



December 22, 2011

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Re: CCTS file number 131162

On November 8, 2011 we issued a Recommendation regarding the above complaint. As Velcom rejected our Recommendation, I am required to issue a Decision under Section 11 of our Procedural Code ("the Code").

Our Recommendation

After investigating [REDACTED] complaint, we determined that:

- In order for Velcom to investigate [REDACTED] concern about slow internet speeds, Velcom informed him that a technician would have to be dispatched, and that he would have to pay this fee "upfront" since Velcom uses Bell's network to provide service to its customers and would itself incur fees if Bell sends a technician to a customer's residence without cause.
- [REDACTED] was billed for the dispatch of a technician but refused to pay this charge, stating that a technician was never dispatched to his residence.
- [REDACTED] nonetheless paid \$113.36 to a collection agency for the fee related to the technician that was never dispatched.
- Velcom did not provide any supporting documentation demonstrating the date on which the technician allegedly visited the residence, or that a technician was actually dispatched to [REDACTED] residence, or the type of testing that was performed on [REDACTED] line.

Accordingly, we recommended that the dispute be resolved on the basis of Velcom sending a refund cheque to [REDACTED] in the amount of \$113.36 representing the total amount paid by [REDACTED]

[REDACTED] for the alleged technician dispatch, since we were unable to conclude that a technician actually went to [REDACTED] premises.

Velcom's Objections

Under Section 11 of the Code, the party objecting to the Recommendation is required to explain why he or she considers it to be unacceptable or inappropriate.

On November 24, 2011, Velcom rejected our Recommendation and although it did not provide any details regarding the basis of this rejection, it sent us the following documents:

1. A document from Bell dated April 30, 2010 which shows that on March 26, 2010, Bell tested the service for the phone number [REDACTED] and billed Velcom \$87.70 for these tests.
2. A document which reads "Gateway Access Service" from Bell, which lists the customer information and the telephone number associated with the charge above.
3. A document from Velcom that outlines the customer profile and telephone number associated with the above-mentioned charge.

Velcom states that the Bell document (item 1) demonstrates that a technician was dispatched and that Bell charged Velcom for this dispatch. Velcom also stated that documents two and three link the charge to [REDACTED] account. For this reason, Velcom believes that it should not be required to refund the disputed amount.

Decision

Section 11.5 of our Procedural Code states that in formulating a Decision, the Commissioner shall consider whether there is substantial doubt as to the correctness of the original Recommendation.

We reviewed the Bell document, which seems to be a billing statement provided to Velcom by Bell outlining the results of all technical tickets opened by Velcom at Bell's technical department. On the line identified by [REDACTED] phone number we can read:

"DSL Test OK-No Trouble Found Charge Charge"

Our interpretation of this note is that Bell tested the Digital Subscriber Line (DSL), for the phone number [REDACTED], and found no trouble. However, it does not demonstrate that a technician was physically dispatched to [REDACTED] residence to perform this test. In any event, whether or not a technician was in fact dispatched, it is clear that [REDACTED] informed Velcom that he did not agree to pay for the cost of having a technician dispatched to his home.

We note that Velcom had informed [REDACTED] that a fee would have to be paid upfront before dispatching a technician. At no time does the evidence suggest that [REDACTED] was informed that a fee would be billed for remote testing.

As the documentation provided by Velcom does not raise substantial doubt as to the correctness of the original Recommendation, we are of the view that there is no basis upon which to modify it. We are therefore maintaining the Recommendation which is now the Commission's Decision.

Further to Section 11.7 and 11.8 of our Procedural Code, [REDACTED] may accept or reject this Decision within 20 days of receipt. Should he decide to reject this Decision, [REDACTED] may pursue this complaint through any other forum and Velcom shall be fully released from the Decision.

A copy of our Procedural Code is attached for reference.

Sincerely,

Howard Maker
Commissioner

Attachments: Recommendation and Procedural Code.

[REDACTED]