

TELECOMMUNICATIONS INDUSTRY OMBUDSMAN

STANDARD ARBITRATION RULES

OVERVIEW OF ARBITRATION

Rule 1

How Does Arbitration work?

These rules provide an informal and inexpensive Arbitration procedure as a method of resolving disputes between a Customer and a Carrier.

The object of the Arbitration is for the Arbitrator to make an Award.

While the Arbitration will primarily be by an exchange of documents and written submissions (See Rule 15), the Arbitrator can order that an oral hearing be held (See Rule 24), to allow the parties to also put their arguments in person.

The Arbitration is designed to:

- a) operate in accordance with the principles of natural justice;
- b) allow the Arbitrator to relax certain rules of evidence as needed;
- c) resolve the dispute as quickly as justice to all the parties reasonably allows; and
- d) operate with minimal cost to the Customer - the only cost to the Customer is the Customer's own costs of preparing his or her submissions for the Arbitrator (see Rules 6, 7, 10, 13, 14, 17 and 29).

Rule 2

Who controls the Arbitration?

The Telecommunications Industry Ombudsman (TIO) is responsible for the development of procedures, such as these rules, for the fair, just, economical, informal and speedy handling of complaints regarding telecommunications services.

The TIO is independent of governments, carriers, and other interested bodies. Representatives from consumer groups, small business, and all general and mobile telecommunications carriers are members of the TIO Council.

These rules are administered by the Telecommunications Industry Ombudsman (or a person he or she appoints) who is called the "Ombudsman" in these rules.

Rule 31

Liability of the Ombudsman, the Arbitrator and any independent expert assistant or advisor to the Arbitrator.

The Ombudsman or the Arbitrator is not liable to either party for any act or omission in connection with the Arbitration. However, the Arbitrator or the Ombudsman is liable for his or her own fraud or deliberate wrong doing in connection with the Arbitration.

↘ The liability of any independent experts used by the Arbitrator is limited to \$250,000 for any act or omission on their part in connection with the Arbitration.

Rule 32

Return of documents

If either party has sent original documents to the Ombudsman or the Arbitrator, that party may request the return of those documents within six (6) weeks of being notified of the Arbitrator's Award.

Otherwise, the Arbitrator must deliver all documents relating to the Arbitration to the Ombudsman. The Ombudsman may keep any documents relating to the Arbitration as long as they remain confidential as set out in Rule 28, and may dispose of those documents, in accordance with the Ombudsman's policies, after one (1) year of the Arbitrator having given his or her Award.

The parties may retain those documents provided to them during the course of the Arbitration, but must be mindful of their obligations of confidentiality (see Rule 28), which continue to bind them even after the conclusion of the Arbitration.

42