



Telecom Order CRTC 2005-354

Ottawa, 18 October 2005

Aliant Telecom Inc. - Wireless Service Provider Enhanced 9-1-1 Service

Reference: Tariff Notice 147

*In this Order, the Commission **approves, with modifications**, Aliant Telecom Inc.'s (Aliant Telecom) application to add the province of Prince Edward Island to the territory covered by its Wireless Service Provider Enhanced 9-1-1 (WSP E9-1-1) service. The Commission **approves** a monthly rate for Aliant Telecom's WSP E9-1-1 service of \$0.0055 per working wireless telephone number.*

The application

1. On 21 December 2004, Aliant Telecom Inc. (Aliant Telecom) filed an application proposing revisions to General Tariff item 648, Wireless Service Provider Enhanced 9-1-1 (WSP E9-1-1) service. In its application, Aliant Telecom proposed to add the province of Prince Edward Island (P.E.I.) to the territory covered by its service. Aliant Telecom also filed an updated WSP E9-1-1 Service Agreement (the Agreement) for approval. In support of its application, Aliant Telecom filed a Phase II economic study.

Process

2. The Commission received comments from Rogers Wireless Inc. (RWI) dated 19 January 2005, and reply comments from Aliant Telecom dated 31 January 2005.
3. The Commission also issued interrogatories to the company on 5 April and 6 July 2005. Aliant Telecom responded to these interrogatories on 18 April and 19 July 2005, respectively.

Background

4. In *MTS Allstream Inc. - Introduction of Wireless Service Provider Enhanced 9-1-1 Service*, Telecom Decision CRTC 2004-70, 4 November 2004 (Decision 2004-70), the Commission directed Aliant Telecom, Bell Canada, and TELUS Communications Inc. (TCI) to add the wording set out in subparagraphs 2(i) and (iv) of paragraph 56 of that Decision, replacing 'MTS' with the appropriate company name, to the equivalent sections of their WSP E9-1-1 Agreements. The wording set out in subparagraph 2(i) clarified that the incumbent local exchange carrier (ILEC) providing WSP E9-1-1 service is required to accurately record, store and transmit cell site/sector location information and calling party's numbers as received by the ILEC from the WSP. The wording set out in subparagraph 2(iv) required the ILEC to make available to the WSP, upon request, an Emergency Service Number (ESN) list and periodic updates to the list on a timely basis.

Aliant Telecom's position

5. Aliant Telecom noted that WSP E9-1-1 service provided WSPs with the ability to transport to a Public Safety Answering Point (PSAP) information associated with a WSP's cell site/sector that received the 9-1-1 call and the call-back number of the WSP's end-customer that placed the call. The company indicated that this service was currently offered in Nova Scotia and New Brunswick, and that it proposed to extend the service to P.E.I., with a proposed increase to the monthly WSP E9-1-1 rate from \$0.0049 to \$0.0106 per working wireless telephone number.
6. Aliant Telecom indicated that it had added paragraph 4.3(g) to its Agreement to reflect the changes outlined in subparagraph 2(i) of paragraph 56 of Decision 2004-70, which dealt with cell site/sector location information and calling party's numbers. Aliant Telecom also indicated that it had not updated its Agreement to reflect the changes related to subparagraph 2(iv) of paragraph 56 of Decision 2004-70, where the Commission had directed it to add wording stating that the company would provide a list of ESNs and periodic updates to WSPs upon request. The company submitted that it had not updated the Agreement to add this wording because it did not own, manage, or control the ESN numbers and did not have the authority to release the information to WSPs. The company indicated that ESNs were used in the 9-1-1 tandem to determine the appropriate Emergency Service Providers (ESPs) and their respective unlisted telephone numbers and that this information was delivered to the PSAP. Aliant Telecom indicated that it updated its 9-1-1 system with ESN information provided by the provincial governments. Aliant Telecom submitted that if a WSP required ESN information, it should obtain it from the appropriate provincial government.

RWI's comments

7. RWI noted that Aliant Telecom's proposed rate of \$0.0106 was more than double the currently approved rate of \$0.0049 per working wireless telephone number. RWI submitted that it was not in a position to understand the basis of the proposed rate as the supporting costing information had been filed in confidence. However, in RWI's submission, there was no reason for the service to cost more in P.E.I. than in Nova Scotia and New Brunswick. RWI argued that Aliant Telecom's request for a rate increase should be rejected.
8. With respect to the provision of ESN information, RWI submitted that if a WSP did not upload this information to the Automatic Location Information (ALI) database, the PSAP would not have all of the information when an emergency call was received. RWI submitted that WSP E9-1-1 service was a service provided by Aliant Telecom and that it was logical that Aliant Telecom be responsible for providing the ESNs to WSPs, because these numbers were integral to the service. RWI stated that it was not asking Aliant Telecom to be responsible for the accuracy of the ESN information.
9. RWI submitted that several types of confidential information were shared between a WSP and an ILEC in the provisioning of WSP E9-1-1 service and that the provision of such information was governed by the non-disclosure provisions found in the WSP E9-1-1 Agreement. RWI noted that a number of ILECs were currently providing ESN information to WSPs, subject to the confidentiality provisions in the WSP E9-1-1 Agreement.

10. RWI submitted that if Aliant Telecom wished to dispute the ESN directive in Decision 2004-70, then it should file a Part VII application to review and vary that Decision.

Aliant Telecom's reply comments

11. Aliant Telecom replied that the proposed rate increase was due to the increase in costs it would incur to provide WSP E9-1-1 service in P.E.I. The company submitted that New Brunswick and Nova Scotia were able to share the 9-1-1 dual tandems in New Brunswick, while P.E.I. was served by a stand-alone 9-1-1 tandem. Aliant Telecom further submitted that the price paid for the software pertaining to the P.E.I. tandem was higher than the price the company had paid for the New Brunswick tandems.
12. Aliant Telecom disagreed with RWI that a WSP must upload the ESN information to the ALI database for the PSAP to receive the information. Aliant Telecom submitted that:
 - the main use of the ESN in the PSAP was to populate the call taker's hot keys with the appropriate ESPs (e.g. police) and their unlisted telephone numbers. These keys were populated from the Selective Routing Data Base (SRDB) table, which was part of the 9-1-1 switches. Aliant Telecom was responsible for updating and maintaining these tables with information it receives from the government;
 - for wireline callers, the ESN was triggered by the caller's address and telephone number group;
 - for WSPs, the ESN was assigned based on the address of the cell tower that picked up the 9-1-1 call and the Emergency Services Routing Digits (ESRD) associated with that tower;
 - because towers can cover areas served by multiple emergency service providers, the governments required that the 9-1-1 agents manually determine the most appropriate ESN by verifying the caller's location;
 - in New Brunswick, Nova Scotia and P.E.I., only Aliant Telecom, as the 9-1-1 service provider, loaded the ALI database and the SRDB tables with ESN information, and WSPs or competitive local exchange carriers had no need for this information; and
 - even if ESN information were required by WSPs, Aliant Telecom would not be the appropriate party to provide it because Aliant Telecom (a) was not the source of the information, and (b) was required by agreement with the governments not to disclose such information. Aliant Telecom submitted that its non-disclosure agreements with WSPs were not intended to cover the provision of confidential information by another party to Aliant Telecom.

Commission's analysis and determinations

Proposed rate

13. Having reviewed Aliant Telecom's Phase II economic cost study filed in support of the proposed rate, the Commission considers that the increase in the proposed rate with respect to WSP E9-1-1 service is due to the additional software costs associated with extending the service to P.E.I., as well as the methodology used by the company to derive a cost per working wireless telephone number.
14. In its cost study, Aliant Telecom amortized the WSP E9-1-1 software costs over a period of three years. The Commission notes that, in the past, it has approved the use of amortization periods of three or five years for software costs, depending on the type of software. The Commission considers that an amortization period of five years would be more appropriate given the type of software used by Aliant Telecom with respect to the service.
15. Based on Aliant Telecom's previous demand estimates for WSP E9-1-1 service and the current trends in the wireless industry, the Commission is of the view that it would be reasonable to assume that wireless demand will increase by, at a minimum, 10 percent more than the level assumed by Aliant Telecom.
16. The Commission notes that, based on the revised parameters, the resulting rate for WSP E9-1-1 service would be \$0.0055 per working wireless telephone number. The Commission finds this rate to be just and reasonable for Aliant Telecom's WSP E9-1-1 service.

Provision of ESN information

17. The Commission notes that in Decision 2004-70, Aliant Telecom, Bell Canada and TCI were directed to amend their WSP E9-1-1 agreements such that an ESN list and periodic updates to this list were to be provided on a timely basis to WSPs that requested them. In that Decision, the Commission noted that Bell Canada and TCI already provided ESN lists to WSPs.
18. In this proceeding, Aliant Telecom argued, among other things, that the provision of ESN information by the company to WSPs, as required by Decision 2004-70, would not be permitted under its agreements with the provincial governments. The Commission notes that in the proceeding that led to Decision 2004-70, Aliant Telecom did not argue that the provision of ESN information by the company to WSPs would be inconsistent with the company's legal obligations towards the provincial governments. Instead, Aliant Telecom relied on the argument that there was no need to insert a clause in the WSP E9-1-1 agreement requiring ILECs to make available to WSPs, among other things, ESN information because such information was the property of the provincial governments and that it would be more appropriate that WSPs approach such governments to obtain this information. The Commission further notes that Aliant Telecom did not file an application requesting that the Commission review and vary this part of Decision 2004-70.
19. In response to an interrogatory, Aliant Telecom identified the specific provisions in its agreements with the provincial governments that, in its view, would prevent the company from disclosing the ESN information to WSPs. The Commission has reviewed these provisions and

is not persuaded that they do, in fact, prevent Aliant Telecom from making the ESN information available to WSPs. In addition, the Commission considers that the non-disclosure obligations set out in section 8 of the Agreement would be applicable with regard to ESN information. Under these provisions, a company such as RWI would only be able to use the information in connection with its obligations under the Agreement and not for other purposes. Accordingly, the Commission is satisfied that the provision of ESN information by Aliant Telecom to WSPs would be subject to sufficient safeguards to prevent its abuse.

20. In the Commission's view, the provision of ESN information by Aliant Telecom to WSPs would allow its WSP E9-1-1 service to be implemented in a more effective manner.
21. In light of the above, the Commission is not persuaded by the company's arguments that Aliant Telecom should not be subject to the Commission directive in subparagraph 56(iv) of Decision 2004-70 and directs Aliant Telecom to include in its current and future WSP E9-1-1 agreements, consistent with the agreements of Bell Canada and TCI, a provision pursuant to which the company is to make available to WSPs, upon request, an ESN list and periodic updates to this list on a timely basis.

Summary

22. The Commission **approves**, effective the date of this Order, Aliant Telecom's application, with the modifications set out below:
 - a) Aliant Telecom is to implement a revised monthly rate for WSP E9-1-1 service of \$0.0055 per working wireless telephone number; and
 - b) Aliant Telecom is to implement forthwith the directive in subparagraph 56(iv) of Decision 2004-70 by including the following provision in its current and future WSP E9-1-1 Service agreements: 'Aliant Telecom will make available to the WSP, upon request, an ESN list and periodic updates to this list on a timely basis.'

Secretary General

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