



April 30, 2012

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
Bell Canada
Small & Medium Business
5115 Creebank Road, Main Floor
Mississauga, ON
L4W 5R1

RE: CCTS file number 02020800167645

On March 13, 2012, we issued a Recommendation regarding the above complaint. As Bell has 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:

- [REDACTED] experienced numerous service interruptions with his business phone service between May 9, 2011 and November 16, 2011¹;
- technical summaries demonstrate a consistent pattern of dial tone loss;
- even though Bell claims the issues did not impact the service or were resolved promptly, the documents provided did not support its position;
- Bell's Terms of Service outline a contractual obligation to refund charges during periods of service interruptions;
- the evidence requires us to conclude that Bell recommended that [REDACTED] purchase a new telephone system that he likely did not require, on the mistaken assumption that his old system was responsible for the outages; and
- Bell installed the new system at [REDACTED] expense and the service interruptions continued.

Accordingly, we recommended that Bell credit the cost of the monthly service charges for the period in dispute, refund labour charges of \$573.00 for the installation of equipment that did not remedy the problem, and compensate [REDACTED] for his inconvenience in the amount of \$400.00 as he had spent

¹ Excluding July 2011 as [REDACTED] acknowledges not having reported any issues during this timeframe.

much time and made numerous attempts to try and resolve this matter with Bell. [REDACTED] accepted our Recommendation on March 13, 2012.

Bell's Objections

Under Section 11 of the Code, the party objecting to the Recommendation is required to demonstrate that there is substantial doubt as to the correctness of the Recommendation. Bell provided its objections in an email to CCTS dated March 13, 2012. However, it did not provide any reasoning for its objection nor did it provide any supporting documentation to support its position. Bell simply responded "we will not accept" and did not elaborate further.

In an attempt to obtain clarity regarding Bell's rejection of our Recommendation, a courtesy email outlining its obligations pursuant to Section 11 of our Procedural Code was sent to Bell on March 13th, 2012. The correspondence outlined in detail that if Bell does not accept the Recommendation that it must provide the reasons why, in Bell's view, the Recommendation is not acceptable. We did not receive a response to this email.

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. As Bell did not provide a reason for its rejection of the Recommendation, it has failed to demonstrate that substantial doubt as to its correctness exists. We are therefore of the view that there is no basis upon which to modify the Recommendation and hereby confirm it.

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 it decide to reject this Decision, [REDACTED] may pursue this complaint through any other forum and Bell shall be fully released from the Decision. A copy of our Procedural Code is attached for reference.

Sincerely,

Howard Maker
Commissioner

Attachments: Recommendation & Procedural Code