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SENT BY REGISTERED MAIL

June 2, 2003

Mr. David P. Miller
Vice President and General Counsel
Rogers Communications Inc.
333 Bloor Street East
Toronto, Ontario M4W 1G9

Dear Mr. Miller:

Re: Rogers Cable Inc. - Distribution of illegal material

I am a Rogers Cable Inc. high-speed Internet customer, having had it installed on May 20, 2003. Because I was receiving pornographic spam with my previous ISP, LOOK Communications, I wanted to know what efforts Rogers makes to block such spam, and sent the following email to "abuse@rogers.com" on May 19:

I am currently a Rogers cable television subscriber and on May 20 will become a Rogers high speed internet customer. I would like to know what Rogers Cable Inc. does to filter out pornographic spam. Currently, I am receiving pornographic spam sent under, at least, 40 different domain names. Some of this unsolicited material clearly contravenes the Canadian Criminal Code obscenity laws. My present ISP, LOOK Communications, does not appear to filter anything since criminally obscene content is arriving in my computer, and I would like to know what Rogers does to filter out illegal material.

I would appreciate a response at your earliest convenience. Thank you.

As no response was received, a second request was sent to "abuse@rogers.com" on May 25, but to date, I still have not received a response.

On May 27, 2003, I received two pornographic spam emails that appear to contravene the Canadian *Criminal Code*. One features bestiality, which is illegal under the obscenity section, and the other offers "Bad teens hardcore" along with the tag line "What would their moms say?", which seems to be child pornography, or is being presented as child pornography, inasmuch as the sexual activity of adults is not generally marketed as being "of concern to moms". As this site is based in Manitoba, I have alerted the local police to the situation.

As you are no doubt aware, child pornography is illegal in Canada, and it is an offence to both distribute and possess child pornography. I do not wish to "possess" child pornography, real or pretend; I haven't asked for it, and I **do not** want it delivered to my computer, thereby making me a criminal of the worst sort. I also **do not** want bestiality material delivered to my computer

as it causes me considerable emotional distress to open up my email program and be assaulted by pictures of women having sex with animals.

I am currently receiving pornographic spam from 54 different email addresses, and rarely a day passes without some new atrocity entering my personal space. Even in the legal material, the language directed at women is abusive and insulting. I do not receive this material through the mail, and I DO NOT want to receive it through my email.

It is my understanding from news reports on spam, that there are technological steps that can be taken by Internet Service Providers to block much, although probably not all, pornographic spam. I expect that Rogers Cable Inc., now that you have been informed that some of the content being distributed through your service is illegal, will do everything technologically possible to block it. Otherwise, a case might be made that the company is distributing obscene material, and possibly child pornography, both of which are offences in Canada.

I am requesting a response to this inquiry by June 20, 2003. No response will be interpreted to mean that Rogers Cable Inc. will do nothing to cease distributing material that contravenes Canadian criminal law. Thank you for your attention to this matter.

Sincerely,

Valerie Smith

/vs

cc John Tory, President and CEO, Rogers Cable Inc.
Scott Newark, Special Counsel,
Office for Victims of Crime, Ministry of the Attorney General
Jack Thompson, Attorney, Miami, Florida
Neil Schwartzman, Chair, Coalition Against Unsolicited Commercial Email