



October 1, 2007

By Electronic Mail

To: Interested Parties

Independent Financial Brokers of Canada: Submission on Telecom Public Notice CRTC 2007-15: Proceeding to consider the delegation of the Commission's investigative powers with regard to Unsolicited Telecommunications Rules complaints.

1. Independent Financial Brokers of Canada (IFB) is pleased to submit our comments, on behalf of our members, for consideration by the Commission regarding the above-referenced Notice. IFB has been a participant in the consultative process related to Bill C-37, *An Act to amend the Telecommunications Act*.
2. IFB is a voluntary, not for profit association representing approximately 4,000 licensed financial advisors across Canada. The majority of our members provide advice and products related to life/health insurance and mutual funds to consumers. Some distribute other forms of insurance, for example travel or property and casualty, and securities. Many of our members provide financial planning services to consumers.
3. Our members tend to operate small businesses or sole proprietorships within their community. They would typically rely on telephone, mail and personal referrals to contact new and existing clients regarding their services.

PN CRTC 2007-15: Call for comments

4. In Paragraph 9, the Commission has invited comments related to three issues. IFB wishes to comment on section 9c. "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”.

5. IFB is opposed to the Commission’s intent for two reasons. First, we do not agree that those who have been expressly exempted from the National DNCL Rules should be required to register with the National DNCL operator and pay fees to the third party investigative body. In our view, this is contrary to both the spirit and intent of the Act, which specifically exempts certain parties.

The particular exemption of interest to our members is that which relates to unsolicited calls made to an existing client. The relevant excerpt is contained in Section 41.7(1) of the Act which states:

An order made by the Commission that imposes a prohibition or requirement under section 41 that relates to information contained in any database or any information, administrative or operational system administered under section 41.2 for the purpose of a National DNCL does not apply in respect of a telecommunication

(b) made to a person

(i) with whom the person making the telecommunication, or the person or organization on whose behalf the telecommunication is made, has an existing business relationship, and

(ii) who has not made a do not call request in respect of the person or organization on whose behalf the telecommunication is made;

6. Secondly, the registration process being contemplated will be unduly onerous and costly for our members who provide financial planning services and whose clientele is typically comprised of individuals and their families. We fail to see the merit or value to the public in requiring such advisors “to register with and provide information to the National DNCL operator”. Furthermore, the requirement to pay fees to a third party investigator of complaints, in an amount which is unknown, would place an additional financial burden on these often very small community based businesses.
7. From the outset, IFB has maintained that these types of businesses are not the source of telemarketing complaints and should not have been included under this legislation. We further argued that, in the absence of a blanket exemption for such small businesses, the definition of telemarketing should have specifically exempted those in the financial services who are separately licensed, registered and regulated under the purview of their respective provincial insurance and/or securities acts. While this position was not accepted, there was at least some recognition given to reducing the complexities of compliance, by providing an exemption for existing business relationships. It concerns us greatly then that the Commission now appears to be attempting to reverse the protection afforded to such relationships under the Act.
8. Under the DNCL Rules, exempt parties must maintain their own do-not-call lists in accordance with a consumer’s request to not be contacted. This rule

provides consumers with protection from unwanted calls. An additional requirement for exempt parties to register with a national DNCL operator serves no purpose. It duplicates information and adds to the cost of operating the database.

9. IFB submits the above comments to the Commission for its consideration and we urge the Commission to establish procedures which reflect the spirit and intent of the Act.

Respectfully submitted,



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