

**BEFORE THE CANADIAN RADIO-TELEVISION AND  
TELECOMMUNICATIONS COMMISSION**



**TELUS COMMUNICATIONS INC.**

**Broadcasting and Telecom Notice of Consultation CRTC 2020-81**

**Call for comments – Provision of paper bills by communications service providers**

**Reply of TELUS**

**July 24, 2020**

## Table of Contents

1.	Introduction and Executive Summary .....	3
2.	Many interventions are astroturfing by the pulp and paper industry .....	4
3.	There is no evidence of a market failure that warrants intervention.....	8
4.	TELUS' billing practices are responsive to consumer needs and expectations.....	9
5.	There is no legal uncertainty with regard to electronic bills.....	13
6.	In the alternative, if the Commission intervenes, regulations must apply equally .....	15
7.	TELUS customer migrations are consistent with important policy goals .....	17
8.	Conclusion .....	18

## 1. Introduction and Executive Summary

1. TELUS Communications Inc. (TELUS) files this Reply in accordance with the procedures set out in Broadcasting and Telecom Notice of Consultation CRTC 2020-81, as amended by CRTC 2020-81-1.
2. TELUS has reviewed the interventions and comments from other communication service providers (CSPs), consumer advocacy groups, accessibility organizations, and individual Canadians filed in this proceeding. This Reply sets out TELUS' response to the key issues raised.
3. First, many of the interventions in favour of mandating paper billing were filed by individuals and organizations affiliated directly with the pulp and paper industry. In particular, the Commission received an intervention from Keep Me Posted North America (KMPNA), an advocacy campaign run by the pulp and paper industry. While the Public Interest Advocacy Centre (PIAC), one of the catalysts of this proceeding, purports to advocate for mandatory paper billing on behalf of all Canadian consumers, PIAC is in fact a KMPNA coalition member.<sup>1</sup> These interventions should be read and evaluated not as independent consumer voices purporting to represent the interests of Canadians, but as coalition members and advocates of the industry.
4. Second, contrary to the arguments of TekSavvy, Competitive Network Operators of Canada (CNOOC) and others, there is no market failure and no need for Commission intervention. Market forces currently ensure consumers have a variety of billing options, including paper bills, across multiple brands.
5. Third, TELUS' billing policies already address the central concerns set out by individual consumers and advocacy groups purporting to represent their interests.
6. Fourth, contrary to the arguments set out in the intervention of PIAC and the National Pensioners Fund (PIAC-NPF), the status of electronic billing is not "legally uncertain."

---

<sup>1</sup> As evidenced by the "Supporters" page on the KMPNA website and the PIAC-NPF Intervention. See KMPNA, *Supporters*, online: <https://keepmepostedna.org/supporters/> and PIAC-NPF Intervention, para. 24.

Section 27.2 of the *Telecommunications Act*,<sup>2</sup> section 34.1 of the *Broadcasting Act*,<sup>3</sup> and Telecom Decision CRTC 2020-80<sup>4</sup> all provide certainty about the legal status of electronic billing.

7. Fifth, to the extent the Commission nevertheless imposes new billing regulations, any such regulations should apply to all CSPs. A consumer should not be accorded weaker protection by virtue only of the fact that he or she is a customer of a smaller provider. Arguments from TekSavvy, Canadian Communications Systems Alliance (CCSA) and CNOC to exclude themselves from regulation should be rejected as a disingenuous and opportunistic attempt to increase the regulatory burden of their competitors, to their advantage and their customers' loss.
8. Last, PIAC-NPF's claim that TELUS' migrations to electronic billing are a ploy to take advantage of our customers during the COVID-19 pandemic are baseless and betray an ignorance of the operations of a large scale consumer business.

## **2. Many interventions are astroturfing by the pulp and paper industry**

9. While this proceeding considers important consumer issues, many of the interventions, including from PIAC-NPF, are from parties linked financially to the pulp and paper industry.
10. In particular, the Commission received an intervention from KMPNA, which runs a "pro-consumer campaign" called Keep Me Posted, initiated in 2018. According to its intervention and website, KMPNA is an American-based organization that purports to be a coalition of consumer groups, charities and businesses, which seeks to "protect consumers' right to choose between paper, digital and any other available delivery method, presenting independent research to quantify the negative impacts and penalties for consumers who are denied paper-based communications."<sup>5</sup>

---

<sup>2</sup> S.C. 1993, c. 38.

<sup>3</sup> S.C. 1991, c. 11.

<sup>4</sup> *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, March 3, 2020.

<sup>5</sup> KMPNA Intervention, p. 1.

11. KMPNA is not, however, the grassroots organization it purports to be. In a press release launching KMPNA, the group stated “Keep Me Posted North America (KMP) is an **advocacy campaign run by Two Sides North America, Inc.**”<sup>6</sup> (emphasis added). Two Sides North America is an industry lobby group with hundreds of members from the forestry, pulp, paper, inks and chemicals, pre-press, press, finishing, publishing, printing, envelopes, and postal sectors.<sup>7</sup> In addition to sharing the same Chicago office, KMPNA and Two Sides share the same executive, Phil Riebel, “a senior sustainability advisor to the forest, paper and print sector.”<sup>8</sup>
12. PIAC, one of the catalysts of this proceeding, purports to advocate for mandatory paper billing on “behalf of all Canadian consumers and in particular senior members of NPF”.<sup>9</sup> Yet, PIAC is a KMPNA coalition member<sup>10</sup> and has been since at least February 2019, when PIAC posted an online media release announcing support for the campaign.<sup>11</sup>
13. Though ostensibly a consumer intervention, PIAC-NPF’s submission in large part repeats the talking points of the pulp and paper industry, as expressed through KMPNA and Two Sides North America. The PIAC-NPF intervention cites to their materials at least three times.<sup>12</sup> Most prominent is the February 2019 survey commissioned by Two Sides North America reported in “Busting Myths: A Study of Canadian Consumer Perceptions and

---

<sup>6</sup> KMPNA, *Paper or Digital? Keep Me Posted North America Launches to Protect the Consumer’s Right to Choose*, December 2018, online: <https://www.globenewswire.com/news-release/2018/12/03/1660884/0/en/Paper-or-Digital-Keep-Me-Posted-North-America-Launches-to-Protect-the-Consumer-s-Right-to-Choose.html>.

<sup>7</sup> Two Sides, *Paper or Digital? Keep Me Posted North America Launches to Protect the Consumer’s Right to Choose*, online: <https://twosidesna.org/US/paper-or-digital-keep-me-posted-north-america-launches-to-protect-the-consumers-right-to-choose/>.

<sup>8</sup> *Ibid*; Two Sides North America, *Key Contacts*, online: <https://twosidesna.org/key-contacts/>. Mr. Riebel intervened in his personal capacity in the proceeding leading up to TD CRTC 2020-80. See intervention of Phillippe Riebel, 2018-0429-5, received 2018-06-18, online: <https://services.crtc.gc.ca/pub/ListeInterventionList/Documents.aspx?ID=275105&en=2018-0429-5&dt=i&lang=e&S=C&PA=t&PT=pt1&PST=a>.

<sup>9</sup> PIAC-NPF Intervention, para. E1.

<sup>10</sup> KMPNA, *Supporters*, online: <https://keepmepostedna.org/supporters/>; PIAC-NPF Intervention, para. 24.

<sup>11</sup> PIAC, *PIAC Supports Keep Me Posted, a Campaign for Protecting the Consumers’ Right to Choose Paper or Digital Communications*, February 2019, online: <https://www.piac.ca/our-specialities/piac-supports-keep-me-posted-a-campaign-for-protecting-the-consumers-right-to-choose-paper-or-digital-communications/>.

<sup>12</sup> PIAC-NPF Intervention at paras. 24, 36 and 42.

Attitudes Towards Print and Paper”.<sup>13</sup> While purporting to “reveal a telling insight into the public’s perceptions and attitudes towards print and paper”, it is void of *any* information as to the methodology used to conduct the survey, save for the sample size.<sup>14</sup>

14. PIAC-NPF also sets out proposals it seeks to have made conditions of service under section 24 of *Telecommunications Act*. However, the proposals are nearly identical to KMPNA’s “Best Practices for essential communications.” The chart below illustrates the similarity between three of KMPNA’s best practices and PIAC-NPF’s form of conditions:

<b>KMPNA’s Best Practices<sup>15</sup></b>	<b>PIAC-NPF’s Proposed Conditions<sup>16</sup></b>
“No charges or other penalties for choosing paper bills”	“consumers have a corresponding right, for the foreseeable future, to their choice of billing format, including paper, at no cost (as required also by s. 27.2)”
“Prior consumer consent required before ceasing to send paper documents”	“companies should be required to obtain explicit, verifiable consent to switch a customer to e-billing.”
“No difficulty to revert back to paper correspondence”	“that customers may switch between such formats with reasonable frequency at no extra charge.”

15. While purporting to represent “millions of Canadian consumers and senior Canadians”,<sup>17</sup> PIAC-NPF is instead simply amplifying the pulp and paper industry’s talking points, designed to bolster the declining paper business through a regulatory mandate. The

<sup>13</sup> Two Sides North America, *Busting Myths: A Study of Canadian Consumer Perceptions and Attitudes Towards Print and Paper (Canada)*, 2019, online: [https://twosidesna.org/wp-content/uploads/sites/16/2019/06/TSNA\\_BustingTheMythsReport\\_CANADA\\_Online.pdf](https://twosidesna.org/wp-content/uploads/sites/16/2019/06/TSNA_BustingTheMythsReport_CANADA_Online.pdf). See also KMPNA Intervention, p. 4.

<sup>14</sup> Two Sides North America, *Consumer Research*, online: <https://twosidesna.org/survey>. For example, Two Sides does not disclose the purpose of the survey, how it was conducted, the questions posed, the method of response, or the demographic data of the respondents, including age, urban vs rural, gender, income, education level, etc. The paucity of methodological information suggests the survey is void of any credible statistics.

<sup>15</sup> KMPNA Intervention, p. 6. See also KMPNA, *Join Our Growing Coalition of Advocates for Consumer Choice in Essential Communications!*, p. 2, online: <https://keepmepostedna.org/wp-content/uploads/2020/06/2020-kmp-value-proposition.pdf>.

<sup>16</sup> PIAC-NPF Intervention, paras. 84-86.

<sup>17</sup> PIAC-NPF Intervention, para. E1.

Commission should therefore recognize the PIAC-NPF intervention for what it is – a participant in a coalition of groups led by the pulp and paper industry.

16. PIAC-NPF is not, however, the only example of this type of astroturfing. For example, the interventions of Thomas Howard (Vice President, Government Relations at Domtar Corporation), Ernie Crawford (President, Crawford Technologies) and Gabe Preczner (Senior Vice President & General Manager, Formost mediaOne) all reference (directly or indirectly) the Two Sides February 2019 survey. Some appear to be a simple copy and paste of a standard form “response” prepared in advance by KMPNA or Two Sides North America.
17. A review of the comments also indicates that many interventions were submitted by individuals or companies with direct association to the pulp and paper industry, many of whom hid their affiliation. For example, four employees of Crawford Technologies, a document management company, submitted comments supporting the provision of mandatory bills. Those individuals, and their positions with Crawford Technologies, are: Ernie Crawford (Founder and President), Dennis Quon (Director, Document Accessibility Solutions), Darcie Vany (Chief Financial Officer), and Tim Ciceran (VP of Technical Services). Of these four individuals, *only* Darcie Vany identified herself as being associated with Crawford Technologies, the rest were identified by a simple Google search of their names.<sup>18</sup> In the case of Ernie Crawford and Dennis Quon, the email addresses provided end with “@crawfordtech.com”.
18. Further, there are at least four additional interventions from individuals who either represent companies in the pulp and paper industry or are otherwise promoting its interests, including Domtar Corporation, Burtnik Printing Inc., Peterboro Matboards Inc; and Formost mediaOne. There may be other intervenors who did not disclose their association with the industry and whose involvement cannot be identified by a Google search.
19. Accordingly, the interventions of PIAC-NPF, KMPNA, and the individuals set out above should be read and evaluated as coalition members and interested advocates of the pulp

---

<sup>18</sup> Crawford Technologies, *About Us*, online: <https://www.crawfordtech.com/about-us/management>.

and paper industry, not as individual consumers or as an independent consumer voice purporting to represent the interests of Canadians.

### **3. There is no evidence of a market failure that warrants intervention**

20. An industry focus on electronic billing does not indicate a lack of competitive pressure in the market or any other market failure. Instead, as set out in TELUS' intervention, it responds to consumer demands, technological developments, and an increased emphasis on environmental sustainability.
21. In its intervention, TekSavvy submits that "to the extent Incumbents are ignoring their customers and consumer groups with respect to the need for paper bills, it indicates a lack of sufficient competitive pressure in the market".<sup>19</sup> This statement is untrue: TELUS does not ignore its customers. As noted by several intervenors and in TELUS' intervention, consumers have various billing options, including paper bills.<sup>20</sup> In fact, all twelve respondents to the Commission's requests for information stated that they provide paper bills to at least some segment of their customers, either by default or upon request. To the extent one CSP does not provide a customer's specific billing need, it is almost certainly addressed elsewhere in the market. The market's current offering of paper bills acts as a competitive incentive, not an indicator of insufficient competition.
22. Further, to the extent that certain value brands market services to a specific demographic, that is not indicative of a market failure.<sup>21</sup> Brands like Koodo, Fizz and Fido, which predominately offer electronic billing, differentiate themselves by marketing services to customers who are, among other things, comfortable managing their accounts through online tools.<sup>22</sup> In any event, affordable options are not limited only to brands that focus on a digital experience.
23. There is no need for the Commission to intervene and regulate when market forces have already provided a solution. Given that market forces are currently ensuring that certain

---

<sup>19</sup> TekSavvy Intervention, para. 8.

<sup>20</sup> TELUS Intervention, paras. 47-48; Shaw Intervention, para. 10; Eastlink Intervention, paras. 18-20; and Québecor Média inc, para. 28.

<sup>21</sup> Union des consommateurs Intervention, paras. 33-45.

<sup>22</sup> TELUS Intervention, paras. 4 and 49. See also Québecor Média inc., paras. 9-12 and 31.

brands continue to offer a variety of billing options, including paper bills, there is no market failure that warrants intervention.

#### **4. TELUS' billing practices are responsive to consumer needs and expectations**

24. The concerns raised by most intervenors who seek additional billing regulation, including PIAC-NPF, Manitoba Coalition, Consumers Council of Canada, Union des consommateurs, Réseau FADOQ, the Province of British Columbia and the Deaf Wireless Canada Consultative Committee can be grouped into five categories.
25. First, intervenors argue that consumers expect to have choice regarding their preferred billing method, and as such, paper bills should be made available to anyone who requests them.<sup>23</sup> TELUS agrees that consumers should have a choice with regard to their billing method, which is why TELUS makes paper and alternative format billing available to any of its TELUS brand customers. While Koodo largely offers only electronic billing (except for accessible billing formats), it does so because it specifically targets a demographic which is comfortable with using digital tools and electronic billing.<sup>24</sup> And should customers want a paper bill, affordable TELUS brand wireless plans are also available (as are other plans elsewhere in the market). Regulation is therefore unnecessary to meet a need that the market (and TELUS) already serves.
26. Second, intervenors argue that consumers (especially seniors) have a demonstrable need and preference for the continued provision of paper and alternative format bills,<sup>25</sup> including for record keeping, and in response to online fraud or security concerns (especially when accessing free public Wi-Fi). Some consumers expressed their need for paper bills due to accessibility reasons, restricted use to a computer, lack of affordable Internet access, lack of digital literacy, and unreliable access to mobile wireless data due

---

<sup>23</sup> Consumers Council of Canada Intervention, paras. 8-10; Manitoba Coalition Intervention, paras. 29-31 and 47; Province of British Columbia Intervention, para. 4; PIAC-NPF Intervention para. 3; Réseau FADOQ Intervention, p. 4; Union des consommateurs Intervention, paras. 10 and 46; and DWCC et al. Intervention, paras. 8 and 18.

<sup>24</sup> Some Koodo customers still receive paper bills. See TELUS Intervention, paras. 4 and 49 and TELUS(CRTC)3Mar20-2.

<sup>25</sup> Union des consommateurs Intervention, paras. 5, 12, and 17; Réseau FADOQ Intervention, p. 3; PIAC-NPF Intervention, para. 27; Manitoba Coalition, paras. ES3, 35-36, 39-42; and Consumers Council of Canada, paras. ES5 and 9.

to usage limits. TELUS recognizes that these concerns and preferences are valid and should be made a priority, which is why the TELUS brand continues to offer paper and alternative format bills to its customers upon request, and further, why TELUS (across all its brands) has adopted various innovative measures to address and alleviate these concerns. As noted in TELUS' intervention, TELUS wireline customers without a computer are provided with paper bills, and TELUS and Koodo wireless customers without a computer can access electronic bills on their devices free of charge, as the data required to access electronic bills are zero-rated (including for customers whose rate plans do not include data).<sup>26</sup>

27. Third, intervenors argue that CSP's should eliminate all charges associated with receiving a paper bill, including fees for account services or customer support relating to paper billing.<sup>27</sup> Section 27.2 of the *Telecommunications Act* and subsection 34.1 of the *Broadcasting Act* prohibit CSPs from charging consumers for a paper bill. As such, neither TELUS nor Koodo charge for paper bills. TELUS also does not charge fees for account service or customer service support on the TELUS brand and most Koodo account changes can be made free of charge by logging into the customer portal, consistent with its focus on consumers who are familiar using online digital tools. While both TELUS and Koodo charge for bill copies outside the customer's current billing cycle, this is not contrary to the spirit or intent of the legislation. As clarified by the Commission, charging for bill copies is an acceptable practice.<sup>28</sup>
28. Fourth, intervenors argue that express consent should be required before a CSP switches a customer to electronic billing.<sup>29</sup> While TELUS understands that customers may have a preference for bill format, TELUS does not ordinarily initiate customer migrations to electronic billing. Even in extenuating circumstances like the COVID-19 pandemic, steps are taken well in advance to alert its customers of the changes. For example, before

---

<sup>26</sup> TELUS Intervention, para. 44(d).

<sup>27</sup> Consumers Council of Canada, paras. 12 and 15; Manitoba Coalition, para. 15; and Province of British Columbia Intervention, paras. 14 and 19.

<sup>28</sup> *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, March 3, 2020, at para. 33.

<sup>29</sup> PIAC-NPF Intervention, paras. 84-86; Province of British Columbia Intervention, para. 21; Manitoba Coalition Intervention, para. 29; Consumers Council of Canada Intervention, para. ES3.

initiating a migration to electronic billing, TELUS and Koodo provided customers with prior notification, online and/or telephone support for those who would benefit from further electronic billing instruction, and ensured that all digital tools to make the online experience safe and efficient were in place.

29. Fifth, intervenors argue that CSPs should be required to clearly disclose their billing practices to allow consumers to make informed decisions.<sup>30</sup> TELUS already does so. Consistent with the Commission’s direction in Telecom Decision CRTC 2020-80, Koodo advises new customers at the time of service activation that paper bills are not available, where that is the case.<sup>31</sup> Both TELUS and Koodo disclose their billing practices to their customers in the Customer Service Agreement (CSA). For example, Koodo’s CSA clearly states that “Koodo uses E-billing” and that customers can “set up your account and view your bill at koodo.com/selfserve.” Further, all TELUS team members are bound by the TELUS Code of Ethics and Conduct, which includes provisions on transparency pertaining to sales and billing: “when selling to a customer, we provide the customer options that will allow them to make informed choices on the products and services that best meet their needs.”<sup>32</sup>

---

<sup>30</sup> Province of British Columbia Intervention, para. 22; Union des consommateurs Intervention, paras. 9-10; and Consumers Council of Canada Intervention, para. 17.

<sup>31</sup> *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, March 3, 2020, at para. 61.

<sup>32</sup> TELUS, *TELUS Code of Ethics and Conduct*, January 2020, online: [https://assets.ctfassets.net/rz9m1rynx8pv/5RL8nltr6ChO7w3G54jIWB/ae8a7f38b10e18cc7b8dea03676e9cbd/19-1520-CoEC-2020\\_EXT-ENG.PDF](https://assets.ctfassets.net/rz9m1rynx8pv/5RL8nltr6ChO7w3G54jIWB/ae8a7f38b10e18cc7b8dea03676e9cbd/19-1520-CoEC-2020_EXT-ENG.PDF).

30. Notably, many consumers that engaged in various surveys (Manitoba Coalition,<sup>33</sup> Consumers Council of Canada,<sup>34</sup> and Province of British Columbia<sup>35</sup>) relating to companies' billing policies were satisfied with electronic billing. For example:

(a) According to the Manitoba Coalition, "One participant in the engagement session at Winnipeg Harvest, for example, indicated that the nature of their disability made electronic billing much more accessible for them than paper."<sup>36</sup>

(b) According to the Consumers Council of Canada, "many felt paperless billing would be their preferred choice. They see it as an opportunity to improve efficiency and reduce the environmental impacts of paper use."<sup>37</sup>

(c) "I'm generally a fan of going paperless with all my billing as long as I can set up automated payments and I'm proactively notified of any unusual charges."<sup>38</sup>

(d) "I think that the electronic bill is already superior to the paper bill."<sup>39</sup>

(e) "The present system should continue. The user of telecommunications services should have a choice, either by paper or computer. I think that the system works well. Why change it?"<sup>40</sup>

---

<sup>33</sup> Manitoba Coalition conducted a series of consumer engagement exercises with the goal of responding to the Commission's questions as set out in BTNC CRTC 2020-81. In the month of June, 2020, the Manitoba Coalition conducted two online surveys (receiving responses from approximately 1500 Manitobans), and held two focus group-like engagement sessions (one with 6 seniors, and another with 8 low income seniors). See Manitoba Coalition Intervention, paras. 8-19.

<sup>34</sup> The Consumers Council of Canada sent an online questionnaire to its public interest network and other to other stakeholders. The Council received 56 responses to the more than 400 questionnaires sent out – a 13% response rate. The Council does not suggest that the responses are necessarily representative of the Canadian population or any specific demographic group. See Consumers Council of Canada Intervention, paras. 31-34.

<sup>35</sup> The province did not disclose all comments received in response to the survey. The province's survey elicited approximately 15.5 thousand responses. For context, this is roughly 7% of the number of respondents to the province's survey on permanent daylight savings (which was approximately 223 thousand), indicating the relative importance British Columbians place on the need increased regulations. TELUS also notes that the results of the survey only show general trends or impressions, and do not ask individuals to respond according to which provider they use. As such, it does not differentiate between those that are more complicit in practices like aggressive sales tactics from those that are not.

<sup>36</sup> Manitoba Coalition Intervention, para. 38.

<sup>37</sup> Consumers Council of Canada Intervention, para. 11.

<sup>38</sup> Consumers Council of Canada Intervention, para. 45.

<sup>39</sup> Consumers Council of Canada Intervention, para. 43.

<sup>40</sup> Consumer Engagement with Seniors, Appendix 3 to the Manitoba Coalition Intervention, p. 4.

(f) “I [g]enerally find no issues in the electronic format - I prefer it. It is easy to forget however unless there are reminders.”<sup>41</sup>

(g) “I use all paperless and it mostly works well This allows us to keep up with bills no matter where we are as long as we have wifi or cell phone access.”<sup>42</sup>

## 5. There is no legal uncertainty with regard to electronic bills

31. In its intervention, PIAC-NPF suggests there is “legal uncertainty” in regards to the presentation and adequacy of notification of electronic bills, and alleges that unequal bargaining power arises between a CSP and consumer.<sup>43</sup> PIAC-NPF views this uncertainty as a “stand-off that is insoluble without some binding legal rules or a statutory resolution.”<sup>44</sup> However, there are already binding legal rules and a statutory resolution with respect to paper billing—just not the ones that PIAC-NPF seeks.
32. The provision of electronic and paper billing is governed by a statutory and regulatory regime, with considerable and strong consumer protection measures. First and foremost, section 27.2 of the *Telecommunications Act* and subsection 34.1 of the *Broadcasting Act* prohibit CSPs from charging consumers for a paper bill. In Telecom Decision CRTC 2020-80, the Commission found that there was no existing legislative or regulatory obligation that mandated the provision of paper bills, nor any “indication that Parliament intended this provision to be interpreted as also imposing an obligation to provide subscribers with paper bills.”<sup>45</sup> Further, as stated in TELUS’ intervention, despite having an awareness of the growth of electronic billing, and having examined the nature of billing for telecommunications services, Parliament determined *not* to impose a mandatory paper billing obligation when introducing the new amendments in 2014.<sup>46</sup>

---

<sup>41</sup> Consumers Council of Canada Intervention, para. 40.

<sup>42</sup> Consumers Council of Canada Intervention, para. 40.

<sup>43</sup> PIAC-NPF Intervention, paras. 59-64.

<sup>44</sup> PIAC-NPF Intervention, para. 63.

<sup>45</sup> *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, March 3, 2020, at para. 30.

<sup>46</sup> TELUS Intervention, paras. 53-55.

33. Significant consumer protection measures are also provided in the *Television Service Provider Code*,<sup>47</sup> *Wireless Code*,<sup>48</sup> and *Internet Code*.<sup>49</sup> The fundamental purpose of all three codes is consumer protection – to ensure that consumers are empowered to make informed decisions about communications services. For example, the *Wireless Code* requires that service providers communicate with their customers in a way that is clear, timely, accurate and uses plain language. While this provision is limited to formatting and substance requirements for contracts and communications with customers (excluding bills), the provision of electronic bills by both TELUS and Koodo meet this requirement. Electronic bills are specifically developed to communicate billing matters in a more clear and timely way than is possible to do with paper bills. As explained in TELUS’ intervention, electronic bills viewed within the TELUS customer portal allow customers to see how much data, messaging and minutes have been used on real-time basis, change account settings, make an online payment, ask questions or seek assistance at the click of a button.<sup>50</sup> For this reason, electronic bills meet the letter and spirit of the requirements of clear communications with customers as set out in the *Wireless Code*.
34. Regarding accessibility, the Commission requires that CSPs offer accessible bill formats to ensure that certain customers still have access to bills provided in alternative formats.<sup>51</sup> The Commission also encourages CSPs to offer accessible billing formats consistent with the purpose and principles set out in the *Accessible Canada Act*.<sup>52</sup>
35. The statutory provisions, regulations, and robust consumer protection measures – combined with TELUS’ Customer First approach – equalize and clarify the relationship between CSPs and consumers, and prevent the exercise of misleading or unfair billing

---

<sup>47</sup> *Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1.

<sup>48</sup> *The Wireless Code*, Appendix 1 to Telecom Regulatory Policy CRTC 2017-200.

<sup>49</sup> *Internet Code*, Telecom Regulatory Policy CRTC 2019-269.

<sup>50</sup> TELUS Intervention, paras. 36-43.

<sup>51</sup> *Alternative formats for a person who is blind*, Order CRTC 2001-690, August 31, 2001; *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC 2002-13, March 8, 2002; *Accessibility of telecommunications and broadcasting services*, BTNC 2009-430, July 21, 2009; *Accessibility of telecommunications and broadcasting services* TRP CRTC 2010-132; and *Public Interest Advocacy Centre and National Pensioners Federation – Application regarding paper billing by Koodo Mobile*, Telecom Decision CRTC 2020-80, March 3, 2020 at para. 30.

<sup>52</sup> S.C. 2019, c. 10.

practices. Contrary to PIAC-NPF's argument, these measures are not so weak or inadequate so as to attract provincial jurisdiction.<sup>53</sup> Taken together, this framework constitutes a complete code for consumer protection in the telecommunications and broadcasting space. In any event, Parliament has exclusive jurisdiction over all telecommunications operations and services, including the billing policies of all CSPs.<sup>54</sup>

**6. In the alternative, if the Commission intervenes, regulations must apply equally**

36. TekSavvy, CCSA and CNOOC submit that should the Commission decide that intervention is necessary, regulations should apply only to dominant CSPs such as TELUS, Rogers and Bell.<sup>55</sup>
37. This position should be rejected as a contrived attempt to reduce the protections available to their own customers and saddle their competitors with an asymmetric regulatory burden. If the Commission imposes new regulations, they should apply equally to all CSPs, as well as over-the-top broadcasting services such as Amazon, Apple and Netflix. This position is held by a number of CSPs<sup>56</sup> and the majority of consumer advocacy groups that considered this issue.<sup>57</sup>
38. First, uniform application ensures that all customers benefit from equal protection under the regulations, regardless of which CSP they choose. If certain CSPs are excluded from new billing regulations, those customers are disadvantaged, as they will not receive the same level of protection as customers of larger facilities-based CSPs. In its 2019 market study, the Competition Bureau found that where resellers have tended to focus their marketing efforts, they have acquired a substantial market share: 16.1% in the Greater Toronto and Hamilton area, 18.4% in the Southern Ontario region, 18.6% in the Montreal

---

<sup>53</sup> PIAC-NPF Intervention, para. 77.

<sup>54</sup> *Constitution Act, 1867*, 30 & 31 Victoria, c. 3 (U.K.); *Alberta Government Telephones v. (Canada) Canadian Radio-television and Telecommunications Commission*, [1989] 2 SCR 225.

<sup>55</sup> TekSavvy Intervention, para. 14; CCSA Intervention, para. 8; and CNOOC Intervention, para. 6. See also ITPA Intervention, para. 9 where the ITPA submits that intervention is unnecessary with respect to ITPA members, but takes no position on the "large incumbents".

<sup>56</sup> Bell Intervention, para. 10; Eastlink, para. 23; and SaskTel Intervention, para. 13.

<sup>57</sup> Consumers Council of Canada Intervention, para. 18; PIAC-NPF Intervention, paras. E4 and 10; and Manitoba Coalition Intervention, para. 68.

area, and 16.6% in the National Capital region.<sup>58</sup> Not only will these customers not be protected, they may not even be aware that their CSP is exempt from the regulations.

39. Second, uniform application ensures that no CSP receives an unfair competitive advantage. Patchwork application would relieve other providers of the compliance costs associated with the paper billing obligation being imposed on their competitors. Unlike their facilities-based competitors, resellers have a market advantage in that they do not bear the cost of investing in networks and improving communications infrastructure for all Canadians. Therefore, without compliance costs, exempt CSPs could re-direct resources to other corporate priorities to the detriment of their competitors.<sup>59</sup>
40. Third, for the above reasons, the unequal application of regulations relating to paper billing is inconsistent with the 2006 and 2019 Policy Directions.<sup>60</sup> With respect to the 2006 Policy Direction, it would be inconsistent with the requirement that the Commission use measures that are implemented in a “symmetrical and competitively neutral manner” to the greatest extent possible<sup>61</sup> and the requirement that the Commission “use measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives.”<sup>62</sup>
41. With respect to the 2019 Policy Direction, the unequal application of regulations would be inconsistent with the requirement that the Commission consider how its decisions “enhance and protect the rights of consumers in their relationships with

---

<sup>58</sup> Competition Bureau of Canada, *Delivering Choice: A Study of Competition in Canada’s Broadband Industry*, August 7, 2019, pp. 18-22.

<sup>59</sup> See for example, Eastlink Intervention, para. 4 where Eastlink notes that “TekSavvy’s subscriber base and revenue levels are similar to Eastlink’s. Accordingly, there is no reason why TekSavvy and other wholesale Internet and TV service providers should not be required to adhere to the same requirements as Eastlink.”

<sup>60</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, December 14, 2006 (2006 Policy Direction); *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, June 17, 2019. While the 2006 and 2019 Policy Directions do not bind the Commission in relation to the *Broadcasting Act*, they remain good policy and should apply equally to the broadcasting sector where possible.

<sup>61</sup> 2006 Policy Direction, s. 1(b)(iii).

<sup>62</sup> 2006 Policy Direction, s. 1(a)(ii).

telecommunications service providers”,<sup>63</sup> and the extent to which its decisions “encourage all forms of competition” and “enable innovation in ... differentiated service offerings”,<sup>64</sup> since it would eliminate the ability of some CSPs to compete on the basis of billing format. To the extent the Commission determines that additional regulation is necessary to protect consumers, then these directives surely require that any such regulation benefit *all* consumers.

42. Further, the Commission's approach to the selective application of the *Internet Code* and membership in the CCTS does not apply in this proceeding. In Telecom Decision CRTC 2019-269,<sup>65</sup> the Commission limited the application of the *Internet Code* to certain named larger Internet service providers because they “are more likely to (i) include bundles, time-limited offers, promotional prices, and multiple package options; and (ii) have a fixed term”.<sup>66</sup> In Telecom Decision CRTC 2007-130,<sup>67</sup> the Commission was concerned that costs associated with membership in the CCTS could have an adverse impact on smaller TSPs. These considerations are irrelevant in this proceeding, and in any event, smaller CSPs have not demonstrated any compliance costs so significant as to outweigh consumer benefits.<sup>68</sup>

## 7. TELUS customer migrations are consistent with important policy goals

43. As stated in its intervention, TELUS and Koodo recently migrated most customers still receiving paper bills to electronic billing.<sup>69</sup> Contrary to PIAC-NPF’s allegations, TELUS’ actions do not “betray a desperation to save costs” by “playing on their fears of contagion” or constitute a “callous, fear-mongering excuse to involuntarily switch consumers to e-

---

<sup>63</sup> 2019 Policy Direction, s. 1(a)(iv).

<sup>64</sup> 2019 Policy Direction, s. 1(a)(i) and (vi).

<sup>65</sup> *Internet Code*, Telecom Regulatory Policy CRTC 2019-269.

<sup>66</sup> *Ibid* at para. 110.

<sup>67</sup> *Establishment of an independent telecommunications consumer agency*, Telecom Decision CRTC 2007-130, para. 24.

<sup>68</sup> ITPA Intervention, para. 13; TekSavvy Intervention, para. 6; and Distributel Intervention, para. 3. Distributel further notes at para. 7, “We incur substantial and material costs on an ongoing basis to provide paper billing and expect that the dominant communication service providers incur greater costs associated with providing paper bills based on their higher subscriber market shares.”

<sup>69</sup> TELUS Intervention, para. 8. Details of the migration are set out in greater detail in response to request for information TELUS(CRTC)3Mar20-2.

billing”.<sup>70</sup> In making these accusations, PIAC-NPF demonstrates an ignorance of public policy and operational considerations in a pandemic.

44. As stated in communications with our customers, the migrations were initiated due to health and safety concerns as a result of the ongoing COVID-19 pandemic. Both TELUS and Koodo customers who were migrated can revert back to paper billing at any time, and at no charge. For context, as of July 1, 2020, # # Koodo account holders contacted Koodo to request to be switched back to paper billing after Koodo’s migration due in late May. This represents # # of Koodo’s migrations.

45. At all times, TELUS is driven by our core principle of Customers First. To help our customers and support our communities during this uncertain time, TELUS deferred planned price increases, extended promotional periods, waived roaming and internet overage charges, and temporarily suspended all planned deactivations and collection measures that would normally take place as a result of late or non-payment. TELUS also expanded the TELUS Mobility for Good to support frontline healthcare workers, supported communities with medical technology and equipment through a \$10M commitment from the TELUS Friendly Future Foundation, and partnered with local school boards in British Columbia and Alberta to expand the TELUS Internet for Good program to help more families in need learn from home, including providing two months of free service to all low-income families enrolled in the program.

## 8. Conclusion

46. For the reasons set out above and in its intervention, TELUS requests that the Commission refrain from intervening in regard to the billing practices of CSPs. TELUS’ billing policies respond to consumer concerns regarding a focus on electronic billing, accords with the legislative scheme under the *Telecommunications Act* and *Broadcasting Act*, and are proof of the robust operation of competitive forces. Paper bills are a dimension of competition and regulating their provision would hurt, not hinder, competition in Canada. However, should the Commission determine that intervention is necessary, regulations must be applied equally to all CSPs, not just larger incumbents. Regardless, in coming to

---

<sup>70</sup> PIAC-NPF Intervention, paras. 41 and 43. See also KMPNA Intervention, pp. 5-6.

its decision, the Commission should be wary of the astroturfing attempts of certain intervenors (including PIAC and KMPNA) and evaluate those interventions for what they really are – coalition members and advocates of the pulp and paper industry, not independent consumer voices.

\* \* \* End of Document \* \* \*