

July 24, 2006

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

Dear Ms. Rhéaume:

RE: Telecom Public Notice CRTC 2006-4 – Proceeding to establish a national do not call list framework and to review the telemarketing rules

1. Rogers is in receipt of requests for an award of costs from both the Consumers Association of Canada (Manitoba Branch) and the Manitoba Society of Seniors (“CAC/MSOS”), for \$11,592, and L’Union des consommateurs, for \$9,523.60, for participation by these parties in *Proceeding to establish a national do not call list framework and to review the telemarketing rules*, Telecom Public Notice CRTC 2006-4, 20 February 2006 (Public Notice 2006-4).
2. Rogers agrees that CAC/MSOS and L’Union des consommateurs have met the criteria for an award of costs set out in subsection 44(1) of the *CRTC Telecommunications Rules of Procedure* as they represent groups of subscribers that have an interest in the outcome of the proceeding, have participated responsibly, and have contributed to a better understanding of the issues by the Commission through their participation in the proceeding.
3. Rogers notes that both the CAC/MSOS and L’Union des consommateurs took no position on appropriate cost respondents.
4. The Commission’s general practice is to consider those parties who actively participated in the proceeding and have an interest in its outcome as appropriate cost respondents. Telemarketers, which include telecommunication service providers (TSPs) with respect to their own telemarketing activity, and prospective list operators all have a significant interest in the outcome of this proceeding as the final framework will directly impact the operations and commercial interests of these parties. Accordingly, Rogers considers that all participants to the proceeding representing commercial interests are appropriate cost respondents.
5. In Telecom Costs Order 2002-10, which related to the Commission’s most recent major public notice dealing with telemarketing, *CRTC seeks public input on telemarketing rules*, Public Notice CRTC 2001-34, 5 March 2001 (Public Notice 2001-34), the

Commission named the Canadian Marketing Association (CMA) amongst the cost respondents. The Commission determined that it was appropriate to do so, on the basis of the CMA's active participation in the proceeding and on the basis of CMA member interest in the outcome. In that same order, at paragraph 18, the Commission also confirmed that it had the necessary legal authority to assign liability for costs to unregulated entities such as the CMA:

With respect to the issue of the appropriate respondents, the Commission notes that it has generally determined that the appropriate respondents to an award of costs are the parties who have a significant interest in the outcome of the proceeding and have participated actively in the proceeding. In addition, the Commission considers that it can order an unregulated entity to pay costs under section 56(2) of the Act, which prescribes that the Commission may order by whom any costs are to be paid.

6. While participation and interest are the primary criteria in determining the allocation of costs, Rogers is also cognizant that the Commission's consideration of the possible administrative burden on cost applicants to collect small amounts from a large number of parties can also influence the final determination. Rogers acknowledges that the large number of participants in this proceeding creates potential for such administrative challenges. However, as one of the objectives of the proceeding is to appoint a Do-Not-Call-List (DNCL) Operator, with responsibility for collecting fees from the telemarketing industry, Rogers considers a solution to the "administrative burden" issue to be at hand. Rogers proposes that costs associated with successful cost applicants, can be included in the tabulation of overall costs to be recovered by the DNCL Operator from the named cost respondents. In this case the recovery of costs would be delayed until the DNCL Operator was awarded the contract, but the payment would be issued by one party rather than multiple parties, thereby avoiding the administrative challenges and ensuring a fair and equitable allocation amongst parties to the proceeding.
7. All of which is respectfully submitted.

Yours very truly,



David Watt
Vice President
Regulatory Economics