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

October 1, 2007

Dear Sir:

Re: Proceeding to consider the delegation of the Commission's investigative powers with regard to Unsolicited Telecommunications Rules complaints – Telecom Public Notice CRTC 2007-15

1. Advocis, The Financial Advisors Association of Canada, is a national, voluntary association of financial advisors, 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 as either 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 a National Do Not Call List (National DNCL) and has participated in all stages of the consultation process leading up to the publication of Telecom Public Notice CRTC 2007-15.
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 2007-15, and wishes to direct its comments to paragraph 9(c) of the Notice, which provides as follows:

c. the Commission's intent to establish a rule to require all telemarketers and clients of telemarketers, including those exclusively making telecommunications that are exempt from the National DNCL Rules, to register with, and provide information to, the National DNCL operator and to pay fees that may be charged by the third party who will be responsible for the investigation of Unsolicited Telecommunications Rules complaints.

6. Advocis strongly objects to the CRTC's proposal to extend the obligation to register with and pay fees to the National DNCL operator to parties who are otherwise exempt from the application of the CRTC Unsolicited Telecommunications Rules framework and the National DNCL list.
7. Advocis takes the position that proceeding with the afore-mentioned proposal would result in the introduction of an undue cost and compliance burden on any business that may engage in unsolicited telecommunications, notwithstanding that said business may otherwise be exempt under the Rules, to the benefit of those businesses that are not exempt. In other words, the cost burden of maintaining the infrastructure should be borne by those businesses that are accessing data housed with the DNCL operator.
8. To further emphasize the impact of extending the registration and fee requirements to organizations such as members of Advocis, who may be exempt by virtue of the exemption provided for existing business relationship, Advocis offers the following illustration: given prevailing business models, the majority of Advocis members would likely be contacting existing clients rather than prospecting new clients with whom an existing business relationship is not in place. Assuming a registration fee of \$100 per business, and assuming that 10,000 Advocis members who are otherwise exempt from the application of the DNCL Rules are required to register with the DNCL operator, fees amounting to \$1,000,000 in aggregate would be charged, to say nothing of the compliance burden associated with registering with the Operator. Further, it is not unreasonable to assume that at least some part of the cost burden will ultimately be passed down to consumers, thereby unnecessarily increasing the cost of financial advice for consumers.
9. Advocis submits that fees should only be chargeable to those entities that use the services of the DNCL Operator and that entities exempt from the Rules be exempt from any fees or registration requirements. Advocis urges the CRTC to adopt a "user pays" model, not unlike that in operation in the United States, and

that parties only register with the operator upon subscribing to the services of the DNCL operator in order to access the DNCL database.

10. Advocis further submits that the CRTC already has the ability to charge fees for use of the DNCL Operator, and has the capability to levy penalties against those telemarketers that violate the DNCL Rules.
11. Advocis further submits that any subscription fees payable to the DNCL Operator be established under a fee structure whereby small businesses will have a comparatively lesser burden imposed upon them than larger entities or conglomerates, and strongly discourages the CRTC from adopting a “one size fits all” approach.
12. 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 in developing final requirements.

Yours truly

A handwritten signature in cursive script, appearing to read "S. Gelp.", is positioned below the "Yours truly" text.

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