

Broadcasting and Telecommunications Notice of Consultation CRTC 2015-239

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

Reply Comments of



September 11, 2015

Table of Contents

<i>Introduction and Executive Summary</i>	1
<i>TELUS' responses to the specific comments</i>	2
Public awareness of the CCTS	2
Public Awareness Tools.....	2
Public Service Announcements.....	3
CCTS' mandate	5
Code Interpretation	5
Services in scope	6
Television-related issues	9
CCTS' Structure	10
Governance Model.....	10
Remedies and Compensation	12
CCTS' funding model	14

Introduction and Executive Summary

1. TELUS is pleased to provide its reply comments in the proceeding initiated by Broadcasting and Telecommunications Notice of Consultation CRTC 2015-239¹ (“the Notice”) to review the mandate and structure of the Commissioner for Complaints for Telecommunications Services (“CCTS”).
2. TELUS focuses its reply comments to reiterate the following positions.
 - The CCTS is sufficiently discoverable to those customers who might require the CCTS’ services, so additional public awareness tools, including possible use of public service announcements, are not necessary;
 - The CRTC should clarify that the CCTS’ mandate is based on complaints resolution and does not extend to development of policy and interpretation of codes of conduct, because that role is under the exclusive statutory authority of the Commission;
 - There should be no changes to the mandate for the CCTS in regards to complaints about telecommunications services, meaning that accessibility complaints remain under the purview of the CRTC and the telecommunications services currently excluded under the CCTS’ Procedural Code should not be changed;
 - The CCTS’ mandate in regards to television services should be limited to enforcing the anticipated TV service provider code of conduct and the same types of issues it handles for telecommunications services (compliance with contract terms and commitments, billing disputes and errors, service delivery and credit management). This means that other issues, such as privacy, advertising and accessibility should not be handled by the CCTS;
 - The CCTS’ governance model is consistent with best practices and ensures adequate representation of consumer and industry views. As such, there is no need to make changes to Board composition or Member powers;
 - The current monetary compensation limit of \$5,000 per complaint as set out in the CCTS’ Procedural Code remains more than sufficient for resolution and remediation of complaints before the CCTS; and

¹ 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.

- The current funding model could be transitioned so that 60% of the CCTS funding is “complaint based” and 40% of funding is “revenue based.”
3. In the sections below, TELUS provides full details on its positions. TELUS responds to those parties that have brought forward contrary positions on the issues, and provides reasons why these positions should be dismissed by the Commission.

TELUS’ responses to the specific comments

Public awareness of the CCTS

Public Awareness Tools

4. TELUS notes that some parties have asked for additional public awareness tools to be implemented by the CCTS. These include the National Pensioners Federation, Council of Senior Citizens’ Organisations of British Columbia and Public Interest Advocacy Centre (together “NPF-COSCO-PIAC”), the Forum for Research and Policy in Communications (“FRPC”) and Canadian Internet Policy and Public Interest Clinic (“CIPPIC”). For example, NPF-COSCO-PIAC asks for a dramatic increase in awareness tools, including a “marketing and communications budget,” and a research budget. It also makes the blanket claim that the current measures used by the CCTS are “far from sufficient.”²
5. These parties fail to appreciate that measuring general public awareness provides no meaningful measure of the degree of success in achieving the public policy goal of ensuring consumers who have an issue with their telecommunications provider are aware of recourse through the CCTS. Awareness of CCTS³ becomes most important when customers might have the need to use its complaint resolution mechanisms. In other words, knowledge of the CCTS only becomes relevant when a customer might have a reason to complain. As noted in TELUS’ intervention, it is discoverability that is key at the time when a customer feels he / she might be aggrieved.
6. The CCTS is readily discoverable via Internet search tools and social media. It also uses social media to make itself known to customers. Just as importantly, it is a requirement for service providers to inform customers about the CCTS when a complaint becomes escalated. As such, adding tools for service providers to inform their customers about

² NPF-COSCO-PIAC Intervention, paragraph 63.

³ It should be noted that general public awareness of the CCTS has grown considerably in recent years. A study by Harris/Decima published in 2015 stated that “more than half of Canadian cell phone owners (56%) are aware of their right to complain about issues to the CCTS. In 2014, Harris/Decima polling indicated 13% awareness.

CCTS are not necessary, given that many such tools are already in place. It also increases costs for little or no incremental benefit.

7. Even the CCTS itself acknowledges that introduction of new awareness tools might not add any additional value. The CCTS states that its “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. [emphasis added]”⁴ As explained by the CCTS, this is a “best practice and is the most effective manner in which to connect to customers.”
8. The CCTS also recognizes the importance of conducting a cost/benefit analysis to assess whether additional public awareness tools should be required. The CCTS states that any awareness campaign must ensure that “each dollar spent promoting awareness delivers the greatest return from a customer perspective.”⁵ This is a point that parties advocating for increases in budgets for public awareness do not appreciate. Instead of spending monies on building CCTS awareness among people who won’t use the CCTS, efforts of awareness must be concentrated on making sure that those that need the CCTS can get the information and support that they require. For these reasons, interventions that ask for new general public awareness tools and associated budgets for more public polling should be dismissed.

Public Service Announcements

9. TELUS notes that several parties (including Teksavvy Solutions Inc. (“Teksavvy”),⁶ NPF-COSCO-PIAC,⁷ and Cogeco Cable Inc. (“Cogeco”)⁸) support the use of public service announcements (“PSAs”) to promote awareness of the CCTS. For the reasons below, TELUS remains of the view that imposing a requirement on Television Service Providers (“TVSPs”) to air PSAs is neither an appropriate nor effective means of ensuring that customers have information about the CCTS when they need it.
10. First, TELUS is concerned about the impact of asymmetrical regulatory obligations on TVSPs (and a specific subset of TVSPs, at that) as compared to Telecommunications Service Providers (“TSPs”). A requirement to broadcast PSAs will not affect all CCTS members equally, as not all TSPs also provide television distribution services. Furthermore, it is important to remember that not all TVSPs are able to air PSAs in local availabilities - a TVSP can only do so if it has an agreement with the U.S. broadcaster in question, and if it has made the necessary technical arrangements to insert its own

⁴ CCTS Intervention, paragraph 7.

⁵ CCTS Intervention, paragraph 9.

⁶ Teksavvy Intervention, paragraph 20.

⁷ NPF-COSCO-PIAC Intervention, paragraphs 73-75.

⁸ Cogeco Intervention, paragraph 20.

promotions and PSAs into the signal. As such, while all CCTS members have to comply with the CCTS' existing public awareness plan, only those members who provide television distribution services and also have the ability to air PSAs would be required to incur the additional costs to meet any new obligation with respect to the airing of PSAs. Therefore, such an obligation would impose an extra regulatory burden on some, but not all, CCTS members.

11. Just as importantly, as the CCTS recognized in its intervention,⁹ any measure to promote public awareness of the CCTS must be cost-effective. In TELUS' view, that means that the cost of any public awareness effort must maximize "returns" in terms of reaching the right audience at the right time, and in a way that allows consumers to easily retrieve information about the CCTS when they actually need it. PSAs are not the best means of achieving this goal: customers cannot access PSAs at will the way that they can search Google for information on how to deal with poor customer service, or access their service provider's website or call centre – avenues that will all provide customers with information about the CCTS when they actually need it. Customers also cannot "save" PSAs the way they can save old bills that provide them information about the CCTS, or add the CCTS' webpage to their "favourites" in an internet browser. Furthermore, as noted above, any potential requirement for TVSPs to air PSAs would not apply equally to all TSPs, or even to all TVSPs – and as such, not all consumers of communications services would have an equal opportunity to view PSAs. In light of these factors, TELUS strongly believes that devoting resources by the CCTS to produce PSAs that only some members would be obligated to air in their local avails would be an inefficient use of the funds available to the CCTS.
12. Finally, TELUS reiterates that although the emphasis on general consumer awareness of the CCTS may be well-intentioned, it is misguided. As noted above, the focus must be on ensuring that dissatisfied customers are able to reach the CCTS when they actually need to – and in TELUS' view, the CCTS' existing public awareness plan is effective for achieving this goal. The measures in that plan¹⁰ are targeted to the right audience, and ensure that customers have the ability to obtain more information about the CCTS and reach out to the CCTS at the appropriate stage of the complaints process. Front and center in that plan is the requirement of CCTS members to make customers aware of the CCTS if they are unable to resolve an issue a customer has raised with them. Indeed, customers are required to contact their service providers prior to escalating their complaints to the

⁹ CCTS Intervention, paragraph 27.

¹⁰ These measures include: periodic messages in bill inserts; requirements to include information about the CCTS on members' websites; and a requirement to inform customers of the CCTS once a complaint has escalated to the second step of a service provider's internal process.

CCTS, which in TELUS' view is yet another reason to focus on bolstering service providers' compliance with the existing public awareness plan. As such, TELUS is of the view that the funding dollars and resources that would be spent on developing and airing PSAs, or on any new public awareness measures, would have a much greater impact if they were instead devoted to bolstering compliance with the CCTS' existing public awareness plan.

CCTS' mandate

Code Interpretation

13. In its intervention, TELUS asked the Commission to clarify the limits of the CCTS' mandate in that the role of the CCTS is to administer codes of conduct as they are written. Once a code of conduct is drafted, the CCTS should not be making Recommendations or Decisions that involve whether code provisions should be expanded or applied to other situations where such decisions are contrary to specific directions and language in the code.
14. TELUS' position is based on the fact that the CCTS is not empowered to render new code provisions or develop new code policies. Such policy-making is within the sole purview of the Commission which means that allowing the CCTS to make policy determinations would constitute an inappropriate sub-delegation of the Commission's policy-making role granted under statute. Accordingly, the CCTS' role with respect to policy making should be limited to raising issues with the Commission that might require policy intervention as part of the CCTS' mandate to monitor trends and report on complaints. Based on the information provided by the CCTS, the Commission may choose to launch public processes to address these issues and determine whether any changes to the regulatory framework are required.
15. Many parties agreed with TELUS' position. Bragg Communications Inc., operating as Eastlink ("Eastlink") said that the CCTS should be "operating within the scope of its jurisdiction and not venture into the realm of policy making."¹¹ Bell Canada ("Bell")¹² and Cogeco¹³ each stated that the function of the CCTS is to administer codes of conduct for which it has responsibility, and not to interpret them. Shaw Communications Inc. ("Shaw") stated that it disagreed with any increase to the CCTS' mandate "that intrudes on the regulatory role of the Commission" in part because it creates an additional burdensome layer of regulation.¹⁴

¹¹ Eastlink Intervention, paragraph 4.

¹² Bell Intervention, paragraph 9.

¹³ Cogeco Intervention, paragraph 16.

¹⁴ Shaw Intervention, paragraph 3.

16. All of these parties have had experience with the CCTS trying to implement policy, rather than simply administering the CRTC's directions. Rogers Communications ("Rogers") added that a problem with the CCTS interpreting and developing new code policies is that the CCTS does not consult with the affected parties nor does "it attempt to seek guidance and interpretation from the Commission." Rogers pointed out that if there are any questions of clarity, the CCTS may request an interpretation or ruling from the Commission.
17. The CCTS itself acknowledged that the interpretative role it has decided to take with certain provisions of the Wireless Code has created "controversy."¹⁵ The rationale for TELUS' position, as supported by other parties, is to ensure that policy development occurs in the proper forum with adequate party consultation. This is both the established and optimal means to have meaningful discussions on policy-making issues and to allow interested parties and the public to comment so that a transparent and fair process is employed.
18. For these reasons, TELUS disagrees with parties that advocate for granting the CCTS policy-making powers.¹⁶ Not only would this be an improper delegation of the CRTC's statutory authority, it would lead to a situation where new policies would not face full public scrutiny and debate prior to implementation but, instead, be developed by the CCTS. Proper rule-making requires a full and fair process by the CRTC.

Services in scope

Accessibility

19. As noted in its intervention, TELUS is of the view that the current CCTS mandate remains appropriate. Some services associated with the telecommunications industry are excluded from the scope of the CCTS, such as accessibility services and services that are currently regulated by the Commission.
20. TELUS has reviewed the comments of the Canadian National Institute of the Blind and the Alliance for Equality of Blind Canadians (collectively, the "CNIB/AEBC") and Media Access Canada ("MAC") wherein parties state that the mandate of the CCTS should be expanded such that complaints related to accessibility issues should be an integral part of its mandate and reporting mechanisms¹⁷.

¹⁵ CCTS Intervention, paragraph 55.

¹⁶ For example, CIPPIC Intervention, paragraph 13.

¹⁷ CNIB/AEBC Intervention, paragraph 25. MAC Intervention, paragraphs 36 and 37.

21. TELUS' position remains that accessibility issues should remain outside the CCTS' mandate. Other parties such as Québecor Média Inc. on behalf of its affiliate Vidéotron S.E.N.C. ("Québecor"), Cogeco, Bell, MTS Inc. on behalf of itself and Allstream Inc. (collectively "MTS Allstream"), Saskatchewan Telecommunications ("SaskTel"), Tbaytel, Rogers and the CCTS itself share TELUS' view that accessibility complaints should continue to be excluded from the scope of the CCTS.

22. The Company agrees with MAC that:

"Canadians with disabilities require assistance with their complaints and concerns well in advance of the CCTS intake protocols for two reasons... 1-many of the issues for people with disabilities are unlike those of other Canadians who do not have a disability, 2- the nature, diversity and severity of disabilities"¹⁸.

23. Unlike the Commission, the CCTS does not have the resources, expertise, or jurisdiction to deal with matters related to accessibility issues. The nature of complaints related to accessibility of telecommunications and broadcasting services requires that they be handled by an expert agency. Under statute, the CRTC has had this authority for decades, and has developed the expertise to dispose of accessibility related customer service issues. TELUS notes that CNIB/AEBC stated in its intervention that alternative format communications is a complicated issue and suggested that:

"...this issue specifically remain under the direction of the CRTC as several decisions and directives speak to this requirement adequately."¹⁹

24. Moreover, TELUS submits that there are no reasons to make any changes to the Commission's complaints-handling mandate, given that it has been effectively resolving consumer complaints related to accessibility issues from consumers and small businesses.

Regulated Services and Telecommunications Services Currently Excluded

25. It is TELUS' position that the CCTS' current mandate, as established by Order in Council 2007-533²⁰, is appropriate²¹. The comments made by Bell, SaskTel, MTS Allstream, Québecor, Cogeco, Tbaytel, TekSavvy and Shaw are support TELUS' view that the current CCTS mandate remains appropriate. TELUS shares Shaw's view on that subject and agrees that the Commission should avoid any expansion in the scope or mandate of the CCTS in a

¹⁸ MAC Intervention, paragraph 5.

¹⁹ CNIB/AEBC Intervention, paragraph 26.

²⁰ *Order Requiring the CRTC to report to the Governor-in-Council on Consumer Complaints*, available at <http://www.ic.gc.ca/eic/site/smt-gst.nsf/eng/sf08753.html>

²¹ TELUS Intervention, paragraphs 58-60.

way that would intrude on the regulatory role of the Commission, or which creates a burdensome additional layer of regulation.

26. In contrast, the comments from CNIB/AEBC, MAC, NRP-COSCO-PIAC²² and CIPPIC demonstrate their view that the CCTS' mandate should include all services, including the ones that are regulated by the Commission. The Company disagrees with this proposal. In regulated markets, consumers already have recourse to the Commission's complaint mechanisms and adding these issues within the CCTS would be redundant and inefficient. Complaints about regulated services are within the Commission's statutory authority and cannot be delegated.
27. Moreover, the Commission has already ruled on this issue. In *Review of the Commissioner for Complaints for Telecommunications Services*, Telecom Regulatory Policy CRTC 2011-46 ("TRP 2011-46"), the Commission considered that:
- "...it would be duplicative to add regulated services to the CCTS's scope of complaints, because the Commission is mandated to receive and address complaints about these services. Accordingly, the Commission considers that the record does not justify requiring the CCTS to expand its current scope of complaints at this time."²³
28. CIPPIC argues that all services currently excluded by section 3 of the CCTS By-Laws should also be included. CIPPIC claims that excluded services such as those relating to false and misleading advertising, those related to privacy, and those relating to unsolicited communications should be added to the CCTS' mandate.²⁴
29. These positions should be dismissed. The CCTS itself in its intervention stated its agreement that the current mandate remains appropriate:
- "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 Code.¹⁰ This, in CCTS' view, continues to be appropriate."²⁵
30. As TELUS previously stated²⁶, matters related to advertising and promotions (and privacy), are beyond the CCTS' mandate and adding same would create a situation of asymmetrical handling of complaints as the Competition Bureau or Office of the Privacy

²² NPF-COSCO-PIAC Intervention, paragraph 100.

²³ TRP 2011-46, paragraph 29.

²⁴ CIPPIC Intervention, paragraph 9.

²⁵ CCTS Intervention, paragraph 38.

²⁶ TELUS Intervention, paragraph 62.

Commissioner could also be involved. This would also be an inefficient use of CCTS' human resources, given that they do not have the expertise to handle such complaints.

Television-related issues

31. TELUS has noted several calls for expanding the CCTS' mandate to include matters that do not solely focus on the relationship between customers and their TVSPs. For example, NPF-COSCO-PIAC seek the expansion of the CCTS' mandate so that it would be able to investigate and make determinations on "all complaints related to television service."²⁷ Media Access Canada and the CNIB also advocate for expanding the CCTS' mandate to include accessibility services,²⁸ while CIPPIC calls for expanding the CCTS' mandate to include complaints relating to privacy and misleading advertising.²⁹
32. In its intervention, TELUS took the view that in enforcing the TVSP Code, the CCTS should handle the same types of complaints for broadcasting services as it does for telecommunications services (compliance with contract terms and commitments, billing disputes and errors, service delivery and credit management), while other issues such as advertising would not be appropriate to include the CCTS' mandate. TELUS' position was based on its view that the CCTS' mandate must focus solely on those matters which are central to the customer/service provider relationship, and which are not already the subject of other legislative and regulatory frameworks that are enforced by other bodies (like the CRTC and the Competition Bureau). TELUS also expressed that the CCTS' mandate with respect to broadcasting services must be limited to the services listed in the definition of "television service provider" in the draft TVSP Code.
33. TELUS has considered the positions of the parties noted above and has many concerns about their proposals. For example, NPF-COSCO-PIAC call for the CCTS to be able to adjudicate "all complaints related to television service", but this could leave the CCTS in the position of receiving complaints which it is not able to resolve. For example, expanding the CCTS' mandate so that it can receive "all complaints related to television service" could result in it receiving complaints from customers about simultaneous substitution errors – but this is a matter that also involves broadcasters, who are not subject to the CCTS' mandate. As a result, the CCTS would be limited in its ability to properly investigate and dispose of these complaints. Furthermore, the CRTC has already established a framework for dealing with simultaneous substitution errors and customer

²⁷ NPF-COSCO-PIAC Intervention, paragraph 110

²⁸ See paragraphs 36-37 of MAC's intervention, where it recommends that the CCTS have jurisdiction over "accessibility services" and that it be given "relatively broad scope" to address complaints by disabled persons. Also see paragraph 29 of the CNIB/AEBC's Intervention.

²⁹ CIPPIC Intervention, paras. 3-15.

complaints, so enabling the CCTS to also consider similar issues would be unnecessary, inefficient, and only add to customer frustration by making proper resolution of complaints less likely.

34. The same is true for accessibility issues. While TELUS appreciates fully the concerns of persons with disabilities, issues relating to the accessibility of services and equipment very often involve third parties (such as broadcasters and equipment suppliers) that are not at all subject to the CCTS' processes. If a customer had a complaint about closed captioning errors, for example, the CCTS would not have the ability to engage both the TVSP and relevant broadcaster/programming service on the situation at hand, which would only lead to further frustration on the customer's part. In addition, as with simultaneous substitution errors, the Commission already has a process in place to deal with complaints about closed captioning and other accessibility issues, so adding these issues to the CCTS' mandate is unnecessary.
35. Finally, as noted above, expanding the CCTS' mandate into new areas would require it to acquire extensive new expertise and resources to adjudicate complaints about these kinds of issues. For example, issues related to privacy, advertising and accessibility are complex matters that the CCTS is not equipped to handle, and that are already regulated by bodies like the CRTC, Competition Bureau, and the federal Office of the Privacy Commissioner. There is simply no benefit to adding these kinds of issues to the CCTS' mandate.
36. The foregoing arguments demonstrate the importance of clearly delineating the CCTS' mandate, and ensuring a focus on issues that fall squarely within the customer/service provider relationship. Expanding the CCTS' scope to include all issues related to the provision of television services would only result in inefficiency, consumer frustration, and ultimately be of little benefit to Canadian consumers. Therefore, TELUS' position remains that the scope of the CCTS as regards television services should be limited to enforcing the TVSP Code and the same types of issues it handles for telecommunications services.

CCTS' Structure

Governance Model

37. Most of the parties providing comments, including TELUS, have stated that the current governance model is working well and does not require any changes to accommodate the inclusion of television services.³⁰ In fact, the CCTS has recently gone through an extensive corporate review to remain compliant with the *Canada Not for Profit Act* and that

³⁰ Interventions of Rogers, Shaw, MTS Allstream, Bell, CNOC, SaskTel, Quebecor, Cogeco, Tbaytel, CIPPIC.

“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”³¹

38. In contrast, both NPF-COSCO-PIAC and FRPC provide substantial comments about and recommended changes to the mandate and structure of CCTS and the Board of Directors. CIPPIC and Consumers Council of Canada (“CCC”) also provide suggestions and comments concerning the CCTS Board. TELUS’ position is that CCTS’ current mandate, as established by the Order in Council 2007-533, is appropriate, and TELUS reiterates that it is important for the CRTC to make the limits of the CCTS’ mandate clear in this proceeding.
39. PIAC and FRPC have both recommended expanding the size of the CCTS Board and NPF-COSCO-PIAC suggest that the current structure creates potential conflicts of interest for Industry Board members³². TELUS disagrees. The current Board structure is appropriate and was established with two Independent Directors and two Directors elected from the Consumer Groups. As there are also three Industry Directors, the Industry Directors do not have a majority on the Board.
40. All Directors, including the Industry Directors, have a fiduciary duty to act in the best interests of the CCTS and it is TELUS’ understanding that the Board has generally operated by consensus and simple majority vote on most issues over the past eight years of CCTS’ existence. TELUS also understands that each Director of the CCTS must sign and adhere to a comprehensive CCTS Code of Conduct and conflict of interest guideline document before serving as a Director. This Code of Conduct is critical to ensuring the continued perceived and actual independence of the CCTS, as well as to ensure that all stakeholder interests are properly accounted for within the CCTS’ structure.
41. As it is an objective of the CCTS to ensure that the Board works collectively, all Directors are required to possess the requisite skill sets and experience to comply with the of CCTS Bylaws to achieve effective Board governance. As such, the CCTS has established requirements for CCTS Directors. In addition, the Independent Directors must possess the criteria described in Section 33 (a), (b) and (d) of the CCTS Bylaws. Finally, the CCTS Board has a Corporate Governance sub-committee that reviews the Bylaws and governance of the CCTS to ensure that the Board is following current and accepted corporate governance practices.
42. Under the CCTS’ by-laws, the “Members” of the CCTS are those individuals appointed by the consumer groups (2 Members), the PSPs (3 Members), and the 2 Independent Members appointed by the CCTS Board. This results in a duality of legal roles for those

³¹ CCTS Intervention, paragraph 42.

³² NPF-COSCO-PIAC Intervention, paragraphs 132-136.

individuals who serve as Directors and Members. Directors must at all times act honestly, in good faith with a view to the best interests of CCTS. In their capacity as Members, these individuals are free to factor into their positions and decisions a wide variety of elements, which the Member may deem necessary or desirable. Such elements may include the interests of all potential stakeholders in CCTS and other legal, financial, regulatory, and policy considerations that a Member may deem necessary or advisable. TELUS' position remains that there are appropriate corporate governance practices and policies in place at CCTS to facilitate an effective Board structure.

43. TELUS notes that almost all parties to this proceeding have mentioned the importance of the CCTS and the value that the organization provides for telecom consumers. Customer feedback from CCTS surveys also indicates overall customer satisfaction with the organization. Accordingly, when considering the approach that Industry Members take to discussing and voting on matters at the Board level (including business plans, budget, planning and resources), it would be illogical to expect that Industry Members (representing all of the PSPs) not to want the CCTS to continue to succeed and have the necessary resources it needs to carry out its mandate. Accordingly, it is TELUS' position that the issues raised by NPF-COSCO-PIAC³³ and CIPPIC are theoretical concerns. Finally, TELUS also notes that the CCTS has not identified any issues or concerns with the current governance structure and voting thresholds.

Remedies and Compensation

44. On the issue of the ability of the CCTS to provide compensation of up to \$5,000 per complaint, as part of the set of remedies available under the Procedural Code, TELUS indicated in its intervention that this maximum amount remains appropriate and sufficient to meet the needs of consumers of both telecommunications and television services. These remedies are for compensatory purposes only and not for punitive or exemplary purposes. As such, they generally don't involve issues that could require greater than \$5,000 of compensation.
45. TELUS' position was supported by several other parties' interventions such as Bell, Shaw, Québecor, Cogeco, CNOOC, SaskTel, and the CCTS itself.
46. Bell noted that:

³³ NPF-COSCO-PIAC, Recommendations 10 and 11.

“[t]he role of the CCTS is to deal with complaints impartially (and not as an advocate for either service providers or consumers) in a non-legalistic manner with a view to securing the most expeditious and least expensive resolution of every complaint.”³⁴

47. Bell also stated that the existing remedies remain appropriate, even with the addition of TVSP services. Québecor³⁵ repeated that the conclusion in TRP 2011-46, that the \$5,000 limit is sufficient to allow the CCTS to grant fair compensations to customers, remains accurate today and therefore should remain the same. On this point, Cogeco³⁶ stated that:

“[t]here is no compelling reason that has emerged since the issuance of TRP 2011-46 that would justify changing this limited compensation per complaint. The amount remains appropriate and sufficient and the addition of television services does not in and of itself justify a change.”

48. Of note, CNIB/AEBC³⁷ is also of the view that the current remedies in place are adequate.
49. On the other hand, NPF-COSCO-PIAC³⁸, MAC, Union des consommateurs and FRPC advocated for an increase in the \$5,000 limit. NPF-COSCO-PIAC specifically proposes that the limit should be raised at \$25,000. To support its proposal, NPF-COSCO-PIAC states that from the last CCTS reports, a small percentage of the complaints warranting monetary compensation exceeded the \$5,000 cap.
50. Based on the last three CCTS annual reports, complaints in which monetary compensation could have exceeded \$5,000 accounted for 0.002% to 0.004% of the total complaints awarded by the CCTS.³⁹ This means that the vast majority (99.008% to 99.006%) of the total remedies awarded by the CCTS are well below the \$5,000 limit. In fact, as acknowledged by NPF-COSCO-PIAC in its intervention, the last three CCTS reports show that “the vast majority of rewards fall under \$500”⁴⁰. These statistics demonstrate that the current \$5,000 limit remains sufficient and fair for customers.
51. It is also important to recognize that billing dispute amounts are not included in the \$5,000 limit remedies.⁴¹ This means that customers could potentially receive amounts that are higher than \$5,000 in cases related to billing disputes.

³⁴ Bell Intervention, paragraph 51.

³⁵ Québecor Intervention, paragraph 39.

³⁶ Cogeco Intervention, paragraph 34.

³⁷ CNIB/AEBC Intervention, paragraph 32.

³⁸ NPF-COSCO-PIAC Intervention, paragraphs 144 to 153.

³⁹ Source: 2011-2012/2012-2013/2013-2014 CCTS Annual Reports – Compensation Analysis.

⁴⁰ NPF-COSCO-PIAC Intervention, paragraph 149.

⁴¹ CCTS Procedural Code, section 12.3.

52. The evidence above supports the CCTS' view is that the current \$5,000 monetary compensation limit is sufficient. In particular, the CCTS stated that it "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" and that "this sum has proven ample to address the complaints that CCTS has dealt with to date."⁴²
53. Furthermore, as TELUS noted in its intervention, should any customer seek redress for an amount greater than \$5,000, such a complaint is more appropriately raised at a provincial court, where the jurisdiction allows for a higher claim and the rules of procedural fairness dictate a more formal process for both parties than as provided by the CCTS under the Procedural Code.

CCTS' funding model

54. TELUS notes the various concerns about the CCTS' funding formula that were expressed by various interveners, and it is clear that not all PSPs, nor consumer groups, have the same point of view. TELUS concurs with CCTS' position that the funding formula should adequately provide for the CCTS' funding needs and be as simple as possible to administer. TELUS also agrees that the CCTS and PSPs should determine what funding formula is best to achieve CCTS' objectives.
55. TELUS' position remains that the CCTS should transition to a funding formula in which Members fees would be 60% complaint-based and 40% revenue-based fees (RBF). Such a model would encourage PSPs to enhance customer services as a means to reduce complaints to the CCTS. TELUS is not alone in its view, as Tbaytel, Eastlink, MTS Allstream, SaskTel, and Québecor also all support modifying the funding formula so that a higher percentage of funding is based on complaint-based fees.

*** End of document ***

⁴² CCTS Intervention, paragraph 44.