
May 21, 2015

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

Convergia

[REDACTED]
[REDACTED]
[REDACTED]

RE : CCTS file number #519286

On March 3, 2015, we issued a Recommendation regarding the above complaint.

Under Section 11.3 of our Procedural Code (“the Code”), a party that wishes to reject a Recommendation must do so within 20 days of its issuance. In this instance, Convergia did not respond within the 20 day period. When we contacted Convergia, it advised us that it did not properly understand the requirement to respond within 20 days. In the circumstances, I exercised my discretion under section 6.19 of the Code to extend the time for Convergia to respond to the Recommendation.

Convergia provided its response on May 5, 2015, within the extended timeline. It rejected our Recommendation, and thus I am required to issue a Decision under Section 11 of the Code.

Our Recommendation

[REDACTED] was billed \$616.53 for 20 long-distance calls made from his company’s toll-free line between March 5, 2014 and May 5, 2014. [REDACTED] denied making these calls and requested that Convergia temporarily suspend the toll-free line and investigate the matter. [REDACTED] alleged that Convergia failed to properly investigate the matter but nonetheless kept his toll-free line suspended.¹

Convergia claimed that it investigated the calls in dispute and determined that its billing was supported by the call detail records.²

¹ This prevented the transfer of his toll-free number to another service provider

² A provider’s switch records that include the list and details of the calls that were made by a specific line’s telephone number.

When CCTS investigated the complaint, we noted a discrepancy between the call detail records and the invoices³. We also noted that some of the calls in dispute lasted over 1,000 minutes and/or were placed concurrently. Although several request for clarification were sent to Convergia, it failed to provide an explanation for these discrepancies. We therefore determined that Convergia had not demonstrate that the calls in dispute were legitimate and accordingly, we recommended that Convergia credit the full cost of the calls in dispute⁴ and reactivate the toll-free line.

Convergia'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. Convergia provided its objections to CCTS on May 5, 2015.

In regard to the discrepancy between the call detail records and the invoices, Convergia explained that its billing format always presents the originating phone number under the heading/column "to" and the toll-free number under the heading/column "from". Convergia stressed that this information has been displayed in this fashion on customer invoices over the last few years.

In regard to the issue of concurrent calls, Convergia commented that ██████████'s phone equipment likely had the capacity of receiving and/or placing more than one call at a time. Convergia explained that it is now common place for businesses to have phone equipment that allows the processing of multiple calls at the same time.

In regard to the duration of the calls, Convergia submitted the explanation that the caller likely failed to properly disconnect the overly long calls, which it noted had been placed after regular business hours.

Finally, Convergia noted that it found no problems with the call originating and terminating switches, that no other customers in the same period reported a similar issue, that it was not responsible for the security and/or improper use of the customer's equipment and that it had already paid its wholesale carrier⁵ for the cost of these calls.

For these reasons, Convergia contends that it should not have to provide any credits in this matter.

██████████'s Response to Convergia's Objections

██████████ confirmed that his phone equipment was capable of making and receiving concurrent calls, but stressed that it would be unlikely for he and his sole employee to place multiple calls at the same time.

In regard to the duration of the calls, ██████████ alleged that Convergia's explanation could only make sense if the called party also failed to improperly disconnect the line at its end.

³ The invoices indicate that the calls in dispute were outgoing calls, whereas the call detail records indicate that the calls in dispute were incoming calls.

⁴ i.e. \$616.53

⁵ Convergia resells to customers the services it purchases from another provider on a wholesale basis

Finally, ██████ alleged that Convergia's failure to share its fraud policy and the findings of its investigation with him pointed to its bad faith.

Thus, ██████ demands that CCTS' Recommendation be upheld.

Analysis of both parties' evidence and comments

Convergia provided to CCTS the explanation that was needed to fully understand the evidence that it had originally submitted.

Specifically, Convergia was able to explain the discrepancy between the call detail records and the invoices. The format explanation is validated by our review of ██████'s invoices, which consistently shows his toll-free number listed under the column/heading "from".

CCTS also considered the explanations provided by Convergia in regard to the other issues raised by the disputed calls, such as the duration of certain calls or their concurrent character. We noted that in the month previous to the one in which the disputed calls were made, there were also relatively lengthy concurrent calls, about which ██████ did not complain⁶.

Finally, as is frequently the case in complaints of this type, the customer has no "hard evidence" with which to dispute the data in the call detail records.

Decision

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

The additional information and explanations provided by Convergia at the time it rejected the Recommendation, which clarify and explain the deficiencies in its response to the complaint, appears to successfully establish the link between the usage in dispute and the toll-free line belonging to ██████'s company, and thus establish the validity of the related charges.

Accordingly, I am now convinced that our Recommendation was not correct and must be reversed. As such, Convergia is not required to credit the charges in dispute and re-instate the toll-free line.

Further to Section 11.7, 11.8 and 11.9 of our Procedural Code, ██████ may accept or reject this Decision within 20 days of receipt. Should he decide to reject this Decision and pursue this complaint through any other forum, Convergia shall be fully released from the Decision.

A copy of our Procedural Code is attached for reference.

Sincerely,

Howard Maker
Commissioner

⁶ E.g. long concurrent calls placed after business hours on February 24, 2014 at 7:16pm and 8:01 pm that lasted respectively 37 and 49 minutes