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SENT BY FAX AND EMAIL

July 17, 2006

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. On behalf of the Consumers Association of Canada (Manitoba Branch) and the Manitoba Society of Seniors ("CAC/MSOS"), I am writing to apply for an award of costs with respect to the above noted proceeding. The total amount claimed is \$11,592.00.
2. As set out in s. 44 of the *Telecommunications Rules of Procedure*, parties seeking an award of costs must establish that they:
 - represent a class of subscribers who have an interest in the outcome of the proceedings of such a nature that they will either receive a benefit or suffer a detriment as a result of the order or decision resulting from the proceeding;
 - have participated in a responsible way; and
 - have contributed to a better understanding of the issues by the Commission.
3. CAC/MSOS respectfully submits that they have met all of the above criteria.
4. Firstly, CAC/MSOS represents the interests of thousands of Manitoba seniors and consumers who are its members, and they are also dedicated to protecting the rights of all seniors and consumers across the province. The DNCL proceeding was particularly important and relevant to CAC/MSOS because it was brought about due to the concerns and frustrations expressed by consumers as a result of unwanted telemarketing calls. The decisions made by the Commission in this proceeding will most certainly directly affect both consumers and seniors.

5. Secondly, CAC/MSOS has participated in this proceeding in a responsible way. It provided researched and comprehensive submissions to both the Commission and the DNCL Operations CISC Subcommittee and considered all of the questions posed in Public Notice 2006-4.

6. Further, CAC/MSOS coordinated its efforts with the other consumer groups in order to minimize costs, in particular with respect to research into what is done in other jurisdictions, which research was shared among the consumer groups.

7. Given the large number of interested parties in this proceeding and the significant number of telemarketers, charities and businesses that participated, CAC/MSOS felt it was appropriate to prepare its own separate submissions to ensure consumer groups across the country were well represented in this proceeding, and CAC/MSOS brings with it the voice of Manitoba consumers.

8. Lastly, CAC/MSOS participated in a meaningful way and contributed to a better understanding of the issues. Many of the suggestions and recommendations raised by the consumer groups, including CAC/MSOS, were put to participants at the public hearing, for example the appropriate grace period, the length of time a telephone number should be kept on the DNCL, and matters relating to the investigation of complaints and enforcement of the rules.

9. In addition, CAC/MSOS made a unique contribution that was of benefit to the Commission, namely the survey results it obtained through its informal survey of its members. These survey results were a snapshot of the views of a sample of Manitoba consumers and may assist the Commission in a number of ways. The surveys revealed that consumers see the DNCL as a positive initiative, but they also expect certain things from it when it comes to enforcement and effectiveness. In the surveys, consumers indicated their preference with respect to such things as how to place their phone numbers on the DNCL and how much time it should take to stop receiving calls. In addition, the surveys revealed that while most respondents see the DNCL as positive, they were not aware of the exceptions in the legislation. All of this information is important to the Commission when it decides how the DNCL will operate, how the public will be made aware of its existence and when it decides what the general telemarketing rules will be.

10. In its letter dated June 12, 2006, the Commission accepted the additional survey responses included in CAC/MSOS's reply comments and expressly noted:

There is great value in obtaining the best information possible in the formulation of the telemarketing rules particularly from the parties who are prime beneficiaries of these rules, consumers and senior citizens.

11. Attached please find CAC/MSOS's Form I - Summary of Legal Fees and its Form V - Summary of Fees and Disbursements, and please note the following with respect to Form I.

- the entry relating to preparing comments includes 5 hours for research into other jurisdictions, which information was shared with the other consumer groups
- further, the entry relating to preparing comments includes the submissions sent both to the Commission and also to the DNCL Operations CISC Subcommittee. CAC/MSOS respectfully submits that it should be allowed to recover its costs for its submission to the Subcommittee, as that was also part of Public Notice 2006-4
- the entry regarding preparing evidence reflects time spent by counsel to consult with CAC/MSOS in preparing and compiling the survey results and also for counsel to attend the CAC/MSOS open house to conduct the survey and gather evidence
- there is a separate entry under the "other column" for the time spent coordinating efforts with the other consumer groups
- the entry under the "other" column regarding the preparation of reply comments includes time reviewing the transcripts of the hearing, the responses to interrogatories and the actual preparation of reply comments. It does not include time spent responding to the Companies' letter of June 1, 2006 objecting to the inclusion of the additional survey results in CAC/MSOS's reply

12. With respect to the appropriate cost respondents, CAC/MSOS takes no position and respectfully requests that if its application for costs is accepted by the Commission, that the Commission make that determination.

All of which is respectfully submitted.

Yours truly,

Original signed by

Beverly Froese
Attorney

/bf
Attachments (by fax only)

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

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