



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC
1204 – 1 Nicholas Street, Ottawa, ON K1S 2P1

10 November 2018

Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

**VIA FAX, to 819-994-0218, to be filed by GCKey when available
SERVED ON PARTIES TO TNC 2018-246 (as proxy list) VIA E-MAIL**

Re: Telecom Notice of Consultation CRTC 2018-422, *Call for comments – Proceeding to establish a mandatory code for Internet services*, Procedural Request of the Public Interest Advocacy Centre to change timelines

Dear Mr. Doucet:

The Public Interest Advocacy Centre (PIAC) writes to you today to request major changes to the proposed timeline of the above-noted proceeding. We intend to fully participate in this proceeding, likely in coalition with several other major consumer and public interest organizations.

We have carefully reviewed the Commission's Notice and we must object strongly to the timelines and proposed procedure. In brief, the Commission's sudden resolve to address Internet service issues, while laudable, risks a superficial review and weak regulatory output due to the rush, to ignoring the context of other proceedings and related reviews and to the proposed "paper proceeding only" format.

It is PIAC's view that while an Internet Code is advisable and most likely inevitable, the Commission's process will lead to a forgone conclusion and one that cleaves closely to the proposed "straw man" Code reproduced in Appendix 1 of the Commission's Notice.

PIAC notes that the deadlines for TNC CRTC 2018-422 overlap with several other important proceedings that involve many or all of the parties who typically participate in CRTC telecommunications proceedings:

Proceeding	Deadlines/timelines
Senate Committee on Transport & Communications study of the <i>Broadcasting and Telecommunications Acts</i> ¹	In progress
Broadcasting and Telecommunications Legislative Review – meetings with interested parties	In progress
Final replies due in CRTC proceeding on misleading and aggressive sales practices (Telecom Notice of Consultation CRTC 2018-246)	Friday, 9 November 2018
Comments due regarding 8663-B2-201808544 (<i>Application for the Elimination of the Ex Ante Price Floor Safeguard for Retail Tariffs</i>)	Tuesday, 13 November 2018
Comments due regarding 8662-J92-201808015 (<i>Application to Review and Vary Telecom Regulatory Policy TRP 2018-213</i>)	Friday, 23 November 2018
CRTC public hearing begins regarding Broadcasting Notice of Consultation CRTC 2018-127 (ethnic television service)	Monday, 26 November 2018
TNC CRTC 2018-422 (current deadline to submit interventions)	Wednesday, 19 Dec. 2018
Broadcasting and Telecommunications Legislative Review – comments due	Friday, 11 January 2019
TNC CRTC 2018-422 (current deadline for parties' replies to interventions)	Monday, 28 January 2019
Final Report due in CRTC proceeding on misleading and aggressive sales practices (Telecom Notice of Consultation CRTC 2018-246)	Thursday, 28 February 2018
TNC CRTC 2018-422 (current deadline for final submissions)	Monday, 8 April 2019

The major related proceeding that would affect the Commission's consideration of a possible Internet Code is of course that leading to the Commission's anticipated Sales Practices Report, due not until 28 February 2019. It is extremely awkward for the parties to this proceeding to be ignorant of the Commission's reported views on the potential of a pan-service code of sales conduct before making submissions on an Internet Code that likely will overlap significantly with the potential sales code or similar regulatory controls.

We note also that the Commission has apparently asked RFIs to the major telcos but will not permit other parties to see answers to RFIs until well after the initial submissions and indeed has left, in the current process, far too little time for other parties to challenge any

¹ Many parties also are presenting to a parallel *Statutory Review of the Copyright Act* in the House of Commons' Standing Committee on Industry, Science and Technology, ongoing during this period.

confidentiality claimed in those RFI answers, to get answers, and to build these disclosures into the final reply. This provides incentives to the major telcos to make overly broad confidentiality claims.

We therefore request that the Commission issue major revisions to the Notice of Consultation. In particular, we believe requiring the first submission to be filed only after the Report of the CRTC to Cabinet regarding sales practices is crucial, as is allowing enough time prior to the initial submissions for the potential parties to commission research, such as statistically significant surveys and to develop positions. Finally, we believe the nature of this framework proceeding is so important to consumers that an oral hearing must be held for the Commission to understand better the public interest.

Here is our requested proposed procedure and timelines:

RFI Answers Due (as now) – 21 March 2019
RFI Deficiencies and Disclosure Requests – 29 March 2019
Responses to Requests for Disclosures and Deficiencies – 5 April 2019
CRTC Rulings as soon thereafter as possible
Any Information to be Disclosed pursuant to Commission Rulings – 12 April 2019
Initial (Written) Comments – 18 April 2019
Further Comments (Reply) – 17 May 2019
Public Oral Hearing – 10-14 June 2019 (or to 19 June 2019 if oral reply round permitted)
Final Written Submissions – 28 June 2019

PIAC and its likely coalition members do not dispute the need for an Internet Code nor the wisdom of pursuing that goal. However, we are deeply concerned that the Commission is proceeding with so much haste and in such a superficial manner that the public interest in achieving a durable, consumer-friendly and workable Internet Code will be jeopardized.

Sincerely,



John Lawford
Executive Director and General Counsel
jlawford@piac.ca

cc Parties and Intervenor to TBNC 2018-246 (as a proxy for likely participants)
Barbara Cuber, Legal Counsel, CRTC
The Honourable Navdeep Bains, Minister of Innovation, Science and Economic
Development, ised.minister-ministre.isde@canada.ca