



Telecom Order CRTC 2013-505

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Ottawa, 20 September 2013

Wightman Telecom Ltd. – Provision of 9-1-1 Service to Competitors

File number: Tariff Notice 29

Application

1. The Commission received an application from Wightman Telecom Ltd. (Wightman), dated 22 April 2013, in which the company proposed to introduce General Tariff item 300 – Provision of 9-1-1 Service to Competitors. The proposed tariff item includes two administrative charges for 9-1-1 service that Wightman would apply to competitive local exchange carriers (CLECs) operating in its territory.
2. Wightman submitted that it acquires 9-1-1 service from Bell Canada and proposed to pass on to CLECs operating in its territory the service element costs that it pays Bell Canada, plus a markup of 25 percent. Specifically, Wightman proposed to apply the following monthly charges:
 - a. \$0.1875 per network access service (NAS)
 - Wightman indicated that it obtains monthly NAS counts from the CLECs and reports the counts to Bell Canada, which invoices Wightman at a rate of \$0.15 per NAS.
 - b. \$125 for administration of the 9-1-1 services street address guide (SAG)
 - Wightman stated that this charge covers activities such as database administration of street name changes, street additions, and changes in public safety answering point locations, which Bell Canada performs on behalf of the CLECs. Bell Canada invoices Wightman at a rate of \$100 per month.
3. Wightman submitted that its proposed service is properly classified as a competitor service. In support of its proposed pricing, Wightman submitted (1) that the Commission had determined in Telecom Decision 2008-17 that essential and conditional essential competitor services would continue to be priced at cost plus a markup of 25 percent for Télébec, Limited Partnership and TELUS Communications Company in its operating territory of Quebec, and (2) similar to these companies' operating territories, its entire operating territory is located in a high-cost serving area.

4. The Commission received interventions from Bragg Communications Inc., operating as EastLink (EastLink). The public record of this proceeding, which closed on 6 June 2013, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Should the Commission approve Wightman's application?

5. EastLink submitted that, in its request for competitive entry into Wightman's territory, it had stated that it would obtain 9-1-1 service from Bell Canada pursuant to an existing 9-1-1 agreement between the two parties. EastLink noted that Wightman had confirmed this arrangement in its local competition implementation plan. EastLink also submitted that it had offered, and remains willing, to pay Bell Canada the monthly \$0.15 per-NAS fee directly, based on the existing agreement. EastLink further submitted that 9-1-1 service is a public good service, as defined in Telecom Decision 2008-17, with frozen rates and no markup.
6. With regard to the administration of the 9-1-1 services SAG charge, EastLink submitted that small incumbent local exchange carriers (ILECs) can choose to maintain the database information themselves or to subcontract it to Bell Canada or a third-party provider. EastLink noted that it had not asked Wightman for this service, but had instead asked the company to send one email message to Bell Canada permitting it to release information required by EastLink to properly route 9-1-1 calls and to add EastLink's customer information to Bell Canada's automatic location identifier database. EastLink submitted that Wightman would incur the database administration cost regardless of EastLink's presence in its territory, and that it is not appropriate for Wightman to pass on to competitors the costs of meeting its own obligations.
7. In response, Wightman submitted that although EastLink had not initially requested 9-1-1 service from Wightman, it had done so later. Wightman submitted email messages from EastLink to support its view. The company agreed with EastLink that 9-1-1 services are public good services, but submitted that it is not provisioning 9-1-1 service to EastLink; rather, it is providing only an administrative service because Bell Canada bills these elements to Wightman. Wightman also submitted that the 25 percent markup is just and reasonable to recover its costs for rebilling EastLink.

Commission's analysis and determinations

8. The Commission notes that in its local competition implementation plan for EastLink, dated 25 July 2011 (the plan), Wightman acknowledged that EastLink had no need for its 9-1-1 service. The Commission approved the plan in Telecom Decision 2012-47 and, therefore, considers that EastLink would have reasonably expected that it could deal directly with Bell Canada for its 9-1-1 service.
9. In response to a request for information, Wightman provided a copy of Bell Canada's 9-1-1 CLEC administration agreement, which includes a space for the

signature of a Wightman representative. Wightman also indicated that CLECs operating in its territory are not required to interconnect with it for 9-1-1 services and that 9-1-1 calls from CLEC customers never travel on its network. The company noted that SAG data may only be provided to a competitor in its territory with its permission. Accordingly, the Commission considers that Wightman has acknowledged that CLECs, including EastLink, may purchase 9-1-1 service directly from Bell Canada in Wightman's territory, with its permission.

10. The Commission considers that the administrative rebilling function that Wightman has proposed is contrary to the information contained in the local competition implementation plan approved by the Commission in Telecom Decision 2012-47.
11. Accordingly, the Commission **denies** Wightman's application and directs the company to
 - file proposed tariff changes, under a new application, to allow EastLink to obtain 9-1-1 service directly from Bell Canada; and
 - provide written permission to Bell Canada to allow it to deal directly with EastLink for the provision and billing of 9-1-1 service.

Secretary General

Related documents

- *Wightman Telecom Ltd. – Implementation of local competition for Bragg Communications Inc., operating as EastLink*, Telecom Decision CRTC 2012-47, 24 January 2012
- *Revised regulatory framework for wholesale services and definition of essential service*, Telecom Decision CRTC 2008-17, 3 March 2008