



**97% of the People of Canada**

May 2 - 5, 2006

## **Re: Public Notice CRTC 2006-4 – National Do Not Call List Framework**

### **Introduction**

1. The following is a direct quotation from CRTC 2006-4: “[Many Canadians consider telemarketing calls to be an annoyance and an invasion of privacy. In a survey conducted by Environics in 2003 cited by Industry Canada,<sup>2</sup> 97 percent of respondents reported a negative reaction toward unsolicited calls....](#)” This presentation is on behalf of the 97% of Canadians who find all forms of telemarketing annoying. That’s over 31 million Canadian citizens asking their government to put an end to the travesty of unwanted telemarketing.

### **Why are we here?**

2. We are participating in this proceeding in the hope that the CRTC will build an effective system to curtail unwanted telemarketing, as quickly and inexpensively as possible, as directed by Bill C-37.
3. We hope that the result will be self-sustaining, and not require funding from The People of Canada, through the Federal or any other level of Government.

### **Let’s establish some facts for the record...**

4. All those who enjoy receiving telemarketing calls, please raise your hands. Let the record show that there were (X number) of hands raised, in a room containing (Y number) of people.
5. Of those who have raised their hands, how many undertake to reveal their home and cell phone numbers, by legibly writing them on a piece of paper and delivering them to me within the next 5 minutes to be read into the public record of this meeting? Let the record show that out of (X number) of hands originally raised, **ZERO** remain raised.

## Success Criteria

6. Our definition of a successful DNCL is one which would enable any Canadian citizen to permanently stop ALL unwanted telemarketing calls to their home with less than 5 minutes of effort, at no cost to the subscriber, and with no possibility of retribution by the telemarketing industry.
7. Every single telephone subscriber in Canada must be given the choice of being protected by the DNCL.
8. Every single Canadian must be able to register for the protection of the DNCL without risk of their confidential information being revealed by the CRTC or their agent.

## Why the DNCL shall NEVER be downloaded to a telemarketer...

9. Bill C-37 states that the Commission shall be permitted "...to prevent undue inconvenience or nuisance, giving due regard to freedom of expression."
10. Our freedom to express our wishes with regard to the "undue inconvenience or nuisance" of unwanted telemarketing must not be limited by the technical or procedural implementation of the DNCL.
11. A subscriber's telephone number **IS** confidential information. Obvious examples include unlisted numbers and cell phone numbers. There are many other examples, including every individual present today who has not caused their home telephone number to be read into the public record of this meeting.
12. If a subscriber must reveal confidential information, including, their phone number, to the CRTC or its agent to enable that subscriber to participate in the protection of the DNCL, then this confidential information must **never** be revealed to anyone.
13. In particular, a registered subscriber's telephone number must **never** be provided to any telemarketer by the DNCL Operator.

## Cost recovery implications of a downloadable DNCL...

14. Once downloaded, a copy of the DNCL could be easily shared amongst unscrupulous telemarketers, much as downloaded MP3 files have been shared in the past through programs such as Napster.
15. Telemarketers can easily share the downloaded DNCL files, and this would remove their incentive to pay for the use of the DNCL. **Telemarketers could easily aggregate their use of the DNCL and AVOID PAYING THEIR FAIR SHARE OF THE COSTS.**

16. We have reason to believe that some unscrupulous organizations may then offer a grey, or, if regulated, a black market in DNCL aggregation services.
17. How many registered users of the USA's FTC DNCL actually pay for their usage?, and how many telemarketers are actually using the FTC DNC information?
18. We suggest that the definitive answer to the first of these two questions should be easily obtainable from the FTC DNC Registry operator, and we request that answer be provided to the DOWG and entered into the official record.
19. We would hope that the number of telemarketers who actually use the FTC DNC Registry information would be equal to the number of non-exempt telemarketers in the USA. We suspect, however, that this is not the case.
20. We note that the USA's FTC DNC Registry reported large financial losses in its first year of operation.

#### **Why numbers registered on the DNCL shall never expire...**

21. The stated intent of Bill C-37 is to prevent undue inconvenience or nuisance.
22. We respectfully submit that the undue inconvenience and nuisance Bill C-37 refers to, is the inconvenience and nuisance experienced by telephone subscribers when they receive unwanted telemarketing calls.
23. If registrations are allowed to expire, and the DNCL is provided as a downloadable file of any kind, it would be a trivial matter for anyone with access to a computer, to automatically compare successive copies of the DNCL file and extract lists of expired numbers.
24. This would put the CRTC into the embarrassing position of having provided the telemarketers with convenient and uncontrolled access to **a list of numbers which may be called.**
25. Again, we respectfully submit that the intent of Bill C-37 is that the CRTC create a Do **Not** Call List.
26. We demand that telemarketing industry lobbyists not be allowed to pervert the DNCL into a "Do Call List". If the CRTC allows this to happen, it would be exactly the opposite of what Bill C-37 intends.

#### **What happens if the CRTC proceeds with the downloadable file approach to the DNCL...**

27. We have contributed to the DOWG a detailed calculation of hidden mandatory costs to the telemarketers. The hidden costs of every business in Canada being required to obtain a computer, sufficient proprietary software, and internet connection is initially \$4 Billion, with ongoing annual costs of \$500 million. No dispute of these figures has yet been made at the DOWG meetings, so this is the only available information to date on the subject.
28. Telemarketers will have every incentive to defray these costs by avoiding proper payment to the DNCL Operator.
29. Canadians' confidential information will be leaked to telemarketers by the CRTC.
30. Enforcement will be problematic.

### **How to do it once, and do it RIGHT...PLEASE...**

31. Telemarketing industry lobbyists typically defend telemarketing as freedom of speech. We submit that their right to punch stops where our noses begin.
32. Telemarketers have no right whatsoever to use any equipment which subscribers own, – in other words, our telephones, or telephone service a subscriber pays for, to intrude into the subscriber's home against the subscriber's wishes. We are more adamant in this assertion if we have explicitly directed them to refrain from doing so.
33. There is an exceptionally straightforward solution to balancing the peace and privacy of the subscriber with the freedom of expression of the telemarketer.
34. The DNCL should be offered as a **National DNCL Service**. The DNCL should accept small lists of numbers from telemarketers, and then indicate which ones are permitted for that telemarketer to call and for what purpose, and period of time that permission is given.
35. The **National DNCL Service** may be readily constructed using non-proprietary technologies, and delivered through IVR for low volume, web browser for medium volume, or a web service for high volume, automated usage.

### **The benefits of the National DNCL Service include:**

36. Effectiveness – if each telemarketer has to procure verifiable permission to call each number, then enforcement becomes a very simple matter.
37. The number of complaints requiring investigation would be vanishingly small. If a telemarketer has a valid confirmation record from the DNCL Operator, they can simply provide that confirmation number to the subscriber, and the subscriber would be unlikely to pursue the matter in the first place. If there is a complaint,

then it should be easy for an investigator to establish some facts about the call directly from the **National DNCL Service** records.

38. No grace period would be required. This removes one of the major sources of potential confusion, and minimizes the need for an expensive education campaign.
39. Aggregation of usage by telemarketers would not be possible, so the costs could be recovered fairly from all telemarketers in ***exact proportion to their usage***.
40. Perfectly accurate statistics on all legal telemarketing activities could readily be generated to assist in future policy decisions.
41. Subscribers' confidential information, including their confidential telephone numbers, would be securely kept inside the DNCL Operator's facilities.
42. Providing a **National DNCL Service** will result in the lowest possible mandatory hidden cost of equipment which the telemarketer would have to provide to enable them to access the DNCL.
43. Canadians will have the freedom to express their wishes with regard to telemarketing effectively.

#### **Why should we build an effective DNCL Service...**

44. Telemarketing is possibly defensible, but only to willing subscribers.
45. Unwanted telemarketing is completely indefensible. It does not create meaningful employment, but instead diminishes the value of our lives, as well as the lives of those who are paid to place the unwanted telemarketing calls.
46. If you were to add up all the time which Canadians spend each year fielding these intrusive, useless sales pitches, the total amount of time is too large to reasonably report in hours. A more appropriate unit of measure of this wasteful activity would be the length of an average human lifetime.
47. Every year, in Canada alone, telemarketing wastes the equivalent of **87 human lifetimes**, not including the time spent by the telemarketers themselves in wallowing in this demeaning, unnecessary part of their lives.
48. The effects are diffused over our population, but that makes it no less disgusting.
49. Please do not stand by again while the telemarketing industry lobbyists run amok defining the rules for the CRTC. The CRTC does not report to any corporation.

The CRTC reports to the Federal Government of Canada, and they in turn report to the PEOPLE of Canada. Please do not forget that.

50. We would ask that those present picture a mother (or father) holding their baby, trying to prepare something to eat after a long day of work. Picture another baby sleeping peacefully. Now picture what happens when some telemarketer puts their bottom line ahead of this scene and places an intrusive call. The dinner is burnt, the sleeping baby is now crying, the night shift worker is now awake.
51. This scene is repeated over and over on a daily basis MILLIONS OF TIMES EVERY YEAR. Why do we allow this to continue?
52. I'd ask now that everyone present observe a period of silence for the rest of the time allotted for this presentation, to pay appropriate respect for the ongoing waste of 87 Canadian lifetimes every year with the madness that is unwanted telemarketing. While you're at it, listen carefully to the silence before you place a monetary value on breaking it.

**Thank You for listening.**