



March 13, 2012

John Traversy
Secretary General, CRTC
Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Québec J8X 4B1

Dear Mr. Traversy,

Re: Part 1 Application by Rogers Communications Partnership to implement a National Wireless Services Consumer Protection Code

1. The Canadian Wireless Telecommunications Association (“CWTA”) has reviewed the above noted application requesting the Commission establish a CRTC Interconnection Steering Committee group to develop and implement a National Wireless Services Consumer Code. Pursuant to Part 1 of the *CRTC Rules of Practice and Procedure* CWTA provides the following intervention. CWTA is also in receipt of an intervention filed by the Public Interest Advocacy Centre (“PIAC”) filed March 9, 2012.
2. CWTA notes that the Commission recently received a similar request in another proceeding. At this time, CWTA takes no position on the relative merits of the recommended approaches, except to signal that we would also welcome a proceeding leading to the establishment of a federally-enforced set of wireless service agreement standards. For the reasons outlined below, CWTA requests that this process be initiated in the shortest possible timeframe.
3. With respect to timing, PIAC has recommended that the Commission mirror the process followed in connection to PN 2003-6 (*Consumer Bill of Rights*). CWTA notes that that process commenced on June 13, 2003 and concluded August 29, 2006. CWTA strongly recommends that a more streamlined and focused approach be undertaken in response to the applications currently before it, as a 38-month process would not serve the interests of carriers or consumers in any way.
4. As you know, several provinces have recently established or proposed provincial legislation and/or regulations governing the contractual relationship between federally-licensed wireless carriers and their subscribers. At this juncture, CWTA is concerned that in the absence of a primary federal standard around the presentation and contents of wireless service agreements, Canadians in different provinces will have different rights and expectations when it comes to wireless services in Canada.
5. For this reason, CWTA is of the view that a patchwork of different provincial wireless contract regulations would be detrimental to consumers, and would make it very difficult for wireless carriers to have service terms and conditions that apply to all Canadian wireless customers. This is why the CWTA Board of Directors recently directed the CWTA to develop a set of federal standards for wireless service agreements, modelled on elements of existing provincial consumer protection legislation, together with a plan to secure

CRTC/federal endorsement, all in an effort to harmonize the requirements imposed on CWTA members across the country. Such an outcome would benefit both wireless companies and their customers.

6. In 2009, CWTA established a voluntary CWTA Code of Conduct for Wireless Service Providers, which underscores the industry's commitment to providing the highest standards of service and support to its customers. CWTA's Code of Conduct has been referenced by the CCTS in adjudicating disputes over wireless contracts, and applies equally to all Canadian wireless customers, regardless of which province they reside in.
7. Notwithstanding the CWTA Code of Conduct, we have seen several provinces move to regulate wireless service standards since the Code came into effect, and are operating under the assumption that other provinces will soon follow suit.
8. It is our submission that a formal set of federal standards for wireless service agreements should, at a minimum, address the issues and areas currently covered by CWTA's Code of Conduct, and by Bill 60 in Quebec, Bill 35 in Manitoba, and proposed rules in Ontario and Alberta.
9. Specifically, CWTA submits that the CRTC should initiate a proceeding to invite comments on whether the following areas should be included in a set of federal standards, and if so, how they should be treated within the resulting framework:
 - How and when service agreements should be presented and provided to the customer;
 - What must be included in the service agreement;
 - How service agreements can be renewed and/or amended;
 - How warranties should be disclosed to customers;
 - How service agreements can be terminated early;
 - How early termination fees should be calculated;
 - What notice periods should relate to early termination;
 - Under which conditions handsets should be unlocked;
 - Under which conditions security deposits should be collected and returned;
 - How charges for service while a handset is being repaired should be applied;
 - What "service limit" and contract expiry notifications should be mandatory;
 - Whether rules are required for the advertising of contracted services (including, but not limited to, data and roaming provisions);
 - Who should enforce these standards, and how.
10. In conclusion, CWTA submits that a standard set of federal rules that govern wireless service agreements will aid in the fulfillment of wireless carriers' federal mandate by providing a predictable landscape for both service providers and consumers. Accordingly, CWTA formally requests that the Commission initiate a proceeding to develop a set of federal standards for wireless service agreements as soon as possible.

Sincerely,



Bernard Lord
President and CEO