

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

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

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

**Executive Summary - Final Comments
of
CCTS**

20 November 2015

Executive Summary

1. CCTS provides independent, impartial, timely, efficient, and informal resolution of complaints, and this concentrated focus is a large part of the reason why it has been so successful. All parties agree that the ombudsman role played by CCTS and the services it provides to consumers and small business customers are important, and that CCTS has executed them effectively.

Governance and Structure

2. A variety of opinions have been expressed related to CCTS governance and voting structure. Consumer groups suggest that changes need to be made to ensure the independence and adequate funding of CCTS. Industry generally feels that the current governance and voting structure is adequate. These differing views are also reflected at CCTS' Board of Directors. The voting structure has been the subject of some debate among Board members. In spite of efforts made to bridge these differences, there is no consensus among CCTS' Directors and Members about the appropriateness of the current voting structure.

Funding

3. The funding formula must meet two important objectives: it should adequately provide for the security of CCTS' funding needs, including on-going cash flow requirements, and it should be as simple as possible to administer.
4. CCTS is concerned with CNOC's proposal that the complaint-based fees, structure with escalating price levels based on the stage of the process at which a complaint is resolved, be removed. The series of escalating CBF price levels is intended to – i) incent early resolution of complaints, and ii) compensate CCTS for the additional resources required to deal with the complaint as it proceeds through the CCTS process. Removing the incentive for PSPs to resolve complaints at an early stage would undermine CCTS' success in reaching early resolution of complaints and increase costs.

Mandate

5. Impartiality and independence are critical pieces of an ombudsman role and all aspects of CCTS' structure and processes are currently designed to ensure this impartiality and independence. If CCTS' mandate were expanded to include responsibility for: i) consumer advocacy, including matters pertaining to accessibility; ii) complaints regarding internal PSP processes and general operating practices; iii) PSP customer service complaints; iv) disputes relating to Wholesale Services; or v) research and publications; it would no longer align with the core principles of impartiality and independence inherent in ombudsman work. This would harm CCTS' credibility with service providers and detract from CCTS' ability to quickly and effectively resolve customer complaints.

6. CCTS fully understands the need for transparency as this is a fundamental element in any ombudsman’s work. To this end, the CCTS is currently or planning to:
- continue to issue Annual and Mid-Year reports which contain detailed statistics and information about complaint trends and issues;
 - work on developing additional information and case studies which it envisions publishing on its website;
 - continue publishing the results from its in-house customer satisfaction survey, including questions about how customers heard about CCTS;
 - conduct a poll to establish the baseline level of awareness of CCTS and will report on these findings;
 - publish an annotated version of the Wireless Code to ensure broad and common understanding of how specific requirements of the Code applied to the specific fact situations;
 - continue to publish all Decisions on the CCTS website.

Public Awareness

7. CCTS’ strategy is to make sure that it is easily accessible to customers that need its services, when they need those services. The CCTS public awareness plan (the Plan) contains a number of requirements aimed at ensuring targeted awareness among PSP customers who have complaints, when they have complaints. The Plan also includes a number of measures that raise awareness of CCTS for a demographic that is less inclined to use the internet as a chief source of information. PSPs play a crucial role in increasing public awareness. That is why the Plan requires PSPs to engage in a number of specific customer awareness raising activities. Unfortunately, feedback provided by those PSPs that chose to respond to the CCTS survey measuring compliance with the Plan (conducted in May 2015) indicates that not one of the five elements of the Plan has been fully met by all PSPs. Until there is a high degree of PSP compliance with the requirements under the current Plan it is not possible to accurately measure its effectiveness. It is our view that it is not efficient or effective to consider expanding the public awareness requirements until CCTS can first obtain from PSPs a high degree of compliance with the requirements under the current Plan so that its effectiveness can be accurately measured.

Participation

8. The requirement to participate in CCTS and the “trigger” mechanism to effect this participation is a matter of public policy to be determined by the Commission. When making this decision the Commission must strike the delicate balance between the desire to provide consumers with recourse to CCTS and the practical challenges involved in requiring broader participation.

9. In this regard consideration of the negative impact the trigger mechanism seems to have on consumers must be taken into account. In the last two years only one PSP has managed to sign-up to CCTS within the requisite 5 days. On average, it takes about 50 days, with the mean time from the triggering of the participation requirement to participation being 73 days. It is important to keep in mind that this delay relates only to those PSPs which CCTS has been successful in signing-up. It does not take into consideration the even lengthier delay experienced by customers when their PSPs continue to refuse to sign-up and must be referred to the CRTC.
10. This process is triggered only when a customer has an unresolved complaint that they have already tried and failed to resolve directly with their service providers, potentially after a number of levels of escalations. The amount of time a consumer is expected to wait before the process can even begin, or even worse before an unresolved complaint is investigated – taking into account both the service provider’s internal process and CCTS’ process, is unacceptably high.
11. To ameliorate this problem CCTS is proposing a CRTC registration process. This process will greatly simplify the “sign-up” of PSPs that are mandated to participate. The process could be initiated by a decision in this proceeding which would:
 - define the TSP and TVSP eligibility criteria for participation in CCTS;
 - direct all eligible service providers to register via a written letter sent to the Commission by a clearly identified deadline;
 - clearly indicate that CCTS will then reach out to the PSP to complete the sign-up, which the PSP is required to do within 30 days’ of CCTS having reached out to it and;
 - make these requirements a mandatory aspect of operation with real consequences for service providers that fail to comply.
12. When registering, PSPs should include all sign-up information required by CCTS:
 - the name and contact information of a senior representative of the organization that has the authority to execute the documents required to affect participation;
 - the legal entity name of the PSP as well as all brand names under which it provides service; and
 - a list of the services that the PSP, including its related brands, provides (i.e. wireless, internet, phone, TV, long-distance)
13. The Commission would then provide to CCTS a list of the TSPs and TVSPs that meet the Commission-established eligibility requirements and that are mandated to participate.. The Commission would also disclose, in confidence, the eligible annual revenues of PSPs mandated to participate, and CCTS would then administer the “sign-up” process.

Enforcement and Compliance

14. In order for CCTS to effectively and efficiently serve all consumers and small business customers, eligible PSPs must “sign-up” and then fully comply with all required aspects of the CCTS Participation Agreement. The submissions of CCTS in this proceeding demonstrate that this is not currently happening.

15. CCTS has encountered ongoing compliance issues in all of the fundamental areas of participation: fee payment, certification of revenues, “sign-up”, the public awareness plan, and compliance with the Procedural Code, particularly the implementation of binding complaint dispositions.

16. CCTS is therefore asking the Commission for assistance in ensuring compliance by:
 - issuing an unequivocal directive outlining the requirement to comply with all aspects of the Participation Agreement and related Commission determinations is necessary;
 - establishing an annual process by which an officer of each PSP certifies to the Commission that the PSP is fully compliant with all aspects of the CCTS Participation Agreement;
 - performing annual spot checks with real consequences for any PSP found to be non-compliant, and;
 - establishing a process for CCTS to refer significant incidents of non-compliance for enforcement to the Commission.

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