

March 28, 2014

John Traversy
Secretary General
Canadian Radio-television and Telecommunications Commission
Les Terrasses de la Chaudière
1 Promenade du Portage
Gatineau, Quebec J8X 4B1

Dear Mr. Traversy,

Re: CWTA Comments, Part 1 Application by Public Interest Advocacy Centre and Chimo Community Services Regarding Charges for Wireless Calls to Helplines

1. The Canadian Wireless Telecommunications Association is the recognized authority on wireless issues, developments and trends in Canada. It represents cellular, PCS, messaging, mobile radio, fixed wireless and mobile satellite carriers as well as companies that develop and produce products and services for the industry, including handset and equipment manufacturers, content and application creators and business-to-business service providers. CWTA is pleased to file its comments with respect to the above-noted application.
2. CWTA and its members have always actively supported an extensive list of charitable organizations, in particular those that assist vulnerable Canadians and youth. Every year, the wireless industry contributes tens of millions of dollars and hundreds of thousands of hours of volunteer service to charitable endeavors and organizations, including the Canadian Centre for Child Protection, Kids Help Phone, Juvenile Diabetes Research Foundation, United Way, the Bell Let's Talk Community Fund for community-based mental health initiatives, Rogers Youth Fund, SaskTel Pioneers, Boys and Girls Clubs of Canada, Children's Make a Wish Foundation and Sun Youth Organization, to name just a few.
3. It is no surprise then that the application from the Public Interest Advocacy Centre and Chimo Community Services (the Applicants) resonates with the wireless industry. Both concepts proposed by the Applicants – to provide wireless access to helplines at no cost to users and to develop measures which protect the confidentiality of callers to helplines – would offer another way for wireless service providers to support Canadians that need to use these services.
4. However, should the Commission contemplate acting on the application CWTA respectfully submits there are significant technical and administrative hurdles that need to be strongly considered before mandating the requested requirements. The service provider responses to the Commission's interrogatories of March 4 further highlight the potential implementation barriers and raised a number of questions about the scope of the application. We are pleased to outline these issues in more detail below.

The scope of the request still needs to be clearly and narrowly defined

5. The service provider responses to the Commission's interrogatories widely indicate that the scope of the Applicants' request has yet to be properly defined. Indeed, the Commission, in its February 17 interrogatories,

asked the Applicants to “define a “helpline””. The Commission also asked for an “estimate the number of helplines that would qualify and trigger this cost exemption for its clients” based on that definition. The Applicants’ response – which included a broad definition for helplines and estimated 108 such services in British Columbia – did not help to appropriately identify the scope their request.

6. As was submitted by the service providers, “Kids Help Phone alone is associated with over 37,000 associations of various types that would likely meet the criteria proposed by the Applicants.”¹ That such a significant number of helplines is associated with a single umbrella organization indicates that the scale of the proposed cost exemption could be well beyond what the Applicants themselves initially anticipated.
7. The application’s lack of a clearly defined scope raises two significant issues. First, wireless service providers are unable to answer questions of implementation feasibility and cost without a much more accurately defined scope. Second, should the Commission consider reviewing this application further, the eligibility criteria for the cost exemption must be sufficiently narrowly defined to ensure the number of qualifying helplines is not so great as to be impossible to administrate and open to potential abuse or fraud.

Wireless service providers’ ability to accommodate the Applicants’ requests vary greatly based on their current technical and billing systems, and existing contract provisions

8. As mentioned above, not all wireless service providers can answer questions on the feasibility and cost of implementing the cost exemption and ensuring the confidentiality of helpline users without understanding the full scope of the request. Each wireless service providers’ ability to accommodate the requested requirements varies greatly based on their current technical and billing systems. Considering the size and complexity of these systems, it is also unknown whether they could be upgraded or modified to implement the Applicants’ requests.
9. Many service providers operate multiple networks (e.g. LTE, HSPA and CDMA) simultaneously to serve subscribers using new and legacy devices. The architecture of some networks also effectively results in service providers operating multiple, connected regional networks. Given the complexity of wireless networks and the way they are integrated with billing systems, providers are unsure whether they could guarantee that all subscribers in all areas of the country and on all networks would be captured by the changes to their billing and technical systems necessary to accommodate the Applicants’ request.
10. Several service providers have also noted that they would be unable to keep calls to helplines confidential in instances where the caller is not the account holder without violating existing contract provisions. It has also been raised whether withholding calling information from an account holder would be allowed under existing privacy laws.
11. The reality of the situation, from a technical standpoint, is that service providers’ abilities to implement the requested changes, if required, are directly related to the capabilities of their existing technical systems. It is not a situation of some systems being more capable than others based on cost or age; rather it is a result of commercial decisions that could not have foreseen a request such as that put forth by the Applicants.
12. CWTA respectfully submits that any potential requirements resulting from the application must not only take into consideration the technical capabilities of individual carriers, but it must also be industry-wide to ensure

¹ Bell Aliant Regional Communications, Limited Partnership/Bell Canada, March 18, 2014.

balance for all wireless subscribers and service providers. Therefore, should the Commission further investigate the Applicants' request, CWTA strongly recommends it consider the feasibility of implementing the requested changes based on the technical capabilities of all wireless service provider. If the Commission approves the Applicant's request it should not require this for only a subset of wireless carriers.

Determining which helplines would qualify for the requested billing changes on an ongoing basis would require significant third-party administration

13. As the Applicants note in their submission, "helplines may serve users in a community, province or territory; in some instances, they may provide service nationally." Indeed, their application is supported with letters from provincial (Ending Violence Association of B.C., Ontario Association of Interval and Transition Houses and Ontario Coalition of Rape Crisis Centres), regional (Vancouver Coastal Health) and municipal (Family Services of Greater Vancouver, Richmond Youth Service Agency and Safe Communities Cranbrook Committee) organizations.
14. Clearly there is an extensive variety of organizations across the country that could benefit from the Applicants' requests. Indeed, as the service providers confirmed in their responses to the Commission's interrogatories, the number of helplines that would be included under a broad definition would be in the tens, if not hundreds, of thousands. The Applicants, however, have yet to suggest how helplines would be vetted for inclusion and which body should administer a registration process.
15. Regardless of the potential number of helplines to be included, an application and approval process would need to be administered by a third-party on an ongoing basis. Respondents to the March 4 interrogatories recommend the Commissions and provincial healthcare regulators as the possible administrators of any potential initiative resulting from the application. CWTA agrees that regulatory agencies with experience in at least one of these fields – mental health or telecommunications – are logical choices to help establish and manage any requirements.
16. It is difficult, however, for the wireless industry to provide more detailed comments when the Applicants have not put forth any proposal about who would administer the requested requirements or what specific criteria applicants would be vetted against. CWTA respectfully submits the Commission fully considers the significant level of administration that would be necessary to put in place the requested requirements when assessing the Applicants' submission.

Conclusion

17. The wireless industry makes significant financial and volunteer contributions to a broad range of charitable organizations, particularly those that assist vulnerable Canadians and youth, every year. The two concepts proposed by the Applicants – to provide access to helplines at no cost to users and to develop measures which protect the confidentiality of helpline users – would offer another way for wireless service providers to support Canadians that need to use these services.
18. However should the Commission contemplate acting on the application, there are significant technical and administrative hurdles that need to be considered. Specifically:
 - The scope of the request must be clearly and narrowly defined;

- Any potential requirements resulting from the application must not only be based on the technical capabilities of individual carriers, but must also be industry-wide to ensure balance for all wireless subscribers and service providers; and
- A third-party application and approval process would need to be proposed, established and administered on an ongoing basis to determine which helplines would benefit from the requirements requested by the Applicants.

19. CWTA appreciates the opportunity to comment on this application.

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