



Telecom Decision CRTC 2012-190

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Ottawa, 30 March 2012

Bee So Clean Ltd. – Violations of the Unsolicited Telecommunications Rules

File number: PDR 9174-1155

In this decision, the Commission imposes an administrative monetary penalty of \$4,000 on Bee So Clean Ltd. for initiating, on its own behalf, two telemarketing telecommunications without being registered with, and having provided information to, the National Do Not Call List (DNCL) operator, and without being a registered subscriber of the National DNCL and having paid all applicable fees to the National DNCL operator, in violation of the Unsolicited Telecommunications Rules.

1. Between 9 September 2010 and 6 February 2012, the Commission received numerous complaints in relation to telemarketing telecommunications made by Bee So Clean Ltd. (Bee So Clean).¹
2. On 15 February 2012, a Notice of Violation was issued to Bee So Clean pursuant to section 72.07 of the *Telecommunications Act* (the Act). The notice informed Bee So Clean that it had initiated, on its own behalf,
 - two telemarketing telecommunications to consumers without being a registered subscriber of the National Do Not Call List (DNCL) and having paid all applicable fees to the National DNCL operator, in violation of Part II, section 6² of the Commission's Unsolicited Telecommunications Rules (the Rules); and
 - two telemarketing telecommunications without being registered with, and having provided information to, the National DNCL operator, in violation of Part III, section 2³ of the Rules.
3. The Notice of Violation set out an administrative monetary penalty (AMP) for four violations at \$1,000 per violation, for a total amount of \$4,000.
4. Bee So Clean was given until 15 March 2012 to pay the AMP set out in the Notice of Violation or to make representations to the Commission regarding the violations.

¹ Bee So Clean Ltd., London, Ontario, Tel.: 519-858-0402. Industry – Carpet cleaning services.

² Part II, section 6 of the Unsolicited Telecommunications Rules states that a telemarketer shall not initiate a telemarketing telecommunication on its own behalf unless it is a registered subscriber of the National DNCL and has paid all applicable fees to the National DNCL operator.

³ Part III, section 2 of the Rules states that a telemarketer shall not initiate a telemarketing telecommunication on its own behalf unless it has registered with, and provided information to, the National DNCL operator.

5. The Commission notes that Bee So Clean neither paid the AMP specified in the Notice of Violation nor made representations in accordance with the Notice. Accordingly, pursuant to subsection 72.08(3) of the Act, Bee So Clean is deemed to have committed the violations outlined in the Notice of Violation dated 15 February 2012.
6. In the circumstances of this case, and given the size of the company and that it is the first Notice of Violation issued to the company, the Commission considers that a penalty of \$1,000 for each of the violations of Part II, section 6 and Part III, section 2 of the Rules cited in the Notice of Violation is appropriate. The Commission therefore imposes a total AMP of \$4,000 on Bee So Clean.
7. The Commission hereby notifies Bee So Clean of its right to apply to the Commission to review and rescind or vary this decision under section 62 of the Act and to appeal this decision to the Federal Court of Appeal under section 64 of the Act. Any review and vary application under section 62 of the Act must be made within 90 days of the date of this decision, and the Commission will place all related documentation on its website. An appeal from this decision may be brought in the Federal Court of Appeal with the leave of that Court. Leave to appeal must be applied for within 30 days of the date of this decision or within such further time as a judge of the Court grants in exceptional circumstances.
8. The Commission reminds Bee So Clean that, should it continue to initiate telemarketing telecommunications on its own behalf or engage telemarketers for the purpose of solicitation of its products and/or services, it is required to comply with the Rules. Examples of measures that Bee So Clean should adopt to ensure compliance with the Rules include, but are not limited to, the following:
 - registering with the National DNCL operator;
 - subscribing to the National DNCL;
 - downloading the National DNCL at least once every 31 days prior to the date of the telemarketing telecommunication; and
 - establishing and implementing adequate written policies and procedures to comply with the Rules, which include documenting a process to (a) prevent the initiation of telemarketing telecommunications to any telecommunications number that has been registered for more than 31 days on the National DNCL, and (b) honour consumers' requests that they not be contacted by way of telemarketing telecommunications.
9. The Commission advises Bee So Clean that in order to ensure compliance with the Rules, the Commission may impose larger AMPs for subsequent violations.
10. The amount of \$4,000 is due by 30 April 2012 and is to be paid in accordance with the instructions contained in the Notice of Violation. For any amount owing that is not paid by 30 April 2012, interest calculated and compounded monthly at the average bank rate plus three percent will be payable on that amount and will accrue during the period beginning on the due date and ending on the day before the date on which payment is received.

11. If payment has not been received within 30 days of the date of this decision, the Commission intends to take measures to collect the amount owing, which may include certifying the unpaid amount and registering the certificate with the Federal Court.

Secretary General