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**610-294 PORTAGE AVE
WINNIPEG, MANITOBA
R3C 0B9**

TEL: 204.985.8540

FAX: 204.985.8544



E-MAIL: centre@pilc.mb.ca

Writer's direct line: (204) 985-8545
Email: bfroese@pilc.mb.ca

June 2, 2006

SENT BY FAX AND EMAIL

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Madam:

**Re: Telecom Public Notice CRTC 2006-4
Establishment and Enforcement of the DNCL
and Other Telemarketing Rules**

1. This letter is in response to the Companies' letter to you of June 1, 2006 objecting to the content of the reply comments filed by CAC/MSOS. CAC/MSOS wishes to respond to the allegations made by the Companies in its letter and also to explain its reasons for including the survey results in that reply.

2. In its reply comments dated May 23, 2006, CAC/MSOS lent its support to the positions taken by CAC throughout this proceeding, in particular at the public hearing and also in CAC's reply comments. CAC/MSOS believes it was appropriate to advise the Commission of its support of CAC's position in its reply. The intent of this was to ensure the Commission would be aware that consumer groups in Manitoba agree with the positions taken by CAC.

3. It does not appear from their letter that the Companies object to that portion of CAC/MSOS' reply and it is respectfully requested that the Commission accept those reply comments as part of the record.

4. The Companies' letter focuses on the survey results referred to in CAC/MSOS' reply. According to the Companies, this is "new evidence" that should be struck from the record or should be given little, if any weight. CAC/MSOS does not agree with the characterization of the survey results as "new evidence" and respectfully requests that it form part of the record.

5. In its original submission, CAC/MSOS advised the Commission it was in the process of conducting a survey of its members for the purpose of this proceeding. Its intent was to provide the Commission with what information it had been able to gather to date and then to provide the Commission with additional survey responses at a later date so the Commission would have accurate information before it.

6. It was certainly unfortunate that at the time CAC/MSOS' original submission was filed on March 27th, all of the survey results were not yet in. However, CAC/MSOS clearly stated in its submission that the results were preliminary and it anticipated receiving several more responses. Implicit in that statement was a commitment to provide the Commission with additional results in the future so that there would be a more complete picture of what some Manitoba consumers had to say about the DNCL.

7. CAC/MSOS undertook the survey in as timely a manner as possible after the Public Notice issued, and it takes exception and offense to the Companies' allegation that it acted irresponsibly or did not prepare its case in an organized fashion.

8. CAC (Manitoba Branch) is a small grass-roots consumer organization, part of whose job is to find out how Manitoba consumers feel about certain issues. To do that within its limited resources, CAC (Manitoba Branch) often sends out newsletters that include a survey and asks its members to complete the surveys and return them as quickly as possible.

9. In the context of the DNCL proceeding, CAC (Manitoba Branch) included a survey on the DNCL in the first newsletter that went out after the Public Notice issued. It also used the opportunity of an Open House to ask consumers questions about the DNCL. CAC (Manitoba Branch) acted responsibly and with the intent of gathering as much relevant information as possible in the time allowed. CAC (Manitoba Branch) undertook this survey because it takes its commitment to meaningfully participate in proceedings such as this seriously and wanted to assist the Commission by providing information on how some Manitoba consumers feel about the DNCL.

10. CAC/MSOS felt that once it relied on the preliminary results in its original submission in support of some of its positions, it was obligated to disclose all of the results it received from the survey. CAC/MSOS felt that to mention the preliminary survey results in its original submission and then not provide the Commission with all of the additional responses would be inappropriate.

11. CAC/MSOS' intent in providing the information about the survey results was to be forthright and upfront about the methodology used so there would be no misunderstandings or confusion about the survey. CAC/MSOS included all of the details about how the survey was conducted, the questions that were asked, the number of responses it received, and specific comments made by some of the respondents to ensure the Commission and the parties would not be misled into thinking this was anything other than what it was -- an informal survey done by CAC (Manitoba Branch) of its members.

12. CAC/MSOS opposes the Companies' request that the paragraphs relating to the survey be struck. The survey results are relevant evidence that should be before the Commission and CAC/MSOS respectfully requests that it be allowed to form part of the record.

13. CAC/MSOS does agree with the Companies that the Commission is, of course, free to give whatever weight it chooses to the survey results. Reliability and weight are issues that CAC/MSOS believes the Companies should address in their reply comments and those arguments should not have been included in their letter of June 1st.

14. In addition, CAC/MSOS does not agree with the Companies' characterization of the survey results as "new evidence". Had the additional survey results been used by CAC/MSOS to raise new issues, then the Companies' position would have merit. However, the additional survey results and the information provided about how the survey was conducted were not used to raise new issues. This evidence was used to support and reinforce the positions taken in CAC/MSOS' original submission, it was used to support CAC's position and it was used to address issues raised throughout the proceeding, for instance the grace period that should be allowed, an acceptable complaint threshold, the need for a public awareness campaign, etc.

15. In CAC/MSOS' original submission, it referred to the preliminary survey results when it stated that:

- consumers view the DNCL as a positive initiative;
- consumers intend to register on the DNCL once it becomes operational;
- the majority of consumers are not aware of the exceptions in the legislation;
- consumers want their numbers put on the DNCL in a reasonable period of time;
- consumers do not want there to be a high complaint threshold before action is taken to enforce the rules.

16. In its reply comments, CAC/MSOS reiterated these points and showed that the additional survey results were consistent with the preliminary results relied upon in our original submission. The only exception to this was a point raised about consumers wanting choice when registering on the national DNCL. This issue was not raised in our original submission to the Commission, however it did form part of CAC/MSOS' submission to the DNCL Operations CISC Subcommittee.

17. For the above reasons, CAC/MSOS believed it was appropriate to include this information in its reply comments.

18. Having said that, if there was a more appropriate means of providing this information to the Commission, for example by submitting it in a separate document, then CAC/MSOS apologizes for its error. However, CAC/MSOS would like to draw to the Commission's attention that it filed its reply comments on the original deadline date of May 23rd. It respectfully submits that there has been no procedural unfairness or prejudice to the parties, as they will have sufficient time to address any issues about the reliability or value of the survey results in their reply comments that are due on June 6th.

19. CAC/MSOS therefore respectfully requests that even if it should have provided the survey results in another document, that the Commission exercise its discretion and allow the reply comments to stand and form part of the record.

20. Thank you for your consideration and if there is any further information that we can provide, please advise.

Yours truly,

Original signed by

Beverly Froese
Attorney

/bf

cc: Interested Parties – Public Notice 2006-4 (by email only)

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