



Telecom Notice of Consultation CRTC 2015-369

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Ottawa, 12 August 2015

File number: 8663-C12-201508392

Show cause proceeding and call for comments

Deadline for submission of interventions: 21 September 2015

[\[Submit an intervention or view related documents\]](#)

Application of the 9-1-1 regulatory obligations directly to non-carriers

The Commission initiates a proceeding for parties to show cause why the existing 9-1-1 obligations should not directly apply to non-carriers that provide local exchange, wireless voice, local voice over Internet Protocol, or payphone services. The Commission also invites comments on whether the underlying carriers should continue to be subject to the Commission's requirement that they apply the 9-1-1 obligations to non-carriers through their contractual arrangements with the non-carriers.

Introduction

1. Effective access to emergency services is critical to the health and safety of citizens, and is an important part of the Commission's role to ensure that Canadians have access to a world-class communication system. Over the years, the Commission has established policies to contribute to the availability of reliable and effective access to 9-1-1 services in Canada.
2. The Commission has mandated telecommunications service providers (TSPs) to provide their customers with 9-1-1 service wherever provincial/territorial and municipal governments have established specialized 9-1-1 call centres known as public safety answering points (PSAPs). As a result, an estimated 96% of Canada's population currently has access to either Basic 9-1-1 or Enhanced 9-1-1 (E9-1-1) service¹ through wireline, wireless, and voice over Internet Protocol (VoIP) telephone services.

¹ Basic 9-1-1 service enables callers to be connected to call takers in PSAPs, who dispatch the appropriate emergency responders. E9-1-1 service includes Basic 9-1-1, but also automatically provides 9-1-1 call takers with the telephone number and location of the caller.

3. Until recently, while the Commission had the authority under the *Telecommunications Act* (the Act) to impose conditions on the offering and provision of telecommunications services by Canadian carriers,² the Commission did not have the authority to directly impose these conditions on non-carriers, that is, providers other than Canadian carriers (also known as resellers).³ Instead, where it was considered necessary, the Commission directed the underlying carriers that provide services to non-carriers to ensure through contractual arrangements that the non-carriers were subject to these conditions.⁴

Economic Action Plan 2014 Act, No. 2

4. As a result of the *Economic Action Plan 2014 Act, No. 2*,⁵ the Act was amended to include new section 24.1, which reads as follows:

24.1 The offering and provision of any telecommunications service by any person other than a Canadian carrier are subject to any conditions imposed by the Commission, including those relating to

(a) service terms and conditions in contracts with users of telecommunications services;

(b) protection of the privacy of those users;

(c) access to emergency services; and

(d) access to telecommunications services by persons with disabilities.

5. Under this new section, the Commission now has the power to impose directly on non-carriers conditions related to the offering and provision of telecommunications services, including the requirement for non-carriers to comply with the series of obligations related to 9-1-1 services, referred to hereafter as the 9-1-1 obligations. These obligations would apply to all non-carriers presently in operation, and to those that commence operations in the future.

² The Commission has the authority to impose conditions on any Canadian carrier that offers telecommunications services to potential customers, or that provides telecommunications services to customers.

³ A reseller of telecommunications services sells or leases a telecommunications service provided by a Canadian carrier to the reseller on a wholesale basis.

⁴ For example, in Telecom Decision 97-8, the Commission noted that resellers would meet certain of the service requirements that the Commission imposes on local exchange carriers (LECs), such as 9-1-1-related obligations, by virtue of the underlying LECs' obligations. In Telecom Decision 2005-21, the Commission required local VoIP service providers to provide 9-1-1 service and imposed related obligations on them. In Telecom Decision 2012-137, the Commission modified a contractual condition for the service contracts of Canadian carriers, such that local VoIP service providers, and any or all of their wholesale customers and subordinate wholesale customers, must comply with the 9-1-1 obligations applicable to local VoIP service providers.

⁵ This was originally Bill C-43, which received royal assent on 16 December 2014.

6. Further, the *Economic Action Plan 2014 Act, No. 2* has given the Commission the power to impose compliance measures, for example, mandatory orders and administrative monetary penalties, directly on non-carriers to ensure their compliance with the 9-1-1 obligations.
7. For the purpose of this proceeding, “non-carrier” refers to any person other than a Canadian carrier, as mentioned in new section 24.1 of the Act, that provides local exchange, wireless voice, local VoIP, or payphone services in Canada.

9-1-1 obligations for non-carriers

8. All non-carriers must provide 9-1-1 service to their end-customers where a local PSAP has been established. The type of 9-1-1 service that Canadians can receive depends on the type of telephone service being used by the end-customer and whether the end-customer is in an area that has Basic 9-1-1 or E9-1-1. Unless otherwise noted by the Commission, the level of 9-1-1 service offered (either Basic 9-1-1 or E9-1-1) must be equivalent to the most advanced form of 9-1-1 service available in the area being served.
9. The above-mentioned 9-1-1 obligations are supplemented by the main 9-1-1 obligations listed in the Appendix.⁶ Non-carriers are also required to (i) obtain a Basic International Telecommunications Services licence if they carry telecommunications traffic between Canada and another country, (ii) register with the Commission as a TSP,⁷ and (iii) file data with the Commission using the appropriate Data Collection Forms.⁸

Show cause proceeding and call for comments

10. In light of the above, the Commission hereby initiates a proceeding for parties to show cause why the existing 9-1-1 obligations should not directly apply to non-carriers.
11. In addition, the Commission invites comments on whether the underlying carriers should continue to be subject to the Commission’s requirement that they apply the 9-1-1 obligations to non-carriers through their contractual arrangements with the non-carriers.

⁶ Many other 9-1-1 obligations related to the technical implementation of 9-1-1 services are imposed on non-carriers and are set out in Commission-approved [reports](#) from the Emergency Services Working Group.

⁷ Telecom Decision 95-2 states that all resellers and sharing groups must register with the Commission, regardless of the services being resold, with the exception of resellers that resell only toll services and sharing groups that share only toll services.

⁸ Further information on the Commission’s requirements for the industry to file data with the Commission can be found by clicking this [link](#).

Procedure

12. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings, where applicable. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website at www.crtc.gc.ca under "Statutes and Regulations." The *Guidelines on the CRTC Rules of Practice and Procedure*, as set out in Broadcasting and Telecom Information Bulletin 2010-959, provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
13. All non-carriers and all Canadian carriers are made parties to this proceeding. Parties may file interventions with the Commission regarding the above-noted issues by **21 September 2015**.
14. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues, by **21 September 2015**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
15. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
16. All parties who filed interventions may file replies to interventions with the Commission by **6 October 2015**. Due to the large number of parties to this proceeding, parties are not required to serve a copy of their replies on other parties. Parties are to consult the Commission's website to determine who has filed interventions for the purpose of exercising their right of reply.
17. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
18. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
19. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats

(for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

20. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

21. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file documents by electronic means to exercise caution when using email for the filing of such documents, as it may be difficult to establish that filing has occurred.
22. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
23. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

24. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and facsimile numbers.

25. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
26. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
27. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

28. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
29. Documents are also available from Commission offices, upon request, during normal business hours.

Commission offices

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British Columbia

858 Beatty Street, Suite 290
Vancouver, British Columbia V6B 1C1
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Fax: 604-666-8322

Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *CISC Emergency Services Working Group – Consensus report regarding Text Messaging with 9-1-1 trial and service implementation*, Telecom Decision CRTC 2013-22, 24 January 2013
- *VoIP 9-1-1 service – Modified contractual condition*, Telecom Decision CRTC 2012-137, 7 March 2012
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Provision of a 9-1-1 caller's telephone number to nomadic and fixed/non-native VoIP service providers' 9-1-1 operators*, Telecom Regulatory Policy CRTC 2011-426, 14 July 2011
- *CISC consensus report – Wireless E9-1-1 Phase II Stage 2 Feature Analysis*, Telecom Decision CRTC 2011-177, 11 March 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Viability of proposals for the provision of E9-1-1 service for nomadic and fixed/non-native VoIP subscribers*, Telecom Decision CRTC 2010-387, 17 June 2010
- *Emergency service obligations of nomadic local VoIP service providers related to determining the location of a 9-1-1 caller*, Telecom Circular CRTC 2008-2, 28 July 2008
- *Routing of fixed/non-native and nomadic VoIP 9-1-1 calls to public safety answering points*, Telecom Decision CRTC 2007-44, 15 June 2007
- *Follow-up to Emergency service obligations for local VoIP service providers, Decision 2005-21 - Customer notification requirements*, Telecom Decision CRTC 2005-61, 20 October 2005
- *Regulatory framework for voice communication services using Internet Protocol*, Telecom Decision CRTC 2005-28, 12 May 2005, as amended by Telecom Decision CRTC 2005-28-1, 30 June 2005
- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005

- *Part VII application to revise Article 11 of the Terms of Service*, Telecom Decision CRTC 2005-15, 17 March 2005
- *Conditions of service for wireless competitive local exchange carriers and for emergency services offered by wireless service providers*, Telecom Decision CRTC 2003-53, 12 August 2003, as amended by Telecom Decision CRTC 2003-53-1, 25 September 2003
- *Local pay telephone competition*, Telecom Decision CRTC 98-8, 30 June 1998
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997
- *Hotel and Motel Commission plans*, Telecom Decision CRTC 95-2, 3 February 1995

Appendix to Telecom Notice of Consultation CRTC 2015-369

Main 9-1-1 obligations applicable to non-carriers

Any person offering or providing the following telecommunications services who is not a Canadian carrier must provide 9-1-1 services to its end-customers where a local PSAP has been established, and must abide by the obligations listed below. The 9-1-1 services must be the same as those provided by the PSAP (e.g. E9-1-1 or, where that is not available, Basic 9-1-1), except as noted below.

Local exchange services

- Provide 9-1-1 service to end-customers (see paragraph 286 of Telecom Decision 97-8).
- Ensure, to the extent technically feasible, that the appropriate end-user information is provided to the Automatic Location Identification (ALI) database to the same extent as that provided by the ILEC (see paragraph 286 of Telecom Decision 97-8).
- Provide customers with information about 9-1-1 service, including customer charges, if any, before contracting for service (see paragraph 293 of Telecom Decision 97-8).

Wireless voice services

- Provide wireless E9-1-1 service to subscribers in communities where wireless E9-1-1 network access service is available from an ILEC (see paragraph 94 of Telecom Decision 2003-53).
- Establish and maintain toll-free telephone access to and continuous staffing of at least one operation centre, in order to promptly assist PSAP personnel seeking subscriber information in emergency situations (see paragraph 94 of Telecom Decision 2003-53).
- Provide subscribers with initial and periodic notification of the availability, characteristics, and limitations of the 9-1-1 service offered (see paragraph 94 of Telecom Decision 2003-53).
- Adhere to the standard format of non-dialable callback numbers for particular call types that could be delivered to PSAPs (see paragraph 1 of Telecom Decision 2011-177).
- Make changes in networks, systems, and processes required to support the provision of Text Messaging with 9-1-1 (T9-1-1) service for hearing- or speech-impaired persons, with the expectation that the service will immediately be made available to hearing- or speech-impaired persons in a particular area when all T9-1-1 stakeholders (wireless carriers, ILECs, and PSAPs) are ready to support

the T9-1-1 service in that area (see the summary and paragraph 16 of Telecom Decision 2013-22).

Local VoIP services

- Provide 9-1-1/E9-1-1 service, where it is available from the ILEC (see paragraph 52 of Telecom Decision 2005-21).

Fixed/native local VoIP services

- Provide 9-1-1/E9-1-1 service, where it is available from the ILEC, which is to include provisioning end-user information in the ALI database associated with the end-user's serving PSAP, and routing 9-1-1 calls, along with automatic number identification (ANI) and ALI data, to the correct PSAP in a manner that is compatible with the PSAP's systems. Call control features are to be supported to the extent technically feasible (see paragraph 52 of Telecom Decision 2005-21).

Fixed/non-native and nomadic local VoIP services

- Implement an interim solution that provides a level of 9-1-1 service, in areas where 9-1-1/E9-1-1 service is available from the ILEC, that is functionally comparable to Basic 9-1-1 service (see paragraph 68 of Telecom Decision 2005-21).
- The interim solution must connect an emergency call to an intermediary, which in turn transfers the call to the proper PSAP or emergency services agency (see paragraph 61 of Telecom Decision 2005-21). As well, this solution must ensure that a 9-1-1 call originating from a local VoIP service is not routed to a PSAP that does not serve the geographic location from which the call is placed (see paragraph 68 of Telecom Decision 2005-21).
- Regarding the determination of the caller's location using nomadic local VoIP service,
 - the primary means of identifying the location of a 9-1-1 caller is by verbally determining the caller's location;
 - if a 9-1-1 call is disconnected before the operator can verbally determine a caller's location, the operator must attempt to call back in order to determine the caller's location; and
 - the registered service address should be used only when the 9-1-1 caller cannot communicate his or her location or when a 9-1-1 call is disconnected before the 9-1-1 caller's location can be determined, and the operator cannot re-establish contact with the caller (see paragraph 10 of Telecom Circular 2008-2).

- Implement the capability to provide VoIP service provider (VSP) operators with a 9-1-1 caller's telephone number, and require VSP operators to use the provided telephone number as a last resort to re-establish contact with a 9-1-1 caller, when a 9-1-1 call is disconnected before the caller's location has been determined (see paragraph 17 of Telecom Regulatory Policy 2011-426).
- Use zero-dialed emergency call routing service as the interim solution to route fixed/non-native and nomadic VoIP 9-1-1 calls to the PSAPs, pending the development and implementation of a long-term fixed/non-native and nomadic VoIP E9-1-1 solution (see paragraph 60 of Telecom Decision 2007-44).
- Contact customers each time billing address changes are made to confirm the most likely physical address for emergency purposes; and ensure that customers are able to update their most likely physical address online (see paragraph 45 of Telecom Decision 2010-387).
- 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. In addition, 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 (see paragraphs 93 and 94 of Telecom Decision 2005-21).
- Submit to the Commission proposed texts for customer notifications, which must adhere to the requirements set out in Telecom Decision 2005-61 (see paragraph 15 of Telecom Decision 2005-61).
- In cases where there are limitations on VoIP 9-1-1/E9-1-1 service, 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 Telecom Decision 2005-15 (see paragraph 98 of Telecom Decision 2005-21).
- Provide all customer notification and any printed information used to secure express customer consent in alternative formats (e.g. Braille and large print). Furthermore, explain all customer notification and printed information to customers upon request (see paragraph 98 of Telecom Decision 2005-21).

Payphone services

- Provide coinless or cardless access to 9-1-1, or access to emergency call routing by an operator accessed by dialling 0 at a pay telephone (see heading xi(a) of Telecom Decision 98-8).

- Where required by civic authorities, provide a list of detailed pay telephone locations to the enhanced 9-1-1 administrator (see heading xi(a) of Telecom Decision 98-8).