



Telecom Decision CRTC 2012-137

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Route reference: Telecom Notice of Consultation 2011-596

Ottawa, 7 March 2012

VoIP 9-1-1 service – Modified contractual condition

File number: 8663-C12-201112820

In this decision, the Commission approves a modification to a condition that Canadian carriers are required to include in their service contracts with local voice over Internet Protocol (VoIP) service providers regarding 9-1-1 service. Specifically, this modified contractual condition indicates 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.

Background

1. In Telecom Decision 2005-21, the Commission required local voice over Internet Protocol (VoIP) service providers to provide 9-1-1 service and imposed related obligations on them. In a number of subsequent decisions,¹ the Commission amended the existing 9-1-1 obligations and imposed additional ones on local VoIP service providers.
2. These 9-1-1 obligations are imposed on VoIP resellers through a provision that requires 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 comply with the 9-1-1 obligations (referred to hereafter as the “contractual condition”). If a local VoIP service provider is not complying with the 9-1-1 obligations, the Commission can initiate a proceeding to show cause why the Canadian carrier or other telecommunications service provider (TSP) that provides telecommunications services to the local VoIP service provider should not be ordered to cease providing such services.
3. In Telecom Notice of Consultation 2011-596, the Commission stated that it was necessary to ensure that the 9-1-1 obligations apply to all local VoIP service providers, including resellers that do not have contracts directly with the Canadian carriers and obtain service from other resellers (referred to hereafter as “subordinate resellers”).

¹ Telecom Decisions 2005-61 and 2007-44, and Telecom Regulatory Policy 2011-426

4. The Commission requested comments on its proposal to modify the contractual condition² as follows:

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, and any or all of their wholesale customers and subordinate wholesale customers, abide by the directions regarding the provision of 9-1-1 service to local VoIP service providers set out in paragraphs 52, 68, 93, 94, and 98 of Telecom Decision 2005-21; paragraph 14 of Telecom Decision 2005-61; paragraph 60 of Telecom Decision 2007-44; and paragraph 17 of Telecom Regulatory Policy 2011-426.

5. The Commission indicated that if the above modification were adopted, all Canadian carriers would be required to (i) implement the modified condition immediately in all new, amended, and renewed contracts, as well as in other arrangements between Canadian carriers and local VoIP service providers, and (ii) re-open existing contracts and other arrangements with local VoIP service providers to include the modified condition.
6. The Commission received comments from the Agence municipale de financement et de développement des centres d'urgence 9-1-1 du Québec; the Alberta E9-1-1 Advisory Association; the Association des Centres d'Urgence du Québec; Bell Aliant Regional Communications, Limited Partnership; Bell Canada; the Canadian Network Operators Consortium Inc.; Distributel Communications Limited (Distributel); MTS Allstream Inc.; the Ontario 9-1-1 Advisory Board; Quebecor Media Inc., on behalf of Videotron Ltd. (QMI); Saskatchewan Telecommunications; Shaw Communications Inc.; SSi Micro; and TELUS Communications Company.
7. The public record of this proceeding, which closed on 3 November 2011, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Positions of parties

8. All of the interveners that commented on the proposed modification supported the proposal.
9. Distributel and QMI submitted that the applicability to subordinate resellers of other contractually imposed obligations (e.g. regarding confidential information and accessibility) should also be clarified in the same manner.

² This contractual condition is set out in paragraphs 53, 69, and 99 of Telecom Decision 2005-21; paragraph 17 of Telecom Decision 2005-61; paragraph 61 of Telecom Decision 2007-44; and paragraph 18 of Telecom Regulatory Policy 2011-426.

Commission's analysis and determinations

10. The Commission considers that the proposed modification would enhance public safety because it would clarify that the 9-1-1 obligations apply to all local VoIP service providers, including subordinate resellers.
11. The Commission also considers that re-opening existing contracts would ensure that the modified wording applies to all local VoIP service providers, including subordinate resellers.
12. The Commission further considers that the question of whether other contractually imposed obligations do or should apply to subordinate resellers is outside the scope of this proceeding.
13. In light of the above, the Commission replaces the contractual condition set out in paragraphs 53, 69, and 99 of Telecom Decision 2005-21; paragraph 17 of Telecom Decision 2005-61; paragraph 61 of Telecom Decision 2007-44; and paragraph 18 of Telecom Regulatory Policy 2011-426 with the following:

The Commission directs 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, and any or all of their wholesale customers and subordinate wholesale customers, abide by the directions regarding the provision of 9-1-1 service to local VoIP service providers set out in paragraphs 52, 68, 93, 94, and 98 of Telecom Decision 2005-21; paragraph 14 of Telecom Decision 2005-61; paragraph 60 of Telecom Decision 2007-44; and paragraph 17 of Telecom Regulatory Policy 2011-426.

14. The Commission directs Canadian carriers to
 - (i) implement the modified condition immediately in all new, amended, and renewed contracts, as well as in other arrangements between Canadian carriers and local VoIP service providers; and
 - (ii) re-open existing contracts and other arrangements with local VoIP service providers to include the modified condition.

Secretary General

Related documents

- *Call for comments on a revised condition that would apply to Canadian carriers that offer services to local VoIP service providers*, Telecom Notice of Consultation CRTC 2011-596, 19 September 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
- *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
- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005