringing a new PSP into participation.
48. Prior to each fiscal year, CCTS sets its annual budget, which is based in large measure on a number of projections made by management – most important among them, the number of complaints that will be received in the fiscal year. Management also estimates the cost of resourcing the staffing to handle this workload as well as the cost of other initiatives and fixed costs, and then the budget is approved by the Members. Based on this budget, CCTS calculates the amount of revenue that it must generate from CBF, and on that basis, sets the year’s CBF rates.
49. At the end of the fiscal year and following an audit, CCTS’ public accountant verifies the amount of revenue received and the expenses incurred during the fiscal year. Then, as required by the Participation Agreement, CCTS conducts an “annual adjustment” (also known as a “true-up”). The objective of the annual adjustment is to return to the PSPs the amount by which CCTS’ revenues for the year exceed its expenses, or to allow CCTS to collect additional sums from the PSPs to ensure that it does not operate at a deficit. Also, the Participation Agreement requires that 40% of CCTS funding come from CBF. So using the audited actual revenue and expense figures, CCTS determines whether 40% of its revenues were actually derived from CBF. If CBF revenues exceeded 40% of the budget, CCTS recalculates the CBF rates used during the year and PSPs that generated complaints during the year receive a credit. If CBF generated less than 40% of revenues, CCTS recalculates the CBF rates and PSPs that received complaints during the year are invoiced to recover the shortfall. Concerns about different aspects of the funding formula have been expressed to CCTS by different PSPs, and not all PSPs have the same point of view. Thus CCTS is not taking a position on the issue of the funding formula. In CCTS’ view, the mechanics and details of the funding formula is an issue best left to be decided by the PSPs through the Members. CCTS management is responsible for the sound financial management of the organization, and in this regard feels that any funding formula must meet two important objectives. First, it should adequately provide for the security of CCTS’ funding needs, including its ongoing cash flow requirements. In addition, it should be as simple as possible to administer. CCTS currently manages all of its financial needs with one part-time (senior) finance person. Anything more complex than the current approach may require additional resourcing.

50. Should the Commission wish to provide direction on this issue, CCTS encourages it to outline the policy objectives that it wishes to see addressed, and allow CCTS and the PSPs (through the Members) to determine what funding formula will best achieve these objectives.
51. Finally, if no changes to the governance and structure are made with the addition of TVSPs to CCTS participation, then, in CCTS' view there is no need to make any changes to the funding formula to reflect this addition.

Future Review (Q#24-25)

- *What is the appropriate time frame for the next review of the CCTS?*
 - *Is the current [CCTS performance report](#) the appropriate framework for measuring the performance of the Agency? If not, what measures are appropriate and why?*
52. CCTS recommends a five year time frame for the next review. A proceeding of this nature is not a trivial undertaking, and while important, it consumes a significant amount of time as well as human and financial resources of all stakeholders. Five years will allow currently non-participating TVSPs to integrate CCTS into their customer dispute resolution processes. It will also provide time for CCTS and other stakeholders to assess the impact that the addition of TV services and any other changes introduced as a consequence of this proceeding have on customer relationships, the operations of both CCTS and the service providers, and on public awareness more broadly.
 53. As the last five years have shown, CCTS has most of the tools necessary to make modifications to its governance, structure and operations between reviews, when such modifications are required. Trend reporting and other analysis in CCTS' Annual and Mid-Year Reports highlights changes in consumer concerns on an ongoing basis, which enables CCTS and other stakeholders to be responsive to any shifts in consumer issues or concerns. This reporting, combined with the CCTS performance reports, and the customer survey, provide good indications of whether CCTS is meeting its mandate and providing consumers with good service.

Conclusion

54. CCTS' mandate is to provide independent, impartial, timely, efficient and informal resolution of consumer complaints. Its goal is to do this as quickly as possible (whenever possible through informal resolution). CCTS' processes are designed to support this outcome and with high early-stage resolution and customer satisfaction rates of almost 90%, CCTS' mandate is being met, to the benefit of customers and service providers.

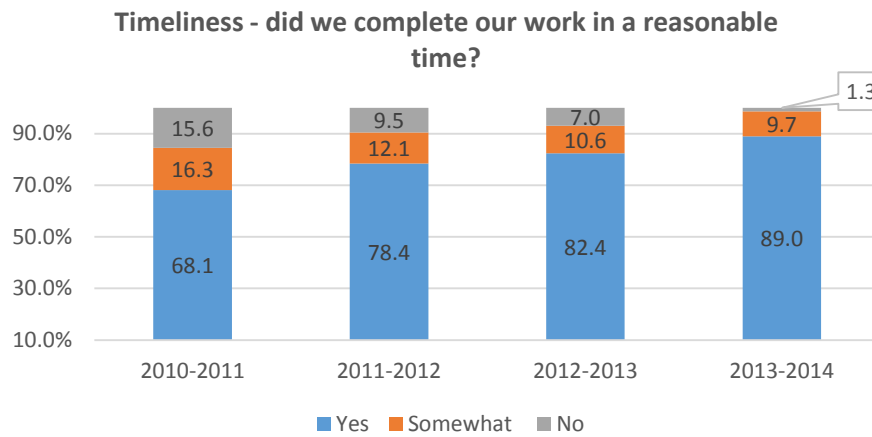
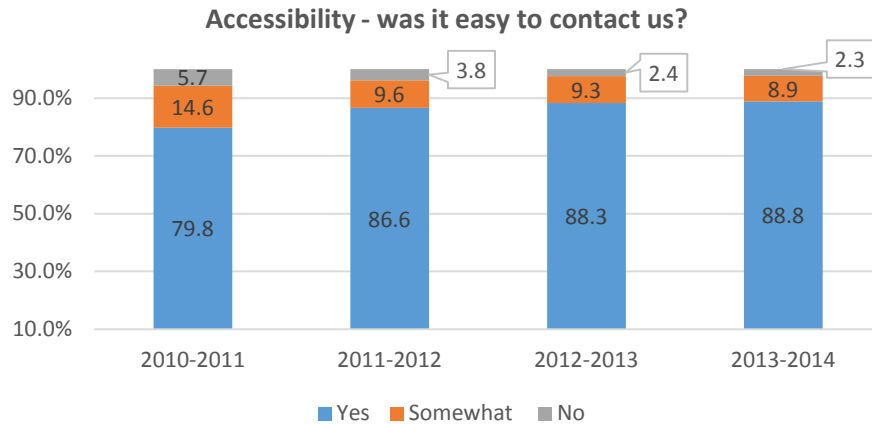
55. There have nonetheless been some challenges. The addition of administration of the DDC and especially the TWC brought with them a requirement for CCTS to interpret both whether the code was applicable to individual customers, and, if so, the intent of various code provisions. CCTS' role as interpreter, and the interpretations themselves, have not been without controversy. Consequently, CCTS' workload and participation in regulatory proceeding has increased. Nonetheless the overall number of accepted complaints has dropped in both the 2013-14 and 2014-15 fiscal years. CCTS is cautiously optimistic that this is due at least in part, to a heightened customer focus on the part of PSPs – particularly when a problem arises- resulting from the role CCTS has played in dispute resolution and in informing PSPs about customer issues.
56. Another significant challenge for CCTS has been PSP compliance with the requirements of the Participation Agreement – implementation of the public awareness plan initiatives, bringing new PSPs into participation (and doing so in a timely manner), and payment of fees. In addition, there is a concern about the ability to require compliance by certain PSPs in implementing complaint resolutions agreed to, as well as accepted Recommendations and Decisions. CCTS seeks the opportunity to work with the Commission to develop and implement an effective compliance process to address these issues.
57. CCTS looks forward to participating in this proceeding and is hopeful that its experience to date and the insights this provides will help the Commission determine whether, and if so, what additions or modifications to CCTS' mandate, structure and/or operations will further the public interest.

End of Document

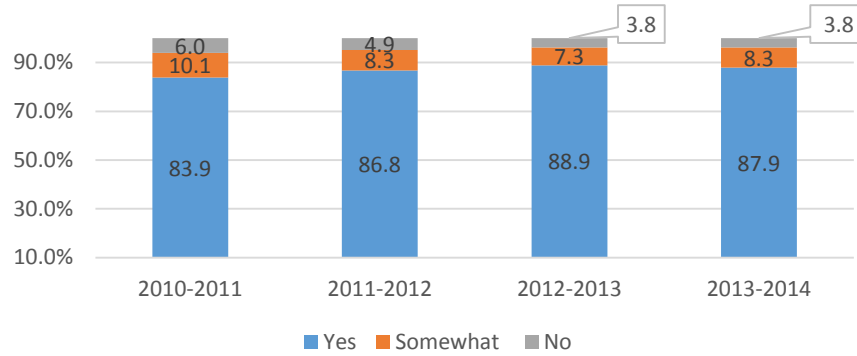
CCTS Customer Survey Results - 2010-2014

When we conclude a complaint, we send the customer a survey asking for feedback about their experience and overall sense of satisfaction with CCTS. The results from the last four years' survey are provided below.

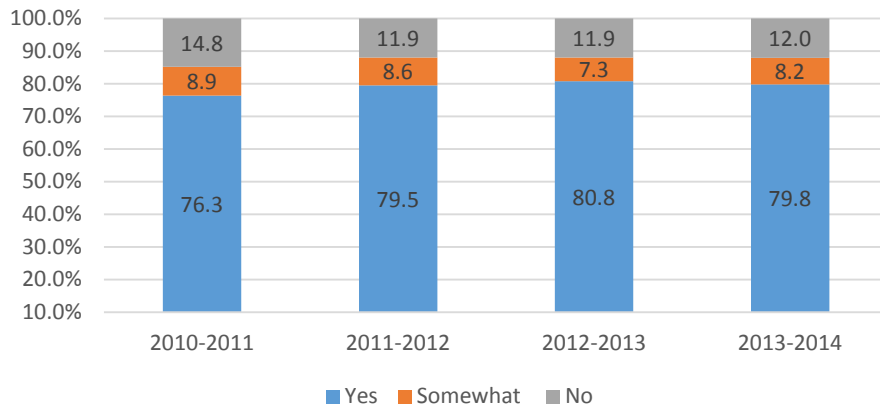
Overall Sense of Satisfaction with CCTS



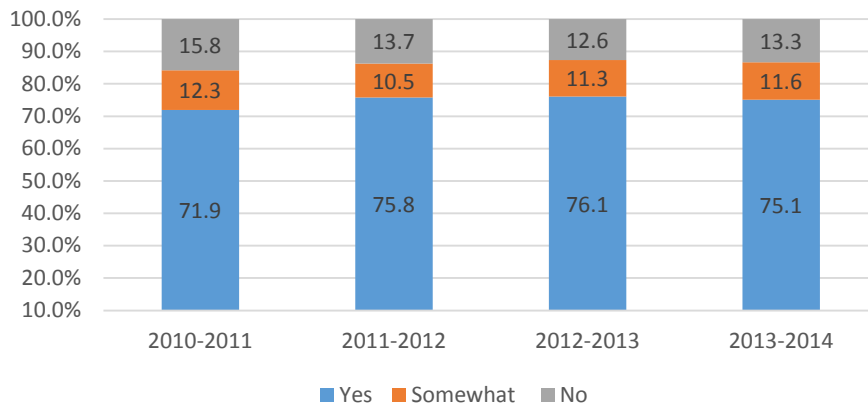
Professionalism - were we professional, knowledgeable and courteous?

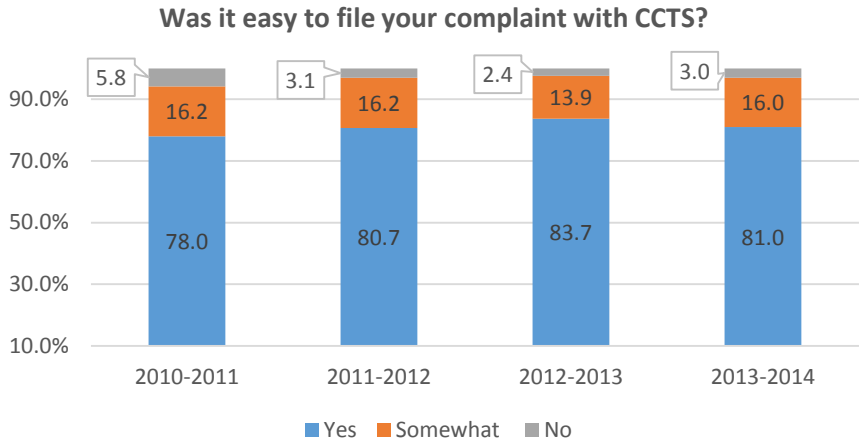


Impartiality - did we act without favouritism?

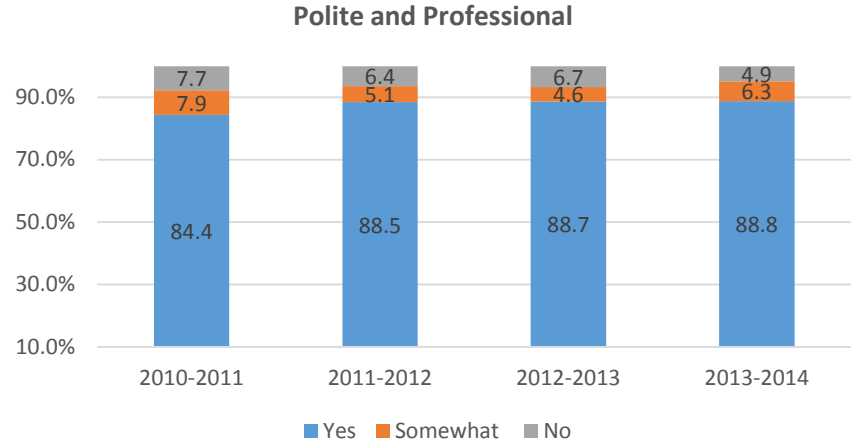


Process Fairness - were the resolution and investigation processes fair?

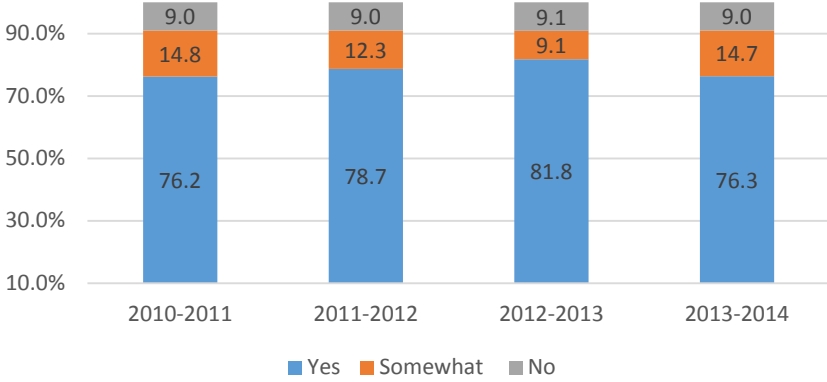




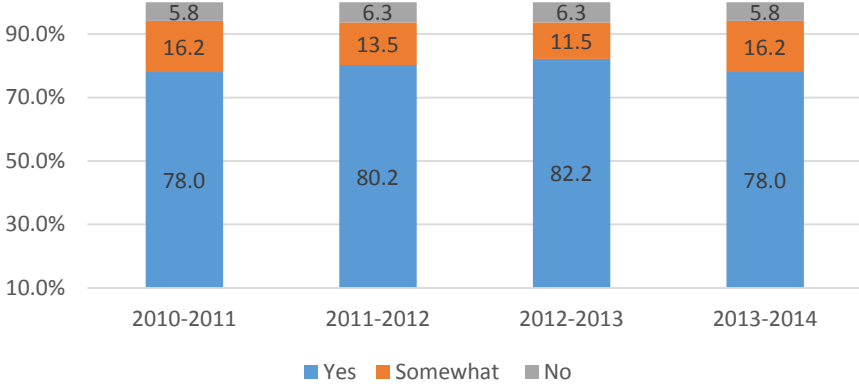
Feedback on Contact Centre Agents



Helpful

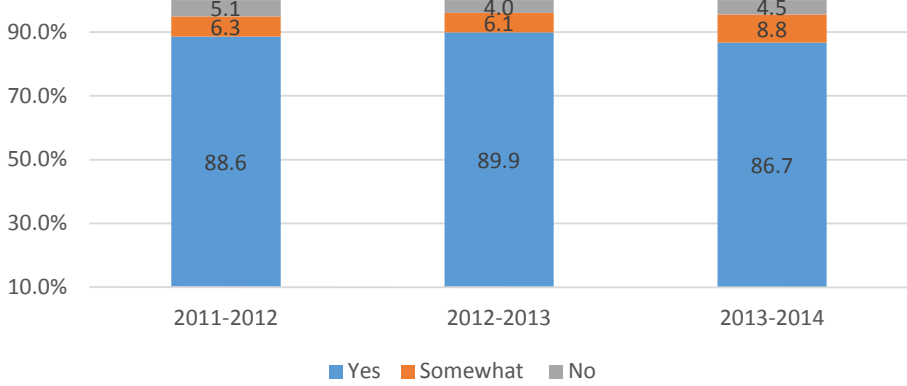


Knowledgeable

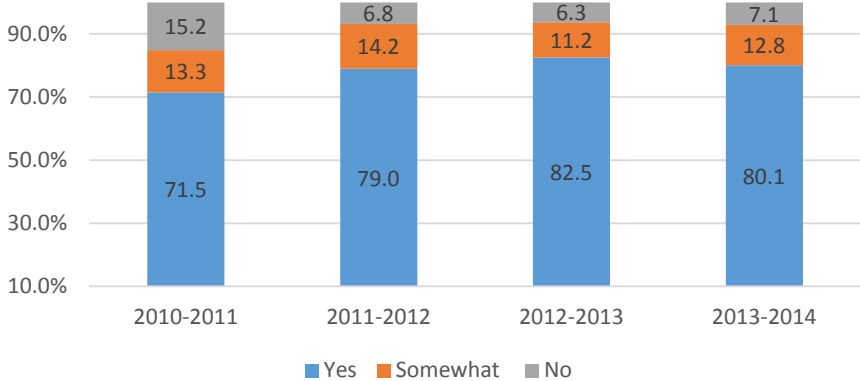


Feedback on Complaint Resolution Officers

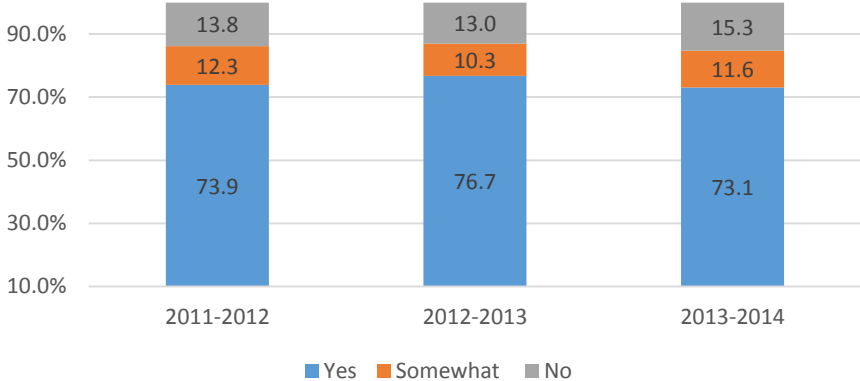
Polite and Professional



Knowledgeable



Impartial



CCTS Public Awareness Plan - Compliance Self-Reporting Form

Date:

Participating Service Provider:

Name, Title and Contact Information of person self-reporting compliance:

Section 1 – White Page Message and Text

- 1) Does your organization publish white pages?
- 2) If yes, please answer the following questions:
 - a. Has a reference to CCTS been inserted in a manner that is reasonably prominent relative to other notices of a similar nature and placed in a location where a customer is likely to find it?
 - b. Does the text match that which is prescribed in the Public Awareness Plan?

Section 2 – CCTS Notice and Website Link

- 1) Does your organization's website contain a notice about CCTS and a link to CCTS' website that is easy to find, reasonable in size, and readily accessible?
 - a. If you selected no, please explain why not:
 - b. If you selected yes, provide the link to your website where the notice about CCTS appears:
- 2) Does the text of the notice contain, at minimum, the same information as that which is required in the white pages directory notice?
- 3) If your organization's website has a search function, will the use of the following key words return a link to the page containing the information about CCTS? Keywords are: complaint, dispute, agency, CRTS, CCTS, Commission, Ombudsman.

Section 3 – Customer Bill Messages

- 1) Does your organization provide a message on each customer's invoice (paper or electronic) or as a bill insert, at least four times per year?
- 2) How does your organization inform customers who do not receive an invoice, such as pre-paid wireless customers, about CCTS?
- 3) If your organization has proactively scheduled the months during which the bill message will appear, please identify these in order to help us properly allocate our Contact Centre resources:
- 4) Have you modified your billing system since 2009?
 - a. If yes, have you updated your system to include a permanent and prominent location for a standard monthly bill message about CCTS?
- 5) Please provide a copy of the script that is used for the bill messages in the following box, or attach it to your response:

Section 4 – Customer Notification by Service Provider

- 1) Does your organization have an internal escalation process for complaints?
 - a. If no, does your organization require its front-line employees to inform customers about CCTS whenever they are unable to resolve a customer's complaint?
 - b. If yes, how many levels are there in your internal complaint escalation process? Please note that CCTS considers front-line employees as "level 1".
- 2) At what stage in your organization's internal complaint escalation process are employees required to inform customers about CCTS?
- 3) Please provide a copy of the script that your employees use when they are required to inform customers about CCTS or attach it to your response.
- 4) Please describe the process that a customer goes through in order to reach the internal complaint escalation level at which your organization informs the customer about CCTS:

Section 5 – Terms of Service

- 1) If your organization's Terms of Service discuss dispute resolution, do the Terms of Service specifically mention CCTS?

plan de sensibilisation publique du CPRST – formulaire d’autoévaluation de la conformité

date : [cliquez ici pour indiquer la date](#)

fournisseur de service participant : [cliquez ici pour rédiger votre réponse](#)

nom, titre et coordonnées de la personne chargée de l’autoévaluation de la conformité :

[cliquez ici pour rédiger votre réponse](#)

section 1 – message dans les pages blanches

- 1) Est-ce que votre organisation publie des pages blanches?
[choisir une réponse](#)

- 2) Si oui, veuillez répondre aux questions suivantes :
 - a) Est-ce qu’une mention du CPRST est visiblement présente, d’une manière similaire aux autres textes de même nature, à un endroit facilement accessible aux clients?
[choisir une réponse](#)
 - b) Est-ce que son texte correspond à celui prescrit dans le plan de sensibilisation publique?
[choisir une réponse](#)

section 2- avis sur le CPRST et lien vers le site web

- 1) Est-ce que le site web de votre organisation contient un avis au sujet du CPRST et un lien vers le site web du CPRST qui est facile à trouver, de taille raisonnable et facilement accessible?
[choisir une réponse](#)
 - a) Si vous avez répondu non, expliquez pourquoi?
[cliquez ici pour rédiger votre réponse](#)
 - b) Si vous avez répondu oui, veuillez fournir le lien de votre site où l’avis sur le CPRST apparaît :
[cliquez ici pour rédiger votre réponse](#)

- 2) Est-ce que le texte de l’avis contient, au minimum, la même information que celle requise dans l’avis figurant dans l’annuaire des pages blanches?
[choisir une réponse](#)

- 3) Si le site web de votre organisation dispose d’un moteur de recherche, est-ce que l’utilisation de ces mots-clés permet d’accéder à la page contenant les informations relatives au CPRST : plainte, dispute, agence, CRTC, CPRST, conseil, ombudsman.
[choisir une réponse](#)

section 3 – avis sur les factures

- 1) Est-ce que votre organisation publie un message sur les factures (papier ou électronique) ou dans un encart, au moins quatre fois par année?
[choisir une réponse](#)

- 2) Comment informez-vous les clients qui ne reçoivent pas de factures, tels les clients du service sans fil prépayé, de l’existence du CPRST?
[cliquez ici pour rédiger votre réponse](#)

- 3) Si votre organisation sait quand les messages apparaîtront sur les factures, veuillez nous indiquer les mois visés afin que nous puissions mieux utiliser les ressources de notre centre d’appels.

[cliquez ici pour rédiger votre réponse](#)

- 4) Avez-vous modifié votre système de facturation depuis 2009?
[choisir une réponse](#)
- a) Si oui, avez-vous mis à jour votre système afin qu'un message mensuel permanent sur le CPRST soit inclus sur les factures, à un endroit visible?
[choisir une réponse](#)
- 5) Veuillez fournir une copie du message affiché sur les factures dans cette boîte ou joignez-le à votre réponse:
[cliquez ici pour rédiger votre réponse](#)

section 4 – notification au client par le fournisseur de service

- 1) Est-ce que votre organisation dispose d'un processus interne d'escalade des plaintes?
[choisir une réponse](#)
- a) Si vous avez répondu non, est-ce que votre organisation exige de ses employés de première ligne qu'ils informent les clients de l'existence du CPRST lorsqu'ils sont incapables de résoudre une plainte?
[choisir une réponse](#)
- b) Si vous avez répondu oui, de combien de niveaux votre processus interne d'escalade des plaintes est-il constitué? Veuillez noter que le CPRST considère que les employés de première ligne forment le « niveau 1 ».
[choisir une réponse](#)
- 2) À quel niveau du processus interne d'escalade des plaintes de votre organisation, vos employés sont-ils tenus d'informer les clients de l'existence du CPRST?
[cliquez ici pour rédiger votre réponse](#)
- 3) Veuillez fournir une copie du message que vos employés utilisent lorsqu'ils sont tenus d'informer les clients de l'existence du CPRST ou joignez-le à votre réponse.
[cliquez ici pour rédiger votre réponse](#)
- 4) Veuillez décrire les étapes qu'un client doit suivre au cours de votre processus interne d'escalade des plaintes avant d'être informé de l'existence du CPRST.
[cliquez ici pour rédiger votre réponse](#)

section 5 - Modalités de service

- 1) Si les Modalités de service de votre organisation traitent du règlement des différends, est-ce qu'elles mentionnent expressément le CPRST?
[choisir une réponse](#)

CCTS Analysis of PSP Responses to Public Awareness Survey

Background

In May 2015 CCTS sent a survey to its Participating Service Providers (PSPs). The purpose of the survey was to develop additional information about the extent of PSP compliance with their commitments under CCTS' public awareness plan "Developing Public Awareness of CCTS" ("the Plan"). This information is to be used to inform the discussion of CCTS' "next steps" regarding public awareness.

The survey was sent to the PSP in the language with which we normally communicate with it.

The Survey

CCTS sent 133 surveys to the PSPs. CCTS received just 47 replies, for a **response rate of 35%**.

Our analysis was based only on those 47 replies. Many of the questions did not call for simple "Yes/No" responses. As such, CCTS analyzed the responses and used its best judgment in assessing whether the PSP is compliant with the provision in question.

The survey was broken into five sections, matching the five sections in the Plan:

1. White Pages Message and Text;
2. CCTS Notice and PSP Website Link;
3. Customer Bill Messages;
4. Customer Notification by Service Provider; and
5. Terms of Service.

The following is a section by section report, beginning with a summary of the requirement, followed by CCTS' analysis of the responses and the level of compliance.

1. White Pages Message and Text

The Plan requires any PSP that publishes a "white pages" directory to include a notice about CCTS, using specified text.

8 of 47 respondents report that they publish a directory, and 6 of those 8 report that their directory contains the CCTS notice, and the text matches the text set out in the Plan.

This is a **reported compliance rate of 75% of respondents**.

2. CCTS Notice and PSP Web Site Link

a. The Plan requires every PSP to have a page on its web site that contains a notice about CCTS and provides a link to the CCTS web site.

CCTS is able to test-check the PSP responses against their web sites and determined that 38 of 47 respondents have web sites that contain the required notice and link, and that the text of the notice is as required. This is a **compliance rate of 81% of respondents**.

b. The Plan also requires that if a PSP's web site has a search function, seven prescribed terms ("complaint", "dispute", "agency", "CRTC", "CCTS", "commission" and "ombudsman") should return a link to the page with the CCTS notice and web site link.

30 PSPs report that their web sites features a search function, however, our analysis revealed that only 26 of respondent PSP web sites actually have a search function. Only 2/26 were actually fully compliant (i.e. all seven search terms returned the CCTS web page). This is a **compliance rate of 8% of respondents**.

Our analysis reveals that 31% of respondents (8) search functions did not return a link to the CCTS page for any of these terms. The remaining 61% returned a link for somewhere between 1 and 6 search terms.

3. Customer Bill Messages

a. The Plan calls for PSPs to place a message about CCTS on customer invoices at least four times per year, in prescribed language, in a reasonably prominent location.

31 of 47 of respondents self-report that they are compliant with this requirement, a **compliance rate of 66% of respondents**.

b. The Plan also requires that PSPs which have customers who do not receive a monthly bill (e.g. pre-paid wireless customers) put in place a process for delivering a similar message to those customers.

27 of the 47 respondents reported that they have no such customers. For the remaining 20 PSPs, only 7 reported that they have such a process in place. This is a **compliance rate of 35% of respondents**.

c. In TRP 2011-46, the CRTC also directed TSPs that as they modify their billing systems over time, they should include a permanent and prominent location in the bill for a standard CCTS notice each month. We incorporated this into the Plan.

13 of the 47 respondents report that they have modified their billing systems. Of these, only 7 report that they have incorporated the monthly messaging requirement. However, CCTS' analysis reveals that 2 of the 7 PSPs which reported compliance with this obligation are actually not compliant. This is a **compliance rate of 38% of respondents.**

4. Customer Notification by Service Providers

CCTS has no real ability to monitor PSP compliance with this provision of the Plan. Nonetheless it is possibly the single most important feature of the Plan, and the most effective way to achieve the Plan objective – i.e. that when customers have an unresolved complaint, it should be easy for them to find out about CCTS. When CCTS was discussing amendments to the Plan with the PSPs, it was also by far the most vigorously opposed.

The Plan requires PSPs to inform customers who cannot resolve their complaints directly with the PSP about their right of recourse to CCTS. In the event of an unresolved complaint, the Plan requires PSPs to inform customers about CCTS upon a failure to resolve the complaint no later than the “second level of escalation”. PSPs with only one level of escalation would provide the notification at that stage. PSPs with no escalation process would notify customers at the front line.

After analyzing the responses, our assessment is that 15/47 report a notification process that appears to be compliant with the Plan based on our limited analysis. **This is a compliance rate of 32% of respondents.**

These questions also allowed us to gather some data on the number of levels in the PSPs' internal complaint-handling processes. Of the 47 respondents we found:

PSPs with 4 or more levels of escalation:	12
PSPs with 3 levels	16
PSPs with 2 levels	14
PSPs with 1 level	0
Unknown	5

5. Terms of Service

The Plan gives PSPs the option of referencing the availability of CCTS for the resolution of disputes between customers and the service provider. It is not mandatory.

13 of 47 PSPs reported that they reference CCTS in their Terms of Service.