

CONSUMERS COUNCIL OF CANADA

Before the Canadian Radio-television and
Telecommunications Commission

Broadcasting and Telecom Notice of Consultation
CRTC 2015-239, as amended by 2015-239-01, and
2015-239-02

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

Final Reply Comments on Testimony Nov 3-6, 2015

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20 November 2015

- 1 Re: Broadcast and Telecom Notice of Consultation CRTC 2015-239, 2015-239-01, 2015-239-02 Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc. These are the final reply comments of the Consumers Council of Canada on the testimony of November 3-6, 2015. The Council is a not-for-profit organization that supports an improved marketplace, and focuses its advocacy on the rights and responsibilities of consumers.
- 2 In their testimony the TSPs largely agree on many points. We agree with many of their statements, but disagree on some key points. We have some questions, particularly around the obvious omission of the acknowledgement and determination of the degree and nature of unresolved complaints with the TSPs that do not, for one reason or another (through either the fault of the consumer or the TSP), make it to the CCTS.
- 3 Our comments and recommendation are made in the context of the objective of an improved and more efficient marketplace that ultimately benefits consumers (and business). Streamlined complaints processes that are complete and efficient are a clear objective. This premise underlies many of our statements of agreement with the TSPs below.
- 4 The TSPs state that CCTS is doing fine when dealing with complaints presented to them, and that a significant majority of customers that make it to the CCTS are satisfied. ¹ We agree, but reiterate that many complaints don't make it to the CCTS that otherwise could.
- 5 The TSPs state that few changes are necessary in the processing the complaints. We agree, however are compelled to comment on a concern of Bell's that accounts for a significant portion of their testimony. Bell disputes the inclusion of certain complaints, citing that they are invalid and should be excluded from complaint counts:
- 6 *BELL "First, we would like to see a better process for removing invalid complaints from complaint counts at all steps of the process."*²

¹ Telus Day 1 P.1077, P.1094; Shaw Day 3 P.3429, P.3434, Bell Day 4 P.4017

² Bell Day 4 P.4033

- 7 Where it is to their advantage to exclude invalid complaints, Bell advocates for their removal, as such removal would reduce their fees.
- 8 Our concern is that where establishing a more accurate count of valid complaints would be to their disadvantage they are silent. They ignore what we believe is a potentially significant number of valid complaints that do not make it to the CCTS. These are unresolved complaints of consumers with their TSPs, that if the consumers had known about the CCTS they would have submitted their complaint.
- 9 We believe that a proper count of complaints (for whatever reason) one needs to both exclude all invalid complaints and include all valid complaints. To us, it appears that Bell is more concerned with the fees charged to them for complaints handling by the CCTS than ensuring that all customer complaints with their service are resolved.
- 10 TSPs state that there is a concern that some customers are currently going to CCTS before contacting the customer service department of their TSP.³ However, it is agreed by the CCTS and the TSPs that these are typically readily referred back to the TSP.⁴ The TSPs express concern over the extra time this may take a customer to resolve their problem. We suggest that they bring this degree of attention to the on-hold times of their customer service processes, experiences of which came up more than once during the hearing from no less than the Chairperson of the Commission and the CEO of the CCTS:
- 11 *MR. CHAIRPERSON " ...I, like many others, can speak from experience, there are some practices that are very infuriating; being left on hold for a long time. One could imagine hypothetically a customer who through one of these telephone trees is being left on hold and can only imagine that if they had not pressed the button to end the service but was pressing the button to add to their services that maybe their call would have been put in a priority."*⁵
- 12 *MR. MAKER "...we're all consumers as well and there's nothing that I hate more than when I call my service provider and I'm put on hold for half*

³ Telus Day 1 P.797;

⁴ Rogers Day 2 P.1807

⁵ Chair, CRTC, Day 1 P.316-317

*an hour, or I'm transferred to the wrong department, or I'm disconnected on my call, or I'm talking to a rep who's rude, or who I know doesn't know what he's talking about."*⁶

- 13 The TSPs state a concern that some of customers will go to the CCTS prematurely if more general public awareness efforts by the CCTS are made as suggested.⁷ We agree. Hence, our recommendations around public awareness relate to determining the degree and nature of unresolved complaints after they have not been dealt with by the TSP, not before.
- 14 The TSPs state that the CCTS should be a place of last resort to solve problems, after customers have exhausted their efforts with the TSP - that the first course of action should be the TSP.⁸ We agree, but are concerned of the multiple use of variations of the term "exhaustion" in reference to their own customer service process.
- 15 The TSPs state that public awareness is best left to the TSP's to inform the customer at the time when they need it.⁹ In effect, it is a Just In Time process. In principle, we agree. However, we remain skeptical as to the degree to which the TSPs currently, and more importantly, prospectively will adhere to these requirements, and implement them in an effective, not perfunctory, manner.
- 16 The TSPS state that the CCTS should make sure they are findable when people search for them on the Internet.¹⁰ We agree. However, there is some concern that other methods be entertained for those not on the Internet. We would think that where the TSPs informing their customers just in time is working properly (and ideally monitored and enforced) then there would be little need for other advertising which would have to more than likely be broad rather than targeted - e.g., radio, newspaper, etc. For those issues dealing with disabilities and accessibility, that is a separate issue for which we do not have the expertise to comment.

⁶ MR. MAKER Day 1 P.320

⁷ Rogers Day 2 P.1831; Shaw Day 3 P3482.; Bell Day 4 P.4042

⁸ Telus Day 1 P.1347; Rogers Day 2 P.1777-1778; Shaw Day 3 P.3604;

⁹ Telus Day 1 P.1094; Rogers Day 2 P.1831;

¹⁰ Telus Day 1 P.988; Bell Day 4 P.4041-4044

- 17 Some TSPs state that the CCTS should fix their website regarding responsive design and usability on mobile.¹¹ We agree. We do reiterate our concern as to how an organization responsible for the final complaint resolution of some 24,000,000 or more wireless contracts, in 2015, still does not have a website that is designed to work properly with mobile technologies and screens. Is it indicative of a larger issue regarding communication, priorities or funding?
- 18 The TSPs state that they are: a) doing well in customer service (but nevertheless continuing to improve); b) improving; and/or, c) investing significantly to improve.¹² We agree. We believe that some are doing better than others, that all are trying to improve and that many are investing significantly. However, it does not negate our view that a significant number of unresolved complaints continue to accumulate; nor is any further evidence supplied to contradict this view.
- 19 The TSPs state that they are performing their public awareness efforts required under their CCTS obligation. We do not believe this to be the case, given the anecdotal and CCTS evidence (based on the answers to the CCTS survey, or lack thereof from the TSPs), and the statement of some of the TSPs themselves. We do believe this requires further clarity, as the numbers may be skewed by the lack of adherence by the smaller TSPs, which was a concern expressed by Shaw in their Reply Comments.
- 20 *CCTS "Of the 133 PSPs that received our survey, only 47 chose to reply, and based on the information we received, not one of the elements of the plan has been fully met by all PSPs."*¹³
- 21 The TSPs state that these current public awareness measures by the TSPs are adequate and effective.¹⁴ We disagree, especially given the way in which the public awareness participatory obligations of the TSPs are carried out. The TSPs appear to strive for perfunctory adherence, not effective communication. There is little evidence supplied to support the TSP's widely claimed view. Furthermore, there appears to be no real clear consistent definition of second

¹¹ Bell Day 4 P.4044

¹² Telus Day 1 P.993; Rogers Day 2 P.1782, P.1793, P.1802; Shaw Day 3 P.3444-3446; Bell Day 4 P.4040

¹³ CCTS Day 1 P.51

¹⁴ Telus Day 1 P.1094; Rogers Day 2 P.1784

level of escalation, by the TSPs, and how it relates differently in online chat support, telephone, in-store or email.

- 22 The CCTS have made short, and less than specific, statements regarding the nature of a poll they would conduct around public awareness.¹⁵ The TSPs, in general, do not see the need for the CCTS to conduct a survey. We disagree. A survey is our major recommendation in this consultation, not to promote public awareness, but to determine the degree to which the public is able to reach the CCTS when they need to. The TSPs have made it clear that they will inform their customers of the CCTS more or less as a last resort, and as noted, there is neither clear evidence to their efficacy nor a stated method of measurement. One may suggest there is a litany of less than stellar performance in this regard.
- 23 A key question remains: "How, and why, do customers with an unresolved complaint and a willingness to follow it up not make it to the CCTS?" The TSPs in their interventions, their reply comments, and their testimony largely ignore the obvious question, and the anecdotal and survey evidence indicating there is the potential for a significant number of unresolved complaints. Nor do they provide any evidence to disprove the notion that there are a significant number of such unresolved complaints. They see no need to analyze the gap in the middle between the CCTS and the TSPs. We seriously disagree.
- 24 CNOC did refer to this in their testimony:
- 25 *CNOC "What we do note in paragraph 17 of the reply is I'm certainly not going to sit here and say that every provider has clean hands and is 100 percent fulfilling its obligations based on certain concerns that were raised by the CCTS regarding responses to its compliance and obligation survey that it did and other issues raised there. So there may be an issue that needs to be addressed, but that's distinct from the actual existing obligations that are sufficient if they are being followed."*¹⁶
- 26 No significant evidence has been provided to show that all complaints that aware consumers would take to the CCTS are indeed going to the CCTS.

¹⁵ Telus Day 1 P.1094

¹⁶ CNOC Day 3 P.2780-2781

- 27 These organizations are aware from testimony and submissions of the Consumers Council of Canada and other organizations, of the potential for a significant number of unresolved complaints. When they don't bring evidence to counter that claim, given their considerable resources and expertise, one is reasonably led to believe that they are choosing to ignore it, rather than deal with it.

RECOMMENDATIONS

- 28 We continue to reiterate the need for a survey. In the interests of brevity, we refer to the specifics in our intervention (para. ES 5), reply comments (para. ES 3) and testimony (para. 5).
- 29 We recommend the proposed CCTS poll include the objective of determining the degree of Canadian consumers who have had a complaint with their TSP that remains unresolved, and had they known about the CCTS would've taken their complaint to them. We continue to note that this poll has an undisclosed budget amount, a vague objective, although we laud the plan to bring in outside polling experts to conduct the poll. Our concern regarding the poll echoes our concern about the state of their website. What is the cause of the lack of attention to this issue, will it continue to plague CCTS in fulfilling its public awareness mandate?
- 30 Regarding the just in time concept that is so strongly advocated for by the TSPs, it logically follows that the CCTS awareness note placed on the billings quarterly should now be included monthly. Otherwise, customers who have a billing issue in one of the eight months not containing a CCTS notice will not have the opportunity to see the CCTS notice when they have the problem. It should be noted that billing complaints (Incorrect charges) is the largest complaints category at the CCTS.¹⁷
- 31 We understand that the CCTS has the responsibility / authority for monitoring or enforcement of the TSPs participatory obligations, including those around public awareness. We recommend that the TSPs be audited by the CRTC around their adherence to the public awareness participatory obligations, particularly around those that would logically be the most effective (on a call,

¹⁷ p. 3, CCTS Mid-Year Report 2014-2015

in store, or in online chat support) and most easily unheeded or not adhered to, and toughest to monitor and enforce.

- 32 The complaints process is not just the CCTS. It is the CCTS and the TSPs, jointly - with the CCTS playing its part only after the TSPs have had a reasonable chance to resolve the issue. The CCTS is working well. The TSPs are making efforts within their own processes of customer service. But the handoff to the CCTS does not appear to be getting the same attention.

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