



Telecom Decision CRTC 2005-61

Ottawa, 20 October 2005

Follow-up to *Emergency service obligations for local VoIP service providers*, Decision 2005-21 - Customer notification requirements

Reference : 8663-C12-200402892

*In this Decision, the Commission **approves** a CRTC Interconnection Steering Committee (CISC) final consensus report, which sets out the minimum requirements for customer notification regarding the availability, characteristics, and limitations of the 9-1-1/E9-1-1 service offered with local voice communication service over Internet Protocol (VoIP service). Each local VoIP service provider is to implement the notification requirements within 90 days of this Decision.*

Introduction

1. In *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005 (Decision 2005-21), the Commission mandated that all service providers offering local voice communication service over Internet Protocol (VoIP service) must notify their customers, and potential customers, of any service limitations with respect to their 9-1-1 or Enhanced 9-1-1 (E9-1-1) service. The Commission requested the CRTC Interconnection Steering Committee (CISC) to develop standard notifications for the implementation of that requirement.
2. Within CISC, this task was undertaken by the Emergency Services Working Group (ESWG), which included various local VoIP service providers (such as incumbent local exchange carriers [ILECs], competitive local exchange carriers [CLECs], resellers, and cable companies), representatives of Public Safety Answering Points (PSAPs), and other interested parties.
3. On 12 August 2005, CISC submitted the ESWG Consensus Report ESRE039D - *Customer Notification Issues re: 9-1-1 calls on VoIP*, 21 July 2005 (the Report) for Commission approval.

The Report

4. The Report recommends the minimum requirements for customer notification regarding the availability, characteristics, and limitations of the local VoIP service provider's 9-1-1/E9-1-1 service, as compared to wireline E9-1-1 service. Pursuant to Decision 2005-21, the Report recommends that such notification be communicated to potential customers prior to service commencement and to current customers within 90 days of the Commission's approval of the Report, and annually on an on-going basis.
5. The Report sets out seven customer notification objectives [see paragraph 5 of the Report, attached to this Decision] and six user tips [paragraph 7 of the Report]. It also outlines the various methods of communication (including television, radio, printed media, on-line

material, scripts for sales personnel, websites, customer service agreements, terms of service, starter kits, installation software, and telephone set stickers) by which local VoIP service providers must notify their customers of the 9-1-1/E9-1-1 service information. Table 1 of the Report provides a summary of the ESWG's recommended minimum requirements with respect to each method of communication.

6. Although the Report makes recommendations with respect to the specific information that must be provided, as well as when and how the information is to be communicated, it further recommends that each local VoIP service provider shall be responsible to develop its own language, in order to reflect the unique characteristics and limitations of any given VoIP 9-1-1/E9-1-1 service.

Commission's analysis and determinations

7. The Commission notes that local VoIP services are offered by ILECs, CLECs, cable companies and resellers. The Commission further notes that these services can be provided on a fixed/native, fixed/non-native or nomadic basis and with differing levels of quality of service. Therefore, the Commission considers that the 9-1-1/E9-1-1 services offered by the various local VoIP service providers will encompass different characteristics and limitations. For example, 9-1-1 service may be either basic or enhanced and may or may not include traditional PSAP call control features. Moreover, the local VoIP service may or may not require network back-up power.
8. With due consideration to the unique characteristics and limitations of 9-1-1/E9-1-1 services offered by various local VoIP service providers, the Commission notes the Report's recommendation that each service provider shall be responsible for drafting its own customer notifications. In drafting these notifications, local VoIP service providers are to be guided by the minimum requirements specified in the Report, as well as the Commission's directives in this Decision and Decision 2005-21.
9. Given the important public safety issues related to the provision of emergency services, the Commission must ensure that the information contained in each customer notification is both accurate and clear. The Commission therefore considers it appropriate for local VoIP service providers to submit to the Commission their proposed customer notification texts, prior to their use, for Commission review.
10. With respect to the clarity of the notification, the Commission notes that the Report recommends that "[s]tandard notifications must provide clearly visible and readily accessible information, given in language that is simple and user-friendly." The Commission considers this obligation to be fundamental to the purpose of customer notification and, in order to prevent any ambiguity, sets out below a more explicit explanation of the obligation.
11. Where the Report recommends that the information contained in the notifications be "clearly visible," the Commission clarifies that the text must be easily legible. Local VoIP service providers are to avoid the unnecessary use of upper case letters, and avoid narrow spacing, and anything that may impede the readability of the text.

12. Moreover, the Commission considers it inappropriate to use smaller font size print for the communication of important public safety information. The Commission therefore determines that the font size of the text of notifications used for television, print, and on-line media should be, at a minimum, the same as the main text in the marketing material. With respect to the text contained in items such as, but not limited to, terms and conditions of service, website materials, service contracts, starter kits, installation software and billing inserts, the Commission determines that local VoIP service providers must use 12 point font, at a minimum.
13. Finally, the Commission determines that in addition to ensuring that the language for customer notification in both audio and print marketing materials is simple and user-friendly, local VoIP service providers must ensure that their message is succinct. Moreover, with respect to audio notifications used for television and radio, the message must be easily audible.
14. For the reasons outlined above, the Commission **approves** the ESWG's Report. The Commission directs all Canadian carriers offering local VoIP service to abide by the customer notification requirements set out in the Report, this Decision, and Decision 2005-21 within 90 days of this Decision.
15. In addition, the Commission directs Canadian carriers offering local VoIP service to submit to the Commission, within 30 days of this Decision, their proposed texts for customer notifications. The proposed texts must adhere to the requirements set out in the Report and in paragraphs 11-13 of this Decision.
16. The Commission also directs Canadian carriers that begin offering local VoIP service subsequent to the date of this Decision to submit copies of their customer notifications concerning the availability, characteristics, and limitations of their 9-1-1/E9-1-1 service for review by the Commission, prior to offering service.
17. The Commission directs all Canadian carriers, as a condition of providing telecommunications services to local VoIP service providers, to include in their service contracts or other arrangements with these service providers, the requirement that the latter abide by the directions set out in this Decision. This condition shall apply immediately to all new, amended, and renewed contracts and other arrangements between Canadian carriers and other local VoIP service providers. Furthermore, in order to ensure that all local VoIP service providers currently offering service abide by the deadlines specified in paragraphs 14 and 15, the Commission requires all Canadian carriers to re-open existing contracts and other arrangements with local VoIP service providers, in order to include the above condition, within 10 days of this Decision.

Secretary General

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**IMPLEMENTATION OF LOCAL COMPETITION
CRTC INTERCONNECTION STEERING COMMITTEE**

REPORT to the CRTC

by

INDUSTRY WORKING GROUP

Emergency Services (9-1-1) Working Group

TIF 39 Consensus Report

TITLE: Customer Notification Issues re: 9-1-1 Calls on VoIP

DATE: July 21, 2005

IMPLEMENTATION OF LOCAL COMPETITION

Consensus Report to the CRTC

Task ID(s): ESTF039

Task Name(s): Customer Notification Issues re: 9-1-1 Calls on VoIP

Task Description: To develop standard notifications to customers regarding any limitations that may exist with respect to 9-1-1/E9-1-1 service on local VoIP service (as directed in paragraph 95 of Telecom Decision CRTC 2005-21) and to identify all related issues, including the method of conveyance of such notifications to customers, the timetable for implementation of the standard notifications, and the requirement to obtain express consent from customers in respect of such notifications.

Introduction: This Report addresses the directive given to the ESWG in Telecom Decision CRTC 2005-21 at paragraph 95.

Conclusion: The ESWG has reached consensus on the notification issues outlined in this Report and recommends that they be adopted by the Steering Committee and subsequently accepted by the CRTC.

1. In Telecom Decision CRTC 2005-21, the Commission issued the following directives:

93. Accordingly, the Commission **directs** all Canadian carriers offering local VoIP services to provide initial customer notification, regarding any limitations that may exist with respect to 9-1-1/E9-1-1 service, before service commencement. This information is to be made available through all of the following: marketing material used for television, radio and printed media, the terms and conditions of service, on-line material, customer service representatives, service contracts and starter kits.

94. The Commission further **directs** all Canadian carriers offering local VoIP service to provide on-going customer notification during service provision through all of the following: marketing material used for television, radio and printed media, the terms and conditions of service, on-line material, customer service representatives, warning stickers affixed to telephone sets and billing inserts.

95. The Commission requests CISC to develop standard notifications, for the implementation of this requirement and Report back to the Commission within 60 days from the date of this Decision.

98. In cases where there are limitations on VoIP 9-1-1/E9-1-1 service, the Commission **directs** Canadian carriers offering local VoIP services to obtain, prior to commencement of service, the customer's express consent, by which the customer acknowledges his/her understanding of the 9-1-1/E9-1-1 service limitations, using one of the methods approved in Decision 2005-15. To ensure that information regarding limitations on 9-1-1/E9-1-1 service is accessible to persons with visual disabilities, all customer notification, and any printed information used to secure the express customer consent, must be provided in alternative formats (e.g., Braille and large print), upon request. Furthermore, to ensure that such documentation is accessible to persons with cognitive disabilities, local VoIP service providers are required, at a minimum, to explain it, upon request.

99. The Commission **directs** all Canadian carriers, as a condition of providing telecommunications services to local VoIP service providers, to include in their service contracts or other arrangements with these service providers, the requirement that the latter abide by the directions set out in paragraphs 93, 94 and 98.

2. Further to the Commission's request to the CISC, the ESWG established a sub-working group and opened TIF 39, Customer Notification Issues re: 9-1-1 Calls on VoIP.
3. Consistent with the Commission's objective in paragraph 93 that standard notifications should be developed where there are limitations on VoIP 9-1-1/E9-1-1 service, the ESWG makes the following recommendations.
4. All local VoIP service providers shall, where applicable, provide their customers and potential customers with information which outlines the availability, characteristics and limitations of the service provider's VoIP 9-1-1 service in Canada, all in accordance with the following provisions. All local VoIP service providers shall also provide their customers, as appropriate to the service and the communications medium used, user tips to remember when calling 9-1-1 from a VoIP phone.

5. The information provided by a VoIP service provider to outline the availability, characteristics and limitations of the service provider's VoIP 9-1-1 service in Canada must meet at a minimum, the first and, as appropriate in relation to the communications medium used, the remaining consumer notification objectives listed below:
 1. VoIP 9-1-1 service has certain limitations relative to Enhanced 9-1-1 service that is available on most traditional telephone service;
 2. the circumstances in which 9-1-1 service would or would not be available;
 3. the nature of the 9-1-1 service that is provided and on what conditions;
 4. material differences between the 9-1-1 service that is provided and traditional E9-1-1 service;
 5. measures that should be taken by a 9-1-1 caller as a result of such differences;
 6. the obligation of the subscriber to the VoIP service to inform all users and potential users of the VoIP service of the nature and limitations of the 9-1-1 service; and
 7. applicable limitations of liability.
6. Consistent with the directives issued by the Commission in paragraphs 93 and 94, the ESWG recommends that customer notifications for VoIP 9-1-1 service should be provided in each of the following forms of communications that the VoIP service provider may employ with actual or potential customers in its normal course of business:
 1. Marketing (including television, radio, printed media, and on-line material).
 2. Point of Sale (including scripts used by sales personnel responsible for service activation, websites, customer service agreements, and terms of service).
 3. Service Implementation (including starter kits, installation software and telephone set stickers).
 4. Other Ongoing Notification.
7. Each VoIP service provider shall be responsible to develop its own language for the user tips to reflect the characteristics of its service. The user tips could include, but need not be necessarily limited to, the following topics:
 - VoIP 9-1-1 service has certain limitations relative to Enhanced 9-1-1 service that is available on most traditional telephone service;

- to be prepared to confirm your location and call-back number with the operator who answers the 9-1-1 call since the operator may not have this information;
 - that 9-1-1 service may not be available during a power outage and will be unavailable during a broadband Internet outage;
 - the necessity of ensuring that your location information is kept current with your VoIP service provider since the operator may assume that you are at the last registered address if you are not able to speak during a 9-1-1 call;
 - to not hang up until told to do so, and to call back if you get disconnected; and
 - to ensure that you understand any 9-1-1 limitations of your VoIP service and that you make all other potential users of the service aware of these limitations.
8. Each VoIP service provider must communicate the customer notification objectives in paragraph 5 and the user tips in paragraph 7 to customers or potential customers to at least the following extent in respect of each of the forms of communications in paragraph 6 that it employs in its normal course of business:

Table 1. Summary table of minimum requirements associated with customer notification of VoIP 9-1-1 service limitations

Form of Communication	Medium	Minimum Requirements
Marketing	Television	Item 1 of para. 5
	Radio	Item 1 of para. 5
	Printed Media	Item 1 of para. 5
	On-line material	Item 1 of para. 5
Point of Sale	Scripts used by sales personnel responsible for service activation	Staff must be able to communicate user tips and items 1-7 of para. 5
	Websites	User tips and items 1-7 of para. 5
	Customer service agreements	Items 1-7 of para. 5
	Terms of service	Items 1-7 of para. 5
Service Implementation	Starter kits	User tips and items 1-7 of para. 5
	Installation software	User tips and items 1-7 of para. 5
	Telephone set stickers	Item 1 and/or item 5 of para. 5

9. Each VoIP service provider must communicate the customer notification objectives in paragraph 5 and the user tips in paragraph 7 to its existing customers at least once per 12 month period. These are minimum requirements only, and a VoIP service provider may elect to use the forms of communication for additional customer notification objectives.

10. Standard notifications must provide clearly visible and readily accessible information, given in language that is simple and user-friendly. The VoIP service provider shall be responsible to develop its own language to reflect the unique limitations applicable to any given VoIP service for which subscriber notification is required to be provided in accordance with the Commission's directives in Decision 2005-21. The actual language used should reflect the circumstances in which the notification is being provided. For example, since television and radio advertisements are measured in seconds, the notifications provided in such messages may be very succinct.

11. Once the Commission approves these recommendations, the ESWG proposes that the Commission establish an implementation date of 90 days following Commission approval of this Consensus Document.