



11 September 2015

John Traversy
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

Re: *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Notice of Consultation CRTC 2015-239 (Ottawa, 4 June 2015) – Reply by FRPC to other submissions

- 1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established to undertake research and policy analysis about communications, including telecommunications, and made submissions in this proceeding on August 25, 2015.
- 2 We welcome the opportunity to reply to the submissions made by other parties in this proceeding, and look forward to the public hearing currently scheduled for November 3, 2015.
- 3 Our comments on other parties' answers to the CRTC's questions are set out below, in order of the questions. References in parentheses refer to pages (page number) or paragraphs (¶ or ¶¶) in parties' 25 August 2015 submissions, and we adopt the use of PSP (PSPs) to refer to participating service providers that are subject to the CCTS' Codes.
- 4 As a preliminary matter, because it does not fit easily within the CRTC's questions, we note Telus' comment that "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" (Telus, ¶7).
- 5 We respectfully disagree with Telus: the competitive marketplace itself is supposed to provide businesses with all the incentives they need to "do better"; CCTS exists precisely because neither the telecommunications nor the TVSP 'market' can be considered a competitive market in the sense of classical economic theory.

6 FRPC submits that the question that the CRTC's review of CCTS in this proceeding should answer is this: **is CCTS an effective and transparent consumer agency that has the governance, procedures and resources it needs to address subscribers' concerns objectively and efficiently?**

1 ***Services provided by CCTS: complaint resolution, reporting and administration for phone, wireless, Internet – and now TVSPs***

7 CCTS does not describe itself as a 'communications ombudsman', but as "an independent consumer agency with a mandate to resolve complaints from individual consumers and small businesses about their deregulated telecommunications services" (CCTS, ¶8) – and FRPC agree with this description. As set out in our submission at ¶¶40 to 47, however, the *Procedural Code* that effectively governs CCTS' activities prevents CCTS from acting as consumer agency by requiring it to maintain strict impartiality with respect to complainants and the subjects of complaints. The difficulty that strict impartiality creates is that it requires CCTS to ignore elementary contract principles that are override the *Codes* – such as the *contra proferentum* principle that vagueness should not be construed in favour of the party responsible for the vague wording.

8 We also note that CCTS says that its "primary goal ... is timely and satisfactory complaint resolution" (CCTS, ¶11). In our view, CCTS' primary goal should be to ensure that consumers are treated fairly by PSPs, and that PSPs adhere to the various *Codes* that the CCTS is supposed to administer. Timely complaints resolution is an aspect of these two objectives, but is not the only aspect.

9 Several PSPs have said that CCTS should confine itself solely to complaints resolution (e.g. Bell, ¶16), and that creating new *Codes* should fall to the CRTC. We agree in general, but also note that CCTS is now better placed than the CRTC to know when the *Codes* have gaps or are failing to address the CRTC's concerns. A mechanism should be established to enable CCTS to report to the CRTC each year on such problems, without the involvement of its Board of Directors (who cannot even agree on the appropriateness of their own voting structure - CCTS, ¶43).

10 In FRPC's view telecommunications users and subscribers would benefit by establishing that CCTS is a communications ombudsman focussed on consumer interests, and not simply an impartial dispute resolution organization, by requiring CCTS' Board of Directors to amend its by-laws as well as its *Procedural Code* to reflect this matter.

2 ***CCTS surveys' measurement of consumer satisfaction***

11 CCTS considers that its surveys demonstrate a "high level of overall customer satisfaction with CCTS" (CCTS, ¶15), and help to provide "good indications of whether CCTS is meeting its mandate" (CCTS, ¶53). This view is shared by other (Shaw, at

- ¶¶10-11, 13; Bell, ¶4). Bell then uses the results of the survey to argue that “there is no need to make large-scale changes to the CCTS’s mandate, structure, governance, funding model or promotional efforts” (¶10).
- 12 We respectfully disagree. In our view, the questions set out in CCTS’ *Annual Reports* do not measure satisfaction with CCTS or whether CCTS is meeting its mandate, but rather set out complainants’ views about the quality of the service they encountered from CCTS. These questions do not measure “consumer satisfaction”, but ‘satisfaction with process’ – an entirely different concept. CCTS should consult with experts (such as the members of the MRIA) to determine the best research designs for obtaining the information required to measure complainants’ satisfaction with CCTS as a consumer agency.
- 13 Some PSPs suggested that CCTS obtain more information about how complainants became aware of CCTS (Shaw, ¶14; Telus, 25), and we think this proposal has merit, as it will inform PSPs about gaps in the information they provide to their subscribers. CCTS’ budget should increase to permit this activity to happen.
- 14 We also note and agree with CCTS’ concern regarding timeliness of outcomes (CCTS, ¶17). It is somewhat unclear to what extent PSPs’ tardiness in responding to CCTS’ processes accounts for timing issues, and it is still not clear whether complainants and PSPs are given relatively equal amounts of time and information to ensure that all sides have the information they need for a fair resolution of complaints to be achieved.
- 15 We would be interested in having more information about some PSPs’ suggestions that CCTS obtain feedback from PSPs about “processes and areas for improvement” (Shaw, ¶15; Telus, ¶28). If CCTS considers changing its procedures as a result of such feedback, it should notify the CRTC, and report on the changes in its *Annual Reports*.
- 16 We also think that in parallel with Shaw’s proposal that CCTS obtain feedback from PSPs, CCTS should continue to periodically monitor and report on PSPs’ compliance with CCTS procedures (CCTS, ¶56). CCTS should receive additional funding to undertake this work, and the CRTC should enforce PSP compliance with CCTS requirements, when necessary (NPF-COSCO-PIAC, ¶168).
- 4 *Measures for CCTS to promote itself and increase public awareness of the CCTS***
- 17 We agree with PSPs that public awareness is not a relevant measure of CCTS’ success as a telecommunications consumer agency (Telus, ¶¶31, 37).
- 18 FRPC has nevertheless recommended that all PSPs be required to provide information about CCTS to its subscribers. We believe the results from CCTS’ survey of PSPs which showed that 34 out of 47 PSPs did not mention CCTS in their Terms of Service, and that 28 out of 47 PSPs set out 3 or more levels of escalation to deal with dissatisfied

subscribers, also support the idea that the CRTC should establish certain foundational principles for industries that self-regulate (CCTS, App. 4). We note that the CRTC set out such statements in broadcasting, in *Guidelines for Developing Industry Standards*, Public Notice CRTC 1988-13 (29 January 1988), <http://www.crtc.gc.ca/eng/archive/1988/pb88-13.htm>.

- 19 These foundational principles should not only mandate the dissemination of information about the CCTS through a variety of media, but should also establish penalties for failures to comply, as CCTS' role is not to enforce PSPs' compliance with their membership in CCTS. Meanwhile, however, PSP non-compliance with the terms of their Participation Agreement with CCTS is a "significant challenge for CCTS" (CCTS, ¶156) which the CRTC should address.
- 20 While supporting the use of PSAs to promote CCTS' administration of the TVSP Code, we also agree with Bell that many people will likely find the CCTS through the Internet (Bell, ¶21). That said, many people either do not want, do not have, or cannot afford, the Internet, and they should still have the opportunity to learn about CCTS. In our view PSAs and advertisements carried by the broadcast media are the best way to achieve this: CCTS should generally be able to advertise its existence (and be funded to do so), and should in particular be able to promote its existence to provide consumer support service for TVSP subscribers for the introductory period after CCTS takes responsibility for the TVSP Code..

5 ***Consumer segments where CCTS should focus its promotional activities***

- 21 Some PSPs suggest that specific groups of subscribers should not be targeted (Telus, ¶42).
- 22 In our view, this is true in general, but is not true at this time – when CCTS is taking on new responsibilities that were formerly the responsibility of the CRTC (and Bell agrees, ¶24). CCTS' evidence about PSPs' compliance with notification requirements (App. 4) establishes that there is good reasons to be concerned that PSPs cannot necessarily be relied upon to provide such notifications.
- 23 CCTS should therefore undertake promotional efforts for twelve months once it begins to administer the TVSP Code, by requiring TVSP participants to include information about CCTS in their subscribers' monthly bills.
- 24 After this one-year introductory period, TVSPs should include information about CCTS in their paper and digital bills. Some PSPs (Bell, ¶27) suggest that quarterly notifications in billing statements suffice for subscribers; we believe that absent clear evidence demonstrating how more frequent notice disadvantages PSPs, each billing statement should equally carry a brief mention of CCTS.

25 Telus suggested that CCTS post information on its website about its approach to issues that it sees regularly (¶47). We think this is worth considering, providing CCTS makes it clear that the information should not deter people from approaching CCTS directly.

26 Finally, we note Bell's suggestion that CCTS' name be changed to "Commissioner for Complaints for Communications Services (CCCS)" (¶25). We do not disagree *per se*, but wonder whether the use of 'Commissioner' for the members of the CRTC and the administrator of the consumer agency is confusing. The use of the term Commissioner may also lead some to believe that the Commissioner has greater authority than is the case. If CCTS' name is changed to reflect a broader mandate, the term 'Commissioner' should also change, perhaps to 'Director'.

6 ***CCTS participants' measures to promote CCTS***

27 While some PSPs believe that current communications measures are effective (Bell, ¶26; Telus, ¶48), the evidence from CCTS (App. 4) challenges that belief.

28 FRPC continues to believe that all PSPs should be required to include a single line in each invoice to advise their customers

- a) how to contact the PSP in the case of disagreements about contracts, billing, directories, credit issues, or other matters within CCTS' mandate, and
- b) how to contact the CCTS if the customers are dissatisfied with the PSP's response.

29 CCTS should continue to monitor whether PSPs are meeting these informational requirements. PSPs that believe this requirement represents an undue burden would always be free to apply for exemptions from this requirement to the CRTC, and it would be free to grant these applications provided the supporting evidence is clear and unchallenged.

30 We also continue to believe that CCTS' *Procedural Code* should be amended to require PSPs to include a section in their own annual reports to set out statistics about user and subscriber complaints, as well as results from CCTS proceedings that involve their business(es).

7 ***TVSPs' promotion of CCTS***

31 FRPC supports the idea that TVSPs broadcast announcements about CCTS, provided CCTS designs and provides the content for such announcements. Some PSPs do not agree (Shaw, ¶23; Telus, ¶50) on the grounds that public service announcements would be superfluous and that such PSAs would impose an undue burden on some CCTS

members. We also note that the CRTC has changed the regulations that formerly permitted TVSPs to use local availabilities to broadcast PSAs.

32 In our view, the initial launch of CCTS was promoted over the air, and we believe that Canadians in general would similarly benefit from a simple but well-designed advertising campaign to advise that CCTS will now be providing more services than before. Properly conceived and executed, an advertisement for the TVSP *Code* would clarify the difference between the CBSC and CCTS, rather than confuse the two as Bell suggests (¶28).

33 We were puzzled by the claim that “Mass media promotional vehicles, such as PSAs on broadcast television, are a very inefficient way to reach the CCTS’ targeted audience” (Bell, ¶27): as the CRTC’s *Communications Monitoring Report 2014* pointed out, 85% of Canadian households subscribe to the television services whose *Code* CCTS will administer. Why not inform those subscribers about the consumer agency that they can contact, using the television media that the subscribers are subscribing to receive?

34 As for the undue burden of PSAs claimed by some (Telus, ¶50), we are not aware of any evidence to establish that carrying PSAs is a burden for broadcasters, and to our knowledge understand that they carry many.

8 ***Measuring effectiveness of public awareness initiatives***

35 We note CCTS’ comments about the lack of consensus about appropriate levels of public awareness of ombudsoffices (CCTS, ¶26). While we agree with PSPs (Telus, ¶10 and ¶52; Shaw, ¶17) that what matters to those with problems under the *Codes* is not that they are already aware of CCTS, but that when they need to find help, it is readily available, we also support the idea of a publicity campaign to advise TVSP subscribers about CCTS’ existence and role.

36 More generally FRPC welcomes CCTS’ “plans to upgrade its web site in 2015-16 ...” (CCTS, ¶20), and recommends that CCTS invite interested parties who/that use the website to make suggestions for improvement. We agree with NPF-COSCO-PIAC that the Commission’s website services should be made accessible (¶26).

37 We also note CCTS’ comments with respect to PSPs’ compliance with information dissemination (CCTS, ¶23). While the CRTC is empowered by the *Telecommunications Act* to regulate and supervise PSPs, CCTS Board of Directors may wish to consider whether differential scales of fees charged for PSPs could address non-compliance: PSPs that fail to adhere to their CCTS’ commitments could, for example, be required to pay fees that increase in line with their failures to comply.

9 **Mandatory participation in CCTS**

- 38 Some PSPs believe that participation in CCTS should be voluntary, and that membership in CCTS will be a distinguishing feature in competition for customers (Shaw, ¶126), but present no supporting evidence (Shaw, ¶128).
- 39 FRPC believes that mandatory participation will be more effective. First CCTS exists because when the CRTC deregulated telecommunications service providers, the providers failed to address their subscribers' legitimate concerns. Second, CCTS exists because some PSPs' failure to meet their subscribers' concerns became so pronounced that Cabinet was forced to step in with the *Order* requiring CCTS' establishment. Third, if CCTS became voluntary, PSPs with the least resources would likely withdraw, while those with the most resources would likely remain: CCTS would therefore provide Canada's largest PSPs with an unfair and undue advantage in the market rather than "competitive equity" (Shaw, ¶130), while the subscribers of services that withdrew would lack the remedy available to subscribers of wealthier companies.
- 40 FRPC therefore supports mandatory participation. We note that PSPs that "distinguish themselves" by providing quality service will be rewarded by not having to pay CCTS fees for complaints resolution.
- 41 In light of CCTS' comments about timing issues caused by the lack of information about PSPs, FRPC supports its suggestion that the CRTC ensure that required information is provided to CCTS in a timely manner: PSPs may be more concerned with the CRTC's view of their performance, than with that of the CCTS (¶134).

10 **Small PSPs: immediate mandatory participation?**

- 42 We note that Telus supported mandatory participation of all PSPs (¶155), but did not address the issue of costs. In FRPC's view, small PSPs should not be forced to assume new costs that, in the absence of evidence to the contrary, are *de minimus* for Canada's largest PSPs. In other words, some thought should be given to eliminating any initial fees, and limiting their costs to the fees levied for complaints. Consideration should also be given to reducing fees for non-profit, community-directed TVSPs.

12 **Mandating participation by licensed TVSPs and related exempt undertakings**

- 43 FRPC continues to support mandatory participation by TVSPs and related exempt undertakings, to establish a consistent approach to complaints made under the *TVSP Code*.
- 44 While it is unclear whether Shaw's proposed definition of TVSP (¶139) would encompass Netflix or Netflix-like subscriptions services, we do not object to Shaw's proposal:

“Television Service Provider” means any Canadian licensed or exempt undertaking that provides subscription television services to customers. Such services typically distribute programming from conventional over-the-air television and radio stations and distribute pay audio, pay television, pay-per-view (PPV), video-on-demand (VOD), and specialty services. Television Service Providers include terrestrial cable, Internet Protocol television (IPTV), and national satellite direct-to-home (DTH) service providers.

- 45 We also agree with Bell (¶37) and Shaw (¶39) that exempted services should be required to participate in CCTS, but have suggested that very small undertakings be given accommodation with respect to fees charged.

13 *Appropriateness of CCTS mandate*

- 46 Bell submits that “The role of the CCTS is to deal with complaints impartially (and not as an advocate for either service providers or consumers) ...” (¶51). In our view, the Governor in Council’s *Order* explicitly sought a telecommunications consumer agency: if Cabinet had wanted the CRTC to establish a complaints adjudication agency, it would have said so.

- 47 Some PSPs object to the addition of responsibilities for CCTS (Shaw, ¶36; Telus, ¶11c), but we believe that CIPPIC has made a compelling case for enabling CCTS – with a name change – to become a low-cost, flexible consumer agency capable of addressing issues that involve PSPs and inconvenience those who use telecommunications and distribution services in Canada (¶¶3-13). In this regard we also agree with NPF-COSCO-PIAC that CCTS should undertake comprehensive research (¶E2).

- 48 We note as well that while it may seem unreasonable for CCTS to concern itself with matters that are not raised by complainants (Telus, ¶11c), CCTS should be assumed to have knowledge about the *Codes* it administers that complainants may not have: relying on a complainant to identify the appropriate issues would diminish CCTS’ utility. Equally CCTS’ understanding of a PSP’s behaviour towards a complainant – even if not directly subject to the *Codes* – could well be relevant to the issue of compensation.

- 49 We do not support Bell’s proposal (¶44) that CCTS analyze a random sample of complaints to which a PSP has objected, to determine whether the complaints were improperly accepted, as no evidence has been offered to establish that improper acceptance represents a problem. PSPs that object to CCTS’ handling of specific complaints are free to object to the Commissioner, and have done so.

15 TVSP services that should be excluded from CCTS' scope

50 FRPC agrees with NPF-COSCO-PIAC that all services provided by TVSPs should be included within CCTS' mandate to the extent that they are not the subject of other *Codes* administered elsewhere (¶111).

16 Appropriateness of CCTS' structure for Board of Directors and voting

51 FRPC respectfully disagrees with CCTS regarding the voting of members of its Board in the best interests of CCTS (CCTS, ¶41), as this expectation implies that lawyers who act for their clients should disregard their ethical obligations to represent their clients' best interests. We also respectfully disagree that lawyers' experience would not be useful for Consumer and Independent directors – the fact is that lawyers are specifically trained to deal with problem-solving; in any event, the point we really wanted to make is that it may be necessary for CCTS to retain its own in-house or external counsel, to provide the Board with independent advice.

52 FRPC does not agree that TVSPs should be lumped into the "Other" category of PSP (CCTS, ¶42) if TVSPs will be required individually to provide financial support for CCTS. In our view it is reasonable for participants that fund CCTS to have some say in this funding structure, although industry participants should not be the sole decision-makers.

17 Changing CCTS Board of Directors structure to accommodate TVSPs

53 Bell submits that CCTS is self-governing, and that it is "free from the authority, control and influence of others" (¶13). As our submission established, and as NPF-COSCO-PIAC notes, the structure of CCTS' Board of Directors is not free from outside influence. We therefore support changes to CCTS' Board of Directors.

54 Specifically, we supports the inclusion of a Directorship for TVSPs due to CCTS' assumption of responsibility for administering the *TVSP Code*. We also support NPF-COSCO-PIAC's recommendation to increase the number of non-Industry directors (¶123).

55 We also agree with NPF-COSCO-PIAC's recommendation that all CCTS matters generally should be voted by its Board of Directors, not its members (¶131) to eliminate conflicts of interest that impair CCTS' ability to achieve the mandate set out in the *Order*.

18 Changing CCTS voting structure to reflect TVSP participants

56 We agree that a member of the not-vertically integrated TVSP sector should have a seat on the CCTS Board of Directors, provided Consumer Directors predominate in terms of overall seats on the Board.

19 *Appropriateness and sufficiency of CCTS' remedies*

57 Some parties support the current \$5,000 limit on remedies that CCTS can offer to complainants (Shaw, ¶144; Telus, ¶170). Telus argues that complainants who seek more than \$5000 should go to Court (¶171).

58 FRPC respectfully submits that insufficient evidence exists to understand CCTS' approach to deciding on and offering remedies, to know whether the limit is appropriate to compensate complaints for "loss, damage or inconvenience" (s. 12.2 of the *Procedural Code*). The fact that 25 out of 7,795 complaints involving compensation received the maximum of \$5,000 (Shaw, ¶144) does not establish whether some of these 25 recipients were actually entitled to higher levels of compensation, whether they asked for the maximum amount awarded, or whether some of the other 7,770 complaints merited higher compensation than they received. CIPPIC also pointed out that harms such as damaged credit ratings do not receive adequate compensation (CIPPIC, ¶127) while NPF-COSCO-PIAC questioned the necessity for caps on compensation, particularly in light of the fact that small business customers may have higher costs associated with *Code* breaches (¶146 and ¶148).

59 The CRTC should require CCTS to publish more information about its criteria for awarding compensation, and then determine whether to raise the threshold maximum.

20 *Changes to CCTS complaint categories to reflect TVSPs*

60 Bell recommends that CCTS distinguish between founded and unfounded complaints (¶¶53-54), and we agree, provided such communications are monitored and reported in CCTS' *Annual Reports*.

21 *Changes to CCTS structure to increase effectiveness and efficiency*

61 CCTS has commented on the requirement for CCTS participants' "buy in" (CCTS, ¶11). It has also pointed to significant issues with respect to participants' adherence to their obligations as members of CCTS (see e.g. App. 4).

62 We note, however, that PSPs such as Shaw "would be opposed to any approach that inappropriately expands the scope or mandate of the CCTS in a way that intrude son the regulatory role of the Commission or that creates a burdensome additional layer of regulation" (Shaw, ¶13). FRPC is concerned that attitudes such as these by the Industry members of CCTS Board of Directors may impair CCTS' ability to function: suppose that CCTS' otherwise-reasonable funding requests are being denied so as to ensure no additional layer of 'burdensome regulation' exists? While this is admittedly a hypothetical scenario, the absence of meaningful information about CCTS' budget and the manner in which the budget is set necessitates speculation; greater transparency

would go some way to alleviating such concerns, but until transparency exists, we stand by our recommendations.

63 It may be that the shift from direction regulation by the CRTC to self-regulation by the industry through the CCTS is being misconstrued – that CCTS participants believe they may ignore the CCTS’ requirements. Replacing federal regulation with industry self-regulation does not mean that regulation has gone away: it means that a different process has been established to tackle the same problems that existed before and after federal regulation ceased. The solution to “burdensome ... regulation” is for PSPs to follow the *Codes* and ensure that they live up to the promises they make to their subscribers.

64 FRPC suggests that the CRTC should clarify that the existence of the CCTS is not a ‘get out jail free pass’, but an agency established to serve consumer interests.

22 ***Appropriateness of CCTS’s current funding model***

65 Although CCTS has said that “the mechanics and details of the funding formula is [*sic*] an issue best left to be decided by the PSPs through the Members” (CCTS, ¶49), the absence of financial statements in CCTS’ *Annual Reports* makes it difficult to know whether the funding model is providing CCTS with the funds it requires to meet its mandate satisfactorily.

66 Shaw, for example, appears to suggest that CCTS will not require additional resources to tackle the contacts it will receive under the TVSP *Code* (Shaw, ¶47). With respect, we believe effective planning ensures that problems be considered and addressed before they happen.

67 FRPC believes the CRTC has a role to play in ensuring that the consumer agency established to meet the requirements of the *Order* is properly funded. We therefore do not agree that CCTS and the PSPs should be the sole arbiters of determining the funding formula that will achieve their objectives (CCTS, ¶50). Like NPF-COSCO-PIAC (¶173), we agree that CCTS’ budget should be made public, as another measure of accountability and independence.

68 FRPC is also concerned about CCTS’ ability to undertake research to enable it to meet its mandate, such as but not limited to, professional statistically valid survey research.

69 Along with ensuring that CCTS’ operating cash flow requirements are met as CCTS suggests (CCTS, ¶50) FRPC suggests that CCTS be provided with a contingency fund to enable it to meet unexpected operating requirements. A contingency fund would ensure that CCTS is properly equipped to deal with complaints in a timely manner when

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- it assumes responsibility for the TVSP *Code*.¹ If CCTS does not have access to additional funds as needed, its ability to meet its mandate of a consumer agency will be impaired.
- 70 We also agree with NPF-COSCO-PIAC that CCTS should have a marketing and communications budget (¶129) – particularly if this will result in improved statistical reporting.
- 71 CCTS’ funding model is otherwise appropriate insofar in that it is funded directly by those who participate in CCTS (albeit indirectly by taxpayers to the extent that PSPs’ funding permits them to reduce their taxable income), and because the model includes incentives to promote participants’ improved conduct by charging participants fees for individual complaints.
- 72 We do not agree with some PSPs’ suggestion that CCTS’ funding model be changed to recover more of its costs from the complaint-based fees (Shaw, ¶147; Telus, ¶178): in our view, this would give large PSPs an unfair advantage over smaller PSPs that cannot afford higher fees. We also have concerns with Bell’s suggestion that PSPs be permitted to exclude their forborne revenues from medium- and large-sized businesses (¶160): Bell has not argued that large PSPs cannot afford the fees currently charged for CCTS, and one deleterious effect of its proposal could be to shift costs to smaller companies that lack larger companies’ ample resources.
- 24 *Appropriate time frame to review CCTS***
- 73 A number of participants in this proceeding have suggested that CCTS be reviewed in five years. FRPC proposed that the next review of CCTS take place at the beginning of the term of the next Chairperson of the CRTC, and be repeated before the end of his or her term. As the CRTC’s Chairpersons are typically appointed for five years (interim Chairpersons’ appointments being the exception), our proposal would fit within the 5 year time frame.
- 25 *Appropriateness of CCTS’ performance report for measuring its performance***
- 74 CCTS has said that the objective of its detailed quarterly reports to PSPs is to provide them “with data that offers them better insight into consumer issues that are specifically relevant to their operations and services” (CCTS, ¶12). While FRPC agrees that this information will help PSPs to understand sources of consumer dissatisfaction

¹ According to the CRTC’s *Statistical and Financial Summaries for Cable, Multipoint Distribution Systems (MDS) and Direct-to-Home (DTH) 2010-2014 TVSPs* who submitted annual returns had 8.4 million subscribers. And according to the Commission’s 2014 *Communications Monitoring Report* it received almost 6,000 complaints about TVSPs in 2014 (39% of 41,010 complaints, or 15,994, of which 5918 [37%] involved TVSPs).

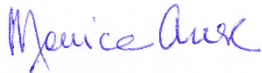
(*ibid.*), we also believe CCTS should be providing Canadians with a clear picture of the ways in which CCTS is serving their interests, and in improving PSPs' adherence with the *Codes* it administers.

- 75 We therefore continue to believe that CCTS must significantly improve the quality of its reports, as set out in our intervention at paragraphs 85 to 100. In this vein, we also agree with Telus (¶11, ¶85) that it would be useful for CCTS' *Procedural Code* to include information about expected timelines for certain types of complaints (ones with which CCTS has extensive experience, for instance).
- 76 We also have some concerns with CCTS' comment that the remedies and compensation available to CCTS to address well-founded PSP users' complaints are sufficient (CCTS, ¶44), because too little information is available from CCTS' *Annual Reports* to support this comment. Our own review of the limited number of complaints published on the CCTS' website found that the approach used for offering remedies varied significantly (FRPC, ¶¶126 to 136). Without more information it is impossible for public parties in this proceeding to know whether the remedies and compensation available to and used by CCTS are appropriate.

FRPC looks forward to reviewing the replies submitted by other parties in this proceeding.

If you have any questions, please do not hesitate to contact the undersigned.

Sincerely yours,



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