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December 3, 2008

Mr. Robert A. Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Sir:

Re: Telecom Public Notice CRTC 2008-14: Call for comments on potential modifications to some Unsolicited Telecommunications Rules

1. Advocis, The Financial Advisors Association of Canada, is a national, voluntary association of financial advisors and planners, representing the interests and views of life and health insurance licensees, mutual fund salespersons and securities registrants. Advocis is Canada's largest association of financial advisors, and originated, pursuant to an Act of Parliament, as the Life Underwriters Association of Canada, 101 years ago.
2. Advocis' members are individuals, the vast majority of whom carry on business either as sole proprietors or independent, small businesses. A small minority of Advocis' members operate under employee-employer arrangements. Advocis' membership is made up of individuals at all stages of the business cycle, ranging from new entrants to the industry through to mature practices led by leaders in the industry serving a high net worth clientele.
3. Advocis, on behalf of its members, has a keen interest in the establishment of the National Do Not Call List (National DNCL) and has participated in all stages of the consultation process.
4. Advocis recognizes the objectives of the CRTC's proposed DNCL, namely to protect the privacy of persons and prevent undue inconvenience and nuisance of unsolicited telecommunications while still allowing legitimate uses of telemarketing communications.
5. Advocis appreciates the opportunity to comment on Telecom Public Notice CRTC 2008-14, and wishes to direct its comments to paragraph 12 of the Notice, regarding the National DNCL registration period, which provides as follows:

"Given the time that has passed since the issuance of Telecom Decision 2007-48 and the fact that the National DNCL is now in operation, the Commission invites comments from interested parties on whether there is an effective and cost-efficient method of ensuring that disconnected and re-assigned telecommunications numbers are removed from the National DNCL. The Commission also invites comments on whether such a method should be

implemented in order to make consumer registrations of telecommunications numbers on the National DNCL permanent.”

6. Advocis objects to the proposed changes to the administration and management of the National DNCL and the accompanying change to the registration period for consumers' telecommunications numbers.
7. Advocis takes the position that the previous determination by the CRTC, made in paragraphs 54 to 64 of Telecom Decision CRTC 2007-48, was sound policy, balanced the competing interests in a fair manner, and should not be altered at this earlier stage in the existence of the operation of the National DNCL.
8. In paragraph 55 of Telecom Decision CRTC 2007-48, the Commission stated that in order for the National DNCL operator to remove disconnected or re-assigned telecommunication numbers from the National DNCL, it would need to obtain up-to-date data on such numbers and would have to establish a process whereby all TSPs would electronically submit the information in a standardized format, on a monthly basis. The Commission considered that "...the implementation of such a process would **impose costs on TSPs and the National DNCL operator that could be unduly burdensome.**" (my emphasis)
9. Advocis takes the position that the CRTC should not make changes to the administration of the National DNCL which will impose additional, and potentially unduly burdensome costs on the National DNCL operator, as those costs may ultimately be passed on to either users of the National DNCL or the taxpayer.
10. Advocis submits that the CRTC, at this point in time, does not know what the costs of operating the National DNCL are, and should not make changes that will likely increase those costs at this earlier stage. The National DNCL has only been operational since September 30, 2008.
11. The concern that disconnected and re-assigned telecommunications numbers from the National DNCL may prevent consumers who have obtained a new telecommunications number from receiving telemarketing telecommunications that they may wish to receive was appropriately mitigated in Telecom Decision CRTC 2007-48 through the establishment of a finite registration period for telecommunications numbers and through the ability of a consumer to de-register his or her telecommunications number from the National DNCL at any time.
12. In addition, if a consumer wishes to obtain telemarketing telecommunications from particular telemarketers, the consumer can contact each telemarketer and provide them with the consumer's express consent, despite their number being on the National DNCL, in accordance with Section 4, Part II of the Unsolicited Telecommunication Rules.
13. Advocis submits that any changes to the administration of the National DNCL, which will increase costs, should not be contemplated until, at the earliest, after the Report to the Minister on the operation of the National DNCL, pursuant to Section 41.6(1) of the *Telecommunications Act*, has occurred. As provided in Section 41.6, subsection (1), (2) and (3):

“(1) The Commission shall, within six months after the end of each fiscal year, deliver a report to the Minister on the operation of the national do not call list in that fiscal year.

(2) The report shall set out any costs or expenditures related to the list, the number of Canadians using the list, the number of telemarketers accessing the list, any inconsistencies in the prohibitions or requirements of the Commission under section 41, that are applicable to the operation of the list, and an analysis of the effectiveness of the list.

(3) The Minister shall cause a copy of the report referred to in subsection (1) to be laid before each House of Parliament on any of the first fifteen days on which that House is sitting after the Minister receives the report.”

14. Advocis further submits that it is pursuant to the aforementioned legislated process that the operation and effectiveness of the National DNCL will be before Parliament and will be debated by members of Parliament. The matter would more appropriately be reviewed at that time.
15. Advocis is pleased to be a stakeholder in this consultation and looks forward to working with the CRTC and other interested parties to ensure that the objectives of implementing a National DNCL and its associated rules for unsolicited calls are balanced with an objective of minimizing compliance costs of businesses that must register and access the DNCL, and to ensure that the specific compliance challenges faced by small businesses are taken into consideration when contemplating any amendments to the Unsolicited Telemarketing Rules of the *Telecommunications Act*.

Yours truly,

A handwritten signature in black ink, consisting of a large, stylized 'G' followed by a horizontal line that ends in a small arrowhead pointing to the right.

Greg Pollock
President and Chief Executive Officer

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