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VIA E-MAIL AND REGISTERED MAIL

January 25, 2007

Ms. Susan G. Drummond
302 Wellesley Street East
Toronto, Ontario
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Dear Ms. Drummond:

**Re: Susan G. Drummond v. Rogers Wireless Inc.
Court File No. SC-05-24969-00**

Enclosed please find responses to the questions that Deputy Judge Kilian ordered Rogers to answer.

We wish to point out that your Affidavit dated January 23, 2007 is incorrect. Paragraph 3 of your affidavit states that Deputy Judge Kilian ordered Rogers to produce the materials cited at paragraphs 13, 15, 17 (for the time of the dispute), 18, 19 and 20. Deputy Judge Kilian's Order indicates that the Defendant was "to comply with par. 13, 16, 17, 18, 19, 20, Para. 17 only for time of dispute".

We wish to remind you that the documents and information contained in this letter are confidential, subject to the Deemed Undertaking Rule and are not to be disclosed.

Production #13

Record of the number of legal disputes that have gone to arbitration since Rogers included the arbitration (SIC) on its wireless services agreement.

No legal disputes arising from the wireless services agreement have gone to arbitration in Ontario. The vast majority of disputes have been settled. A small minority have been determined by trial in small claims court.

Production #16

A detailed description of Rogers Wireless Inc.'s protocols and technologies for the detection of atypical call patterns and fraudulent call patterns since, and including, 1997, including a chronological record of all modifications made to those technologies and protocols during that period.

In 1997, Rogers implemented a Fraud Management System (FMS) licensed from Lightbridge Corp. to monitor network usage for fraudulent calling. This FMS monitored call detail records (CDRs) for usage patterns which included, calling destinations, and long distance/international calling that may have been indicative of fraudulent or unusual usage. Rogers used this FMS until July 2005. During this period, there were multiple version software upgrades and software patches installed. The functionality remained similar throughout, with minor feature additions, and upgrades to the user interface.

In June 2005, Rogers implemented a new FMS obtained from Subex Corp. This new FMS was different from the original, necessitating several modifications to business processes surrounding how the system is used. There have been a series of version upgrades and modifications to this FMS since June 2005. Functionality and user interface improvements are ongoing, as the vendor seeks to stay ahead of current trends in the wireless industry, and as Rogers rolls out new technology and services.

Production #17

A detailed description of Rogers Wireless Inc.'s current technologies for the detection of fraudulent calls made on stolen or lost cell phones; and for atypical call patterns (for time of dispute only).

Rogers is currently using High Usage Reporting (HUR) and a Fraud Management System (FMS) to monitor calling patterns.

HURs are received from carriers in other countries for usage by Rogers' subscribers off the Rogers network. The HURs are sent daily after our subscriber has passed a usage threshold that is specified by Rogers with each carrier. These reports are then reviewed to assist in identifying lost/stolen phones, fraudulent accounts, and potential bad debt situations.

The Fraud Management System operates in real time generating an alarm if a specific threshold is breached. All call detail records (CDRs) for Rogers Wireless usage are fed into the FMS, and the system analyzes these CDRs for patterns that may indicate suspect or fraudulent usage. Included in this monitoring are long distance and international calling, calling destinations, calling patterns, and data usage. Once a specific alarm has been generated it will then go into queue for an Analyst to review.

Production #18

A detailed description of Rogers Wireless Inc.'s protocols for contacting consumers once an atypical calling pattern has been flagged by Rogers fraud detection technology mentioned in item (17).

When an alarm is generated by the FMS for a Rogers Wireless subscriber, the account history is reviewed, and if the usage is deemed unusual, the Customer is contacted by a Loss Prevention Specialist (LPS). The LPS will attempt to contact the User at either the wireless number, or at the contact number which has been provided to Rogers by the subscriber. If the attempt to contact is unsuccessful, the phone may be blocked for some or all of the dialing functionality until contact is made, and validation of the unusual calling has been received.

Production #19

Documentation that details the protocols that customer service representatives (CSRs) and accounts receivable representatives (ARRs) are instructed by Rogers Wireless Inc. to follow when dealing with customers whose cell phones have been lost or stolen; particularly in the event that charges have accrued on the account relating to the lost or stolen cell phones by a third party who has misappropriated the consumers' phone and wireless services.

Attached.

Production #20

A description of the mechanism by which consumers who dispute charges attributed to them by Rogers Wireless can dispute those charges.

A customer who wishes to dispute charges can contact customer service through phone, fax or e-mail, as indicated on each monthly invoice. When a customer inquires about a specific charge, the Rogers customer service representatives (CSR) are trained to ask questions to acquire the necessary details to try to answer the customer's questions. This includes retrieving the invoice specified by the customer and reviewing it in conjunction with the customer. If an adjustment to the account is necessary, the CSR will seek to make an adjustment. If the customer service representative is unable to satisfy the customer, then there is an escalation process whereby more senior customer service personnel can focus on the issue and attempt to resolve the problem to the satisfaction of the customer.

Yours truly,

Lang Michener LLP



Per: Shane D. Hardy

SDH:jt

Encl.

New Lost, Stolen or Found Equipment

New Lost, Stolen or Found Equipment

Table of Procedure Overview

Description: A customer may request a temporary suspension of service when their phone, SIM card or PAYGO card is lost or stolen or if they have a fixed phone in their car and their car was stolen or sold.

Step-by-Step: [To Restrict a TDMA cellular telephone number \(CTN\)](#)
[Lift Restriction for an Analog or TDMA CTN](#)
[Block Incoming or Outgoing Calls for GSM CTN](#)
[Removing Incoming or outgoing block for GSM CTN](#)
[Customer wants voicemail to function while line is blocked](#)

[Lost or Stolen Program](#)
[Lost or Stolen Program \(Paygo\)](#)
[Lost/Stolen Swap Model Guide](#)
[CLM Customers](#)
[Lost/stolen or damaged/Inactive PAYGO Vouchers](#)
[Equipment is found](#)
[Collateral for New LOS](#)
[Collateral for Refurbished Units](#)

Related Links

[Eligibility](#)
[Hardware Availability](#)
[Changes](#)

Other Topics:
[Hardware Upgrade Program](#)
[Courtesy Phone and Repair Program](#)
[SIM Fulfillment Process](#)
[Lost and Stolen E-Form](#)
[Hardware Stock Availability Grid](#)

[Pay As You Go Phone Upgrade & Lost/Stolen Program](#)

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To Restrict a TDMA Cellular Telephone Number (CTN):

- This process will block both voice and text message usage.
 - If the handset is found and the restriction lifted, customers will receive any text messages that were sent to the handset within the last 72 hours. Any text messages that were sent from the handset while it was restricted will not be delivered.
1. Refer to the [Household Call Handling Grid](#) to determine caller's access to the account.
 - If someone other than the customer is calling to report the phone stolen, the service can still be suspended, however, the name and contact number of the caller should be taken and included in the account memo.
 - If the caller knows the noted user, they should be advised to notify them of the

New Lost, Stolen or Found Equipment

2. Advise the customer that the service will be discontinued immediately. Billing on the account will continue.
3. Access the **CTN Subscriber Profile** tab for the CTN that needs to be suspended.
 - phone's suspended status as soon as possible
 - **If the phone is being reported as found, see Equipment is found (does not apply to Totalphone/Paygo/Offpeak).**
 - Customers are able to keep calling features such as Call Forwarding and Mobile Message (does not apply to Totalphone/Paygo/Offpeak).
 - Although the account is suspended and cannot be used, the account will remain active in the billing system in order to keep their cellular number. The customer is still responsible for the MSF.
4. CSC will add SOC - LOSTOLEN
 - In the case of pending cancellation the following message will appear, "*The activity is restricted for the customer in the pending cancellation status*". Re confirm with the customer that they still wish to cancel.
 - If they do still want to cancel escalate to your Team Manager
 - Team Manager should delete the future dated request Deleting/Rescheduling Future-Dated Status Request - ICC/Save and change the cancellation date to immediately Cancel BAN/CTN - Save
 - CSC's should advise customer that billing will end immediately
5. CSC should not change anything in the equipment window.

This is an all-in-one SOC. The SOC will block everything, including:

 - Incoming & Outgoing Calling
 - Roaming
 - All forms of Data
 - SMS (incoming & outgoing)
6. Check usage on the account. See Adjusting a Call/Charge.
 1. Check unbilled usage between time stolen and time reported stolen.
 2. If there is usage inform the customer of the charges.
 3. If the customer disputes the charges up to \$150.00, please credit back using the LSST01 adjustment code in usage level and set the customer's expectation regarding their invoice.
 4. If the customer disputes the charges over \$150.00 please inform the customer that we will investigate the charges and they will be contacted within 48 hours. Any inappropriate charges determined will be reversed during the follow up call.
 5. Create a follow up. Select memo type

New Lost, Stolen or Found Equipment

FRDQ001.

6. The Loss Prevention group will contact the customer in addition to determining which credits are applicable.
7. The Loss Prevention group will then apply any necessary credits to the customers account.

7. Advise the customer of **next steps**.

- Options for replacing the hardware. The customer can take advantage of the Lost/Stolen Program or any currently available hardware promotion if they meet eligibility requirements.
- Advise customer that they must upgrade to a GSM phone as an equipment change cannot be completed to a TDMA phone effective Oct.15, 2006.
- The account will remain active in the billing system in order to keep their cellular number. The customer is still responsible for the MSF.
- **Paygo/Offpeak** - Skip to step #7.
- **Autosaver** - Change MOP to invoice

8. Create a memo using memo type **STOL**

● **Include:**

- Reason for the suspension.
- Name of the person requesting the suspension.

Remember that V21 auto-memo for lost/stolen phones reflects EST and not necessarily the customer's time zone.

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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Lift Restriction for an Analog or TDMA CTN:

1. Refer to the Household Call Handling Grid Process to determine caller's access to the account.
 2. If the customer wants to **restore with new hardware**, they must be restoring with a GSM phone. If the customer wants to restore with their previous hardware, continue.
- If customer is restoring with new hardware, they must be restoring with a GSM phone.

New Lost, Stolen or Found Equipment

3. Delete SOC - LOSTOLEN from account This will enable all functionality (Voice/Data & SMS)
4. Create a **Memo** documenting the reason why the CTN service was restored and the requestor's name.

Table of block incoming/outgoing

Block Incoming or Outgoing Calls for GSM CTN:

When a GSM customer has lost/stolen their SIM card/hardware and a new SIM card is not yet available, incoming/outgoing calls be temporarily restricted.

Never remove a SIM card from the equipment window for lost or stolen purposes. This can only be done during equipment changes (SIM to SIM) or network changes (TDMA to GSM/GSM to TDMA).

- This process will block voice, text message and data usage.
 - If the handset is found and the restriction lifted, customers will receive any text messages that were sent to the handset within the last 72 hours. Any text messages that were sent from the handset while it was restricted will not be delivered.
1. Refer to the Household Call Handling Grid to determine caller's access to the account.
 - If someone other than the customer is calling to report the phone stolen, the service can still be suspended, however, the name and contact number of the caller should be taken and included in the account memo.
 - If the caller knows the noted user, they should be advised to notify them of the phone's suspended status as soon as possible.
 - If the phone is being reported as found, see Equipment is found.
 2. Advise the customer that the service will be discontinued immediately.
 3. Access the **CTN Subscriber Services** tab for the CTN that needs to be suspended.
 4. Add SOC Code - LOSTOLEN
 - This will block Voice/Data/SMS & Roaming functionality.
 - Autosaver - The account will remain active in the system in order to keep their cellular number. The customer is still responsible

New Lost, Stolen or Found Equipment

for the monthly recurring charges.

5. Check usage on the account.

1. Check unbilled usage between time stolen and time reported stolen.
2. If there is usage inform the customer of the charges.
3. If the customer disputes the charges up to \$150.00, please credit back using the LSST01 adjustment code in usage level and set the customer's expectation regarding their invoice
4. If the customer disputes the charges over \$150 please inform the customer that we will investigate the charges and they will be contacted within 48 hours. Any inappropriate charges determined will be reversed during the follow up call.
5. Create a follow up. Select follow up type FRDQ0001.
6. The Loss Prevention group will contact the customer in addition to determining which credits are applicable.
7. The Loss Prevention group will then apply any necessary credits to the customers account.

6. Advise the customer of next steps.

- Options for replacing the hardware. The customer can take advantage of the Lost/Stolen Program or any currently available hardware promotion if they meet eligibility requirements.
- The account will remain active in the billing system in order to keep their cellular number. The customer is still responsible for the MSF.
- Paygo/Offpeak - Skip to step #7.
- Autosaver - Change MOP to Invoice

7. Create a memo using memo type STOL

- Include:
 - Reason for the suspension.
 - Name of the person requesting the suspension. (Document only if different from Bill to Name)
 - Date and time that the phone was lost/stolen. (Document only if original call was taken while v21 was not available)

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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New Lost, Stolen or Found Equipment

Removing Incoming or outgoing block for GSM CTN:

- To restore all functionality, CSCs should remove LOSTOLEN soc.
1. Refer to the Household Call Handling Grid Process to determine caller's access to the account.
 2. If the customer wants to restore with new hardware, follow the ESN Change process. If the customer wants to restore with their previous hardware, continue.
 3. Create a **Memo** documenting the reason why the CTN service was restored and the requestor's name.

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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Table of voicemail while line is blocked

Customer wants voicemail to function while line is blocked:

- Unfortunately, if the LOSTOLEN SOC is on the account, the customer will not be able to keep their voicemail active.

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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New Lost, Stolen or Found Equipment

Lost/stolen or damaged/inactive PAYGO Vouchers:

LOST

1. **If customer has lost their Pay As You Go phone, refer them to Paygo Customer Service. If after hours, ask the customer to follow up with Paygo Customer Service to deactivate the card.**
2. **If customer has lost a Pay As You Go card that was still in the cellophane wrap and has not been initiated, apologize to the customer for their loss. Continue by advising them that Rogers Wireless is unable to track who may have found/used the card since the card number is hidden.**

STOLEN

1. **If a dealer calls in to advise that their cards were stolen, advise the dealer that we will investigate the stolen cards.**

Send an email to Prepaid Offline with the following information;

- Name and Agent code
- Store location
- Phone Number
- Bundle #
- Sub Bundle #
- Voucher, if applicable

DAMAGED

1. **If a dealer calls in with a customers damaged card, Credit the account and extend the expiry date**

Send an email to Prepaid Offline with the following information;

- Name and Agent code
- CTN
- Bundle #
- Sub Bundle #
- Voucher, provide as much info as possible
- Amount of card
- Reason

2. **If a customer calls in with a damaged card, advise the customer that they will need to fax an enlarged copy of the damaged card.**

- Once the fax is received, CSC will credit and extend the expiry date.
- Send an email to Prepaid Offline with the following information;

- Name
- CTN
- Bundle #

New Lost, Stolen or Found Equipment

- Sub Bundle #
- Voucher, provide as much info as possible
- Amount of card
- Reason

3. **If a customer calls in and the card shows Inactivate in BOS, but VMS shows activate. Credit the account and extend the expiry date**

Send an email to Prepaid Offline with the following information;

- Name
- CTN
- Bundle #
- Sub Bundle #
- Voucher
- Amount of card
- Reason

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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10 of equipment is found

Equipment is found:

- If someone calls in to report they have found a phone that may belong to a Rogers Wireless customer, ask them to turn the phone in to police or to the nearest Rogers Wireless location.
- If the police recover a stolen phone, they should contact the regional Law Enforcement Support Department (Loss Prevention Group.).
- When a lost phone is returned to a Rogers Wireless location, the dealer will call in to customer care to advise the phone has been received and will provide the following information:
 - CTN
 - Store location
 - Contact number.
- Customer Care contacts the customer and advises them where the phone can be picked up.

<u>Available LSB Hardware</u>	<u>Description</u>	<u>Step-by-Step</u>	<u>Eligibility</u>	<u>Related Links</u>
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Eligibility

Table of Eligibility

New Lost, Stolen or Found Equipment

Eligibility Rules:

- For Lost or Stolen Program eligibility, see [Lost or Stolen Program](#)
- The customer is responsible for non fraudulent usage incurred prior to reporting their phone was stolen. Once a customer calls Rogers Wireless to report a stolen phone, they are not responsible for any usage incurred.
- If there has been usage, inform the customer of the charges.
 - If the customer disputes the charges up to \$150.00, please credit back using the LSST01 adjustment code in usage level and set the customer's expectation regarding their invoice.
 - If the customer disputes the charges over \$150.00 please inform the customer that we will investigate the charges and they will be contacted within 48 hours. Any inappropriate charges determined will be reversed during the follow up call.

The Loss Prevention group will contact the customer in addition to determining which credits are applicable.

- Customer is responsible for PAYGO card if lost prior to initiating it onto account.
- Customers should not be given information on what numbers have been called since the phone was stolen. Any questions regarding the investigation of the stolen phone should be referred to police.
- Customers also have the following options to prevent misuse if a phone is ever lost or stolen:
 - Locking the phone: No one is able to place or receive calls unless the PIN number is entered. This procedure is as safe as restricting the line and enables the user to reactivate their phone at any time without having to call customer service.

Available LSB Hardware	Description	Step-by-Step	Eligibility	Related Links
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