

August 28, 1975

Mr. Ken Rubin
68 Second Avenue
Ottawa, Ontario

Dear Ken:

This letter is not for public consumption at this time by you or by CAC, and I trust you will not connect CELA with your policies on the basis of it.

In the recent attacks on Bell's service - withholding "blackmail" tactics, one point seems to have been missed, or perhaps it has been raised but I have missed the references to it. The point is the discriminatory manner in which Bell has chosen to withhold services. If the Globe and Mail article is read (one which was on the first page of the early edition but seems to have been dropped completely from the later edition) was correct in saying that Bell has chosen not to service certain homes, then I question why Bell chose to deprive homeowners rather than businessmen.

Even if Bell's action in withholding services can be justified, does not this discrimination make an important statement about the relative powerlessness in our society of consumers in relation to business, especially the corporate community?

It will be interesting to see whether Bell services any businesses in the same area or in areas nearby to areas where it is refusing to service homes. In the metro Toronto area, there are many massive high rise office buildings going up, such as First Canadian Place, why has Bell chosen to deprive homeowners, rather than First Canadian Place, for example, of telephone service. Is the real reason simply that homeowners will not fight back the way businessmen will, who are going to have their profits impeded by Bell's decision?

In regard to a public utility discriminating among its customers, you may be interested in the case of Chastain and British Columbia Hydro and Power Authority, decided by the British Columbia Supreme Court, September 28, 1972. It is reported in Vol. 32, of the third series of the Dominion Law Reports in 1973 at Page 443. I raised this same issue with the Canadian Civil Liberties Association ten years ago and was told that it was not a civil liberties issue. The British Columbia Supreme Court apparently thought otherwise. Bell's present actions in delaying service to one class

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of customer may well be this same kind of illegal discrimination, although, I could not say without doing some legal research which I am not prepared to do.

Sincerely,

John Swaigen
91 Kendal Avenue
Toronto, Ontario

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cc Mr. Andrew Roman
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