

# **Project Research Team**

## **Members of the Project Research Team**

**The PIAC project research team consists of the following members:**

**Michael Janigan  
John Lawford  
Michael Buonaguro  
Janet Lo  
Michael De Santis  
Eden Maher**

Summaries of the project research team biographies are included in this Appendix. In general terms, the organization attempts to match the expertise of the project research team with the demands of the individual project. To provide some greater detail concerning the qualifications and experience of the project research team, we have including the following discussion organized into subject areas and the degree of organizational involvement. We have not included the considerable experience of members of the Project Research Team in participating in government and consultations, task forces, and formal decision-making structures.

**It is also important to note that PIAC also obtains temporary assistance from a variety of sources arising because of its unique status as public interest law and consumer centre. PIAC offers an internship course option through the Faculty of Law of the University of Ottawa, and a directed research study course through the Faculty of Law of the University of Ottawa. A local law firm has a summer internship program places a third year law student with us for six weeks during the summer and PIAC has hired one or two summer law students who are often engaged with tasks associated with these projects.**

## **Principal Areas of Experience**

The members of the project research team have had direct experience either as legal counsel, or principal research and writing contributors to the following proceedings, studies, reports, presentations and projects. With respect to ongoing legal work associated with public utilities, the work described herein is not exhaustive of our involvement. We have attempted to

set out those proceedings where the representation associated with the research, interrogatories and submissions including expert evidence, oral or written participation and final argument have some potential direct relevance to the kinds of skills required to execute proposals made under this program. In other words, this work had potentially direct consumer impact.

## **Regulatory Advocacy and Representation**

**Members of the project team have extensive experience in the following issues as a result of participation in hundreds of regulatory proceedings participation:**

### **Telecommunications**

- (i) rate-setting including “just and reasonable rates” in both cost of service and performance based rate-setting
- (ii) components of performance based rates including price cap design and implementation
- (iii) access to telecom networks, including is of disconnection, affordability, lifeline, bill payment, bill management tools and security deposits
- (iv) quality of service including standards and methods of enforcement
- (v) Reasonable return on equity and standards of measurement
- (vi) Consumer rights in telephone service, contractual obligations, dispute resolution, privacy and enforcement of consumer rights
- (vii) Standards for assessment of workable competitive markets and when forbearance may be permitted including market dominance, definition of market and acceptable substitutes
- (viii) Design of rules required to assist in the establishment of competition including incumbent restrictions
- (ix) Resolution of stakeholder disputes concerning access to bottleneck services and transfer of subscribers
- (x) Rural and remote access to telephony and broadband
- (xi) Classification of essential services required to sustain competition
- (xii) Universal service obligations including the definition of basic service in a broadband world.
- (xiii) Foreign ownership requirements
- (xiv) Framework for delivery of internet services including ISP obligations to resellers and retail customers and issues of net neutrality

## Energy

- (i) Rate-setting including “just and reasonable rates” in both cost of service and performance based rate-setting
- (ii) Components of performance based rates including price cap design and implementation including treatment of exogenous factors
- (iii) Conservation and Demand Programs in energy and electricity including low income conservation programs
- (iv) Licensing rules and standards for retailing energy products and services including rules for representations, length of contracts and cooling off periods
- (v) Standard supply conditions for electricity and natural gas
- (vi) Consumer Access to energy networks including security deposits, bill payment arrears, and special rates
- (vii) Treatment of Affiliates and cost allocation of inter corporate transactions
- (viii) Special rates for generators or large customers
- (ix) Forbearance from regulation including market dominance, size of market, presence of substitutes and workable competition.
- (x) Code making vs. traditional quasi-judicial hearing for utility regulation
- (xi) Restructuring and Unbundling in electricity and natural gas including arrangements for billing, function and cost of independent system operator, enforcement of customer obligations from new entrants and supplier of last resort
- (xii) Effectiveness of Utility Risk Management vs. market based approach
- (xiii) Incentives to Utilities to lower consumption including Lost Revenue Adjustment Mechanism
- (xiv) Cost allocation including cost causality analyses in natural gas and electricity and rate recovery on volumetric and individual customer charge bases.
- (xv) Long term resource planning with environmental impacts
- (xvi) System expansion policies including public interest target present value of expansion
- (xvii) The setting of cost of capital including the components and formula based arrangements

## **Broadcasting**

- (i) review and formulation of broadcasting distribution rules
- (ii) licensing of pay per view services
- (iii) licensing of cable distribution undertakings
- (iv) community broadcasting

## **Transportation**

- (i) Consideration of subsidies or effect on subsidies
- (ii) Reasonable airline fares pursuant to the *Canada Transportation Act*
- (iii) Customer service quality complaints

## SECTION A

### **Research Experience: Studies, Reports, Presentations**

We have set out below an incomplete but still reasonably comprehensive list of relevant reports, briefs and studies together with a short description of their content that relates to the principal areas of experience of the Research Project Team. In this section, the Project Research team members made a major contribution to the research report, brief or study or undertook the work on their own.

#### **Communications, Telecommunications and Broadcasting**

*Canadian Consumers and the Fight for Net Neutrality* (2009) – A study of the issues surrounding the control and management of internet services by providers. The study examines consumer attitudes, regulatory developments, existing principles and provides a description of internet design. The report gives recommendations for future policy reform to assist users.

*Is Broadband Basic Service* (2010) - A review of the current universal service obligations of telecommunications networks in Canada and globally in light of technological developments including the increasing importance of broadband. The report will make recommendations concerning the potential inclusion of broadband in basic service.

*The Consumer Brief for Telecom Reform* (2010) – A study of the changes required to existing legislation to advance access and affordability goals of consumers in the current telecommunications environment.

*Fee For Carriage - BDU Regulation II* (2008) - This project required the preparation of interventions in CRTC proceedings on behalf of ordinary consumers of broadcasting distribution services (BDUs) dealing with the proposal of current over the air broadcasters in obtaining fees for carriage of their stations by cable and satellite operators.

*Representing the Consumer in Broadcasting* (2008) - Interventions prepared on behalf of ordinary consumers in CRTC proceedings which set out the consumer request for a minimal regulated basic service for all BDU providers together with implementation of an ombudsman for BDU offerings.

*The Canadian Consumer Initiative - The Consumer Bill of Rights in Telecommunications Sector* (2008) - Consumer rights in telecom were codified into a Bill of Rights issued by the CRTC two years ago. Unfortunately this coincided with a government policy direction to avoid regulation and the deregulation of local telephone services in most local markets. However, the Consumer Bill of Rights (CBOR) remains relevant as a guiding document for industry self-regulation through the Commissioner for Complaints for Telecommunications Services (CCTS) and as a possible model for a proposed Wireless Services self-regulatory code.

*Mobile Commerce: Making it Work For Canadians* (2007) - This report focuses on use of mobile phones for Internet commercial transactions and point of sale (POS) mobile payments or m-Commerce, as the fastest growing area of e-Commerce. It does not limit itself to the state of m-commerce in Canada exclusively. In order to obtain a close reliable picture of how Canadian consumers fare in the context of m-Commerce, intensive use of international available data has been made. Due to the inherently global nature of the mobile Internet, cross-reference with mobile telecommunications indicators in the context of the OECD, and even some emerging economies, were imperative to properly assess what Canadian mobile Internet consumers should expect in terms of affordability, availability and quality, and where do they stand with respect to the industry.

*The Consumer Interest in VoIP* (2006) - An analysis of the current and future deployment of Voice over Internet Protocol technology including impacts upon local telephony and advanced services. The report examines the different models of VoIP currently in the market, the benefits and risks these services present to consumers and considers the migration of residential telephone service from circuit-switched service to new VoIP services.

*The Consumer Interest In Wireless Local Number Portability* (2005) - An examination of the merits of implementation of number portability requirements for Canada's wireless industry. The study reviews the likely effect upon the competitive market with international examples.

*A Telecommunications Ombudsman for Canada* (2005) - A study of the merits of implementation of an ombudsman for resolution of consumer complaints in telecommunications.

*Telecommunications Review Panel Consumer Brief (2005)* - Consumer and Public Interest submissions response to issues for which consultation was sought by TRP panel and public presentation. The submissions discussed regulatory models and objectives including competition, access, quality of service and dispute resolution issues.

*Consumer Issues with Internet Service: Is Industry Self-Regulation Working?* (2004) - A study of price, competition, dispute resolution and quality issues associated with the provision of Internet service in Canada

*The Dash for Cash: Post-Competition Rate Maneuvering By Local Telephone Companies In Canada* (1994) - A look at the strategy and tactics of Canada's ILECs in attempting to increase their revenue requirement before the onset of PBR and competition.

## **E-commerce**

*Are You Sure You Want to Continue? Consumer Authentication at the Crossroads* (2008) - This project revealed the need to update Canada's Principles of Electronic Authentication to take account of advances in electronic commerce and especially novel threats such as phishing.

*Making Mobile E-Commerce Safe for Consumers* (2007) - PIAC studied the current and potential uses of mobile communication devices, including wireless phones, digital assistants and pocket PCs with a view to identifying the potential threats to privacy, economic and network security of the users. The study canvassed the state of consumer awareness and market information concerning such threats, and the extent of the current and potential problems. The study suggested appropriate remedial measures that included increased consumer awareness and education, and regulatory action to prevent abuses.

## **Privacy**

*A Do Not Track List For Canada* (2009) - This study profiles online behavioural targeted advertising, consumer tracking and profiling and explores whether an effective privacy countermeasure would be a "Do Not Track List" to prohibit unwanted Internet- or mobile-based advertisements based on the popular telephone telemarketing Do Not Call List.

*All in the Data Family? Databases, Children and Profiling* (2008) - Children's popular websites are examined to determine if their business models, which rely heavily upon information-gathering, are compliant with PIPEDA and other provincial privacy legislation. The report concludes that playsites and social networking sites rely upon the "consent" of the teens and children using their sites to justify their profiling of these youngsters. The report concludes that PIPEDA and substantially similar privacy legislation should be amended to include specific rules for consent to information use by online services targeted to, or massively used by, children and teens.

*Identity Theft Insurance – Miserly Upon Misery* (2007) - This report examines the nascent identity theft insurance market and related consumer service of "credit monitoring". The report concludes that the present product offerings of both identity theft insurance and credit monitoring are flawed in

that a major component of each is already provided free to consumers who are aware of it.

*National Identity Cards, Biometrics and the Consumer: Displacing the Personal from the Person* (2007) - As Canada continues to bolster national security post September 11th, and consumer commerce becomes increasingly jeopardized by identity theft, a National Identity Card scheme has been discussed as a potential solution. However, critics charge that National Identity Cards could turn into “de facto internal passports” which would be required to access almost all government or business services. Additionally, this new Card could lead to serious breaches to personal privacy. First, this report focuses on the security solutions offered by a National Identity Card, in terms of (a) National Security, (b) Identity Theft. Second, the privacy implications of a National Identity Card program will be identified, including a discussion of the effect of The Personal Information Protection and Electronic Documents Act (PIPEDA) in enabling infringement of personal privacy in the context of a National Identity Card scheme.

*Spyware: Looking Out for Consumers* (2007) - Spyware is essentially software that limits users’ control over their computers, and often is installed surreptitiously.

This report makes recommendations for a multi-faceted approach to controlling spyware that includes regulation of certain aspects of spyware. This report is a call to action on the part of consumers, governments and industry to work together to ensure consumers’ computers remain useful and unpolluted.

*Radio Frequency Identification (RFID) and Privacy: Shopping Into Surveillance* (2006) - Radio Frequency Identification (RFID) is a technology that allows people and objects to be identified and tracked via a radio frequency signal. This report looks at privacy issues surrounding the likely use of RFID by major retailers, and suggests limits to these systems consistent with present privacy laws, as well as comments on whether the present privacy law regimes adequately protect consumers from retail surveillance. As this is a new technology, the report will seek to define the new technology, and to

report on its applications and likely applications thus far as well as to report on consumer attitudes to the technology.

*Consumer Privacy and State Security: Losing Our Balance* (2004)

This project reviews and assesses current government initiatives in Canada to improve state security, in relation to consumer privacy rights and values as expressed in Canadian law and by Canadians in market research.

*Consumer Privacy Under the PIPED ACT: How are We Doing?* (2004) This report assesses the efficacy to date of the federal *Personal Information Protection and Electronic Documents Act* (PIPEDA), and identifies significant gaps and grey areas in the data protection regime, from the consumer perspective.

## **Energy**

*Where Should the Green Choices Be Made* (2006) - This PIAC report endorses the “portfolio standard” requiring public and private retailers of energy including local distribution companies, ensure a target percentage of their electricity sold can be replaced by natural processes such as sunshine, wind, flowing water, biological processes or geothermal heat flow.

The PIAC report also suggests voluntary approaches such as green marketing will not have a enough impact to produce the desired results.

The report examines approaches to encouraging the development and use of renewable energy in North American jurisdictions including details concerning the minimum renewable requirements in a number of American states.

*Letting Everyone Help: Removing Barriers to Consumer Participation In Energy Conservation* (2006) - This PIAC report describes programs that address the energy needs of disadvantaged groups; such needs that may, if not remedied impair their ability to participate in conservation programs. These include emergency programs, energy bill assistance, and consumer protection measures. Emergency programs address particular crises, chiefly financial that may result in the disconnection of customers from the network. Energy Bill assistance programs attempt to remedy systemic financial ability to pay energy bills from meager household income. Consumer protection programs cover a wide variety of programs from

protection of customers from disconnection in winter to implementation of higher efficiency standards for housing or electrical appliances.

The report principally concentrates on programs associated with enabling conservation efforts on the part of utility customers who would otherwise be unable to do so. The measures described include those offered in the United Kingdom, the United States and Canada. In the United States, there are four major mechanisms for addressing the removal of barriers. These are Low Income Home Energy Assistance Program (LIHEAP), Weatherization Assistance Program (WAP), System Benefits Funds, or Utility financing. The conservation and weatherization services funded by these programs generally involve common sense measures that are made accessible to program participants. These measures include energy audits, fuel switching including hot water conversion, insulation for attics, compact fluorescent lighting, energy efficient refrigerators, energy efficient furnaces, water heater blankets, weather-stripping, caulking, and repairs to reduce air infiltration.

The report also describes efforts to extend low income conservation programs to disadvantaged customers in various Canadian provinces. In Quebec, Equiterre carries out audits and follow up refits and education of customers which have achieved estimated savings in aggregate that are double the cost of the program. As well, the expenditures have been shown to produce job growth at a higher rate than power generation projects.

*Making Energy Conservation Work for All - Helping Low Income Consumers In the Energy Market (2005)* - A study of programs in both the Canadian and in the US and U.K. to promote use of conservation techniques by groups with income and other barriers to participation.

*Electricity Restructuring: Strategies That Work (2002)* - A study of the restructuring of the electricity industry in Canada and in US and Commonwealth countries including results and lessons to date.

*Energy In Canada - Taking the Market Temperature (2001)* – A comprehensive round-up of the state of utility markets and the existing pricing and conditions in Canadian natural gas, electricity and oil heating markets

*Keeping the Lights On: Maintaining Universal Access to Electricity* (2000) - The study examines the likely impact of electricity restructuring on rates and affordability and discusses potential remedies.

*Standard Offer by Utilities: Making Competition Work for All* (1999) - A study of the importance of ensuring the provision of a reasonable cost based rate for utility services as providers of last resort and how the standard offer can be made to fit with the competitive environment.

*Deregulation of the Canadian Gas Market - Are We Ready for the Next Steps?* (1998) - A review of the restructuring of the Canadian natural gas market and its impact on consumers. The study also examines possible future developments.

*Competition In Natural Gas & Efficiency in the Market* (1993) - A study of the effect of the deregulation of commodity in the natural gas retail market.

## **Banking, Financial Services, Consumer Credit**

*Holding the Purse Strings: Regulating Financial Planners* (2009) - The largely unregulated “financial planner” designation and consumer interactions with persons holding out this expertise is examined in this study, which includes focus groups with financial planners and their customers. The question of whether this area of expertise should be regulated and how, whether via self-regulatory mechanisms or provincial or federal legislation, is examined.

*Credit Cards and Access To Credit in the Digital Marketplace* (2009) - In the context of the recent increase in the levels of personal debt carried by Canadians, little attention has been paid to the barriers that a substantial number of consumers face in their efforts to access the electronic marketplace and engage in transaction for important services such as online retail, car rentals, travel reservations and transportation in general, hospitality, government services, and most other services. In the current information economy, plastic credit has become, more than a financial convenience item, a sort of credential or ‘passport’ that enables consumers to be validated to perform economic and commercial transactions in a more efficient and convenient manner. Not having access to a credit card, entails higher overall costs for those consumers who have no credit history and must resort to alternative sources of financing. These consumers are, in their

vast majority young adults and newcomers who are in need to swiftly integrate and participate in the economy. Increased difficulties to access credit card use may create inefficiencies that are exploited by high interest lenders through mechanisms such as pay day loans and fringe lending, whose interest rates are adjusted to the risk posed by loans made to consumers with damaged credit.

*Not Ready for Prime Time: Canadians In the Sub-Prime, High-interest Lending* (2008) - A view into the field of high-interest lending which includes sub-prime mortgages and payday loans. It used focus groups in Edmonton, Toronto and Vancouver to gain a view into the experiences of a group of high-interest financial products users who had to resort to this kind of credit due to past financial problems or blemished credit ratings. Somewhat surprisingly, one of the chief credit problems for these focus groups participants arose with student loans, particularly when the education for which it was undertaken was not finished. The report sets out concerns that, through financial vehicles such as securitization, risks of default appear to be increasingly transferred to investors and borrower households, possibly without their full understanding of the same, that could lead to conditions for distribution of inefficiencies through the economic system. The report makes specific recommendations for early consumer education, and stresses the need for institutional and contractual transparency along with action to increase consumer awareness of the consequences of high cost transactions. It suggests that each province should review lending practices and control interest rates through public hearings to accord with the intent of the federal government reform to decriminalize usury in these transactions, but also with a view to protect the interests of users from onerous and abusive terms.

*Income Trust - A Challenge for Regulators* (2007) - A study of the consumer and public interest implications for the use of Income Trusts particularly in the field of public utilities

*Credit Counseling* – A study of existing regulation and practices associated with the operation of credit counseling in Canada

*The Identity Theft Industry - Good for Consumers?* (2006) - This report examines the nascent identity theft insurance market and related consumer service of “credit monitoring”. The report concludes that the present product offerings of both identity theft insurance and credit monitoring are flawed in that a major component of each is already provided free to consumers who are aware of it.

*Bank Mergers and the Public Interest (2005)* - This report looks at the rules and legislation that govern mergers of large Canadian banks from the consumer point of view and assesses how large bank mergers would likely affect consumers in relation to issues of access, choice and price of banking services. Large bank mergers are permitted in Canada, subject to a series of reviews, with final approval by the Minister of Finance, but none have been approved in recent years.

This report was prompted by a public review, initiated in 2002 by the federal government, of some of the policies that govern bank mergers. The purpose of the review was to look at the public interest implications of large bank mergers and determine what public interest considerations should be taken into account by the Minister of Finance in making a decision concerning a bank merger proposal. Despite the subject matter of this consultation there was minimal representation from the general public or consumers to the legislative committees that were tasked with this matter in contrast to significant representation and input by banks.

*Consumers & Identity Theft (2005)* - Policy position paper on identity theft prepared for the Canadian Consumers Initiative

## **Transportation**

Brief to Transport Canada hours for truckers safety concerns 2002

## **General Consumer Protection, Competition, Regulatory Issues, and Statutory Reform**

*Practice of Extra Charges In the Canadian Consumers (2009)* - This study describes the practice of charges, in addition to government taxes, levied by providers of goods and services. These charges are separated out as a particular pass-through expense of the provider, particular to the transaction but are really part of the cost of doing business. “System access fees”, “account opening fees” etc are examples of this practice. The report looks at three industries where this practice is prevalent and makes recommendations to promote more consumer friendly practice.

*Consumer Perspective Trade & Commerce Powers Research (2009)* - This study examines the federal trade and commerce power and its potential

application to the removal of inter-provincial trade barriers. The study analyzes the consumer interest in the same.

*Net Neutrality - What It Means for Canadian Consumers* (2009) - This research looks at the thorny issue of “net neutrality” from the consumer’s point-of-view, that is, what exactly does net neutrality mean to consumers? This research goes in-depth in consumer experiences with common manifestations of net neutrality issues such as traffic shaping and throttling, access-tiring, site banning, etc.

*Consumer Protection in Canada and the European Union: A Comparison* (2009) - This study takes the basic document setting out consumer rights in the European Union and compares them to Canadian federal provincial equivalents. These include market conditions for consumer basic services as well as right and remedies. The report makes recommendations for reform in the many areas where Canada’s protections lag their European counterparts.

*Canadian Consumer Initiative (CCI) Consumer Interest in Copyright Reform* (2009) - This joint initiative with 5 other consumer groups forming the Canadian Consumer Initiative was active in the debate over copyright reform and the most recent legislative attempts to encapsulate that reform, Bill C-61. The CCI was instrumental in presenting the consumer point of view to politicians and policymakers, leading to delay in introducing the legislation and fuller debate on a series of basic consumer principles of fair dealing when the bill finally was introduced.

*Competition Policy Review Panel Report* (2008) – A brief compiled on behalf of consumers with respect to changes to the Act contemplated by Bill C-19 as well as suggestions for further reform particularly with respect to the mergers efficiencies defense.

*The Use of Administrative Monetary Penalties in Consumer Protection* (2007) - An examination of the utility of administrative monetary penalties in deterring market misconduct in the Competition Act and elsewhere.

*The ATCO Case - Did the Supreme Court of Canada Alter the Regulatory Compact?* (2007) - The ATCO case may have major implications on the rights of regulated utility consumers in relation to the assets of the regulated utility. This study examines the potential implications of the 2006 SCC decision.

*The Consumer Interest In the World Summit on the Information Society* (2006) – This study provided the consumer position on issues of concern at the summit including access to ICTs, issues of trust and privacy in ICT development and service, copyright and censorship issues

*Bill C-19 Competition Act Amendments* (2006) – The study provides a consumer view of the provisions of Bill C-19 amending the Competition Act dealing with issues included decriminalization of misleading advertising and strengthening the Commissioner’s powers

*Peer-to-Peer* (joint with Union) (2005) - This report examines the phenomenon of “peer-to-peer” (P2P) filesharing of music files over the Internet. The report details the case law and legislative developments in copyright law driven by P2P in both the U.S. and Canada. The report also details a study of Canadian consumer attitudes to P2P. The report concludes with an analysis of the rise of commercial music download services and attributes their business model wholly to the consumer expectations created by P2P applications. The report closes with a list of suggested consumer protections for operators of download services to preserve the consumer gains to the music distribution model wrought by P2P and to avoid a flight of consumers to future P2P services.

*Radio Frequency Identification Tags: Shopping into Surveillance* (2005) - Radio Frequency Identification (RFID) is a technology that allows people and objects to be identified and tracked via a radio frequency signal. These reports looks at privacy issues surrounding the proposed use of RFID by major retailers, and suggest limits to these systems consistent with present privacy laws, as well as comment on whether the present privacy law regimes adequately protect consumers from retail surveillance.

*Biometrics, National Identity Cards and Consumers* (2005) - This report focuses on the security solutions offered by a National Identity Card, in terms of (a) National Security, (b) Identity Theft. Second, the privacy implications of a National Identity Card program will be identified, including a discussion of the effect of *The Personal Information Protection and Electronic Documents Act (PIPEDA)* in enabling infringement of personal privacy in the context of a National Identity Card scheme.

*Consumer Issues In Electronic Contracting* (2005) - The study examines the current legal framework associated with transactions in the electronic environment. It recommends a pro-active consumer friendly legal framework that has been established by the European Commission, recognizing the unique legal challenges faced by consumers contracting in an electronic environment. This report concludes with several recommendations for consumer protection measures in e-commerce that will go far in leveling the playing field and providing consumers with increased “e-confidence” in doing business online.

*Should Consumers Trust Trusted Computing?* (2005) - The Trusted Computing Group (TCG), a consortium of hardware manufacturers, software developers and system integrators, are developing security solutions based on hardware chips and secure software. The hope is that this approach, referred to as Trusted Computing, will provide a higher level of computer security. This study examines the approach giving the consumer perspective including the drawbacks.

*Smart Regulation I, II, and III: The Consumer Interest* (2004) (2005) (2006) - These projects provided studies and briefs setting out the consumer position on issues associated with regulatory reform, including the necessity to ensure that objectives of citizen economic, environmental and health protection are maintained and enhanced. A consumer regulatory brief prepared in 2006 looks at the regulatory reform experience in other jurisdictions.

*Market Dominance in Competitive Utility Industries: A Comparative Analysis of Regulatory Responses* (2003) - A study of approaches of national and international regulators to the existence of market dominance by a utility incumbent.

*Competition Policy, Consumers and the Multi-Lateral Trading System* (2000) – A study of the consumer issues in play in the context of multi-lateral trade agreements and in particular the current round of WTO negotiations. The study attempts to make the WTO process relevant for consumers.

*Consumer Issues in Accurate and Fair Metering* (2000) – A consumer brief prepared for Measurement Canada- An examination of the consumer issues

associated with the metering of electricity, particularly at the outset of the restructuring of the electricity industry.

*Improving Consumer Remedies Under the Competition Act (1996)* - A report on current Competition Bureau to amend the Competition Act together with proposed amendments from the consumer perspective.

*Consumer Coalitions a Case Study (1996)* - A study of the nature and effectiveness of selected coalitions of consumer groups on topical issues. The study makes recommendations on how best to build consumer coalitions.

*Proposed Regulatory Efficiency Act (Bill C-62 Are We Ready) (1996)* – A study of the government’s attempt provide a regulatory reform framework for government regulation. In particular the report examines the threat of the Bill to democratic accountability and proposes amendments to achieve policy objectives.

*Citizen Utility Boards for Canada CUBS (1996)* – A study of the effectiveness of Citizen Utility Boards in the United States and their potential effectiveness in Canada with special reference to the Canadian Cable industry.

*Enforcement of Consumer Protection Laws: Changing the Guards (1995)* – While governments have fewer resources to protect consumers, the problems of marketplace misconduct grow. This study makes recommendations for an overhaul of the way laws are enforced to protect consumers including proposals involving unit labeling and manufacture label information

*Misleading Advertising (1992)* - A study of the effectiveness of the current federal provisions concerning misleading advertising and proposals for their decriminalization and increased effectiveness.

*Home Equity Conversion (1992)* - A study reviewing the merits of home equity conversion or “reverse mortgages” from the consumer standpoint.

## **SECTION B**

### **Secondary Experience**

The following attempts to document secondary experience obtained by the project team through involvement in a minor capacity as legal counsel, contributor or editor in the proceedings, studies and reports listed below:

#### **Telecommunications Proceedings**

- (i) Identification and design of high cost serving areas and the extent of the subsidy
- (ii) Costing of regulated telco services and

#### **Telecommunications Studies and Reports**

*Competition in telecommunications at the 10-year mark: how have consumers fared?* (2003) - An analysis of the impacts on service and pricing in telephony for ordinary consumers ten years after the introduction of competition in long distance.

*Canadian Communications Competition Review* (2000) - The report describes and analyses the level of competition in key communication services in the areas of broadcasting and telecommunications. A benchmark is provided for government, industry and consumer groups involved in issues relating to communication competition and policy and regulation - which will facilitate the tracking and comparison of changes in competitive market structures and service packages within different market segments.

*Consumer Input in the New Telecommunications Environment: Alternative Procedures and Funding Mechanisms* (1998) - A consideration of funding models for consumer input in telecommunications in a less formal non-hearing environment where less reactive consumer input may be necessary.

*Still a Long Distance to Go: An Evaluation of Competition in the Canadian Long Distance Telecommunications Market at the Five year mark* (1998) - A study of the impacts on service, pricing and dispute resolution for consumers five years after the onset of long distance competition.

*Inappropriateness of Spectrum Auctioning in a Canadian Context* (1997) - The study examines the spectrum management program in Canada, the previous use of the public consultation process with industry and users and how radio communications has evolved through the successful use of the comparative radio licensing process.

*Communications Regulatory Agencies for Canadians* (1998) - The study analyses the role of Canada's regulatory agencies, the CRTC and the Competition Bureau in a competitive communications marketplace. The study examines the institutional abilities to protect consumers.

*Price Caps in Canadian Telecommunications - A Consumer Primer* (1997) - An examination of the components of the price caps model of performance based regulation and how to obtain a consumer friendly design.

*Technological Obsolescence in Telecommunications: Footing the Bill* (1994) - As regulated telcos migrate into an era of competition there remains the issue of assets which are no longer used and useful but were purchased under the "regulatory compact" This study examines a number of solutions.

*The Regulation of Telecommunications In Canada: A Consumer Perspective* (1994) - An overview of the efficacy of regulation of phone services to date and a study of models for the future. The study provides a cautious approach to the future deregulation of telecommunications services and recommends safeguards and principles by which the regulatory regime should be guided

*Technological Change and Competition in the Canadian Telecommunications Industry* (1993) - What do new developments in technology including switching and co-location capacity mean for competition and the choices available to the ordinary consumer.

## **Energy Studies and Reports**

*Where Should the Green Choice Be Made* (2006) - An analysis of Canadian and international efforts to promote renewable energy generation of electricity and a discussion of models.

*Utility Re-connection Services: A New Threat to Vulnerable Consumers?* (2002) – A study of the commercial services that provide the means for customers unable to be connected to public utilities to resume service.

*A Survey of Utility **Cut-Off**, Connection, and Arrears Policies* (2001) - A study of the various policies associated with access to public services such as energy and telecommunications based upon financial issues such as credit and collection.

*A Garland For Consumers: Will the Garland Case Provide Safeguards For Vulnerable Consumers* (2000) - The study examines the impact of the Supreme Court of Canada decision overturning regulator approved provisions on late payment charges as

*Utility Shopping: Are Consumers Ready?* (1999) - A study of consumer attitudes and awareness of issues associated with the retailing of products and services previously provided by a utility monopoly

## **Transportation**

*Foreign Involvement in Air Transport in Canada* (2006) – PIAC brief to Transport Canada concerning the implications of foreign involvement in air transport in Canada.

*Appropriateness of Consumer User Councils in Transport Utilities: Assessment of Airline Policy, Regulation and Related Institutions* (2001) - The study provides a consumer view of the effectiveness of airline policy regulation in Canada and reviews the U.K. experience with Consumer User Councils.

## **E-commerce Studies and Reports**

*Canadian Code of Practice - Electronic Transfer of Funds* (with UC, 2003)

This project recommended improvements to the Code to improve workability, determined the necessary requirements for assessment of vendor compliance with the Code and the extent to which provisions of the Code are reflected in the policies and practices of online retailers in Canada. It also assessed how well the Canadian Code of Practice for Consumer Protection in Electronic Commerce measures up to the expectations of both consumer associations and industry.

*Business Marketing and Consumer Privacy: Where should we draw the line?*(2002) - This study explores Canadians' attitudes on the use of their personal information by businesses for "secondary" purposes such as marketing of new products and services.

## **Privacy Studies and Reports**

*Privacy and Free Enterprise* (1992) updated (1997) - A comprehensive legal manual setting out common law and statutory remedies for breach of privacy and related torts.

## **Banking, Financial Services and Consumer Credit**

*Voluntary Codes and Consumer Protection in the Insurance Industry* (2006)

-This report examines how consumers are protected in their dealings with insurance companies and the intermediaries who sell insurance products in Canada known as insurance agents or brokers. It analyzes the existing regulatory regime and recently adopted voluntary codes and measures in the insurance industry to assess their effectiveness in protecting consumers in their purchase of insurance and dealings with insurance intermediaries

*Bank Mergers and the Public Interest* (2005) - This report looks at the rules and legislation that govern mergers of large Canadian banks from the consumer point of view and assesses how large bank mergers would likely affect consumers in relation to issues of access, choice and price of banking services.

*Credit Reporting: How is Consumers Faring?* (2005) - This report looks at the consumer's experience of credit reporting and credit reporting agencies. Credit reporting agencies are private companies that collect and organize

information about a consumer's credit history and current transactions and then sell it in the form of a consumer report.

*Identity Theft: The Need for Better Consumer Protection* (2003) - A review of the problems posed to consumers by Identity theft and an examination of proposed solutions.

*Pragmatic Solutions to Payday Lending* (2003) - This report outlines several possible options for regulation of the payday loans industry and highlights the advantages and shortcomings of each possible approach.

*Consumers and Banking In Canada: Attitudes, Expectations and Practices* (2002) - This study provides information about how the Canadian public uses bank services and their attitudes about how financial institutions are responding to their needs.

*Consumers and Banking in Canada: Attitudes, Expectations and Practices Part II* (2003) - A further review of consumer attitudes and expectations associated with banking services building upon Part I

*Preying On The Poor: Fringe Lending and Alternative Banking* (2002) - This report examines the recent growth of the alternative financial sector or "AFS". Specifically it looks at the current state of the alternative financial services industry and some of its key characteristics. The report also describes findings from a household survey of users of the AFS and the results of focus group discussions undertaken for this report. The report analyses key findings from the survey in light of options for regulatory and legislative responses to the industry and offers recommendations for policy makers.

*Consumer Reporting and Privacy* (2000) - A review of consumer credit reporting and the standards associated with privacy and accuracy of data under existing federal and provincial legislation with recommendations for improvements for consumer protection.

*Banking In Rural Canada: Ensuring that Rural Canadians Have Adequate Service* (2000) - This report examines the situation of rural bank customers and the real possibility that they may experience banking service downgrades and/or elimination in the future. The report documents the problems and makes recommendations on how to solve it.

*Unfit to be Tied: Tied Selling in the Financial Service Market* (1999) - An examination of current practices involving tied selling of products in the financial services market and recommendations concerning possible reform.

*Banking on Consumer Power - Organizing Consumer Bank Coalitions* (1998) - The study explores consumer concerns regarding the banking industry with the goal of identifying future targets for consumer organization and advocacy. The study analyzes the policy response to the situation of consumers

*Canadian Deposit Insurance* (1996) - An examination of the consumer interest in the provisions of Canadian Deposit Insurance and in funding protection above current limits.

### **General Consumer Protection, Competition, Regulatory Issues, and Statutory Reform - Studies and Reports**

*Copyright and Consumers Part II* (2006) - This report studies the effect on consumers of the reform of the *Copyright Act*, in relation to the following topics: digital rights management and emerging technologies, the private copying regime and collective rights management, the term of copyright protection, and new developments in copyright.

*Mandatory Arbitration in Consumer Contracts* (2004) - The study reviewed the law in Canada regarding mandatory arbitration in consumer contracts, comparing the consumer protections available under arbitration vs. the court system, and the approach taken in other jurisdictions. It makes recommendations for law reform as appropriate.

*Corporate Retaliation Against Consumers: The Use of Defamation* (2004) - This report examines the phenomenon of Strategic Lawsuits Against Public Participation (SLAPPs) in Canada. SLAPPs are lawsuits or the threat of a lawsuit, directed against consumers or individual citizens when they publicly criticize products or services or advocate for change. The lawsuit usually takes the form of an action for defamation.

*The Consumer's View of Copyright* (2003) - This report examines the relationship between copyright and consumers in light of current federal government initiatives to amend the Copyright Act. Specifically, the report looks at the submissions made by individual members of the public to the federal government under the copyright reform consultation, which began in

2001. The report also focuses on the changing context for copyright created by the digital era and its effect both on the relationship between consumers and copyrighted works and between consumers and owners of copyrighted works.

*Consumer Input Into the National Commercial Law Strategy* (2002) - PIAC work that provided input to the NCLS on issues such as reciprocity in enforcement of judgments.

*Implications of Foreign Ownership for Consumers* (2001) -This project develops criteria which could be used to assess the impact foreign ownership of Canadian utilities and other services has, or would have, for Canadian consumers, to develop a framework suitable to assess these implications and to establish a series of evaluative questions or tools to act as a guideline in overall evaluation of consumer interests.

*The WTO Without Tears: Measuring How Trade Agreements Affect Consumers* (2001) - A study setting out a conceptual framework for measuring the impact of multilateral trade agreements on consumers.

*Alternatives to Government Funding for NGO's Expanding the use of Cost Award Power* (1996) - A study of the use of cost award power in tribunals and courts and the implications of the use of such models to assist in consumer protection and representation.

*Consumer Advocacy Manual* (1992) - A guide to citizen advocacy intended for groups wishing to have a say in government policy, legislative reform and regulatory decisions.

*Ontario New Consumer Protection Law* (1992) – A discussion of Ontario's proposed consumer protection law amendments including consumer remedies.

## SECTION C

### Organizational Experience

The following work was carried out by the organization outside of significant involvement of the project team but informs the current organizational capacity.

#### Telecommunications

*The Dual Digital Divide: The Information Highway in Canada* (2000) - An examination of the “have-not” or “non-users” of the Internet with a view to analyzing their needs, attitudes and practices. The study’s interest is in ascertaining why these Canadians will not go on-line.

*St. Christopher’s House Community Urban Community Access Project* (2000) - This research study was conducted during the introduction of publicly accessible computer/Internet terminals as part of the federal government’s Community Access Program (CAP) in an effort to establish the need for computer and, more specifically, Internet access and related skills development.

*Telecommunications Policy for High Cost Areas* (1999) – A study of the needs and possible solutions associated with the provision of telephony in regions of Canada where it is uneconomic to do so.

*Community Networking and Access Initiatives* (1998) - A study of the not for profit public community networking and community based public access initiatives in terms of how these networks and initiatives can meet Canadians’ access and public or not for profit communication needs.

*Local Multipoint Communication Systems - Wave of the Future* (1997) - A study of the LMCS technology and the implications for consumers, particularly for the delivery of broadband communications.

*Criteria for Defining Essential Communications Services* (1997) - An analysis of Canadian communications services that develops a framework for determining essential services with resulting regulatory implications. The report establishes a matrix based on factors related to market supply, user demand and policy/public benefits.

*The Information Super Highway: Will Some Canadians Be Left on the Side of the Road* (1996) – The study examines the kinds of service and capabilities that might be available under different scenarios for the development of the Information Highway and makes recommendations as to the basic and essential services that may be required.

*Local Telephone Service Pricing Options for Canada* (1996) – An analysis of the issues and impacts in play for consumers associated with the introduction of local competition in telephony. These include pricing, service quality and affordability concerns. The study includes a national survey of public attitudes.

*Sharing the Road: Convergence And the Information Highway* (1995) - The study provides the consumer perspective on convergence and the Information Highway. It constructs a model of selective competition necessary to meet Canadians economic, social, and cultural needs.

*Basic Telephone Service in the Information Age: A Consumer Perspective* (1993) - As more services are unbundled and offered as separate components of customer bills, it becomes increasingly difficult to define the basic service a subscriber is entitled to receive. The report sets out the principles for defining basic telephone service and discusses the implications.

*Representing Consumers In New Telephone Environment* (1993) - A study of the new considerations associated with a restructured telcom industry including approach to competition and regulation of incumbent

*Telecommunications Toward 2000: Are Rural Canadians Getting Their Fair Share* (1993) - An analysis of rural telephony, its contribution to network value, costing and cost allocation and rate recovery.

*Subsidizing Telephone Rates: The Potential for Lifeline Programs In Canada* (1992) - Analysis of needs and models to ensure continued access by low-income Canadians to telephony including lifeline or subsidized rates.

## **E-Commerce**

*Implementing Consumer Protection in Electronic Commerce Parts I and Part II* (2002) - Report detailing PIAC activities in promoting consumer protection in Electronic commerce in national and international venues including Consumers International and the Trans Atlantic Consumer Dialogue.

*General International Issues in E Commerce* (2001) - A brief prepared for Consumers International examining the global consumer issues concerning E commerce and resolution of disputes.

*Consumer Issues in Electronic Commerce* (with FNACQ) (1999) - A study of the guiding principles associated with consumer protection required for consumers in electronic commerce. In particular, the study examines situations of market failure and the requirements to level the playing field.

## **Privacy**

*Health Care and Privacy* (with CAC 2002) – A study of consumer attitudes toward critical issues in health privacy including issues of consent to treatment.

*Privacy of Records: Finding the Right Balance* (2001) - The study provides an overview of the current legal situation in Canada with respect to health information privacy, identifying legislative initiatives and key issues. It also summarizes key stakeholder views, highlighting main themes of the controversy in Canada over the development of new rules to protect personal health information.

*Business Usage of Customer Information for Direct Marketing: What the Public Thinks* (2001) - An exploration of Canadian attitudes on the use of their personal information for marketing purposes developed with the assistance of a public survey.

*Making Privacy Policies Work* (2001) - A study of developments in new privacy rules in the form of the CSA Model Code and the best practices for implementation that will make privacy protection meaningful to consumers in the marketplace.

The 1998 Personal Data Protection and Privacy Review (with FNACQ) (1998) - A study assessing the level of awareness and knowledge of privacy laws and codes shown by frontline employees of financial services, retail stores and transportation services. The report makes recommendations on bringing up industries to minimum standards

*Surveying Boundaries: Canadians and their Personal Information* (with FNAQ) (1995) - A report based upon a survey of Canadian consumer attitudes on the protection of personal information. In particular, the report examines the importance of preservation of privacy associated with various information transactions.

### **General Consumer Protection, Competition, Regulatory Issues, and Statutory Reform - Studies and Reports**

*High Hopes and Low Standards! The Life and Times of Airline Travel in Canada* (2001) – An analysis of how existing policy and frameworks protect the interest of airline passengers in Canada.

*Airline Deregulation in Canada: Why It Failed* (1989) - An analysis of the Canadian approach to airline deregulation from the consumer perspective. It suggests alternatives to the current duopoly to better serve consumers without re-regulation.

## **SECTION D**

### **Project Research Team Experience - Retention of Experts and Consultants**

The Project Research Team has extensive experience in the retention of experts and consultants to assist with PIAC's work, both in the completion of its projects and the performance of legal and advocacy functions. PIAC has retained and successfully derived data from most of Canada's major polling organizations including Decima, Ipsos- Reid, Ekos and Pollara. In addition, where necessitated by resource constraints or to add additional expertise, PIAC has not been hesitant in contracting for outside assistance to complete a project. The retainer of Mr. Andrew Briggs in 2004, and Ms. Suzanne Blackwell in 2006 highly respected telecommunications experts to assist with projects in assessing competition experts and the consumer impact of VoIP are but two examples.

In addition, PIAC must frequently retain outside experts to assist in its consumer representation in regulatory proceedings and to present evidence. This is a common occurrence in energy and regulatory proceedings. If the work of the expert is not helpful to the tribunal, PIAC does not recover the expert's cost. PIAC's virtually unblemished success rate in so doing is perhaps the best evidence of its capacity to retain and instruct qualified outside assistance.

**MICHAEL GERARD JANIGAN**  
mjanigan@piac.ca

EDUCATION

B.A. (Science) University of Western Ontario

LL.B. University of Western Ontario

Called to the Degree of Barrister-at-Law and admitted to practice as a solicitor of the Supreme Court of Ontario.

Admitted to the Bar of the State of California,

Certificate in Competition and Communications Law, University of London

L.L.M. (Competition Law), University of London, expected December 2009

WORK EXPERIENCE

March 1992 to	<b>EXECUTIVE DIRECTOR AND GENERAL COUNSEL</b>
Present	Public Interest Advocacy Centre (PIAC)

Responsibilities include the supervision of all legal representation of public interest cases, the overseeing of research publications and law reform proposals, and the day-to-day management of a national organization with individual and group members representing over two million Canadians in issues associated with the delivery of important public services. The Centre's main focus is the regulation of public utilities in the telecommunications, broadcasting, energy, financial services and transportation industries as well as issues associated with banking, privacy, competition, electronic commerce and general consumer protection.

- 2001-2006. OF COUNSEL to Washington D.C. law firm, the Law Office of Scott Hempling
- The Hempling firm provided advice and assistance to a wide range of public utility commissions and consumer advocates across the United States. The former principal is currently the Executive Director of the National Regulatory Research Institute (NRRI).
- 1989 to 1992 CITY AND REGIONAL COUNCILLOR, Dalhousie Ward, City of Ottawa and Regional Municipality of Ottawa-Carleton
- 1989 to 1992 ASSOCIATE in the firm of Beach & Doyle, Barristers & Solicitors, Ottawa
- 1981 to 1989 PARTNER in the firm of Smith-Janigan, Barristers & Solicitors; practice primarily concerned with general litigation with experience in criminal, civil, and matrimonial litigation as well as labour and administrative law.
- 1980 to 1981 ASSOCIATE in the firm of Morrison, Smith, Hollander, Janigan, Barristers & Solicitors

#### PUBLIC AND COMMUNITY SERVICE

Member of the Board of Directors, British Columbia Public Interest Advocacy Centre (PIAC), 1992 to present

Member (Government of Ontario appointee) of the Board of Directors of the Travel Industry Council of Ontario (TICO), 2003 to 2008

Former Member of the Board of Directors of the Great Canadian Theatre Company,

Former Member of the Board of Directors of the Centretown Citizens (Ottawa) Corporation (Non-profit Housing Developer)

Former Member of the Board of Directors of Community Legal Services of Ottawa



## PUBLICATIONS

*The Practice of Extra Charges in the Canadian Marketplace.* (September 2009) PIAC

*The ATCO Case: Did the Supreme Court of Canada Alter the Regulatory Compact?* (June 2007) PIAC

*Smart Regulation: A Consumer Brief* (June 2006) PIAC

*Letting Everyone Help: Removing Barriers to Participation in Energy Conservation,* (March 2006)

*Response to Market Dominance in Newly Competitive Utility Markets* (Fall 2003) PIAC

*Electricity Restructuring: A Consumer Update,* PIAC, 2003,

*Taking the Market Temperature: A Snapshot of Energy Markets in Transition,* PIAC, 2002

*Keeping the Lights On: Maintaining Universal Access to Electricity* (with Karen Miller), ISBN 1-895060-48-6, 2001

*Improving Consumer Remedies under the Competition Act* (fall, 1997)

*CUBs for Canada? Can the Citizen Utility Board Model Organize Canadian Consumers and Will it Work for Cable TV?* ISBN 1-895060-38-9, 1995

*The Dash for Cash - Post Competition Rate Manoeuvring by Local Telephone Companies in Canada* (with Philippa Lawson), ISBN 1-895060-37-0, 1994

*Fairness, Competition and Efficiency in the Ontario Natural Gas Market,* ISBN 1-895060-41-9, 1993

## SELECTED PRESENTATIONS

*Are the Meek Ever Blessed in Regulation? Can Moderation Be Excellence?*  
Canadian Association of Members of Public Utility Tribunals Conference,  
Kelowna May 2007

*Is the Playing Field Level? A Survey of Travel Industry Advertising and  
Competition issues, Travel Law Conference, March 2007, Toronto, Ontario*

Repetition without Admonition: The Struggle Against Regulation, Insight  
Telecommunications Forum, Ottawa, and October 2004

Consumer Affairs in Industry Canada: Retrieving the Baby and Finding a  
New Tub, Industry Canada EX conference, Montebello, P.Q. May 2003

Give Me That Old Time Religion, The Return of Vertical Integration,  
Pacific Telecommunications Council Conference, January 2003, Honolulu,  
Hawaii

Quality of Service Regulation- Preventing Skid Row in the New Utility  
World, Canadian Association of Members of Public Utility Tribunals  
(CAMPUT) Whistler, British Columbia, May 2002.

The Regulation of Public Utilities, An Overview, And Second Regional  
Conference Consumers International: Consumers and Public Utilities in  
Latin America, March 2002. Buenos Aires, Argentina

The Consumer Interest in Measurement, The Canadian Forum on Trade  
Measurement, Vancouver, B.C. 2001

Our Turn at Bat: Can International Trade Agreements Advance the Interests  
of Ordinary Consumers? Pacific Telecommunications Council, PTC 2000  
Conference, January 2000, Honolulu, Hawaii.

Consumer Protection and Electronic Commerce, Committee of Experts, Free  
Trade Area of the Americas (FTAA) June, 1999 Miami, Florida

Can the Competitive Model of Telecommunications Access Deliver the Goods? Pacific Telecommunications Council, PTC'99 Conference, January 1999, Honolulu, Hawaii.

The Impact of Technological Change on Canada's Cultural Industries, Centre for Trade Policy and Law, Conference, October 1997, Ottawa, Ontario published in *The Culture/Trade Quandary, Canada's Policy Options* ISBN C98-901340-5.

Getting The Message Out: Administrative Tribunals and the Public, Canadian Council of Administrative Tribunals Conference, Ottawa, Canada June 1997.

Consumers and Key Performance Indicators: Is There a Formula for Consumer Friendliness? Council for Sustainability Conference: Key Performance Indicators - Charting a Course in Changing Energy Markets: A National Forum, Whistler, Canada, And June 1996.

The Canadian Radio-Television and Telecommunications Commission (CRTC) - Don't Print the Obituary, Insight Conference: The Future of the CRTC, Toronto, Canada, and January 1996.

Competition and Consumers - Winners and Losers, Insight Conference: Information Highway Marketplace - Competing for the Consumer, Toronto, Canada, October 1995.

The Uncertain Future of Universal Access, Law in an Information Age Conference, Faculty of Law, University of Toronto, Canada, January 1995.

Confusion in the Highway: A Telecommunications Consumer Advocate's Dilemma, Keynote Address, Consumers Telecommunications Network Conference, Sydney, Australia, August 1994.

The Ontario Experience with Alternate Dispute Resolution in Regulatory Proceedings - An Intervenor Perspective, B.C. Gas Conference: The Settlement Process in British Columbia, Vancouver, Canada, September 1993.

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EDUCATION

**Queen's University** *1984 - 1990*  
Kingston, Ontario  
LL.B., 1990  
B.A. (ENGLISH), 1<sup>ST</sup> CLASS, 1990

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PROFESSIONAL MEMBERSHIPS

**Law Society of Upper Canada**  
MEMBER IN GOOD STANDING  
CALLED FEBRUARY 1992

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WORK EXPERIENCE

**Public Interest Advocacy Centre** *July 2003 to present*  
Ottawa, Ontario  
RESEARCH LAWYER AND ANALYST  
Legal and policy research, report writing and presentation on variety of consumer issues, including identity theft, privacy, payday lending, telecommunication. Emphasis on consumer privacy, telecommunications and consumer financial transactions.

**Legal Researcher/Consultant** *November 2002 to June 2003*  
Ottawa, Ontario  
SELF-EMPLOYED RESEARCH LAWYER  
Legal research and writing/consulting services offered to a variety of clients. Recently completed project for Office of Critical Infrastructure Protection and Emergency Preparedness reviewing federal-provincial memoranda of understanding on emergency preparedness. Final paper analyzed present MOUs and presented options for updating and change of MOUs, including policy options and legal issues.

**Gowling Lafleur Henderson LLP** *August 2001 to November 2002*  
Ottawa, Ontario  
GENERAL COUNSEL GROUP - RESEARCH LAWYER  
Research and writing in medical malpractice and professional discipline for General Counsel group. Wrote opinion letters, government submissions, legal memoranda, internal legal education materials. Assisted in maintenance of internal online research database. Researched a wide variety of medical-legal and health law questions for use by General Counsel for their work for the Canadian Medical Protective Association. Drafted submissions to Ontario government on *Privacy of Personal Information Act, 2002* and prepared reports on provincial health privacy legislation for the CMPA.

*1999 to August 2001*

**Perley-Robertson, Hill & McDougall LLP**

Ottawa, Ontario

RESEARCH DIRECTOR

In-depth legal research for litigation, corporate and real estate departments. Preparation of legal memoranda, facta, opinion letters and seminar materials. Presented legal updates to lawyers in all departments. Responsible for oversight of articling student research including initial consultation and final review prior to submission to lawyers. Training of articling students in legal writing and legal research. Designed and maintained internal database of legal memoranda.

Assistant Editor, National Trade and Tariff Service (Butterworths), including National Trade and Tariff Reports and Tradewinds newsletter.

**QL Systems Limited (QUICKLAW Inc.)**

Ottawa, Ontario

*1996 to 1998*

WEBMASTER.

All tasks involved in writing, designing and maintaining an Internet World Wide Web site for QL Systems Limited to promote the QUICKLAW on-line service. Included preparing company-wide Internet Use Policy and legal audit of QL Systems Limited web site and Internet use as well as web site hosting agreements.

*1988-1990; 1992 to 1998*

SPECIAL PROJECTS DIRECTOR.

Administer QL's Educational and Judicial programs. The Educational program involves complete creation, marketing and administration of over 15,000 QUICKLAW educational accounts (students', professors' and law librarians') at all Canadian law schools and legal assistant programs. Created and administered on-line contracting procedure. Also oversaw some database management, contracting and liaison with publication editors and authors.

*1990-1991*

**Binks, Simpson**

Ottawa, Ontario

STUDENT-AT-LAW.

Preparation for civil and criminal trials, including drafting of pleadings, conducting client interviews, legal research, title searching; representing clients at small claims court trials and administrative tribunal hearings.

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LANGUAGES

ENGLISH AND FRENCH.

English first language; functional French. Regularly read French materials and can prepare written materials in French. Government of Canada language test scoring: Reading: E; Writing: E; Oral: C.

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### COMPUTER SKILLS

Proficient in use of major legal and news-related on-line search resources, Internet resources, CD-ROM resources. Experienced in database theory, creation and management. Strong working knowledge of both system software and applications in the Windows, MacOS and UN\*X environments.

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### ACTIVITIES

Rowing, fencing, soccer and basketball.

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### REFERENCES

Upon request.

Michael R. Buonaguro B.A. (Hon.) LL.B

[mbuonaguro@piac.ca](mailto:mbuonaguro@piac.ca)

## **EDUCATION**

### **Law Society of Upper Canada**

- Called to the Bar in February, 2002
- Awarded the Osgoode Society for Canadian Legal History Prize for the twenty-five students attaining the highest grades in the Bar Admission Course

### **Osgoode Hall Law School, York University (1997-2000)**

- Graduated with an LL.B. in 2000

### *Queen's University (1993-1997)*

- Graduated in 1997 with an honours degree in philosophy

## **LEGAL WORK EXPERIENCE**

### *Public Interest Advocacy Centre (2006-present) Toronto Legal Counsel*

### *Outerbridge Miller Sefton*

*Associate Lawyer (2002 to 2005)*

*Articling (2000 – 2001)*

Litigation associate and primary legal researcher for the firm, with experience spanning numerous subject areas and jurisdictions for both individuals and large corporate clients.

### *General Experience:*

- legal research
- client interviews, both as junior and lead counsel
- drafting of pleadings, motion material, and factums at all levels of court including the Supreme Court of Canada
- participation in mediation as both junior and lead counsel
- participation at discoveries as both junior and lead counsel
- participation at trial (including participation as a student at a 36 day civil trial) as both a junior and lead counsel
- participation as junior counsel at the Ontario Court of Appeal
- argument at complex contested motions as lead counsel
- representation at several different administrative tribunals

*Areas of Litigation Experience Include:*

**Personal Injury (defence and plaintiff)**

- Acted for both a large natural gas utility and a large retail natural gas services company, both as a junior counsel and as lead counsel with respect to the defence of personal injury, product liability and property claims arising from explosions, natural gas fires and other claims.
- Acted for a number of plaintiffs in personal injury and property damage claims as both junior and lead counsel, including Motor Vehicle Accident Benefit claims, medical malpractice claims, and malicious prosecution and *Charter* claims against the Crown.

**Insurance Litigation**

- Acted as junior counsel with respect to insurance coverage litigation on behalf of insured clients.

**Commercial Litigation**

- Acted as both junior and lead counsel for plaintiffs and defendants in complex commercial disputes including wrongful dismissal, breach of fiduciary duty claims against former employees, breach of contract, and partnership disputes.

**Provincial Offences**

- Acted as junior counsel with respect to the defence of *Technical Standards and Safety Act* offences, *Occupational Health and Safety Act* offences, and environmental offences.

**Professional Disciplinary Proceedings**

- Acted as junior counsel in disciplinary proceedings before the Ontario College of Physicians and Surgeons and the Ontario Securities Commission.

**Estate and Trust Litigation**

- Acted as junior counsel on several estate and trust disputes.

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#### **Other Areas**

- Child protection litigation, extra-provincial litigation (U.S.A., Bermuda), and regulatory compliance assessments (including *Occupational Health and Safety Act*, Ontario Building Code, and *Technical Standards and Safety Act*).

#### **INTERESTS**

- Goaltender in ball hockey (Tier 4 Ontario Provincial Champions) and ice hockey, home computing.

# JANET LO

[jlo@piac.ca](mailto:jlo@piac.ca)

## EDUCATION

University of Ottawa LL.B. (English Common Law Section) 2005 – 2008  
Athabasca University B.A. (Political Economy) 2005 – Present  
pursuing degree by correspondence  
University of Alberta B.Ed. (Secondary, Social Studies and Math) 2005  
graduated with distinction

## LEGAL EXPERIENCE

### ***Public Interest Advocacy Centre (PIAC), Ottawa***

#### **Legal Counsel**

June 2009 - Present

#### **Student-at-Law**

July 2008 - May 2009

- Research and advocacy on behalf of consumers and, in particular, vulnerable consumer interests, on important public services and essential utilities
- Research on telecommunications law, privacy law, competition law, copyright law and consumer protection issues in financial services and transportation
- Drafting submissions to the Canadian Radio-television Telecommunications Commission, Canadian Transport Agency, the Office of the Superintendent of Financial Institutions

### ***Office of the Privacy Commissioner of Canada***

#### **Student Intern**

Feb 2008 - Apr 2008

- Drafted research memo analyzing privacy issues and the application of Canada's privacy laws in virtual worlds, such as Second Life

### ***Canadian Internet Policy and Public Interest Clinic (CIPPIC), University of Ottawa***

#### **Summer Intern**

May 2007 – Apr 2008

#### **Research Assistant**

Oct 2006 – Apr 2007

- Drafted research memos analyzing privacy, copyright, competition, and administrative law issues
- Conducted research for client files on privacy, copyright, and constitutional law
- Drafted applications and complaints to the Competition Bureau and the Privacy Commissioner
- Developed public education web-based materials on workplace privacy and identity theft

## **Professor Daniel Gervais**

### **Research Assistant**

May 2007 – Apr 2008

- Empirical research on American copyright cases to compile data on remedies

### **Canadian Human Rights Tribunal**

#### **Pro Bono Student Volunteer**

Sep 2006 – Apr 2007

- Summarized rulings by the British Columbia Human Rights Tribunal
- Drafted research memos on various human rights issues

## **PUBLICATIONS**

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"Second Life: Privacy in Virtual Worlds"

Apr 2008

- Published on the Office of the Privacy Commissioner of Canada website at [http://privcom.gc.ca/information/pub/sl\\_080411\\_e.asp](http://privcom.gc.ca/information/pub/sl_080411_e.asp)
- To be re-published by the Amicus Books Division of ICFAI University in a book entitled "Cyber Law: Virtual Worlds and Law"

"Are You Sure You Want to Continue? Consumer Authentication at the Crossroads" with John Lawford

Oct 2008

"The Consumer Perspective of Trade & Commerce"

June 2009

"A Do Not Track List for Canada?"

Nov 2009

## **LEADERSHIP EXPERIENCE**

### **Tutor 2000 – 2005**

*Edmonton, Alberta*

- Tutored 7 junior high and senior high students in Math, Science, Biology, Chemistry, Physics and Social Studies

### **Student Teacher 2005**

*Harry Ainlay Senior High School, Edmonton, Alberta*

- Taught 4 classes of high school Social Studies and History
- Developed lesson plans, prepared exams, essay topics and group projects to assess students

### **Vice President (Academic) 2003 – 2004**

*University of Alberta Students' Union, Edmonton, Alberta*

- Acted as primary organizational representative to university administration, serving on over 30 university committees as a student advocate on academic issues
- Member of Executive team overseeing one of Canada's largest student associations
- Collaborated with professors and university administration to draft and amend university policies
- Chaired numerous student committees to address faculty-level concerns

## **COMMUNITY INVOLVEMENT**

### **Ottawa**

- Ontario Bar Association Young Lawyers' Division East Executive 2008 – Present  
*Member-at-large* (2008-2009)  
*Communications Committee Chair & Newsletter Editor* (2009-Present)  
*Timeraiser Sponsorship Representative* (2009-Present)
- *Co-President*, Ottawa Branch, University of Alberta Alumni Association 2007-Present
- *Volunteer*, Distress Centre of Ottawa 2009-Present

### **University of Ottawa**

- *President*, Class of 2008 Common Law Graduation Committee 2007-2008
- *Secretary*, Music, Entertainment and Sports Law Society 2006 – 2008
- *Event Organizer*, Common Law Class Gift 2008 to Habitat for Humanity 2006 – 2007
- *Orientation Leader*, Faculty of Common Law 2006
- *First Year Academic Representative*, Common Law Students' Society 2005 – 2006

### **University of Alberta**

- *Undergraduate Representative*, Undergraduate Appeals Board 2004 – 2005
- *Senator*, University of Alberta Senate 2004 – 2005
- *Faculty of Education Representative*, General Faculties' Council 2002 – 2003

### **University of Alberta Students' Union**

- *Team Leader*, High School Leadership Conference 2003, 2004, 2005
- *Presenter*, New Student Orientation 2004
- *Student Councilor*, Students' Council 2002 – 2003

### **University of Alberta, Faculty of Education**

- *President*, Education Students' Association 2002 – 2003
- Faculty Academic Appeals Board and Academic Affairs Committee 2002 – 2003
- *Vice President (Internal)*, Education Students' Association 2001 – 2002
- *“Chalk Talk” Editor*, Education Students' Association 2001 – 2002

# Michael De Santis

[mdesantis@piac.ca](mailto:mdesantis@piac.ca)

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## Education

- 2006 - Present                    **Baccalaureate of Laws (LL.B.)**  
University of Ottawa, Ottawa, ON
- Degree to be conferred May 2009
- 2004 - 2005                    **Master of Arts (M.A.)**  
University of Windsor, Windsor, ON
- Specialization: International Relations and Security
  - Major paper: "Law Maker or Law Breaker?: The United States and International Law"
- 2000 - 2004                    **Baccalaureate of Arts, Honours (B.A.)**  
York University, Toronto, ON
- Major: International Studies
  - Undergraduate Thesis: "Non-State Terrorism and the Rise of Religious Radicals"

## Law Related Experience

- 2007 - Present                    **Academic Intern / Volunteer / Paid Intern**  
Canadian Internet Policy and Public Interest Clinic
- Draft policy documents, conduct research on advocacy projects and handle client files.
- 2006 - 2007                    **Research Assistant**  
Professor Michael Geist, Canada Research Chair of Internet and E-Commerce Law
- Conducted legal research on topics including copyright, privacy law and communications law.
- 2007 - 2008                    **Union Steward**  
Canadian Union of Public Employees, Local 2626
- Advised members on collective agreement and grievance procedures and attended meetings and elections.

2008 - Present

**Undergraduate Officer**

Canadian Union of Public Employees, Local 2626

- Responsible for representing all undergraduate members of Local 2626 on the Executive Committee as well as voting on their behalf in executive meetings and assemblies.

2007 - Present

**Communications Co-ordinator**

Law and Technology Student Society

- Helped create and maintain webpage, plan meetings for executive and general membership, translate communiqués into French.

2008

**Participant**

Hicks Morley Labour Law Moot

- Argued on the union side of an appellate case simulation pertaining Charter protection of collective bargaining rights.

**General Work Experience**

2006

**Bilingual Licensing Representative**

Society of Composers, Authors and Music Publishers of Canada

- Liaised with, advised and processed payments from commercial radio stations, television broadcasters and cable television distributors.
- Developed in depth knowledge of copyright tariffs and policy as well as copyright collectives in Canada.

2005

**Student Customs Officer**

Canada Border Services Agency

- Processed travellers at Windsor-Detroit tunnel, enforced the *Customs Act* and *Criminal Code* and inspected travellers and vehicles crossing the border into Canada.
- Developed skills in evidence gathering, subject interviewing and public relations in difficult and stressful situations.

2000 - 2004

**Program Director / DJ**

CKRG 89.9FM

- Created and maintained radio programming schedule, assured compliance with CRTC regulations and maintained music catalogue.
- Managed, trained hired and disciplined, 40 volunteer staff members and also hired and managed talent for weekly pub nights and other special events.

**Languages and Interests**

- Completely fluent in English and French with university level instruction in Spanish.
- Collector of propaganda art and ephemera as well as political memorabilia.
- Travelled to over 40 countries on 4 continents.

# Eden Maher

## EDUCATIONAL ACCOMPLISHMENTS

- 2007 - 2010 University of Saskatchewan - Third year of L.L.B. program
- **Managing Editor**, Saskatchewan Law Review 2009-2010
  - **Clinical Law Advocate**, CLASSIC Legal Clinic 2008-2009
  - **Research Assistant**, Dean W. Brent Cotter, Q.C. 2009
  - **Research Fellow**, Borden Ladner Gervais Fellowship 2008
  - **Scholarship Recipient**, P.E. Mackenzie Scholarship 2008
  - **Pro Bono Student**, Family Law Project 2008
- 1999 - 2002 Thompson Rivers University - Bachelor of Social Work
- 1996 - 1998 Concordia College of Alberta - Completed three semesters in Arts
- **Scholarship Recipient**, Concordia Academic Scholarship, Louise McKinney Provincial Academic Scholarship 1996-1997

## LEGAL WORK EXPERIENCE

- 2009 - 2010 **Managing Editor**, Saskatchewan Law Review
- Oversee publication of semi-annual academic journal including selection, review and editing of articles as well as management of weekly editorial board meetings
  - Apprentice editorial board in fundamentals of editing, research, and operation of the Law Review
- 2008 - 2009 **Clinical Law Student Advocate**
- Responsible for all aspects of caseload including client interviews, file management, legal research, explaining legal information to clients, document preparation and advocating at administrative tribunals
  - Files include landlord-tenant, insurance, social services, immigration, residential school claims, human rights, Small Claims Court and self-represented litigants in Superior Courts.
- 2009                    **Research Assistant** to Dean W. Brent Cotter, Q.C.
- Assist with research and editing of materials for publication and for presentation at various national and international conferences
  - Co-author of research paper for forthcoming publication in academic journal
- 2008                    **Borden Ladner Gervais Research Fellow**
- Assisted Dean W. Brent Cotter, Q.C. with research on issues of professional responsibility, ethics and legal education
  - Conducted a nation-wide survey of legal ethics teaching at Canadian law schools, analyzed and reported findings
  - Assisted in editing chapters for new professional responsibility casebook

- 2008 **Pro Bono Clinician**, Family Law Project - Assisted underrepresented family law disputants  
- Explained basic court processes, simplified legal issues, completed court forms

### WORK EXPERIENCE

- 2007 **Employment Instructor**, North Vancouver, BC  
– Facilitated Government of Canada employment program for new immigrants -  
Designed curriculum and taught group classes in job skills, life skills and English as a Second Language (ESL)
- 2003 - 2006 **English Instructor**, Philippines and South Korea  
– Designed and taught ESL curriculum to college students  
– Trained teachers in cross-cultural awareness, teaching skills, classroom management and workforce preparedness
- 2002 - 2003 **Social Worker**, Monterey, California, USA  
– Managed emergency shelter and housing programs for homeless families  
– Performed mental-health crisis intervention, domestic violence counselling and addiction counselling  
– Wrote monthly statistical reports and financial reports for funding agencies
- 2000 **Social Service Worker**, Kamloops, BC  
– Assistant-managed a social services day-program for homeless adults -  
Supervised up to 80 adult clients and volunteers daily

### INTERESTS / SKILLS

Travelling Canada, USA, Mexico, Korea, Japan, Thailand, Philippines  
Studying languages (French, Korean, Tagalog)  
Yoga  
Piano (Royal Conservatory Level 9)

### EXTRA CURRICULAR ACTIVITIES

- **Performer** - Bearded Lady - Legal Follies (Law Students' Annual Fundraiser) 2008
- **Charity Coordinator** - to build library at CLASSIC Legal Clinic 2009
- **Contributor to *Caveat Lector*** - Law Student Paper 2009

### REFERENCES

Dean W. Brent Cotter, Q.C.  
University of Saskatchewan  
BLG Fellowship Supervisor  
(306) 966-5910

Professor Sarah Buhler, L.L.B.  
University of Saskatchewan  
Clinical Course Instructor  
(306) 665-9140

Amanda Dodge, L.L.B.  
Director  
CLASSIC Legal Clinic  
(306) 653-7676