



## Telecom Decision CRTC 2020-80

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### **Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile**

*It is important to ensure that Canadians are able to receive clear information about their bills in an appropriate format. Accordingly, the Commission has issued today Broadcasting and Telecom Notice of Consultation 2020-81 to more broadly examine issues related to paper billing by telecommunications service providers and broadcasting distribution undertakings.*

*In this decision, the Commission **denies** a request by the Public Interest Advocacy Centre and the National Pensioners Federation to require Koodo Mobile (Koodo) and other wireless service providers (WSPs) to provide paper bills upon request. The Commission found that there was no existing legislative or regulatory obligation that mandated the provision of paper bills and, since the rationale and evidence on the record of this proceeding related largely to Koodo alone, it would not be in the public interest to create a new obligation that would affect all WSPs based solely on that record. However, the application raised concerns about the need for vulnerable consumers to have access to paper bills.*

### **Background**

1. In recent years, communications service providers, including wireless service providers (WSPs), have taken various approaches to encourage customers to adopt electronic billing (e-billing), which, until December 2014, included charging fees for paper bills or providing discounts to customers who opt for e-billing.
2. On 28 August 2014, a meeting occurred between certain communications service providers and the Commission's Vice-Chairperson of Broadcasting and Vice-Chairperson of Telecommunications to address the issue of fees for paper bills. At that meeting, the service providers verbally committed to exempting the following customers from paper bill fees:
  - customers who have no personal or home broadband Internet service connection;
  - persons with disabilities;
  - seniors aged 65 or over; and
  - veterans of the Canadian Armed Forces.

3. On 16 December 2014, both the *Telecommunications Act* (the Act) and the *Broadcasting Act* were amended to prohibit communications service providers from charging fees for paper bills.
4. Though communications service providers are prohibited from charging fees for paper bills, the Commission does not, in general, require service providers to provide paper bills to customers, except in the case of customers with disabilities. Service providers must provide those customers with copies of bills in alternative formats, such as Braille or large print, upon request.
5. Koodo Mobile (Koodo) is a low-cost flanker brand of TELUS Communications Inc. (TCI) that offers mobile wireless services. In April 2018, Koodo started migrating certain existing customers away from paper billing. Specifically, the migration applied only to customers who were receiving paper bills and who had activated their self-serve accounts in Koodo's online portal. Exempted from the migration were customers with accessibility needs who were receiving paper bills, and customers who had activated their service before 2015, but had not activated their self-serve accounts.

## **Application**

6. The Commission received an application from the Public Interest Advocacy Centre (PIAC) and the National Pensioners Federation (NPF) [collectively, PIAC-NPF] in which they requested that the Commission
  - clarify that WSPs must offer paper billing, upon request and at no charge, by virtue of (i) the agreement on paper billing that was negotiated on 28 August 2014, (ii) section 27.2 of the Act,<sup>1</sup> or (iii) section A.1.(i) of the Wireless Code;<sup>2</sup> and
  - impose a condition of service under section 24 of the Act<sup>3</sup> requiring TCI and, by extension, all WSPs, to offer paper billing upon request.
7. PIAC-NPF also requested that the Commission initiate further process or gather more information on the issue if it finds that there is insufficient evidence to justify the imposition of a condition of service under section 24 of the Act.

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<sup>1</sup> Section 27.2 of the Act states that any person who provides telecommunications services shall not charge a subscriber for providing the subscriber with a paper bill.

<sup>2</sup> The Commission's Wireless Code, established in Telecom Regulatory Policy 2013-271 and revised in Telecom Regulatory Policy 2017-200, is a mandatory code of conduct for providers of retail mobile wireless voice and data services. Section A.1.(i) states that a service provider must communicate with customers in a way that is clear, timely, and accurate, and uses plain language.

<sup>3</sup> Section 24 of the Act states that the offering and provision of any telecommunications service by a Canadian carrier are subject to any conditions imposed by the Commission or included in a tariff approved by the Commission.

8. The Commission received interventions regarding PIAC-NPF's application from Bell Canada, the Canadian Network Operators Consortium Inc. (CNOOC), TCI, and 61 other interveners, including companies involved in the paper industry and individual interveners.

## **Issues**

9. The Commission has identified the following issues to be addressed in this decision:
  - Are WSPs currently required to provide paper bills upon request and at no charge?
  - Should the Commission impose on all WSPs, pursuant to section 24 of the Act, a condition of service requiring them to provide paper bills upon request?
  - Should the Commission initiate further process or gather more information on the issue of paper billing?

## **Are WSPs currently required to provide paper bills upon request and at no charge?**

### **Positions of parties**

#### **PIAC-NPF**

10. PIAC-NPF argued that WSPs are required to provide paper bills, upon request and at no charge, on the basis of the following:
  - the agreement on paper billing reached on 28 August 2014,
  - section 27.2 of the Act, and
  - section A.1.(i) of the Wireless Code.
11. PIAC-NPF submitted that TCI was a party to the agreement on paper billing, adding that the intention of the agreement was to ensure that specific classes of consumers would have access to paper bills upon request and at no charge. They submitted that TCI, by refusing to provide paper bills to Koodo customers, was failing to honour the intention of the agreement.
12. PIAC-NPF also submitted that section 27.2 of the Act requires telecommunications service providers (TSPs) to provide paper bills upon request and at no charge. They argued that the intention of section 27.2 was to ensure that all customers have access to paper bills at no charge, and that the purpose of this section is defeated if it can be circumvented by a refusal to offer paper bills at any price. PIAC-NPF argued that pursuant to the *Interpretation Act*, every enactment must be given such fair, large, and liberal construction and interpretation as best ensures the attainment of its objects.

13. PIAC-NPF further argued that the Wireless Code touches on paper billing in several ways since it imposes general obligations regarding how WSPs must communicate with customers, as well as obligations for WSPs to provide contracts and other documents in the format of the customer's choice. With respect to section A.1.(i) of the Wireless Code, PIAC-NPF submitted that in certain cases, providing only e-billing does not respect the WSPs' obligation to communicate with customers in a way that is clear. PIAC-NPF referred to seniors and individuals without home Internet access, submitting that some of these customers may not be able to access or navigate an online bill.

#### **TCI**

14. TCI noted that PIAC-NPF referred to an agreement to which they alleged TCI is a party. TCI submitted that PIAC-NPF's arguments in this respect are without substance because TCI is not a party to any such agreement. Further, PIAC-NPF claimed only that there was an agreement not to charge for paper bills. They did not say that there is an express requirement to provide paper bills. Therefore, even if the agreement exists, it is irrelevant to PIAC-NPF's application.

15. TCI added that contrary to what was stated in PIAC-NPF's application, Koodo customers have access to their bills free of charge, even if they have no access to home or mobile Internet service. The data required to access online bills are zero-rated,<sup>4</sup> including for customers whose rate plans do not include data. Therefore, customers without regular access to the Internet can review their online bills using their smartphones. In addition, customers receive email and/or text message notifications when their bills are available and have the ability to manage those notifications in their self-serve accounts.

16. TCI submitted that there are no general legal or regulatory requirements to make paper bills available to all customers, and that PIAC-NPF did not demonstrate the existence of any such requirement in any of the statutory or regulatory instruments to which it referred.

17. TCI submitted that Parliament and the Commission have prescribed very few requirements for billing. This gives carriers the flexibility to adapt to technological changes and to changes in the market. Over time, different services and customer preferences may contribute to the availability of different billing practices. Current rules permit communications service providers to vary, among other things, the format of a bill, the level of detail included, and the frequency of billing. In addition, certain services, such as prepaid mobile wireless services, do not have bills at all.

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<sup>4</sup> Zero-rating is the practice of providing Internet access without financial cost under certain conditions, such as by permitting access only to certain websites or by subsidizing the service with advertising. Pursuant to Telecom Regulatory Policy 2017-104, zero-rating is permitted for account management.

18. With respect to section 27.2 of the Act in particular, TCI argued that a prohibition on charging for paper bills is not the same as a requirement to offer paper bills to all customers.
19. With respect to section A.1.(i) of the Wireless Code, TCI noted that PIAC and NPF both participated in the Commission's review of the Wireless Code and that the Commission issued a decision approximately one year prior to the submission of PIAC-NPF's current application. Despite the fact that Koodo has been encouraging its customers to adopt e-billing since the brand launched in 2008 and made e-billing the default option for new customers starting in 2015, the Commission made no ruling requiring the provision of paper bills, and paper bills were not a major part of the Wireless Code review. TCI argued that if paper billing were truly a customer concern, the Commission would have made a decision on this issue at the time of the Wireless Code review.
20. TCI added that PIAC-NPF appeared to rely on the revised Wireless Code provisions related to plain and clear language to support its arguments. TCI submitted that while the Code sets out formatting and substance requirements for contracts and communications with customers, it does not require WSPs to offer all customers a bill in paper format. In the proceeding that led to the original Wireless Code, PIAC submitted in its intervention that "contracts, [and] billing and account and service-related documents, should be available to each consumer in a format that the customer chooses, that is accessible to their abilities and at no cost." The Commission considered this proposal, and declined to make it a requirement in the Wireless Code, except for customers with disabilities.

#### **Bell Canada**

21. Bell Canada submitted that the 28 August 2014 agreement referred to by PIAC-NPF does not exist. Bell Canada referred to a [statement](#) by the Commission's then-Chairperson, which PIAC-NPF cited in support of their position. According to that statement, "while the companies agreed to adopt consistent exemptions to [paper bill] fees, they were unable to reach a consensus to eliminate them entirely." Bell Canada submitted that a non-existent agreement cannot create an obligation for WSPs to provide paper bills, and that this element of the application is a further basis for justifying its dismissal.
22. Bell Canada submitted that, by its unambiguous language, section 27.2 of the Act prohibits any person who provides telecommunications services from charging customers for paper bills. In other words, section 27.2 does not require the provision of paper bills, but states that if paper bills are provided, TSPs cannot charge a fee for them. Accordingly, a plain and ordinary interpretation of the words contained in section 27.2 of the Act is a sufficient basis for dismissing this part of the application.
23. Bell Canada also submitted that PIAC-NPF's interpretation of section A.1.(i) of the Wireless Code is incorrect, because the Code does not mandate the provision of paper bills. Bell Canada added that the section is irrelevant to the issue of paper bills.

Rather, as the heading of section A.1. states, the clause in question obliges WSPs to communicate with their customers in plain language.

#### **CNOC**

24. CNOC submitted that the intent of section 27.2 of the Act and the 28 August 2014 agreement referred to by PIAC-NPF is to prohibit the charging of fees for paper bills. With respect to section 27.2 of the Act, the plain and ordinary meaning is limited to a prohibition on charges for providing a subscriber of telecommunications services with a paper bill.
25. CNOC also submitted that there are no existing regulatory obligations that require WSPs or all TSPs to offer paper bills. Specifically, CNOC noted that the Wireless Code, which applies only to WSPs, does not explicitly require the offering of paper bills. It was also unclear to CNOC that a WSP cannot otherwise communicate in a way that is clear, timely, and accurate, and uses plain language, as required by section A.1.(i) of the Wireless Code, absent the offering of a paper bill.

#### **PIAC-NPF – Replies to interventions**

26. With respect to TCI's statement that it is not a party to an agreement that requires it to provide paper bills at no charge, PIAC-NPF contended that even if there was no signed agreement, a commitment made to the Commission in order to forestall regulatory action should be considered in addition to the requirements of section 27.2 of the Act.
27. In response to TCI's intervention regarding the Wireless Code review, PIAC-NPF submitted that at the time of the review, PIAC was not aware of any WSP refusing to provide paper bills upon request, and that it had only received complaints about this issue in the year before PIAC-NPF filed their application, as Koodo began migrating customers to e-billing without their consent. In addition, PIAC, as part of the Coalition,<sup>5</sup> did object to the practice of charging for bill reprints and payments through customer service representatives in their intervention to the Wireless Code review. PIAC-NPF submitted that it is not appropriate to infer from that omission that the Commission has formed an opinion regarding those practices. The Wireless Code review was a very broad proceeding and not every specific issue could be addressed within its scope.
28. PIAC-NPF disagreed with Bell Canada's interpretation that section 27.2 of the Act requires TSPs to provide paper bills for free only where they provide paper bills. In PIAC-NPF's view, the intention of section 27.2 is to prevent customers from paying to receive paper bills. PIAC-NPF submitted that as far as they are aware, every WSP offered paper billing at the time section 27.2 was introduced. As a result, that section assumes that paper billing is available. Parliament expected the provision would

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<sup>5</sup> The Coalition is a group of consumers' associations and advocates who intervened during the last review of the Wireless Code. See paragraph 20 of Telecom Regulatory Policy 2017-200 for the complete list.

result in all communications service providers offering their customers paper billing for free. PIAC-NPF argued that the provision should be given a broad and purposive interpretation sufficient to ensure that vulnerable consumers can receive paper bills upon request at no charge.

### **Commission's analysis and determinations**

29. With respect to the 28 August 2014 meeting that PIAC-NPF referred to, the letter of invitation was clear that the meeting was specifically about fees for paper bills. Though a verbal commitment by communications service providers not to charge for paper bills was made, this was a verbal agreement and did not result in any Commission determinations or regulations. Furthermore, the enactment of section 27.2 of the Act superseded any commitment that may have been made, since it prohibited charging for paper bills.
30. With respect to section 27.2 of the Act, the modern principle of statutory interpretation requires that the words of a statute be read in their entire context and in their grammatical and ordinary sense, harmoniously with the scheme of the Act, the object of the Act, and the intention of Parliament.<sup>6</sup> In this case, section 27.2 unambiguously prohibits communications service providers from charging subscribers for the provision of paper bills. When considered within the surrounding context of the Act as a whole, there is no indication that Parliament intended this provision to be interpreted as also imposing an obligation to provide subscribers with paper bills. While the *Interpretation Act* requires a fair, large, and liberal construction and interpretation, the Commission is of the view that section 27.2 cannot be interpreted so liberally as to create an obligation to provide paper bills when the words of the statute convey no such obligation.
31. Finally, the Commission considers that section A.1.(i) of the Wireless Code requires WSPs to communicate with their customers in plain language but does not pertain to the formats in which a bill is provided to a customer. Moreover, although the Wireless Code specifically requires a WSP to give the customer permanent copies of the contract and related documents, as set out in section B.1.(i), in the format of the customer's choice (electronic or paper), at no charge, contracts and related documents, namely those that affect the customer's use of the service provider's service, such as privacy policies and fair use policies, do not include bills. As such, the obligation set out in section A.1.(i) of the Wireless Code neither includes nor applies to bills.
32. In light of the above, the Commission determines that neither section 27.2 of the Act nor section A.1.(i) of the Wireless Code require WSPs to provide paper bills upon request and at no charge, with the exception of bills in alternative formats for customers with disabilities.

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<sup>6</sup> See [Rizzo & Rizzo Shoes Ltd. \(Re\)](#), [1998] 1 S.C.R. 27 at 12.

33. On a related matter, PIAC-NPF submitted that Koodo has discontinued paper billing and that the only way a customer may obtain a paper bill is to request a bill copy, for which a charge of \$5 per bill applies. The Commission clarifies that WSPs may only charge a fee for the reissuance of bills outside the current billing cycle (i.e. for reprints of past bills) and that no fee may be charged for the issuance of a bill of a current billing cycle (i.e. a bill showing the amount currently owed). During a current billing cycle, if a customer receiving electronic bills requests a copy of the current bill in paper format, the WSPs can elect to provide a paper copy or not. However, any such copy that is provided must be issued free of charge, in accordance with section 27.2 of the Act.

### **Should the Commission impose on all WSPs a condition of service requiring them to provide paper bills upon request?**

#### **Positions of parties**

##### **PIAC-NPF**

34. PIAC-NPF requested that, should the Commission find that an obligation to provide a paper bill does not currently exist, the Commission impose a condition of service pursuant to section 24 of the Act requiring all WSPs to provide paper bills upon request. PIAC-NPF submitted that the policy objective set out in paragraph 7(h) of the Act tasks the Commission with responding to the economic and social requirements of users of telecommunications services.
35. PIAC-NPF noted that providing a monthly paper bill for services is a long-standing practice in the telecommunications industry, and that customers reasonably expect to have the option of paper billing. PIAC-NPF expressed concern that should TCI succeed in defending Koodo's actions, without any obligation to provide paper bills, other WSPs will likely follow Koodo's lead and offer e-billing only.
36. PIAC-NPF added that customers have a variety of reasons for preferring paper billing. For example, it gives those who may not be comfortable using the Internet the confidence to pay for their services without relying on assistance from others to access bills online. Further, some customers may not be comfortable with receiving bills or making payments online for security reasons.
37. PIAC-NPF also submitted that WSPs should be required to provide paper bills to respond to the needs of vulnerable customers, such as seniors and individuals with low incomes or disabilities. For example, PIAC-NPF indicated that these customers are less likely to have a home Internet connection or may have a mobile wireless service plan that does not include data, which makes it difficult for them to access their bills online. PIAC-NPF added that vulnerable customers are placed at a disadvantage when their WSP discontinues paper billing or when their choice of provider is limited to premium brands.
38. Similarly, PIAC-NPF referred to the Commission's rationale in Telecom Regulatory Policy 2013-271 with respect to the requirement for WSPs to provide customers with



a copy of their contract in the format of their choosing, and submitted that this rationale applies equally to bills:

However, not all Canadians will be able to use an electronic version of the written contract and related documents. Some consumers may require a paper copy, while Canadians with disabilities may need a copy in an alternative format. While providing these format options may impose some costs on WSPs, the Commission considers that this burden is not undue given the central importance to Canadians of understanding their wireless service contracts. It is important that Canadians have equal access to their contract documents and it would therefore be inappropriate for them to face any additional charges to obtain the documents in these formats.

39. PIAC-NPF also noted that the Commission has previously imposed obligations with respect to the provision of billing statements in alternative formats to customers with disabilities.<sup>7</sup> They submitted that this highlights that bills are of similar importance to contracts with regard to understanding one's services.

#### **TCI**

40. TCI submitted that there is no need to make an order under section 24 of the Act to make paper bills available to all customers. Such an order would stifle innovation in billing and customer service generally. Such an order would also be unnecessary, since there are brands in the market that continue to provide paper bills. TCI provided the main TELUS brand as an example, noting that while TELUS encourages customers to adopt e-billing, they do have the option to receive paper bills. TCI submitted that Koodo is focused on the segment of customers who are comfortable managing their accounts online, and that customers are advised at the time of service activation that Koodo provides bills in electronic format only.

41. With respect to PIAC-NPF's arguments regarding the necessity of paper bills for vulnerable customers, TCI submitted the following:

- only those Koodo customers who activated their service prior to 2015 and have registered for self-serve accounts have been migrated to e-billing;
- where a customer faces an accessibility barrier to receiving and reviewing electronic bills, Koodo will, upon request, provide the bill in an alternative format at no charge;
- customers have access to their bills free of charge even if they have no access to home or mobile Internet service, since the data required to access online bills are zero-rated, including for customers whose service plans do not include data;

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<sup>7</sup> See Order 2001-690 and Telecom Decision 2002-13.

- statistics show that among 65- to 74-year-olds, Internet use rose from 65% to 81% between 2013 and 2016, while among those aged 75 or older, usage rose to 50% in 2016;<sup>8</sup> and
- TCI has found that customers who are aged 65 or older regularly access bills online. Aside from customers with accessibility needs who are accommodated in other ways, a growing majority of senior citizens are digitally literate.

42. Finally, TCI submitted that PIAC-NPF's request is procedurally improper because the organizations seek to impose a condition on all WSPs, but did not provide notice to any parties other than TCI. TCI argued that the relief sought is too broad for a proceeding that is about resolving a dispute between two parties.

#### **Bell Canada**

43. Bell Canada did not support PIAC-NPF's request, arguing that a requirement for WSPs to provide paper bills would be inconsistent with both Parliament's and the Commission's paper billing policies for the broadcasting industry, which do not require service providers that issue monthly bills for recurring services to provide paper bills.

44. Bell Canada added that it provides both postpaid and prepaid wireless services under a number of brands. Its current practice is to provide a paper bill to any postpaid service customer who requests one, at no charge. Bell Canada's records indicate that it has not received any complaints or adverse comments in respect of this policy.

#### **CNOC**

45. CNOC was of the view that, given the narrow focus on WSPs in PIAC-NPF's application, and the applicants' arguments regarding how regulatory obligations that apply only to WSPs require the offering of paper bills, the record of this proceeding is insufficient to support any broad determination of regulatory policies affecting other classes of TSPs. Therefore, the scope of the relief available in this proceeding should be limited to Koodo and possibly other WSPs.

46. CNOC added that if the Commission finds that paper billing practices in other telecommunications sectors should be reviewed, a dedicated proceeding should be initiated for this purpose to provide all TSPs with the opportunity to participate and make submissions on such an important policy. Such an approach would allow for a consideration of consumer demand for paper bills in telecommunications markets other than the mobile wireless service market, and consideration of whether such demand is currently satisfied by the existence of greater competition and consumer choice in those other markets compared to the mobile wireless service market. For example, to the extent that customers express demand for paper bills, one

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<sup>8</sup> TCI cited [Life in the fast lane: How are Canadians managing?, 2016](#), 14 November 2017, Component of Statistics Canada catalogue no. 11-001-X.

communications service provider's refusal to cater to this demand may be another provider's opportunity to gain customers. This creates a natural competitive incentive to offer paper billing.

#### **PIAC-NPF's replies to interventions**

47. PIAC-NPF submitted that even if the majority of customers opt for e-billing, this fact provides no rationale for Koodo's refusal to provide paper bills to customers who request them. It indicated that different customers have different needs.
48. PIAC-NPF added that (i) the number of affected individuals who have been involuntarily migrated to e-billing, (ii) the fact that not all consumers have been migrated, or (iii) the fact that the Koodo brand is aimed at those who might be comfortable with e-billing are irrelevant. TCI did not refuse the business of individuals who were not comfortable with e-billing, at least until 2015. Further, TCI's claims would be far more persuasive if the company had grandfathered the customers now receiving paper bills; however, it has not done so, nor has it offered to do so. PIAC-NPF submitted that this shows the real reason for the migration to e-billing: simple cost-cutting at the expense of consumer choice.
49. PIAC-NPF were of the view that Koodo's electronic customer service innovation is irrelevant to customers who are not comfortable using the Internet or do not have Internet access. That some elderly Canadians use the Internet, and that the figure is rising, does not detract from the fact that a large portion of elderly Canadians still do not use the Internet and rely on paper billing.
50. With respect to TCI's suggestion that Koodo customers can change to another TELUS brand to retain paper billing, PIAC-NPF submitted that the company is referring to the premium TELUS brand. PIAC-NPF argued that while premium brands continue to offer paper billing, it is unfair to require that customers subscribe to these brands in order to receive paper billing. First, this differentiation in how bills are offered is not clearly disclosed – Koodo does not disclose that it does not offer paper billing except to customers with accessibility needs. Second, following TCI's suggestion would result in customers paying a premium for paper billing, which is exactly the result Parliament sought to avoid in prohibiting charges for paper bills. Third, Koodo sold service to customers in the past on terms that included paper bills and has not made arrangements to grandfather customers who currently receive paper bills. PIAC-NPF contended that in this way, TCI is effectively forcing a price increase on customers against their will, not to mention the time and inconvenience of switching brands.
51. PIAC-NPF noted that Bell Canada provides paper bills upon request and at no charge. Therefore, PIAC-NPF found it unsurprising that Bell Canada has had no complaints regarding its paper billing policy. The policy responds to the social and economic circumstances of users and complies with Bell Canada's regulatory obligations. The existence of compliance does not demonstrate that a regulatory obligation is unnecessary.

## Commission's analysis and determinations

52. The Commission considers that the imposition of a requirement for communications service providers to provide paper bills upon request can be justified only where there is a demonstrable failure in the marketplace and/or a clear need for the Commission to take action, such as to advance one or more of the policy objectives set out in section 7 of the Act. In this case, the most closely related objective is set out in paragraph 7(h) regarding the economic and social requirements of users of telecommunications services.

### Is there evidence of market failure with respect to the provision of paper bills?

53. The 2006 Policy Direction<sup>9</sup> states that the Commission should

- rely on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives, and
- when relying on regulation, use measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives.

54. In light of the record of this proceeding, the Commission considers that it would be contrary to the 2006 Policy Direction to impose a requirement on WSPs to offer paper billing, as this would impair the WSPs' ability to differentiate their service offerings in the market, for example, by offering their customers paper bills.

55. The Commission agrees with CNOC that the offering of paper bills may operate as a competitive incentive, and that one communications service provider's refusal to cater to such a demand can be another provider's opportunity to gain a customer. In fact, other WSPs appear to still provide paper bills, so there are competitive options available in the marketplace.

56. Further, the Commission is of the view that PIAC-NPF did not provide any evidence of a market failure. On the basis of the evidence in the Commission's 2018 *Communications Monitoring Report* and information provided by TCI in confidence, the Commission considers that Koodo has a small share of the wireless service market, and a very small segment of Koodo's customers still receive paper bills. Imposing a condition of service pursuant to section 24 of the Act on the entire industry, based on the current limited record, is unreasonable and contrary to the 2006 Policy Direction. Further, the Commission recognizes that digital service

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<sup>9</sup> See *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006. A new policy direction, *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019, has since come into effect, but it does not apply to this proceeding since the record closed prior to the new policy direction coming into effect.

innovation and price competition remain important factors to consider for the overall market.

**Is there evidence of an economic or social need for a requirement regarding the provision of paper bills?**

57. The evidence on the record of this proceeding is insufficient for the Commission to conclude that the marketplace has failed to meet an economic or social need regarding the provision of paper bills and that Commission intervention is warranted, since the evidence related largely to Koodo.
58. Regarding accessibility, the Commission has put in place requirements to ensure that customers who, due to a visual disability, cannot access e-billing still have access to bills provided in alternative formats. The Commission notes that other customers, such as those with cognitive disabilities, may also encounter issues using e-billing, but there is no evidence on the record to suggest that specific additional obligations regarding accessible billing are necessary at this time. Nevertheless, the Commission is of the view that Koodo, and other WSPs, should be encouraged to offer accessible billing formats to such customers, consistent with the purpose and principles set out in the *Accessible Canada Act*, including that services offered by entities regulated under that Act are to take into account, among other things, the disabilities of persons.
59. With respect to PIAC-NPF's submission regarding customers who may not be comfortable using the Internet or paying bills online, the Commission acknowledges TCI's submission that customers have other options for paying bills, including through pre-authorized payment or at a bank branch. Regarding senior citizens, the Commission acknowledges TCI's submission that seniors are increasingly accessing bills online; that they have options, as any other consumer does, since there are WSPs in the market that offer paper billing; and that a growing majority of seniors are becoming digitally literate.
60. The Commission notes that some individuals who were Koodo customers prior to the transition to e-billing as a default in 2015 may not have chosen Koodo if they were not comfortable with e-billing. The Commission considers that customers who would not be comfortable with e-billing may not yet have activated their self-serve accounts. The Commission also considers that some customers may have activated their self-serve accounts for reasons other than to receive online bills. For instance, the self-serve account can be used for various account management functions, including viewing usage, changing plans, and updating personal information. Accordingly, it would be reasonable for Koodo to continue its current practice of offering these customers paper bills for as long as their self-serve accounts are not activated.
61. The Commission also considers that, consistent with the principles of the Wireless Code, it is important for Koodo to continue to advise new customers at the time of service activation that paper bills are not available.

**Conclusion**

62. The Commission is of the view that PIAC-NPF did not demonstrate, on the record of this proceeding, that there is a need to impose a condition of service pursuant to section 24 of the Act with respect to the provision of paper billing. Further, the rationale provided by PIAC-NPF was generally targeted to Koodo and thus, the record was limited. The Commission therefore considers that the record of the proceeding cannot support the imposition of a regulatory obligation on all WSPs.
63. In light of the above, the Commission **denies** PIAC-NPF's request. However, the Commission expects Koodo to continue to offer paper bills to all existing customers who have not yet activated their self-serve accounts, and to continue to advise new customers at the time of service activation that paper bills are not available. In addition, the Commission encourages Koodo to consider offering bills in alternative formats for people with other identified needs, such as cognitive disabilities.

**Should the Commission initiate further process or gather more information on the issue of paper billing?**

64. As noted above, PIAC-NPF did not demonstrate on the record of this proceeding that there is a need for the Commission to impose a general condition of service requiring WSPs to provide paper bills upon request. However, the Commission notes that it has received complaints from customers of TSPs, including WSPs, regarding paper bills. Further, the Commission notes that PIAC-NPF raised concerns about the need for vulnerable consumers to have access to paper bills, including senior citizens and customers who may have difficulties paying bills online.
65. In addition, the Commission notes that it has addressed issues with respect to billing in similar ways for both telecommunications and broadcasting services. In fact, both section 27.2 of the *Telecommunications Act* and section 34.1 of the *Broadcasting Act* set out similar prohibitions against charging for bills. Therefore, it would be appropriate for the scope any further process to include both telecommunications and broadcasting services.
66. The issues described above may be a sign that there are wider concerns with paper billing in general; however, the Commission does not have information regarding the practices of other communications service providers aside from Koodo.
67. Accordingly, the Commission considers that it would be appropriate to initiate further process, in the form of a notice of consultation, to address the issue of paper billing.
68. In light of the above, the Commission is today issuing Broadcasting and Telecom Notice of Consultation 2020-81 to address (i) whether Commission intervention is appropriate and warranted on the matter of the paper billing practices of TSPs and broadcasting distribution undertakings; (ii) what measures, if any, the Commission should impose with respect to paper billing practices; and (iii) to whom any new obligations should apply.

Secretary General

## Related documents

- *Call for comments – Provision of paper bills by communications service providers*, Broadcasting and Telecom Notice of Consultation CRTC 2020-81, 3 March 2020
- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017
- *Framework for assessing the differential pricing practices of Internet service providers*, Telecom Regulatory Policy CRTC 2017-104, 20 April 2017
- *The Wireless Code*, Telecom Regulatory Policy CRTC 2013-271, 3 June 2013
- *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, 8 March 2002
- *Alternative formats for a person who is blind*, Order CRTC 2001-690, 31 August 2001