



Compliance and Enforcement Decision CRTC 2017-385

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Ottawa, 26 October 2017

Delegation of a National Do Not Call List Operator and delegation of Commission powers to the National Do Not Call List Operator as the Fees Collection Delegate

The Commission delegates to Raymond Chabot Grant Thornton the authority to

- a) continue the operations of the National Do Not Call List (DNCL) as the National DNCL Operator as of 15 January 2018 and continue to collect the rates that have already been approved by the Commission; and*
- b) collect, as the National DNCL Fees Collection Delegate, the fees that the Commission has prescribed under subsection 41.21(1) of the Telecommunications Act and associated regulations.*

Introduction

1. The Commission's activities contribute to the protection and safety of Canadians by promoting and enforcing compliance with legislation and regulatory measures. One of the ways in which the Commission protects Canadians is by seeking to reduce unsolicited telecommunications. A primary means in which the Commission achieves this is through the National Do Not Call List (DNCL), which was launched on 30 September 2008. Bell Canada was retained as the National DNCL Operator (or List Operator) following a request for proposal (RFP) process. The contract with Bell Canada was extended in 2013, and expires on 14 January 2018.
2. In order to maintain the operation of the National DNCL, a second RFP process was launched on 11 April 2017.¹

Background

3. The Commission regulates unsolicited telecommunications pursuant to section 41 of the *Telecommunications Act* (the Act), which provides the following:

41(1) The Commission may, by order, prohibit or regulate the use by any person of the telecommunications facilities of a Canadian carrier for the provision of unsolicited telecommunications to the extent that the Commission considers it necessary to prevent undue inconvenience or nuisance, giving due regard to freedom of expression.

¹ The RFP was posted online at <https://buyandsell.gc.ca/procurement-data/tender-notice/PW-17-00775919>.

4. The Act grants the Commission the powers required to establish a National DNCL and to administer databases or operational systems for a National DNCL. It also sets out a list of the types of telemarketing telecommunications that are exempt from any prohibitions or requirements that the Commission may impose in relation to the National DNCL.²
5. In 2005, the Act was amended to add sections 41.2 to 41.7 and 72.01 to 72.15. These legislative changes specifically empowered the Commission to establish and maintain a National DNCL, and granted the Commission the power to levy administrative monetary penalties against parties who did not follow the prescribed set of rules set out by the Commission: the Unsolicited Telecommunications Rules.³
6. In 2007, prior to the National DNCL commencing operations, the Commission delegated the ability to operate the National DNCL and collect rates to the National DNCL Operator, which was then Bell Canada.
7. In 2012, the Act was further amended to, among other changes, add subsection 41.21(1) and amend subsection 41.3(1). These amendments allowed the Commission to prescribe fees to recover costs associated with its compliance and enforcement activities (the Regulatory Fees), and created the delegation of power to collect the prescribed Regulatory Fees.
8. Until 31 March 2013, the Commission's National DNCL compliance and enforcement activities had been funded by interim measures (e.g. government appropriation of funds). In Compliance and Enforcement Decision 2013-26 the Commission established the *Unsolicited Telecommunications Fees Regulations* (the Fees Regulations) to provide long-term funding, which would be recovered from telemarketers and clients of telemarketers, for its compliance and enforcement activities. The Commission also delegated its powers to collect the Regulatory Fees that it prescribed in the Fees Regulations to the National DNCL Operator.⁴
9. The National DNCL Operator was directed to collect Regulatory Fees from telemarketers at the same time that it charges Subscription Rates (rates used to cover the National DNCL Operator's capital and operating expenses) – these two components forming the total subscription rates – to telemarketers for access to the National DNCL. Subsequent amendments were made to the Fees Regulations in 2015,⁵ increasing both the Regulatory Fees, as a result of a public process, and the Subscription Rates⁶ (see the table set out in the Appendix to this decision).⁷

² As provided for in section 41.7 of the Act

³ See <http://crtc.gc.ca/eng/trules-reglest.htm>

⁴ See Compliance and Enforcement Notice of Consultation 2012-588

⁵ See Compliance and Enforcement Decision 2015-321

⁶ The revised Subscription Rates were approved by way of a Secretary General letter, which can be found at <http://www.crtc.gc.ca/eng/archive/2015/lt150720.htm>.

Request for proposals

10. As noted above, on 11 April 2017, the Commission published an RFP in which it sought a contractor capable of providing transition, design, development, implementation, operation and maintenance, and support services to ensure the ongoing operation of the National DNCL upon the expiry of the contract with the current List Operator.
11. After extensions, the bidding period closed on 29 June 2017. During the bidding period, potential bidders submitted more than 60 clarifying questions, which the Commission answered.
12. Once RFP responses were received, each response was reviewed and evaluated to determine the winning proposal.
13. Raymond Chabot Grant Thornton's proposal met all of the mandatory criteria and obtained the highest combined score on the point-rated criteria.
14. Accordingly, Raymond Chabot Grant Thornton has been retained as the new National DNCL Operator. The Commission delegates its authority, pursuant to subsection 41.3(1) of the Act, to Raymond Chabot Grant Thornton, as the new National DNCL Operator, to
 - a) continue the operations of the National DNCL after mid-January 2018 and continue to collect the Subscription Rates that have already been approved by the Commission; and
 - b) collect the Regulatory Fees that the Commission has prescribed under subsection 41.21(1) of the Act and the Fees Regulations.

Secretary General

Related documents

- *Amendments to the Unsolicited Telecommunications Fees Regulations, Compliance and Enforcement Decision CRTC 2015-321, 20 July 2015*
- *Unsolicited Telecommunications Fees Regulations, Compliance and Enforcement Decision CRTC 2013-26, 28 January 2013*
- *Unsolicited Telecommunications Fees Regulations, Compliance and Enforcement Notice of Consultation CRTC 2012-588, 23 October 2012*

⁷ The operation of the National DNCL, including the Commission's compliance and enforcement activities, is wholly funded by Subscription Rates and Regulatory Fees paid by telemarketers.

Appendix to Compliance and Enforcement Decision CRTC 2017-385

Current total subscription rates

The following tables set out the current total subscription rates and the breakdown between the Commission's and the List Operator's components:

All area codes

Number of area codes	Annual	6-month	3-month	1-month
Commission component*	\$21,706	\$13,211	\$7,135	\$2,412
List Operator component	\$26,341	\$16,041	\$8,664	\$2,927
Current total subscription rate	\$48,047	\$29,252	\$15,799	\$5,339

Individual area codes

Number of area codes	Annual	6-month	3-month	1-month
Commission component*	\$1,298	\$676	\$344	\$115
List Operator component	\$1,577	\$814	\$416	\$142
Current total subscription rate	\$2,875	\$1,490	\$760	\$257

(Individual telephone number query – \$0.50)

* Corresponds with the amounts set out in the Fees Regulations

Any change to the rates set out in the Fees Regulations will require a future public process for comment.