

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

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

**Comments of**



**August 25, 2015**

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## Introduction and Executive Summary

1. TELUS is pleased to provide its comments in the proceeding initiated by Broadcasting and Telecommunications Notice of Consultation CRTC 2015-239<sup>1</sup> (“the Notice”) to review the mandate and structure of the Commissioner for Complaints for Telecommunications Services (“CCTS”).
2. TELUS considers that the CCTS plays an important role in providing an opportunity for impartial mediation and adjudication of complaints from consumers relating to telecommunications services. TELUS further supports the expansion of the CCTS’ mandate to include the administration of the new soon-to-be enacted Television Service Provider Code of Conduct (TVSP Code).<sup>2</sup> The tracking and reporting on trends in complaints relating to the telecommunications industry provides an opportunity for all to see how well communications service providers are meeting consumers’ expectations in regards to the service they deliver.
3. The ultimate public policy goal however is the fostering of an environment where the need for the CCTS’ services is diminished, *i.e.* where fewer and fewer consumers feel the need to complain to the CCTS regarding their communications service provider. It is with this ultimate goal in mind that TELUS has responded to the specific questions set out in the Commission’s Notice of Consultation.
4. TELUS believes that it is essential to recognize the importance of customer service as a competitive differentiator. Consumers recognize the value of better service. In the fiercely competitive marketplaces for telecommunications and broadcasting services, service providers can distance themselves from their competitors by providing a better customer experience.
5. This is why TELUS embarked on a journey many years ago to better its customer service, focussing all of its efforts on “Putting Customers First”.<sup>3</sup> Through various initiatives, TELUS actively reaches out to its customers, seeks and encourages their feedback, and works with them to resolve any concerns. The goal is to ensure that customers know that TELUS welcomes every opportunity to make their experience a better one, and that TELUS appreciates their business. Clearly, TELUS’ investment in customer service is paying off, as demonstrated by TELUS’ track record in terms of its overall share of the

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<sup>1</sup> Broadcasting and Telecommunications Notice of Consultation CRTC 2015-239, *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, June 4, 2015.

<sup>2</sup> Broadcasting Notice of Consultation CRTC 2015-105, *Call for comments on a Television Service Provider Code of Conduct working document*, March 26, 2015.

<sup>3</sup> <http://www.telus.com/en/ab/mobility/customers-first/>

complaints that are submitted to the CCTS. Other metrics, such as TELUS' "likelihood to recommend" scores, further demonstrate that these efforts have been successful.<sup>4</sup>

6. The point is that the CCTS should be assessed as a means to an end to a larger public policy goal. Reduced use and awareness of the CCTS may in future be the result of increased focus by communications services providers on their own customer service, *i.e.* achieving the overarching public policy goal, and should not be taken as an indicator of failure on the part of the CCTS.
7. Accordingly, TELUS submits that the Commission's review of the CCTS in this proceeding should be in keeping with the answer to the overarching question: how can service providers be incented to do better so that consumers don't feel a need to take their concerns to the CCTS?
8. In TELUS' view, the overarching public policy goal will best be met when:
  - service providers take ownership of customer service issues;
  - customers are able to resolve points of difference directly with their service providers; and
  - failing resolution, consumers are able to easily find and contact the CCTS on those occasions when they remain dissatisfied despite the service provider making its best efforts to resolve the complaint through the company's customer service process.
9. Most importantly, communications about the CCTS and its role should not displace the efforts of service providers to engage with their subscribers in relation to the service they are receiving. For example, TELUS recently launched its Expect More<sup>5</sup> campaign which urges our customers to let us know if we aren't meeting and exceeding their expectations. Such a campaign is much more likely to help drive the ultimate goal of customer satisfaction than would a generic public awareness campaign about the CCTS.
10. While TELUS fully supports ensuring that customers are able to find and access the CCTS when they need it, any new public awareness efforts that are meant to promote the CCTS must not undermine the efforts of service providers to build and maintain positive relationships with their customers and to resolve complaints without having to resort to a third-party process. Moreover, TELUS does not consider "general public awareness" of the CCTS to be a meaningful measure. As long as customers who have unresolved issues

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<sup>4</sup> For example, see TELUS' second quarter results:  
[http://about.telus.com/community/english/news\\_centre/news\\_releases/blog/2015/08/07/telus-reports-strong-results-for-second-quarter-2015](http://about.telus.com/community/english/news_centre/news_releases/blog/2015/08/07/telus-reports-strong-results-for-second-quarter-2015)

<sup>5</sup> <http://www.telus.com/en/ab/mobility/customers-first/>

know that there is somewhere where they can complain and when they do so that the complaint ultimately makes its way to the CCTS (whether directly or indirectly by having first been filed with another agency who will refer the complaint back to the CCTS), should be what matters most.

11. With respect to the CCTS's processes in dealing with complaints, TELUS is pleased with the collaborative approach adopted by the CCTS. As a result of this approach, many complaints made to the CCTS are resolved positively for the customers without the need for any formal process or investigation. Where investigations are required however, TELUS has observed inconsistencies that should be addressed through amendments to the CCTS' Procedural Code and/or the CCTS' operating practices:
  - a. Timelines for responding to requests from CCTS investigators for information and responses to customer complaints can vary widely depending on the individual investigator that has been assigned to a file. In TELUS' view, these timelines should be more consistent, so that service providers are better able to direct and manage the internal resources they devote to addressing complaints through the CCTS' processes and most importantly to ensure a consistent approach in concluding these matters with our customers in the most efficient and effective manner. Therefore, we believe the Procedural Code should be amended to define standard timelines to ensure fairness and consistency.
  - b. A related issue is that it can be difficult to predict the nature and amount of information an individual investigator will request in order to address a complaint. Again, this makes it difficult for service providers to direct and manage the internal resources they devote to addressing complaints through the CCTS. As such, TELUS believes that the Procedural Code should be amended to set out guidelines for the amount and type of information services providers will be expected to provide to address customer complaints under the various codes.
  - c. Finally, to ensure efficiency, predictability and fairness in the CCTS' investigations, the Procedural Code must be amended to clarify that investigations are to focus on the scope of the original complaint, and that the information being requested by investigators must be relevant to the original complaint and not extend to a broader review by the investigator of the provider's compliance with other requirements. TELUS has experienced situations where the CCTS has expanded the scope of complaints to also examine possible Wireless Code breaches that were not raised by the complainant. While TELUS certainly understands the desire for Wireless Code compliance, the scope of the CCTS' investigatory powers should be limited to the facts that are pertinent to the complaint only. Once the issue raised in the original complaint has been resolved, there is no basis for the CCTS to expand the scope of investigation to other possible issues that were not raised by the complainant.

12. Finally, TELUS considers it important for the CRTC to make the limits of CCTS' mandate clear. The role of the CCTS is to administer codes of conduct as they are written. The CCTS is not a policy-making body. Rather, the CRTC is the forum where policy-making takes place, with parties able to participate and comment on the policy issues to be decided and the impact on the industry. Once drafted, the CCTS should not be undertaking decisions on whether code provisions should be expanded or applied to other situations where such decisions are contrary to specific directions and language in the code. The CCTS is not empowered to render new code policies or develop new policy, because that would be an inappropriate sub-delegation of the CRTC's policy-making roles granted under statute.
13. The recent decision in Telecom Decision 2015-376 is instructive on this point. That proceeding involved the CCTS expanding certain provisions related to disconnection to situations involving suspensions, even though the Wireless Code was clear that disconnection and suspension were separate concepts.
14. The wireless service providers all followed the requirements as set out in the Wireless Code. However, the CCTS took it upon itself to interpret the strict language of the Wireless Code in such a way as to broaden its application beyond the clearly defined parameters of the Code. The CCTS essentially rewrote the CRTC's policy decision to then find service providers to be in breach because of their suspension policies. While the CRTC subsequently issued a decision<sup>6</sup> which expanded the scope of the disconnections process in a manner in which the Wireless Code was not originally drafted, the CCTS should not have made findings of breach against any service provider in anticipation of this decision by the CRTC. It was inappropriate and contrary to good public policy for the CCTS to usurp the CRTC's policy making powers.
15. Accordingly, TELUS asks that the CRTC clearly circumscribe the mandate of the CCTS to exclude policy making. The CCTS' role in respect to policy making should be limited to raising issues that might require policy intervention to the CRTC as part of the CCTS' mandate to monitor trends and report on complaints in its annual report. Based on the information provided by the CCTS, the CRTC may choose to launch public processes to address these issues and determine whether any changes to the regulatory framework are required.
16. In the following section, TELUS provides its responses to the specific questions raised by the Commission in the Notice of Consultation.

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<sup>6</sup> Telecom Decision CRTC 2015-376, Wireless Code – *Requests for clarification on how the disconnection rules apply to suspensions*, 15 August 2015.

## *TELUS responses to the questions in the Notice*

### **The service an independent communications ombudsman provides to consumers**

The CCTS currently helps consumers with complaints about their phone, wireless and Internet services. Adding issues related to the provision of television services to the CCTS's mandate will provide consumers with a single point of contact for complaints about their communications services. As set out in the Commission's most recent *Communications Monitoring Report*, in 2013, 99% of Canadian households subscribed to telephone services; 85% subscribed to television services, and 79% subscribed to high-speed Internet services.

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

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

17. TELUS recognizes that there will be cases where a customer has exhausted a service provider's own internal processes for responding to concerns, but remains dissatisfied. In these instances, an independent ombudsman can mediate the issues at play and come to a resolution. The CCTS therefore plays an important role by acting as an independent and objective body for resolving consumer complaints where service providers' attempts to do so have not been successful. The process is more efficient and accessible than the other types of recourse, such as small claims court, that are available to the average consumer, and as such, TELUS agrees that the CCTS provides a valuable service.
18. Nevertheless, in TELUS' view, many service providers are increasingly focussing on customer service as a competitive differentiator. TELUS' current "Expect More" campaign, in which customers are encouraged to "expect more" from service providers, is an example of the types of initiatives in which it has invested over the years to set itself apart from the competition. Complementing the "Expect More" campaign is TELUS' internal "Own It" campaign, which encourages our customer service representatives (CSRs) to take ownership of customer complaints and make every effort to reach a successful resolution. The goal of these efforts is to ensure that we successfully resolve any and all complaints through our internal efforts and to minimize the number of complaints that the CCTS receives about TELUS' services.

19. In TELUS' view, the CCTS' mandate, structure and operations can further incent service providers to strive to do their very best for their customers. For example, by compiling and reporting on data related to the number and types of complaints against specific service providers, the CCTS provides transparent, accessible and easy-to-understand information that consumers can use to make informed choices. In so doing, the CCTS creates incentives for service providers to improve their track records relative to their competitors and over time.
20. In light of the above, we should not be surprised that over the past two years the number of complaints to the CCTS has actually declined. It would be a mistake to assume that such a trend, if it continues, would necessarily indicate of a lack of public awareness of the CCTS. Rather, declining trends can very well be an indication that customer service has improved over the past seven years, that customers are happy with their service providers, and that the overarching public policy goal is being achieved.
21. TELUS considers the above comments equally relevant to the complaints relating to phone, wireless and Internet services and television services.

## The consumer experience with the CCTS

- Q.2 The CCTS surveys customers who have used its services and publishes the results in order to obtain feedback on the quality of service it provided and to identify areas for improvement. Does the survey provide an effective and appropriate measurement of consumer satisfaction?**
22. On its website, the CCTS indicates that it surveys customers who have used its services in order to obtain feedback about the quality of service provides and to identify areas for improvement. The results of this survey are published on CCTS website. The CCTS conducts this customer survey each year and publishes the results within its annual reports.
  23. As an example, the CCTS asks customers whether it was easy for them to file a complaint with the CCTS, about their overall sense of satisfaction with various aspects of the CCTS process such as accessibility, timeliness of the complaint process, and about the process fairness of the resolution and investigation.
  24. TELUS recognizes that there is merit in conducting "customer" surveys for parties who might have filed complaints with the CCTS. This type of research can be of invaluable assistance for entities to determine whether they have provided satisfactory service and where improvements can be made.



25. However, the CCTS should also be seeking similar feedback from the communications service providers regarding how complaints are handled. The communications service providers may provide a different perspective since they often have a broader view of how multiple complaints are handled. As a result, the CCTS would gain valuable information re inconsistencies across its operations such as were raised by TELUS above (see comments in paragraph 11).
26. Further, the CCTS should provide greater transparency regarding its surveys. For example, important information regarding how the surveys were administered is not made available on the public record. This includes information such as details in relation to the sample of customers surveyed (confidence level, confidence interval, sample sizes versus the total target population, demographic representation, providers representation). In addition, there is no verification of the party that managed the surveys, such as whether the surveys are designed and managed by CCTS itself or via an independent third-party.
27. These types of information are very useful to ensure that the results obtained via the surveys are representative and therefore are the closest representation of true CCTS customer satisfaction. TELUS is of the view that such information should be made available to the public and the TSP members, at least upon request.
28. TELUS submits that the surveys and their associated results should direct the CCTS' focus for improvement. The CCTS should make clear in its annual reports what actions to improve its service it has taken as a result of the survey data.

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

29. TELUS acknowledges the fact that the Commission is seeking to obtain comments from customers dealing with the CCTS in order to understand their views on their experience using the CCTS to resolve a dispute. However, it would also be important to understand the experience of service providers in their dealings with the CCTS.
30. As noted above in its introductory comments, TELUS is pleased with the collaborative approach adopted by the CCTS. As a result of this approach, many complaints made to the CCTS are resolved positively for the customers without the need for any formal process or investigation. Where investigations and decisions are required however, TELUS is concerned with the following:
  - Timelines for responding to requests from CCTS investigators for information and responses to customer complaints can vary widely depending on the individual

investigator that has been assigned to a file. In TELUS' view, these timelines should be more consistent, so that service providers are better able to direct and manage the internal resources they devote to addressing complaints through the CCTS' processes and most importantly to ensure a consistent approach in concluding these matters with our customers in the most efficient and effective manner.

- The nature and amount of information requested from investigators in order to address a complaint also varies widely. Again, this makes it difficult for service providers to direct and manage the internal resources they devote to addressing complaints through the CCTS.
- Sometimes investigations go beyond the actual complaint of the consumer to look into broader compliance of the service provider. TELUS has experienced situations where the CCTS has expanded the scope of complaints to also examine possible Wireless Code breaches that were not raised by the complainant. While TELUS certainly understands the desire for Wireless Code compliance, the scope of the CCTS' investigatory powers should be limited to the facts that are pertinent to the complaint only. Once the issue raised in the original complaint has been resolved, there is no basis for the CCTS to expand the scope of investigation to other possible issues that were not raised by the complainant.
- Finally, the CCTS has at times made decisions which established new policy, expanding the obligations of the service provider without due process. TELUS is very concerned with the adoption of a policy-making role by the CCTS which creates uncertainty for service providers as to the standards to which they will be held.

## Public awareness of the CCTS

**For the CCTS to be fully effective, consumers must be aware of its existence and the assistance it can provide. While the CCTS accepted and concluded over 11,000 complaints in 2014-2015, public awareness of the CCTS appears to be limited.**

**The CCTS's website describes its current approach to developing public awareness.**

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

31. TELUS submits that public awareness of the CCTS is not a particularly relevant measure of success in achieving the overarching public policy goal of increasing consumer satisfaction with the communications industry.
32. The degree of awareness of the CCTS is most important for customers at the time they wish to make a complaint regarding telecommunications services. In other words, the

target in terms of CCTS awareness is not necessarily that the highest percentage of customers across the country knows who the CCTS is and what it can do for them. What is more important is that when customers who need to make a complaint are able to find, in an effective and efficient way, the relevant information to access the CCTS. That is the point in time when finding out about the CCTS becomes critical and most important. To that end, what is relevant is the concept of “discoverability” of the CCTS by consumers when they are actually facing a customer service issue.

33. So long as customers who have unresolved issues know that there is somewhere where they can complain and when they do so that the complaint ultimately makes its way to the CCTS (whether directly or indirectly by having first been filed with another agency who will refer the complaint back to the CCTS), should be what matters most.
34. Reduced use and awareness of the CCTS may in future be the result of increased focus by communications services providers on their own customer service, *i.e.* achieving the overarching public policy goal, and should not be taken as an indicator of failure on the part of the CCTS.
35. While TELUS fully supports ensuring that customers are able to find and access the CCTS when they need it, general public awareness campaigns that are meant to promote the CCTS must not undermine the efforts of service providers to build and maintain positive relationships with their customers and to resolve complaints without having to resort to a third-party process.
36. It is from this vantage point that TELUS has considered these questions about the best means of promoting the CCTS to the public. The CCTS’ website seems to be easily “discoverable” by customers who are looking for information online about making complaints about their telephone or wireless services. For example, a Google search of the term “wireless complaint” returns the CCTS’ website as the first result. The words “cell phone complaint” returns a link to the CRTC’s website as the first result, which then directs customers to the CCTS’s website. The CCTS’ own website is listed as the fourth result for the same search.
37. TELUS notes that in its Notice of Consultation<sup>7</sup> the Commission stated that public awareness of the CCTS appears to be limited and referred to a July 2014 poll conducted by Harris Decima on behalf of the Commission concerning the Wireless Code, in which 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. TELUS is of the view that this does not constitute an accurate measurement of the CCTS

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<sup>7</sup> See Broadcasting and Telecommunications Notice of Consultation CRTC 2015-239, footnote number 16.

awareness among the CCTS target audience. In particular, nothing indicates that the customers polled by this survey were customers that ever considered making a complaint.

38. In addition, TELUS has reviewed the CCTS' current approach to developing public awareness and notes the following measures are already in place:
- a) Service providers must provide information about the CCTS on their websites and in directories, using prescribed text. This includes providing a notice about the CCTS and a link to the CCTS website on a webpage on the service provider's own site that is easy for consumers to find.
  - b) Service providers are required to inform customers about the CCTS through bill inserts or bill messages four times per year.
  - c) Customers must be notified about their right of recourse to the CCTS following the second level of escalation in the company's internal complaints process.
39. As TELUS indicated in its responses to the Commission's request for information to the TSPs, TELUS complies with its requirements to make customers aware of the CCTS when a customer complaint gets escalated. The websites for each of TELUS' wireless brands provide information for customer's feedback and how to contact the Company if customers have a complaint, a compliment or any suggestions. TELUS provides a CCTS notification message on each postpaid customer's wireline and wireless invoice (paper and electronic) four times per year. TELUS' employees inform customers about CCTS at the second level of escalation, consistent with the updated guidelines from the CCTS entitled "Developing Public Awareness of the CCTS," section 4, Customer Notification by Service Providers. The second level of escalation means that customers are informed about the CCTS after the third level of interaction with the Company if a complaint remains unresolved. For TELUS' wireless prepaid client base, a text message CCTS notification is sent to their mobile phones four times per year. Prepaid customers do not receive a monthly billing invoice. TELUS also provide information about the Wireless Code on its website.
40. TELUS notes that the CCTS conducted a "compliance survey" in May 2015 with all Participating Service Providers to gauge compliance with the elements of the CCTS' Public Awareness plan, as described in the paragraph above. TELUS provided its responses to the CCTS for our TELUS, Koodo and Public Mobile brands on May 25, 2015. In this survey form, TELUS confirmed its compliance with the CCTS' Public Awareness Plan and provided the CCTS with various messages that the TELUS brands provide on their websites, bill messages and white pages (in the operating regions where applicable).
41. In light of the above, TELUS believes that information about the CCTS is readily available to customers via multiple sources (the Internet, the CCTS itself, the CRTC through its own

outreach campaigns, customers' bills, and by phone/email, white page directories and contact with their service providers), both in terms of raising general awareness of the CCTS and for providing timely information to those customers who are dissatisfied with their service providers.

**Q5. Are there specific consumer segments where the CCTS should focus its promotional activities?**

42. As noted in the response to question 4, the concern is not about targeting particular customer segments. Complaints come from the CCTS across a variety of different services and packages. There is no customer segment that needs special attention. What is necessary is that customers, when they have customer service issues, have the means to be made aware of the CCTS if they feel that they need to seek redress using the CCTS.
43. The current CCTS public awareness efforts include various means of communications where customers are informed about the CCTS. These include online resources, messages contained on customer bills and contracts, SMS messages and live communications via a service provider or the Commission's complaints process.
44. TELUS notes that all of its communications requirements for the CCTS are produced in alternative formats for persons with disabilities. TELUS' websites conform to certain sets of accessibility standards, bills and customer information are provided in alternative formats upon request and TELUS provides TTY relay and IP-Relay services.
45. The CCTS has used industry developments, such as the release of the Wireless Code to increase CCTS awareness via social media and traditional media. The CRTC has also required special communications tools at the time of introduction of the Wireless Code, to inform all customers of their rights and their complaint resolution options. TELUS supports these activities as a means to increase general CCTS public awareness.
46. The CCTS could also play a role in terms of educating customers on certain "hot-button" service issues. A recent example was the CCTS' clarification on how it would interpret wireless contracts after June 3, 2015, the date when the Wireless Code was made applicable on all wireless services contracts. In that case, the CCTS explained its proposed treatment on how it handles existing three year contracts after that date. This was a very helpful piece of guidance that was provided to the industry and the public.
47. Similarly, for issues that it sees on a regular basis, the CCTS could post information on its webpage on how the service issue is treated by the CCTS. Such communications are a means to educate customers on what can or cannot be considered as an eligible

complaint, using popular scenarios. To ensure overall efficiency and customers' satisfaction, the goal must be to educate customers before they file a complaint, on their rights, as well as their providers rights, based on the market trend issues.

**Q6. 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?**

48. The current communications mechanisms are sufficient. As noted above, reaching a certain level of public awareness of the CCTS is not the actual goal. Rather, the public policy goal is to achieve a marketplace and an environment where consumers have fewer complaints and a diminished need for the services of an industry ombudsman.
49. So long as unsatisfied customers are aware of their right to bring their complaint to the CCTS, there is no need to "promote" the CCTS. The Commission and/or the CCTS should merely ensure that all service providers are fulfilling their requirements to advise their customers. Any further communications mechanisms are not necessary at this time.

**Q7. 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?**

50. TELUS does not consider that further promotion of the CCTS is appropriate or necessary and accordingly does not support the use of PSAs to promote the CCTS. TELUS also notes that not all members of the CCTS are television service providers and imposing an asymmetrical requirement to air PSAs would create a disproportionate burden on some CCTS members. TVSPs already have limited opportunities to air PSAs and those opportunities should not be further encumbered.

**Q8. How should the effectiveness of these public awareness initiatives be measured?**

51. The CCTS should work to understand from its current customers how they obtained the information about the availability of the CCTS and its processes. As a suggestion, the CCTS could add a permanent field to the complaint form for complainants to indicate how they heard about the CCTS, specifically whether they were informed of the CCTS by their service provider to which they should have raised their concerns first.
52. Imposing additional communications tools to be delivered by service providers to promote the awareness of the CCTS would be ineffective and costly. Customers that are exposed to information that does not correspond to a need often simply ignore the communication. Worse, these communications can even generate frustration from some

customers. TELUS is of the view that overall consumer satisfaction is based on having the required information at the time of need.

53. The main point should be that the CCTS' is adequately discoverable at the time a customer wishes to lodge a complaint against his/her service provider. As noted above, the CCTS appears to be adequately discoverable via online search tools, complaint notification processes of the service provider and existing public awareness efforts.

### **Participation in the CCTS by communications service providers**

**The Commission currently requires all TSPs (including local and long distance service providers, wireless service providers, and Internet service providers) that provide services within the scope of the CCTS's mandate to participate in the CCTS. This requirement is set to expire on 20 December 2015.**

**For non-participant TSPs, the current membership requirement is triggered by a complaint. Specifically, a non-participant TSP that offer services within the scope of the CCTS is required to become a participant in the CCTS within five days of the date that the CCTS notifies it that the CCTS has received an in-scope complaint about it.**

**In Broadcasting Notice of Consultation 2015-105, the Commission stated that it intends to require all licensed TVSPs and related exempt undertakings to adhere to the TVSP Code which will be administered by the CCTS.**

### **Telecommunications service providers**

**Q9. 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?**

54. TELUS agrees that the participation in the CCTS should continue to be mandatory for all TSPs that provide services within the CCTS' mandate.

**Q10. 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)?**

55. TELUS supports full participation in the CCTS by all TSPs.

**Q11. 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?**

56. TELUS is of the view that the requirement to participate in the CCTS should be imposed on resellers directly, on a going-forward basis. This would be more efficient compared to

the current situation in which local exchange carriers (“LECs”) are the third-parties that have to impose compliance on resellers by way of contractual provisions in their resale arrangements. Directly imposing conditions on resellers could also provide an incentive for resellers to avoid any breach or non-compliance on a proactive basis because it increases resellers’ awareness of the CCTS and its role and powers, given that membership of the CCTS would be a direct regulatory responsibility.

### Television service providers

**Q12. Should participation in the CCTS be mandatory for all licensed TVSPs and related exempt undertakings? Why or why not? Provide supporting rationale.**

57. In keeping with the response to question 9 above, TELUS supports participation of all licensed and exempt TVSPs in the CCTS.

### CCTS’s mandate

**The CCTS’s website provides a description of its primary mandate. Its mandate includes tracking and reporting on trends in complaints and administering industry codes.**

**Q13. 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?**

58. On its website<sup>8</sup>, the CCTS provides the following types of issues it can provide assistance to potential complainants.

- **Compliance with contract terms and commitments (but not the contract terms themselves).** This can include disputes about whether there is a contract, what is included in a contract or how the contract should be interpreted, or whether the provider’s conduct meets its contractual obligations, or misunderstandings about the particulars of a contract or term;
- **Billing disputes and errors (but not the price of the service itself).** Some examples include complaints about customers having agreed to one price and subsequently being charged more, being overcharged due to either a billing system error or a price

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<sup>8</sup> <http://www.ccts-cprst.ca/complaints/mandate>



that is different than advertised, or about being billed for per-use services which they claim they did not use;

- **Service Delivery.** You may have this complaint if it is about the installation, repair or disconnection of service, including the quality of the service or unreasonable interruptions to service and transfers of service from one provider to another; and,
- **Credit management.** For example, complaints about security deposits, payment arrangements and collections treatment of customer accounts.

59. Under the heading of “Exclusions”, the CCTS also specifies certain types of services and issues where it cannot provide assistance. The excerpt from the website is as follows.

These services include television and radio broadcasting services, complaints relating to yellow page directories, security services such as alarm monitoring, internet content and software-based applications, and services that CRTC has not forbore for social or economic reasons (for example, payphones, 900/976 premium services, and accessibility services such as teletypewriter).

Examples of matters which we will be unable to assist you with are complaints about telemarketing or unsolicited messages, claims of false or misleading advertising, the pricing of services, privacy and confidentiality violations, contract terms or terms on service agreements and related documents (other than compliance with your provider’s contract or service terms), and complaints that have been, currently are, or should be before another organization or tribunal that has the authority to compensate a customer for losses arising from the occurrence at issue.

60. The CCTS’ mandate webpage is consistent with the CCTS’ Procedural Code, meaning that the current CCTS’s mandate remains appropriate with respect to the categories of complaints it can address about telecommunications services.

**Q14. 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?**

61. TELUS considers that the inclusion of TVSPs in the CCTS’ mandate should be made as straightforward as possible, *i.e.* the CCTS should handle complaints regarding TVSPs in a similar fashion to how it handles complaints relating to telecommunications services. Accordingly, TELUS supports the CCTS addressing the same types of issues for consumers of services provided by TVSPs that it addresses for consumers of telecommunications

services, *i.e.* compliance with contract terms and commitments, billing disputes and errors, service delivery and credit management.

62. TELUS notes that the draft TVSP Code includes some matters related to advertising and promotions which, if included in the final version of the TVSP Code, would necessarily expand the CCTS' mandate beyond its current mandate and create a situation of asymmetrical handling of complaints between the CCTS and the Competition Bureau<sup>9</sup> TELUS hopes that the TVSP Code will be issued in its final form prior to the hearing in November, at which time it may comment further on this issue.

**Q15. 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?**

63. TELUS notes that a "television service provider" in the draft TVSP Code is defined as:

"An undertaking that provides subscription television services to Canadians. It typically redistributes programming from conventional over-the-air television and radio stations and distributes pay audio, pay television, pay-per-view (PPV), video-on-demand (VOD), and specialty services. TVSPs include cable, Internet Protocol television (IPTV), and national satellite direct-to-home (DTH) service providers."

64. TELUS submits that only the services listed in the Commission's definition of a television service provider should be in scope. As such, the CCTS would not be mandated to handle complaints relating to other broadcasting services, such as digital media broadcasting undertakings.

## CCTS's structure

**The CCTS's structure is set out in various documents including its Procedural Code and bylaws.**

**Q16. Is the current structure of the CCTS's Board of Directors and the voting structure appropriate?**

<sup>9</sup> See TELUS' May 25<sup>th</sup> 2015 submission in Broadcasting Notice of Consultation CRTC 2015-105 in which TELUS submits that attempting to duplicate the regulatory oversight of the same advertising matters covered by the *Competition Act* is not good public policy. Specifically, requirements relating to truth and transparency in advertising are matters which are already governed by a complete statutory regime in the *Competition Act*, and the Competition Bureau makes clear that "making any deceptive representations for the purpose of promoting a product or a business interest" is prohibited and that "the provision of sufficient information to allow consumers to make informed choices" is encouraged.

65. TELUS notes that the CCTS has ensured its compliance with the *Canada Not-for-profit Corporations Act* and that this has likely resulted in a comprehensive review of its governance structure and By-Laws. In the course of such a process, all Directors would have had the opportunity to participate.
66. CCTS filed the revised corporate documents with Industry Canada and the participating service providers (PSPs) were advised of the process. Accordingly, it is TELUS' position that the current Board structure has been working well with two Independent, two Consumer and three Industry Directors.

**Q17. 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?**

67. As noted above, the current Board structure is working well, providing balance between all the various interests, including the users of the service and the funders. In addition, many of the TVSPs that would join the CCTS are part of corporate entities which are already members of the CCTS.
68. It is TELUS' experience that the CCTS has been operating very well from an organizational perspective, has been provided with the necessary resources to enable it to do its work, and does a proficient job at its core mandate of resolving complaints. TELUS therefore sees no need for any structural or governance changes to take on broadcasting complaints, as the same two categories of service providers (telco and cableco) that generate the vast majority of telecom revenues have related TVSPs that also generate the vast majority of broadcasting revenues. There is no reason to believe that broadcasting complaints would require significantly different administrative procedures to accept and manage broadcast complaints.

**Q18. 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?**

69. As noted above, the CCTS Board and management have developed well established operating and Board procedures since CCTS started operations in 2007. The Board size and structure work well for the size of the organization. The majority of the TVSP participants are already members of CCTS and the composition of the existing three Industry Directors can be adjusted to ensure that all telecom and TVSP participants are represented by one of the three Industry Directors. There is a good balance with current model of two Independent, two Consumer Group and three Industry Directors and considerable time and legal effort has been expended to achieve this balance.

**Q19. 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?**

70. The remedies provided by the CCTS as set out in its Procedural Code, including compensation of up to \$5000 per complaint, remain appropriate and sufficient to meet the needs of telecommunications and television consumers. As noted in section 12.2 of the Procedural Code, the CCTS' remedies are to "compensate" a complainant for a loss, but are not to award for punitive or consequential damages.
71. Therefore, based on the fact that CCTS' remedies are compensatory only, complaints would not generally involve issues that would require greater than \$5000 of compensation. Moreover, should any customer seek redress for an amount greater than \$5000, such a complaint is better raised at a provincial court, where procedural fairness would dictate a more formal process than as provided by the CCTS given the higher amount of compensation being sought.
72. In any event, TELUS has not been involved in any CCTS complaint where a customer sought any amount near the maximum of \$5000. As a result, TELUS is of the view that the CCTS's remedial powers are effective and should not be modified at this time. The \$5000 limit on monetary compensation is sufficient to allow the CCTS to award adequate compensation to consumers.

**Q20. 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.**

73. While the CCTS annual report provides valuable trend information, it is not clear what benefits are derived from the release of the CCTS' mid-year report. The value of a mid-year report would not appear to outweigh its cost.
74. Regarding the annual report, there would be benefits if additional information were to be included. For example, it would be useful to obtain the information on the complaints accepted by the CCTS by province. Such information could possibly provide further understanding on issues that could be more significant for some customers across the country based on demographic variables.
75. Without a final draft of the TVSP Code, it is difficult for TELUS to comment on how the categories of complaints on which the CCTS reports require any changes. However, based on TELUS' experience under the Wireless Code and the Deposits and Disconnects Code, TELUS would suggest that it would be helpful for complaints from small businesses to be

separated from consumer complaints, as the needs and interests of these two groups are often very different.

**Q21. 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**

76. TELUS suggests a modification that the CCTS could make to its operations regarding the timelines for disposal of complaints. Currently, the CCTS has the following general timelines to deal with customers' complaints:
- For pre-investigation: 40 days, and
  - For subsequent stage: 60 days.
77. TELUS' experience is that these timeframes are too long, because they cause some customers to wait over three months for complaint resolution. They do not align with TELUS' customer service processes that attempt to resolve issues in a reasonable timeframe and generate frustration from customers. Therefore, TELUS is of the view that the CCTS process timelines should be shortened. TELUS is of the view that each stage could be reduced to 30 days each.

### **CCTS's funding model**

**The CCTS describes its funding model on its website.**

**Q22. Is the CCTS's current funding model appropriate?**

78. Consistent TELUS' comments above regarding the need to institute further incentives for service providers to provide better customer service, TELUS considers that the funding model should be adjusted in favour of more funding being provided through complaints based fees.
79. TELUS proposes that the current CCTS funding model of 60% revenue based fees and 40% complaint based fees be reversed such that 40% be revenue based fees and 60% be complaint based fees.
80. Such a reversal would provide a real incentive for a PSP to reduce its complaint volume and TELUS believes that this model has helped to encourage PSPs to reduce complaints. Any effects that such a change might have on the CCTS' cash flow could be addressed through an "annual adjustment" or "true-up" similar to how the CCTS currently deals with the complaints-based portion of its fees.

**Q23. Should the CCTS change its funding model to reflect the addition of television services to its mandate? If so, how and why?**

81. With many of the proposed TVSP participants already a member of CCTS, the inclusion of TVSPs into the CCTS should be a rather seamless transition. As is currently the case, the CCTS can use prior year revenues, as reported to the CRTC, to determine the revenue based fee amount.

### Future review

**The Commission most recently reviewed issues related to the CCTS five years ago. The purpose of a review is to ensure that the Agency and related requirements continue to respond to consumers' needs in a rapidly changing environment**

**Q24. What is the appropriate time frame for the next review of the CCTS?**

82. In TELUS' view, the appropriate time frame for the next review of the CCTS would be five years following the date on which the TVSP Code takes effect.

**Q25. Is the current CCTS performance report the appropriate framework for measuring the performance of the Agency? If not, what measures are appropriate and why?**

83. The CCTS is currently reporting on its performance, each quarter, on measures based on the two following stages: call centre/pre-investigation and complaint handling processes. The targets are the following:

call centre/pre-investigation stage:

- 80% of the calls answered within 120 seconds; and
- 80% of complaints get a written communications within 3 calendar days.

complaint handling stage:

- i. 80% of the complaints are concluded at pre-Investigation stage within 40 days of acceptance; and
- ii. 80% of the complaints are concluded at Investigation stage within 60 days of referral to Investigation.

84. In the past, CCTS has regularly exceeded most of its performance indicators.

85. As indicated in the response to question 21, TELUS is of the view that the timelines associated with the complaint handling stage are too long. TELUS is of the view that the CCTS process timelines should be shortened.