

**IN THE MATTER OF THE TORONTO COMPUTER LEASING INQUIRY****AFFIDAVIT OF ROBERT BARBER**

I, Robert Barber, of the City of Toronto, in the Province of Ontario, **MAKE OATH AND SAY:**

1. I work for Rogers Wireless Inc. formerly Rogers Cantel Inc. ("Cantel") and provide customer support to the City of Toronto for its accounts with Rogers Wireless Inc. In 1999, I worked for Cantel. I am familiar with cellular phone bills issued by Cantel and Cantel's billing practices that were in place in 1999 and thereafter.

2. I have reviewed an 11-page cell phone bill, the first page of which is labeled COT058199, for the cellular number 416-543-5511. The bill indicates that this was a City of Toronto account and that the Phone User was Thomas Jakobek. I have attached a copy of this bill to my affidavit as **Exhibit A**.

3. In particular, I have reviewed page COT058208 of Exhibit A, Rows 416 to 417. Both rows indicate that the cell phone 416-543-5511 was answered and received two incoming calls on November 1, 1999, one at 15:47 and one at 16:45.

4. Row 416 contains two lines of information. For the first line, from left to right, the information means the following:

- a. "11/01" means the call occurred on November 1, 1999;
- b. "15:47" means the call was received at 15:47 or 3:47 p.m.;
- c. "Incoming" means the call represented was an incoming call to (416) 543-5511;
- d. "Toronto" means the call was received in Toronto;

- e. "ON" means the call was received in Ontario
  - f. "WD" means the call was received during Weekday billing period
  - g. "FIM" means the call was covered by the "First Incoming Minute" free plan. This meant that the Phone User was not charged for the first incoming minute of airtime and that the first incoming minute was not charged against the monthly maximum number of minutes for Phone User's cellular plan; and
  - h. "1:00", because of the second line of information described below, means the call lasted for 1 minute or more.
5. The line below line 416 is also labeled 416. The second line indicates:
- a. "Airtime after 1st INC Min" means that this row reflects charges associated with the portion of the 15:47 incoming call beyond the first minute.
  - b. "WD" means the call was received during Weekday billing period
  - c. "INC" means that the charges are associated with an incoming phone call
  - d. "0:35" indicates that the call lasted 35 seconds beyond the first incoming minute
  - e. "0.20" means that the incoming call was billed at a rate of \$0.20 per minute
  - f. "0.12" means that the 35 seconds beyond the first minute was billed at a total costs of \$0.12
  - g. "0.12" under the heading Net means that there was no further discount applied to the incoming call and the cellular user was charged \$0.12.

6. Line 417 also reflects an incoming call to the cellular phone 416-543-5511. This call was answered at 16:45 and lasted less than one minute.

7. The fact that the bill shows the calls represented in Rows 416 and 417 as incoming calls means that someone answered the cellular phone 416-543-5511 and someone received both calls. The bill makes clear that:

- a. neither of the incoming calls went to voicemail; and
- b. call forwarding was not used for either call.

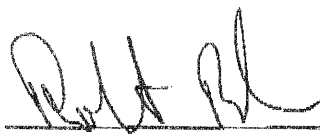
8. Leaving these two particular calls aside, any call that is reflected on a City of Toronto Cantel bill in 1999 or 2000 as being an "Incoming" call was answered by a person.

9. If an incoming call was unanswered and was instead picked up by voicemail, there would be no record of that call on a City of Toronto Cantel bill in 1999 or 2000.

10. If an incoming call was unanswered and was instead forwarded to another telephone number, there would be no record of that call on a City of Toronto Cantel bill in 1999 or 2000 unless the Phone User had used more than 2500 minutes in the month. In such circumstances a call that was call forwarded would be indicated on the bill with the designation "CFT" (for Call Forward Transfer). There are no such indications on the bill marked as Exhibit A.

11. I make this affidavit for the purposes of the Toronto Computer Leasing Inquiry and for no other or improper purpose.

SWORN BEFORE ME at )  
 the City of Toronto in )  
 the Province of Ontario on )  
 April 16, 2004 )



Robert Barber



A COMMISSIONER, ETC.

Bernice Fan  
Legal Counsel  
Rogers Communications Inc.