



Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic
Clinique d'intérêt public et de politique d'internet du Canada Samuelson-Glushko

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VIA ACCESS KEY & EMAIL

John Traversy
Secretary General
Canadian Radio-Television &
Telecommunications Commission
Ottawa, ON, K1A 0N2

Dear Mr. Traversy

**Re: Part 1 Application to implement a National Wireless Consumer Protection Code
CRTC Ref. No.: 8620-R28-201202598**

The Samuelson-Glushko Canadian Internet Policy & Public Interest Clinic (CIPPIC) is in receipt of a Part 1 Application filed with the Commission by Rogers Communications Partnership (Rogers) on March 8, 2011 (the "Rogers Application").¹ CIPPIC is also in receipt of a letter regarding this process filed with the Commission by the Public Interest Advocacy Centre (PIAC) on March 9, 2012 (the PIAC Letter").²

CIPPIC welcomes the Rogers Application and supports its call for stronger protections for customers of wireless services, mirroring those made publicly by Telus in recent weeks.³ Customers of wireless services do, indeed, face harms that need to be addressed, as evidenced by the proliferation of Provincial legislative initiatives aimed at addressing such issues.⁴ As these are customer harms that competition has failed to address, CIPPIC is of the view that the Commission may be well placed to address customer concerns while at the same time providing a standard that national providers can adhere to.

With respect to the process best suited for determining the scope, substance and enforcement of such protections, given the broad and public dimensions of this matter, CIPPIC is of the view that the

¹ Rogers Communications Partnership, "Part 1 Application to Implement by Rogers Communications Partnership to implement a National Wireless Services Consumer Protection Code", March 8, 2012, <http://www.crtc.gc.ca/public/part1/2012/8620/r28_201202598/1683667.pdf>.

² Public Interest Advocacy Centre, "Re: Part 1 Application by Rogers Communications Partnership to implement a National Wireless Services Consumer Protection Code", March 9, 2012, <http://www.crtc.gc.ca/public/part1/2012/8620/r28_201202598/1684694.pdf>.

³ S. Chase, "Telus seeks national standards for wireless contracts", Globe and Mail, February 9, 2012, <<http://www.theglobeandmail.com/news/technology/mobile-technology/telus-seeks-national-standards-for-wireless-contracts/article2332323/>>.

⁴ Bill 5, "Wireless Phone, Smart Phone and Data Service Transparency Act, 2011", 1st Session, 40th Legislature, Ontario, 60 Elizabeth II, 2011, (Private Member's Bill, Status: Standing Committee on General Government, Ontario), <http://www.ontla.on.ca/bills/bills-files/40_Parliament/Session1/b005.pdf>; Bill 35, "The Consumer Protection Amendment Act (Cell Phone Contracts)", S.M. 2011, c. 25, (Status: Assented to June 16, 2011, Manitoba), <<http://web2.gov.mb.ca/laws/statutes/2011/pdf/c02511.pdf>>; Bill 60, "An Act to amend the Consumer Protection Act and other legislative provisions", 2009, c. 51, (Status: Assented to December 4, 2009), <<http://www2.publicationsduquebec.gouv.qc.ca/dynamicSearch/telecharge.php?type=5&file=2009C51A.PDF>>.

development of a Code of best practices would best be achieved by way of Notice of Consultation. We are therefore in agreement with the PIAC Letter that a public consultation is the optimal manner for ensuring public interest considerations pertaining to this issue are fully canvassed by the commission.

With respect to the scope of any such consultation or other process, CIPPIC submits it should, at minimum, canvass the following issues, each of which raises customer concerns in this context and is informed by the various Provincial legislative efforts referred to above:

- The need for clear and transparent descriptions of contract: obligations; terms (i.e. length); fees; cancellation processes; base monthly payments as well as the contents of the base monthly service basket; any existing discounts and the nature and duration thereof; detailed descriptions of the character and amount of potential extra fees, charges, interest rates and penalties including usage charges and roaming fees; and of any premium or value-added services and economic inducements attached thereto.
- Unilateral changes to contract terms or conditions.
- Limitations on the scope and dimensions of contract cancellation restrictions (to the extent these do not overlap with existing CCTS codes).
- Right of removal regarding any restrictions on any technological or physical features of any wireless device.
- Obligations to provide customers with clear real-time notice regarding any usage-based, roaming, value-added or similar fees said customer might imminently incur.
- The legitimate scope of contract term renewal conditions or obligations.
- Forum selection clauses.
- Warranty clauses.
- Transparency in advertised prices.
- Scope of applicability of these conditions to pre-paid service agreements.
- Enforcement.

If you have any concerns or questions regarding this matter, please feel free to contact me.

Best regards,

[original signed]

Tamir Israel

CC: Parties to TNC CRTC 2010-43
Mr. Howard Maker, Commissioner for Complaints for Telecommunications Services

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