



Canadian Radio-television and
Telecommunications Commission

Conseil de la radiodiffusion et des
télécommunications canadiennes

Ottawa, Canada
K1A 0N2

File no. 1011-NOC2018-0422

Ottawa, 22 November 2018

BY E-MAIL

Mr. John Lawford
Executive Director and General Counsel
Public Interest Advocacy Centre,
jlawford@piac.ca

Mr. Frank Folino
President
Canadian Association of the Deaf-Association des Sourds du Canada et al.
ffolino@cad.ca

Ms. Jill Schatz
Executive Director
Canadian Network Operators Consortium,
regulatory@cnoc.ca

Mr. Mark Nanni et al.
m_nanni@hushmail.com

Mr. Stephen Schmidt
Vice-President – Telecom Policy & Chief Regulatory Legal Counsel
TELUS Communications Inc.
regulatory.affairs@telus.com

Cc:

Ms. Monica L. Auer
Executive Director
Forum for Research and Policy in Communications,
execdir@frpc.net

Ms. Katrine Dilay
Attorney
Manitoba Branch of the Consumers' Association of Canada
kadil@pilc.mb.ca

Ms. Anaïs Beaulieu-Laporte
Analyste politiques et réglementation
Union des consommateurs,
abeaulieu-laporte@uniondesconsommateurs.ca

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Dear Madam or Sir:

**Subject: Proceeding to establish a mandatory code for Internet services -
Procedural Requests**

On 9 November 2018, the CRTC published *Call for comments – Proceeding to establish a mandatory code for Internet services*, Telecom Notice of Consultation CRTC 2018-422 (the Notice).

The Notice sets out the following schedule:

19 December 2018	Deadline to submit initial comments
28 January 2019	Deadline to submit reply comments
21 March 2019	Deadline to submit responses to requests for information (RFIs), which the Commission may ask of any party to the proceeding.
8 April 2019	Deadline to submit final submissions

On 10 November 2018, the Public Interest Advocacy Centre (PIAC) submitted a procedural request in which it asked that the Commission:

- Change the paper process to an oral hearing due to the importance of the proceeding;
- Change the schedule for the proceeding due to the ongoing proceeding on *Report regarding the retail sales practices of Canada's large telecommunications carriers*¹ and to provide all parties additional time to prepare their submissions. PIAC's proposed schedule would, among other things, delay the initial comment deadline until 5 April 2019 and all subsequent dates; and
- Address PIAC's concerns regarding whether the Commission has already issued RFIs to certain parties.

The Forum for Research and Policy in Communications (FRPC), Union des consommateurs (UC), the Canadian Network Operators Consortium (CNOOC), the Canadian Association of the Deaf-Association des Sourds du Canada et al.² (CAD-ASC et al.), Marc Nanni, Kelly McNamara, David William Hadcock (Mark Nanni et al.), and the Manitoba Branch of the Consumers' Association of Canada (CAC Manitoba) supported PIAC's request, in letters dated 11, 12, 13, 14, 15, and 21 November 2018, respectively. Telus Communications Inc. (Telus), in its letter dated 16 November 2018, opposed PIAC's request for an oral hearing.

¹ Telecom and Broadcasting Notice of Consultation CRTC 2018-246.

² CAD-ASC et al. includes the Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC), Canadian National Society of the Deaf-Blind (CNSDB), Deaf Wireless Canada Consultative Committee-Comité pour les Services Sans fil des Sourds du Canada (DWCC-CSSSC) and Deafness Access Advocacy Nova Scotia (DAANS).

In their submissions, CNOC, CAD-ASC et al. and Telus proposed alternative schedules for the proceeding.

First, with respect to PIAC's request to hold an oral hearing, the Commission is of the view that the written process set out in the Notice will provide a sufficient opportunity for interested persons to make submissions and for a complete record to be established with respect to the matters set out in the Notice. The Commission notes that the Television Service Provider Code (2016) was developed through a paper proceeding.

Second, with respect to PIAC and CNOC's requests that the deadline for initial submissions be moved to a date after the publication of the Commission's upcoming report on misleading and aggressive sales practices, the Commission notes that in paragraph 2 of the Notice, it indicated that the two proceedings are separate and that it is not in the public interest to delay a proceeding on the possible establishment of an Internet Code.

With respect to PIAC's arguments that the deadlines should be adjusted to allow all parties more time to develop positions and commission research prior to filing initial submissions, the Commission is not convinced that the current schedule, which allows 40 days before initial submissions are due, does not provide sufficient time for all parties to make their initial comments.

With respect to Telus' proposal to change the order of submissions to permit parties to respond to RFIs before initial submissions are filed, the Commission notes that the order of submissions set out in the proceeding was deliberately chosen to allow the Commission to efficiently and effectively complete the record of this proceeding.

While the Commission is of the view that the schedule and order of submissions should remain as set out in the Notice, the Commission considers that CAD-ASC et al. has demonstrated that it requires a party-specific adjustment to the deadlines set out in the Notice to prepare, conduct and submit the results of its proposed survey. The Commission notes that, in its letter, CAD-ASC et al. proposed to submit the survey results on 7 March 2019. The Commission accepts the proposed timeline for submissions of CAD-ASC's survey.

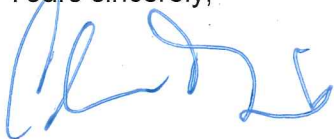
Finally, with respect to PIAC's concerns relating to the issuance of RFIs, the Commission clarifies that no RFIs have been sent to date. Consistent with the order of deadlines set out in the Notice, Commission RFIs would be based on the evidence submitted in initial and reply comment phases and, thus, sent after the reply phase which closes on 28 January 2019.

In light of the above, the Commission determines that:

- The request to hold a public hearing is denied.
- The requests for an extension to the filing deadlines made by PIAC, CAD-ASC et al, and CNOC are denied.
- The request to change the order of submissions and associated timelines by Telus is denied.

- CAD-ASC et al. is granted an extension until 7 March 2019 to file its survey results with the Commission. Parties may respond to the survey results by 21 March 2019 and in their final submissions, due 8 April 2019.

Yours sincerely,



Claude Doucet
Secretary General

cc: Distribution list

celia.millay@crtc.gc.ca
nanao.kachi@crtc.gc.ca
barbara.cuber@crtc.gc.ca
scott.shortliffe@crtc.gc.ca
jlawford@piac.ca
bell.regulatory@bell.ca
Nanao.Kachi@crtc.gc.ca
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leonard.eichel@cogeco.com
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m_hordo@hotmail.com
jmoore@mooregroup.ca
jimfranko@hotmail.com
babydoc99@gmail.com
gloria@cacmanitoba.ca
kilnart@eastlink.ca
atb990@gmail.com
francois.bureau@mcc.gouv.qc.ca
stephen.bailey@remotevideo.ca
katy@openmedia.org
pcurcio@printerworld.com
bywil@pilc.mb.ca
peggy.tabet@quebecor.com
regulatory@cnoc.ca
telecom.regulatory@cogeco.com
Regulatory.Matters@corp.EastLink.ca
regulatoryaffairs@nwtel.ca
regaffairs@quebecor.com
rwi_gr@rci.rogers.com
document.control@sasktel.com
Regulatory@sjrb.ca
regulatory@teksavvy.com
regulatory.affairs@telus.com
david.watt@rci.rogers.com
nblais@scfp.ca
matthew@solarisintel.com

regulatory@tacitlaw.com
david.wilkie@tbaytel.com
jlo@teksavvy.ca
daniel.stern@TELUS.com
tyson.siddall@unifor.org
abeaulieu-laporte@uniondesconsommateurs.ca
James.Maunder@corp.xplornet.com
Scott.Shortliffe@crtc.gc.ca
Barbara.Cuber@crtc.gc.ca
jchow@piac.ca
cbuchanan@piac.ca
trish.mcauliffe@npfmail.ca
wanda@carp.ca
canadaacorn@acorncanada.org
m_nannie@hushmail.com
vitali.berditchevski@telus.com