



Compliance and Enforcement Notice of Consultation CRTC 2015-333

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Call for comments

Empowering Canadians to protect themselves from unsolicited and illegitimate telemarketing calls

Deadline for submission of preliminary information: 4 September 2015

Deadline for submission of interventions: 16 October 2015

[\[Submit an intervention or view related documents\]](#)

The Commission is gathering information from Canadians and the telecommunications industry to enhance the protections for Canadians from unsolicited and illegitimate telemarketing calls delivered on all telephony platforms by telecommunications service providers.

Background

1. The Commission regulates unsolicited telecommunications pursuant to sections 41 and 72 of the *Telecommunications Act* (the Act).
2. In response to complaints, and pursuant to section 41 of the Act, the Commission created a framework for telemarketing calls and other unsolicited telecommunications received by Canadians. The framework includes rules for a National Do Not Call List (DNCL), as well as rules regarding telemarketing and the use of automatic dialing-announcing devices (ADADs)¹ to make calls (i.e. robocalls). Collectively, these rules are referred to as the Unsolicited Telecommunications Rules (UTRs).²
3. In establishing these rules, the Commission sought to balance the need to protect the privacy of Canadians and to prevent undue inconvenience or nuisance resulting from

¹ An ADAD means any automatic equipment incorporating the capability of storing or producing telecommunications numbers used alone or in conjunction with other equipment to convey a pre-recorded or synthesized voice message to a telecommunications number.

² See Telecom Decision 2007-48.

telemarketing calls with the need to allow the legitimate uses of telemarketing telecommunications.

4. The National DNCL program was launched on 30 September 2008. Since that time, Canadians have registered more than 12 million telephone numbers on the National DNCL and have lodged more than 900,000 complaints of alleged violations to the UTRs.
5. In order to promote compliance with the UTRs, the Commission has completed extensive national outreach campaigns³ and has taken enforcement measures that include the imposition by the Chief Compliance and Enforcement Officer of more than \$6 million in administrative monetary penalties since 2008.
6. In 2014, the Commission took additional measures to enhance the effectiveness of the UTRs by eliminating the need for Canadians to renew or re-register their numbers on the National DNCL.
7. Notwithstanding the progress made to date, the Commission received more than 116,000 complaints related to unsolicited and illegitimate telemarketing calls in 2014.
8. It is becoming increasingly complicated for agencies worldwide, including the Commission, to put a stop to unsolicited and illegitimate telemarketing calls when callers are using the practice of caller identification (Caller-ID) “spoofing.”⁴ This practice, which can accentuate the harm caused by unsolicited and illegitimate calls (including silent calls or robocalls), occurs when callers conceal or misrepresent their true identity by displaying fictitious phone numbers when making calls. Caller-ID spoofing may also be used to facilitate misleading and fraudulent telemarketing activities which may lead to anxiety, annoyance, and, in some cases, distress and financial losses. It is estimated that a significant number of complaints received from Canadians under the UTRs involve an element of illegitimate Caller-ID spoofing.
9. The Commission notes that a number of its international counterparts have taken steps to help combat unsolicited and illegitimate calls for their citizens. For example,
 - in June 2015, the Federal Communications Commission (FCC) adopted a proposal to protect consumers against unwanted robocalls and spam texts. In a package of declaratory rulings, the FCC affirmed consumers’ rights to control the calls they receive. As part of this package, the FCC also made clear that

³ Outreach activities include a dedicated website (e.g. http://www.crtc.gc.ca/eng/info_sht/t1048.htm and http://www.crtc.gc.ca/eng/info_sht/t1032.htm), news releases on particular trends (e.g. http://www.crtc.gc.ca/eng/info_sht/t1039.htm), and the publication of enforcement advisories.

⁴A spoofed number can appear as a string of digits, such as 000-000-0000, a random number, or the number of a company, person, or government entity. Telemarketers who make sales calls to consumers in Canada have an obligation to identify themselves. Callers who use technology to spoof their Caller-ID with inaccurate, false, or misleading information violate this requirement.

telephone companies face no legal barriers to allowing consumers to choose to use call-blocking technology. This announcement should empower consumers and encourage the deployment of call-blocking solutions;

- in its July 2013 Action Plan, the U.S. Federal Trade Commission outlined its activities to combat the problem of illegal robocalls, including aggressive law enforcement, coordinating with stakeholders (e.g. law enforcement, industry), and pursuing technological solutions; and
 - in January 2013, the United Kingdom Information Commissioner’s Office (ICO) and the Office of Communications (Ofcom) announced an action plan which formally committed them to work in partnership on a series of initiatives to tackle the issue of “nuisance calls” through targeted enforcement action, improved tracing of nuisance calls and messages, effective coordinated action including a review of the impact of the Telephone Preference Service (TPS), new ICO guidance on consent, updated consumer guides on nuisance calls and messages, and new proposals for tackling nuisance calls.
10. Given the important role that telecommunications play in the lives of all Canadians, the Commission strives to ensure that all Canadians have adequate protection when accessing the communications system. To do so, the Commission recognizes that the collaboration of a number of stakeholders, including Canadians, is vital to properly examine, develop, and implement technical solutions that could provide ubiquitous protection to Canadians regardless of the telephony platform (i.e. traditional wireline, wireless, and voice over Internet Protocol (VoIP)).

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11. In its *Three-Year Plan 2015-18*,⁵ the Commission has committed to
- undertake outreach activities to raise Canadians’ awareness of the risks associated with Caller-ID spoofed calls, and measures they can take to protect themselves against these types of calls; and
 - explore the feasibility of technical solutions to improve the accuracy of consumer complaints and better protect Canadians from unsolicited and illegitimate telemarketing calls, including those that make use of illegitimate Caller-ID spoofing.
12. The Commission hereby initiates a proceeding to

⁵ The plan provides a rolling three-year horizon of key Commission activities. The document is intended to provide Canadians, industry, and other interested stakeholders and groups with important information to prepare for, and participate in, the Commission’s public processes.

- gather information regarding available technical solutions that Canadians may leverage to protect themselves from unsolicited and illegitimate telemarketing calls;
 - solicit comments on the use, effectiveness, and limitations of available solutions, particularly in relation to more vulnerable groups of Canadians; and
 - identify any barriers, including legal or regulatory prohibitions, to the adoption of existing solutions or to the implementation of new and innovative solutions (e.g. call-blocking, user reporting).
13. As a result of this proceeding, the Commission could impose requirements on all telecommunications service providers (TSPs) including traditional wireline, wireless, VoIP, and Internet providers that provide local telephone exchange services to residential customers, whether or not they choose to file an intervention to this proceeding.

Procedure

14. The incumbent local exchange carriers (ILECs), which consist of privately and publicly owned large regional telephone companies (the large ILECs);⁶ smaller local telephone companies (the small ILECs); and Northwestel Inc. (Northwestel), and competitive local exchange carriers (CLECs) are made parties to this proceeding.
15. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings, where applicable. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission’s website at www.crtc.gc.ca, under “Statutes and Regulations.” The *Guidelines on the CRTC Rules of Practice and Procedure*, as set out in Broadcasting and Telecom Information Bulletin 2010-959, provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
16. In order to ensure that it has the factual record necessary to conduct its review, the Commission is requesting information on options/features available to Canadians to manage unsolicited and illegitimate telemarketing calls, as outlined in Appendix 1 of this notice, from the large ILECs, small ILECs, Northwestel, CLECs, and certain TSPs and vendors (see Appendix 2 of this notice for a list of the small ILECs,

⁶ The large ILECs are Bell Aliant Regional Communications, Limited Partnership; Bell Canada; MTS Inc.; Saskatchewan Telecommunications; Télébec, Limited Partnership; and TELUS Communications Company.

CLECs, and TSPs/vendors). These companies are to file this information by **4 September 2015**.

17. Responses will be compiled into a consumer-friendly-format and placed on the public record of this proceeding before interventions are due in order to assist parties in formulating their submissions; this information will be available on the Commission's website at www.crtc.gc.ca.
18. Parties to this proceeding, and interested persons who wish to become parties to this proceeding, must file an intervention with the Commission regarding the above-noted issues by **16 October 2015**. The intervention must be filed in accordance with section 26 of the Rules of Procedure. In their submissions, parties are asked to respond to the applicable questions set out in Appendix 3 of this notice. Parties should provide supporting rationale and all evidence on which they rely to formulate their positions.
19. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
20. All parties may file final submissions with the Commission on any matter within the scope of this proceeding by **16 November 2015**. Final submissions, including an executive summary, are not to exceed 15 pages.
21. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
22. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
23. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website guidelines for preparing documents in accessible formats.
24. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

25. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
26. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
27. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

28. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and facsimile numbers.
29. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
30. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information

contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

31. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

32. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
33. Documents are also available from Commission offices, upon request, during normal business hours.

Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

505 De Maisonneuve Boulevard West, Suite 205
Montréal, Quebec H3A 3C2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street, Suite 970
Winnipeg, Manitoba R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

1975 Scarth Street, Suite 403
Regina, Saskatchewan S4P 2H1
Tel.: 306-780-3422
Fax: 306-780-3319

Alberta

220 – 4th Avenue Southeast, Suite 574
Calgary, Alberta T2G 4X3
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street, Suite 290
Vancouver, British Columbia V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Unsolicited Telecommunications Rules framework and the National Do Not Call List*, Telecom Decision CRTC 2007-48, 3 July 2007, as amended by Telecom Decision CRTC 2007-48-1, 19 July 2007

Appendix 1 to Compliance and Enforcement Notice of Consultation CRTC 2015-333

As outlined in paragraph 16 of this notice, the large ILECs and Northwestel, as well as the small ILECs, CLECs, and certain TSPs/vendors identified in Appendix 2 of this notice, are requested to provide their responses to the Commission's questions outlined below by **4 September 2015**.

Questions to the large ILECs, small ILECs, Northwestel, CLECs, and certain TSPs/vendors

For each option available to help a customer manage unsolicited and illegitimate calls (e.g. calling features, applications, or devices), provide the following information:

- Name of service or feature
- Name of service provider
- Delivery platform (i.e. traditional wireline, wireless, VoIP)
- Service description (What does this service do for the customer?)
- Service setup (How does a customer access/enable the service? Include or reference specific instructions)
- Service price (What is the cost of the service to the customer? Include if it forms part of a bundled price)
- How is the service marketed and/or promoted? Provide examples.
- Number of subscribers to the service
- Is the service dependant on subscribing to any other service or calling feature (e.g. Call Display)? If so, explain.
- Are there any discerning features of the service? Specify, for example, if
 - it selectively block calls from a user-defined list of numbers (e.g. a blacklist)?
 - it selectively block anonymous calls or calls that may withhold the presentation of the Caller-ID (e.g. Anonymous Call Rejection)
 - it selectively accepts calls from a user-defined list of numbers (a whitelist)?
 - it requires a user to manually configure the option (e.g. enter a list of numbers) or is it performed through analytical means?

- Does the option provide callers with a mechanism to report calls that were missed? Are these reports shared with law enforcement?
- How does the option address false negatives or allow callers who may have been inadvertently blocked with call completion?

Appendix 2 to Compliance and Enforcement Notice of Consultation CRTC 2015-333

Small ILECs	CLECs	TSPs/vendors
<p>Amtelecom Limited Partnership Brooke Telecom Co-operative Ltd. Bruce Telecom CityWest Telephone Corporation Cochrane Telecom Services CoopTel DMTS Execulink Telecom Inc.</p> <p>Gosfield North Communication Co-operative Limited Groupe Maskatel LP Hay Communications Co-operative Limited Huron Telecommunications Co-operative Limited KMTS La Cie de Téléphone de Courcelles Inc. La Compagnie de Téléphone de Lambton Inc. La Compagnie de téléphone de St-Victor La Compagnie de téléphone Upton inc. Lansdowne Rural Telephone Co. Ltd.</p> <p>Le Téléphone de St-Éphrem inc. Mornington Communications Co-operative Limited Nexicom Telecommunications Inc. Nexicom Telephones Inc. North Frontenac Telephone Corporation Ltd. NorthernTel, Limited Partnership NRTC Communications O.N. Tel Inc., operating as Ontera People's Tel Limited Partnership Quadro Communications Co-operative Inc. Roxborough Telephone Company Limited Sogetel inc. TBayTel Téléphone Milot inc. Tuckersmith Communications Co-operative Limited Wightman Telecom Ltd. WTC Communications</p>	<p>Allstream Inc.</p> <p>Bell Mobility Inc. Bragg Communications Incorporated (Eastlink) CityWest Mobility Corp. Cogeco Cable Canada LP Comwave Networks Inc. Distributel Communications Limited Fibernetics Corporation Ice Wireless Inc. Iristel Inc. Latitude Wireless Lynx Mobility Inc. Managed Network Systems Inc. Novus Entertainment Inc.</p> <p>Primus Telecommunications Canada Inc. Public Mobile Inc. Quebecor Media Inc. Rogers Communications Partnership Seaside Communications Inc. Shaw Cablesystems G.P. Source Cable Limited TekSavvy Solutions Inc. Telupton 2000 Inc. TeraGo Networks Inc. WIND Mobile Yak Communications (Canada) Corp.</p>	<p>Apple Inc.</p> <p>Blackberry</p> <p>CPR Call Blocker</p> <p>Google Inc.</p> <p>Microsoft</p> <p>True Call UK</p> <p>True Caller</p> <p>White Pages inc.</p>

Appendix 3 to Compliance and Enforcement Notice of Consultation CRTC 2015-333

As outlined in paragraph 18 of this notice, parties to this proceeding are asked to respond to the applicable set of questions outlined below as part of their interventions which are due by **16 October 2015**. As a reminder, parties should provide supporting rationale and all evidence on which they rely to formulate their positions.

Questions to Canadians and interested parties

- If applicable, do you have a wireless telephone, a landline telephone service, or both? If so, how many years have you had your personal telephone number?
- Are you aware of any technical solutions (i.e. services and/or applications) available to help consumers manage unsolicited or illegitimate telemarketing calls? Provide examples and describe useful or limiting features.
- Identify any barriers (including demographic, social, economic, and technical), as a consumer, to adopting or using existing solutions to help manage unsolicited and illegitimate telemarketing calls.
- Submit ideas for ways to help protect Canadians against unsolicited and illegitimate telemarketing calls. Include any new and innovative solutions (e.g. call-blocking, user reporting) that could help a consumer manage these types of calls.

Questions to the large ILECs, small ILECs, Northwestel, CLECs, and certain TSPs/vendors

- Provide comments on the use, effectiveness, and limitations of the available solutions to manage unsolicited and illegitimate telemarketing calls.
- Provide comments on the industry's approach to help protect Canadians against unsolicited and illegitimate telemarketing calls and its effectiveness.
- Provide comments on the industry's ability to address the issue of illegitimate spoofing.
- Identify any barriers, including legal or regulatory prohibitions, to the adoption/deployment of existing and/or new call-blocking solutions. Examples of barriers could include regulatory revisions (i.e. UTR amendments), consumer opt-in requirements for call-blocking services, and carrier controls to mitigate unwanted and illegitimate telemarketing calls within their networks.
- Identify "best practices" to help Canadians protect against unsolicited and illegitimate telemarketing calls.

- How can the Commission improve the ability of Canadians to report using the medium by which they receive an unwanted call (e.g. implementation of a common star-code to block and report unsolicited and illegitimate telemarketing calls)?
- What industry standards, guidelines, or new technologies will help prevent the abuses related to Caller-ID spoofing? What should be the role of the Commission in encouraging the adoption of these solutions?
- Identify other abuses related to Caller-ID spoofing which could also benefit from potential solutions (e.g. Telephony Denial of Service attack, or abuses related to providing a false location to emergency service call centres).