



December 4, 2008

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

Sent by Fax and Email

Dear Sir:

Subject: Telecom Public Notice CRTC 2008-14: Comments on potential modifications to some Unsolicited Telecommunications Rules

Independent Financial Brokers of Canada (IFB) is pleased to provide comment on Telecom Public Notice CRTC 2008-14 issued on October 20, 2008.

1. IFB is an incorporated, not-for-profit association whose members are licensed under provincial regulation to provide financial services and advice to consumers across Canada. We represent approximately 4,000 self-employed financial advisors – most of whom operate small businesses in the communities in which they live.
2. IFB has been an active participant in previous public consultations leading to the establishment of the National Do Not Call List (DNCL) and the Unsolicited Telecommunications Rules (Rules).
3. The definition of a telemarketer contained in the Rules applies to our members who make exempt and non-exempt calls to clients and potential clients.
4. It is the position of IFB that the telecommunications activities of our members should not be covered under the Rules because they are already subject to extensive provincial licensing and regulatory oversight and market conduct enforcement. As well, consumers have access to various complaint mechanisms which predate the National DNCL.

5. On October 20, 2008 the Commission issued a public consultation to seek input on three additional issues. IFB will restrict its comments to item (1) Should telemarketing telecommunications made by or on behalf of election candidates who are not candidates of a registered political party be excluded from the National DNCL rules? And (2) Should consumer registrations of telecommunications numbers on the National DNCL be made permanent?

Exemption for non-party candidates

6. With respect to item (1), Section 41.7 of the *Telecommunications Act*, sets out the types of calls which are exempt from the Rules. If the Commission is prepared to accept applications for additional exemptions at this time, then it is IFB's position that financial advisors who are licensed under provincial securities and insurance regulation should be exempt from the Rules, due to the existing regulatory oversight and consumer protection already afforded by this oversight.
7. The rationale for including non-party candidates appears to be based on democratic principles. IFB respectfully submits that in the same spirit, our suggestion to reconsider the exemption of our members should be accepted.
8. IFB is very concerned about the costs incurred by our members (most of whom operate small businesses and make few calls that are not exempt) to participate in the DNCL. To date, the Rules require that they register as a 'telemarketer', pay a fee to access the DNCL, and pay a fee – yet to be determined – to pay the costs of a complaints investigator. Future costs may well be added to this burden or existing costs increased. It has been our contention that the costs of establishing and administering the DNCL for our members is unduly burdensome and onerous given the number and types of calls they make to consumers. It is our further contention that the burden of these costs far outweighs any perceived benefit to consumers. The provision of professional financial advice, including adequate insurance protection, is essential to the financial well-being of individuals and families. To erect barriers which impede access to such information may result in Canadians having fewer resources from which to obtain such independent advice and a reduction in obtaining coverage that is appropriate for their particular circumstances.
9. The CRTC has approved a cost recovery structure which unduly penalizes independent contractors and favours large financial institutions. These institutions can purchase and share access to the DNCL with their advisors. This same option is not available to independent advisors who must bear the full cost of access themselves. The cost to access one area code of DNC listings is \$615 per year. While this cost may be minimal to a large financial institution, it represents a significant expense to a small owner operated firm and which may require access to more than one area code. We have yet to discover the additional costs that will be attributable to the Complaints Investigator. This creates an unfair burden on our members and may well create a barrier for individuals considering becoming an independent advisor in the financial services industry.

National DNCL registration period

10. Under the current Rules, consumers who register their telephone number on the DNCL will remain on the List for 3 years, after which time they must voluntarily re-register. The Commission has asked for input on whether such registration should be permanent.
11. The Commission based its decision to implement a 3 year registration period on its understanding that a process to remove disconnected or re-assigned telecommunications numbers from the National DNCL would impose costs on carriers and be unduly burdensome on the National DNCL operator. The 3 year period was designed to balance the interests of consumers who registered on the DNCL with mitigating the costs of the carriers and operator.
12. The Commission has not indicated in this consultation that the facts on which it based its earlier decision have changed. There is no indication that moving to permanent registration will result in reduced operational costs.
13. This legislation is subject to a three year review. Therefore, it is our opinion that given the short time the DNCL has been in operation, it is too early to assess whether such a change can be made in a cost-effective manner.
14. IFB thanks the Commission for the opportunity to present its views on behalf of our members. Kindly contact the undersigned if you require further information.

Yours truly,

A handwritten signature in black ink, appearing to read 'John Whaley', with a stylized, cursive script.

John Whaley
Executive Director
Email: jaw@ifbc.ca

Cc: Interested parties (by email only)

*** End of document ***