



May 3, 2013

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

Dear Mr. Traversy,

**Re: Compliance and Enforcement Notice of Consultation CRTC 2013-140 *Review of the Unsolicited Telecommunications Rules***

1. The Canadian Wireless Telecommunications Association (CWTA) is the 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.
2. CWTA is pleased to file its comments with respect to the above-noted proceeding. CWTA and its members respect any consumer's individual preferences, and their right, to insulate themselves from undue inconvenience or nuisance with respect to telemarketing. In delivering wireless telecommunications service to more than 26 million Canadians, Canada's wireless service providers strive to ensure that experience is to each customer's satisfaction.
3. As such, CWTA fully supports the intent of the UTRs and any amendments that would make them "more effective in reducing the number of unwanted telemarketing calls while facilitating more effective communications between organizations and consumers." CWTA members are positioned to comment directly on the potential benefit, feasibility, and administrative and cost implications of the changes contemplated in the call for comments. This submission focuses primarily on ensuring any changes to the UTRs do not negatively impact wireless service providers' relationships with their own subscribers.

**Internal DNCL requirements should not inadvertently prevent wireless service providers from serving their own subscribers**

4. In the call for comments, the Commission notes that it "seeks to craft its rules and enforcement practices in a manner that is the least-intrusive necessary to achieve its objectives." CWTA has also consistently submitted that regulation should not result in any unintended negative consequences for Canadian wireless subscribers. Any envisioned changes to the UTRs must carefully consider any disruptions to ongoing customer service they may cause.

5. Specifically, broadening the UTRs with respect to internal DNCL obligations could unintentionally prohibit wireless service providers from contacting their own subscribers for customer service purposes, such as service calls or to deliver notifications. Currently, wireless service providers are logically permitted under the UTRs to contact their own customers that are on their internal DNCL as long as the telecommunication is not for the purpose of solicitation.
6. Section IV of the call for comments questions whether “the UTRs related to obligations to maintain internal DNCLs be broadened to capture **all unsolicited telecommunications** made by exempt entities, with the exception of those related solely to a survey of members of the public, irrespective of the purpose of the telecommunication.”<sup>1</sup> If the intention is to expand the UTRs to capture *all* unsolicited telecommunications, this would prevent wireless customers from receiving much-wanted service calls or notifications, even if that is not the intent of the proposed revision.
7. The Commission notes in Section VI that the current internal DNCL obligations have resulted “situations where consumers continue to receive calls despite informing the person of their desire to no longer be called.” However, the proposed solution to broaden the UTRs related to obligations to maintain internal DNCLs to capture *all* unsolicited telecommunications made by exempt entities is not proportionate to its purpose, particularly as it would prevent consumers from being contacted when they want to be. CWTA therefore respectfully submits that the UTRs with respect to internal DNCLs should not be broadened to capture all telecommunications not for the purposes of solicitation.
8. The Commission also asks in the call for comments that “if so, how should the UTRs should be amended [with respect to internal DNCL obligations]?” CWTA submits that the current UTRs with respect to internal DNCL obligations for entities exempt due to an “existing business relationship” with the person receiving the telecommunications should be maintained.
9. As mentioned above, wireless customers who have made a request to be on an internal DNCL should still receive valuable service calls and notifications. In fact, the Commission is presently determining whether to require wireless service providers to enable customers to monitor and manage their wireless usage, possibly through notifications. The questioned amendment to the UTRs would prohibit customers on internal DNCLs from receiving some types of notifications.
10. Notifications requirements already exist in some provinces where consumer legislation requires service providers to notify consumers a fixed number of days before the end of their contract, or within a fixed number of days of making a change to an optional element of their contract. These communications can be handled efficiently and effectively via voice and text, particularly where the carrier does not possess any other customer name and address information apart from the phone number associated with the account.
11. If the UTRs were adopted as proposed, it would be impossible for carriers to contact certain customers to comply with existing provincial, and likely federal, regulatory measures designed to keep customers notified of usage patterns and/or important changes to their service or account.

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<sup>1</sup> Emphasis added.

## Conclusion

12. CWTA reiterates its respect for each consumer's right to insulate themselves from undue inconvenience or nuisance with respect to telemarketing. We also support the intent of the UTRs and any amendments that would make them "more effective in reducing the number of unwanted telemarketing calls while facilitating more effective communications between organizations and consumers."
13. In determining which amendments are required, CWTA respectfully submits that the Commission ensure that all amendments are proportionate to their purpose and do not result in any unintended negative consequences for Canadian consumers, including wireless subscribers. Specifically, any amendment to the UTRs related to internal DNCL obligations should not inadvertently prevent wireless service providers from serving their own subscribers.
14. Non-telemarketing calls from wireless providers to their customers (e.g. service calls or notifications) are appreciated and often required by provincial legislation. Indeed, wireless subscribers should not be prevented from receiving valuable customer service calls due to amendments to the UTRs.

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