Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Telecom Decision CRTC 2015-540

PDF version

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Ottawa, 9 December 2015

File number: 8620-C12-201504340

Legislated wholesale domestic roaming caps under the *Telecommunications Act*

The Commission makes determinations with respect to the proper interpretation of the regime for legislated wholesale domestic roaming caps (the legislated caps) set out in section 27.1 of the Telecommunications Act *(the Act). Although section 27.1 of the Act was repealed on 1 July 2015, these determinations are needed to ensure that the legislated caps are properly calculated and billed by Canadian carriers for the period during which the provision was in force, i.e. from 19 June 2014 to 30 June 2015.*

Background

1. Effective 19 June 2014, by virtue of section 27.1 (the roaming caps legislation) of the *Telecommunications Act* (the Act), Parliament established maximum amounts that Canadian carriers[1] could charge other Canadian carriers for certain domestic wireless roaming services (the legislated caps).

2. The applicable legislated caps during a year are determined based on a carrier's retail revenues from the provision of each wireless service (voice, text, and data) in the previous year divided by the associated total traffic (minutes, number of text messages, and megabytes [MB]) of each wireless service.

3. On 5 May 2015, the Commission issued Telecom Regulatory Policy 2015-177, in which it established interim tariffed rates for the provision of Global System for Mobile communications (GSM)-based wholesale roaming services by Bell Mobility Inc. (Bell Mobility), Rogers Communications Partnership (RCP), and TELUS Communications Company (TCC) to all wireless carriers but each other. Consistent with subsection 27(5) of the Act, the interim tariffed rates prevailed over the legislated caps for Bell Mobility, RCP, and TCC. The Commission also recommended that the Governor in Council repeal section 27.1 of the Act to allow for the return to market forces as soon as possible regarding the offering and provision of all other wholesale roaming services.

4. The Governor in Council repealed section 27.1 of the Act effective 1 July 2015.

[1] The Act defines "Canadian carrier" as a telecommunications common carrier that is subject to the legislative authority of Parliament.

5. As a result, the legislated caps regime was applicable to (i) GSM-based wholesale roaming services provided by Bell Mobility, RCP, and TCC to all wireless carriers but each other from 19 June 2014 to 4 May 2015, and (ii) all other roaming services from 19 June 2014 to 30 June 2015.

6. While the legislated caps regime was in force, the Commission requested that wireless carriers that provide wholesale roaming services (roaming carriers) submit the amounts that they considered to constitute the caps for domestic roaming as defined in section 27.1 of the Act, as well as information regarding the methodology, assumptions, and approach they used in their calculations. Following a review and assessment of the information submitted, the Commission found that the roaming carriers were not interpreting and applying the legislated caps regime consistently.

7. On 12 May 2015, Telecom Notice of Consultation 2015-186 was issued to initiate a public proceeding to assist the Commission in administering the legislated caps regime and to address concerns regarding its interpretation and application.

8. The Commission received interventions and/or responses to requests for information from Bell Mobility; Bragg Communications Incorporated, operating as Eastlink; the Canadian Network Operators Consortium Inc. (CNOC); Data & Audio-Visual Enterprises Wireless Inc., operating as Mobilicity; Hay Communications Co-operative Limited; MTS Inc. (MTS); Ice Wireless Inc. (Ice Wireless); Quadro Communications Co-operative Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P. (Videotron); RCP; Saskatchewan Telecommunications (SaskTel); the SSi Group of Companies (SSi); TBayTel: TCC; Union PhiQi Corp.; and WIND Mobile Corp. (WIND). The public record of this proceeding, which closed on 9 June 2015, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.

Issues

9. Although the legislated caps regime is no longer in force, it remains the Commission's responsibility to ensure that wireless carriers were providing roaming services in a manner consistent with section 27.1 of the Act during the relevant periods. The following issues were identified in Telecom Notice of Consultation 2015-186:

    - What approach(es) should be used to allocate the revenues from bundled wireless services among voice, text, and data for the purpose of calculating the total retail revenues from each service?

    - What constitutes "total retail revenues from the provision of wireless services"?

    - Should the legislated caps regime make a distinction between airtime rates and domestic long distance rates?

- How should the terms “during a year” and “preceding year” set out in section 27.1 of the Act be interpreted?

- Should the legislated caps calculated consistent with the Commission’s determinations in this decision be made public?

What approach(es) should be used to allocate the revenues from bundled wireless services among voice, text, and data for the purpose of calculating the total retail revenues from each service?

10. Section 27.1 of the Act sets out a separate formula for each of the three service categories (voice, text, and data) subject to the legislated caps regime, based on the total retail revenue associated with each service category. However, since many roaming carriers provide these services as part of a bundle, retail customers often pay one price for all three services, and there is no clear delineation of what percentage of the monthly fee relates to each specific service. Therefore, to apply the formula set out in the Act, roaming carriers used a variety of approaches to determine the revenues to be attributed to each service category.

11. Bell Mobility and TCC allocated revenues based on relative fair market value, determined by using each company’s market price for each service when sold separately. In cases where stand-alone service is not available, the price for the most similar or closest available service was used as a proxy.

12. RCP used the closest stand-alone rate plans for text and data, with the remainder of bundled revenues allocated to voice.

13. Videotron allocated its revenues according to the Commission-approved methodology for calculating the amounts due for the subsidization of local services in high-cost serving areas as part of the contribution regime (the contribution methodology).[2] Eastlink, Mobilicity, MTS, and SSi supported Videotron’s approach.

14. SaskTel allocated bundled revenues based on factors such as wireless plan usage limits and actual usage patterns. These allocations were then reviewed by subject matter experts within the company. SaskTel submitted that the contribution methodology can, in practice, be problematic given that the company does not offer stand-alone prices for each of the services.

15. TBayTel, which used network resource utilization as an allocation approach, submitted that it partially agrees on using the contribution methodology, but argued that this approach does not accurately reflect the actual network utilization and, therefore, would not fairly compensate a carrier for maintaining its network.

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[2] See Order 2001-220.

16. CNOC submitted that the Commission should select a method of allocation that is straightforward and as simple as possible to apply. It indicated that calculating the legislated caps already involved a significant amount of time and effort from the accounting departments of roaming carriers, particularly smaller ones.

Commission's analysis and determinations

17. Although the approaches used by roaming carriers differ, most are consistent with the underlying principles of the contribution methodology. This methodology requires telecommunications service providers to calculate contribution-eligible revenues from bundles on a pro-rated basis, using the rates of the elements in the bundle. These rates have to be based on, in order of priority, stand-alone prices, industry proxies or, if neither is available, good-faith estimates.

18. Further, there was broad consensus from parties that the different revenue allocation methods were acceptable.

19. The development and implementation of a standardized revenue allocation approach would be a time-consuming and challenging analytical exercise for roaming carriers and for the Commission. Moreover, given the fact that the roaming caps legislation was only in force for a relatively short period, it would not be efficient to initiate any additional regulatory exercise to reach a uniform approach.

20. In light of the above, the Commission considers that the different revenue allocation approaches used by roaming carriers to determine their respective legislated caps are consistent with section 27.1 of the Act.

What constitutes "total retail revenues from the provision of wireless services"?

21. The formulas set out in section 27.1 of the Act refer to total retail revenues and traffic from the provision of each of wireless voice, text, and data services to Canadian customers within Canada. Based on information provided to the Commission, roaming carriers interpret "total retail revenues from the provision of wireless services" (referred to hereafter as "total retail revenues") in very different ways, and many of them had, when calculating their legislated caps, deducted a number of elements from the total revenues they received from their retail customers.

22. TCC submitted that all wireless retail revenues that meet the criteria stated in the roaming caps legislation (i.e. revenues associated with traffic originating and terminating in Canada) must be included in the calculation of legislated caps, and that excluding such revenues would contravene Parliament's use and intent of the word "total."

23. In particular, TCC submitted that any revenues associated with handset or device subsidies must be included.[3]

24. Bell Mobility submitted that the formulas do not specify that any amounts related to handset subsidies should be subtracted from retail revenues, and that doing so would be an improper interpretation and incorrect application of the formulas.

25. Bell Mobility also submitted that it is not possible to provide revised legislated caps that exclude handset subsidies, given that (i) monthly rate plans do not identify a separate fee for a handset subsidy, (ii) the entire subsidy amount is accounted for in the month in which the customer purchases the handset, and (iii) the company's financial information system does not record service revenues without handset subsidies.

26. RCP submitted that total retail revenues from the provision of wireless services must be revenues generated from delivering actual voice minutes, text messages, and MB of data domestically. The company opposed any exclusion of handset subsidies from revenues, since the formulas in section 27.1 of the Act are based specifically on revenues, not costs, and a handset subsidy is a cost incurred to encourage sales like any other sales promotion. RCP also stated that the Commission determined in Order 2001-221, and reaffirmed in Telecom Decisions 2002-22 and 2002-23, that handset subsidies are costs and should not be deducted from revenues. RCP added that there are no handset charges included in its monthly service plan fees, nor does it have a specific line item for handset subsidies when it charges its customers.

27. Appendix B of Telecom Notice of Consultation 2015-186 provided a summary of the revenues that wireless carriers considered should be excluded from or included in their total retail revenues. For ease of reference, the summary is provided in the Appendix to this decision. Bell Mobility, RCP, and TCC proposed additional exclusions not listed in the Appendix. Specifically, they proposed to exclude credits attributable to goodwill, port-in customers, and contract renewals.[4] They argued that including goodwill credits (which reduce revenue) would distort the calculations because the related volumes are included in the denominator. In addition, they submitted that port-in and contract renewal credits are not tied to voice, text, or data use, and that credits are applied to customers' accounts after they have paid retail

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[3] A handset subsidy occurs when a wireless carrier provides a customer with a device at a discounted price or for free as an incentive to enter into a wireless contract for a given period. It is generally accepted that wireless companies recover the amount of the discount through the monthly rates for the service. This may be transparent to the customer (e.g. a "tab" account) or the amount may be included without being identified in the cost of the service.

[4] Port-in credits are discounts provided to new corporate customers to compensate them for the cancellation fees they have to pay their previous wireless carrier. They are normally negotiated for large subscriber transactions. Contract renewal credits are discounts provided to customers for renewing a wireless subscription. Customer credits are not contractually required but are offered to customers in certain circumstances, such as when a subscriber's child inadvertently uses a significant amount of data, resulting in a high data-usage charge.

rates, meaning that accounting for credits would result in capped rates that do not reflect retail prices.

28. SaskTel submitted that all revenue streams that arise from the provision of services other than wireless domestic voice, text, and data should be excluded to the greatest extent possible. However, it argued that monthly and one-time revenues associated with handsets are neither a subsidy nor are they extraneous to the service, and should not be excluded.

29. Videotron submitted that all revenues listed in the Appendix should be excluded. The company indicated that the Act clearly expressed legislative intent regarding revenues to be included in the calculation of legislated caps.

30. Eastlink, Mobilicity, MTS, SSi, and WIND submitted that all of the revenue streams listed in the Appendix should be excluded from the calculations of total retail revenues, and that all of the exclusions should be applied consistently across all roaming carriers.

31. Eastlink submitted that all revenues not solely attributable to the transmission of retail domestic voice calls, text messages, or data traffic, such as handset subsidies, should be excluded from calculations of total retail revenues. Eastlink further submitted that handset subsidies can sometimes be almost as large as the wireless service plan. In the event that revenues solely attributable to device purchases are inappropriately included in calculations under section 27.1 of the Act, wholesale roaming rates could be almost double what the roaming caps legislation intended.

32. Mobilicity stated that many roaming carriers had included handset subsidies and that hardware revenues derived from the sale of handsets are clearly not revenues for voice, text, or data as defined in section 27.1 of the Act. The company argued that if a $300 handset can be purchased for $0 on a two-year contract, then $12.50 per month ($300 divided by 24 months) should be excluded from the revenue calculation.

33. WIND noted the discrepancy between the exclusions that some parties filed in the proceeding and the list of exclusions from total wireless revenues set out in the Appendix as it relates to goodwill credits. WIND submitted that the revenues used to calculate wholesale roaming rates would then be greater than actual retail revenues, resulting in inflated rates.

34. Ice Wireless submitted that, while the Commission has the authority under subsection 27.1(5) of the Act to modify the formulas used to calculate wholesale roaming rates, it does not have the jurisdiction to expand the definition of the services captured by the roaming caps legislation.

35. CNOC supported the uniform application of all of the exclusions in the Appendix, and submitted that there is no justification for the differential treatment of revenue exclusions.

Commission's analysis and determinations

36. Overall, most parties supported the list of exclusions (with the exception of the handset subsidy) set out in the Appendix. They also submitted that the exclusions should be applied on a consistent basis across all roaming carriers.

37. Only revenues from the provisioning of wireless services directly related to the transmission of domestic voice, text, and data should be considered as total retail revenues for the purpose of calculating the legislated caps. Hence, revenues earned as a result of providing equipment or complementary services such as warranty services and features, as well as revenues associated with other retail wireless services, should be removed from calculations of the legislated caps.

38. With respect to handset subsidies, roaming carriers were not consistent in their approach. There are two different types of revenues involved: a one-time upfront payment (usually discounted) from the customer for the device, and a usually unidentified portion of the customer's monthly payment to reimburse the roaming carrier for the discount it provided for the device. Total retail revenues, as set out in section 27.1 of the Act, do not include upfront payments from the customer for the device, since these are revenues related to equipment. However, revenues captured within the monthly payment are designed to recover a cost element and, hence, do form part of total retail revenues. This conclusion is also consistent with the Commission's treatment of handset subsidies in Order 2001-221.

39. With regard to customer credits, their exclusion (i.e. not taking the credits into account) would have the net effect of increasing total retail revenues to a level higher than what the roaming carriers actually received. Only three parties supported this exclusion. Total retail revenues that account for all customer credits reflect the actual retail revenues that should be used for the purpose of calculating the legislated caps. While goodwill credits may have associated traffic, information provided by parties indicates that these amounts will have a minimal impact on the overall legislated caps.

40. Further, RCP allocated the total amount associated with customer credits to voice services only. RCP's approach would result in artificially higher caps for text and data services. Accordingly, these credits should be allocated in a manner similar to the method used to allocate total retail revenues among voice, text, and data services.

41. In light of the above, the exclusion of all revenue streams set out in the Appendix to this decision from total retail revenues, as well as the corresponding traffic[5] where applicable, except for the portion of monthly payments related to handset costs, is consistent with section 27.1 of the Act.

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[5] Volume in minutes, text messages, and MB

42. Further, the calculation of total retail revenues must include all customer credits. These credits are to be allocated among voice, text, and data services using a method similar to the one the roaming carriers used to allocate retail revenues among these services.

Should the legislated caps regime make a distinction between airtime rates and domestic long distance rates?

43. Section 27.1 of the Act requires that the legislated caps be calculated by dividing the total domestic retail revenues from the provision of voice services to Canadian subscribers by the number of minutes used for those calls. Some roaming carriers charge a single blended rate that includes both airtime (used for local calls) and domestic long distance, while other carriers use a two-tier structure that differentiates between airtime rates and domestic long distance rates.

44. Bell Mobility submitted that it is appropriate to distinguish between airtime rates and domestic long distance rates to take into account the extent of network infrastructure required to complete voice calls and to better align wholesale rates with retail rates where domestic long distance calls are charged differently than local calls.

45. TCC submitted that section 27.1 of the Act sets out a formula for the maximum amount to be charged, but does not require that the maximum amount only be levied by way of a single rate. The key is that the total amount for voice minutes does not exceed the amount determined by the formula.

46. MTS submitted that both airtime and domestic long distance roaming charges combined must be equal to or below the cap set by the roaming caps legislation. MTS also argued that existing airtime and domestic long distance roaming charges should not be combined into a single rate, since this would result in inflated roaming charges for local calls.

47. RCP stated that there is no reason to differentiate airtime rates from domestic long distance rates under section 27.1 of the Act, since that section establishes a cap and does not mandate a rate. RCP argued that as long as the combined rate for airtime and domestic long distance is at or below the cap, it complies with the Act.

48. SaskTel did not object to applying the finalized maximum voice rate to airtime only.

49. CNOC, Eastlink, Mobilicity, SSi, and Videotron submitted that any distinction between airtime rates and domestic long distance rates would not be in compliance with subsection 27.1(4) of the Act.[6]

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[6] Subsection 27.1(4) of the Act states that the Canadian carrier shall not charge the second Canadian carrier any other amount in relation to the provision of the roaming services referred to in subsections (1) to (3).

Commission's analysis and determinations

50. As formulated, the roaming caps legislation makes no distinction as to whether or not the roaming charges for local calls and domestic long distance calls are to be billed by means of a single or multiple rates. However, since the formula uses total retail revenues, which include domestic long distance revenues, it is arguable that there should only be one amount that covers roaming for both local calls and domestic long distance calls.

51. However, a wholesale roaming rate structure that distinguishes between local calls and domestic long distance calls could be more appropriate, in order to avoid inflating roaming charges associated with domestic long distance for local calls. However, this approach would require recalculating the proposed caps by all roaming carriers, including those that do not currently have a separate domestic long distance charge.

52. Given that there is merit to either approach, it is reasonable to accept different charging structures. This approach also permits the efficient application of certain roaming agreements, some of which contained two-tier charging structures and were signed prior to the introduction of section 27.1 of the Act.

53. Accordingly, charging structures that either differentiate between airtime and domestic long distance or have a single roaming charge are both consistent with section 27.1 of the Act. However, if a roaming carrier uses separate charges for airtime and domestic long distance, the sum of the two charges is to be equal to or less than the applicable legislated cap.

How should the terms "during a year" and "preceding year" in section 27.1 of the Act be interpreted?

54. The formulas set out in section 27.1 of the Act establish that the amount charged during a year cannot exceed the amount derived from dividing retail revenues by the associated traffic for the service in question during the preceding year.

55. Under the *Interpretation Act*,[7] "year" refers to any period of 12 consecutive months, except where the legislation in question explicitly identifies it as a calendar year, financial year, or fiscal year.

56. Bell Mobility submitted that the term "preceding year" should be interpreted to mean the previous calendar year (i.e. 1 January to 31 December), which should be the relevant period for calculating legislated caps.

57. TCC submitted that, consistent with the *Interpretation Act*, the use of the phrase "during a year" means that the initial legislated caps should be in place from 19 June 2014 to 18 June 2015, with new caps calculated for the 12-month period beginning 19 June 2015.

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[7] R.S.C., 1985, c. I-21

58. TCC also submitted that carriers should be entitled to use any 12-month period that is consistent with their fiscal reporting year, provided that the legislated caps are recalculated and adjusted based on a rolling12-month period and that the fiscal year chosen is the one that ended most recently prior to June of the current year.

59. Eastlink, MTS, RCP, SaskTel, TBayTel, Videotron, and WIND submitted that the term "during a year" refers to the current calendar year and that the term "preceding year" refers to the previous calendar year.

60. CNOC proposed that the legislated caps be calculated based on a calendar year, but applied during a year-long period that corresponds with the roaming provider's fiscal year.

Commission's analysis and determinations

61. The majority of parties agreed that a calendar year is the appropriate period to use for legislated cap calculations. This interpretation would also align with the time frame for data reporting for the purpose of the Commission's annual *Communications Monitoring Report*.

62. A strict reading of section 27.1 of the Act, consistent with the *Interpretation Act*, could lead to the unreasonable result of having to recalculate the legislated cap every day, since the amount charged at any point in time could only be calculated based on the revenues from the 12-month period immediately preceding that period. As a result, the Commission considers that it is necessary to apply a purposive interpretation to section 27.1 of the Act. Such an interpretation would interpret the use of the word "year" consistently throughout the section, result in a uniform application across companies, and result in an efficient calculation.

63. Accordingly, the Commission determines that "year," as set out in the terms "during a year" and "preceding year," refers to the calendar year.

64. Given this interpretation and the applicability of the legislated caps regime as described above,

- 2014 legislated caps calculated using 2013 calendar-year data apply to all roaming carriers for all services from 19 June to 31 December 2014

- 2015 legislated caps calculated using 2014 calendar-year data apply to

    - all roaming providers for all roaming services from 1 January to 4 May 2015;

    - Bell Mobility, RCP, and TCC for all code division multiple access (CDMA)-based services provided to all carriers, as well as GSM-based services provided to each other, from 5 May to 30 June 2015; and

- all other roaming providers for all roaming services from 5 May to 30 June 2015.

Should the legislated caps calculated consistent with the Commission's determinations in this decision be made public?

65. Bell Mobility, RCP, and TCC submitted that the legislated caps calculated consistent with the determinations in this decision should be kept confidential. Specifically, they argued that these caps represent sensitive commercial information that is normally treated confidentially between roaming carriers and their customers, and that roaming agreements typically contain a confidentiality clause expressly prohibiting the disclosure of such information. They also submitted that Industry Canada's roaming conditions of licence specifically allow for the confidentiality of roaming pricing information. They further submitted that the Commission already made a determination on confidentiality when it released aggregated average roaming caps instead of releasing individual carrier rates during the Telecom Notice of Consultation 2014-76 proceeding.

66. Eastlink submitted that there is no public benefit to disclosure of these caps, and that disclosure may cause confusion in the retail market if retail customers assume that new entrant wireless carriers may pass along the charges to them. Eastlink added that a party could easily obtain the roaming rates by signing a non-disclosure agreement. Similarly, Mobilicity stated that the legislated caps and how they are calculated could be made available only to other wireless carriers on a confidential basis.

67. SaskTel argued that disclosure would allow current and potential competitors to more effectively design competitive strategies, which would allow them to compete more effectively and prejudice the competitive position of the company.

68. MTS, Videotron, and WIND supported making the legislated caps calculated consistent with the determinations in this decision available to the public. WIND submitted that consumers would benefit from disclosure because it would allow them to understand whether they were being treated fairly by their wireless carrier when domestic roaming charges appear on their bills.

Commission's analysis and determinations

69. Requests for disclosure of information designated as confidential are addressed in light of sections 38 and 39 of the Act and sections 30 and following of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*. In evaluating a request, an assessment is made as to whether the information falls into a category of information that can be designated confidential pursuant to section 39 of the Act. The next step in the assessment is to determine whether there is any specific direct harm likely to result from the disclosure of the information in question and whether any such harm outweighs the public interest in disclosure. In making this evaluation, a number of factors are taken into consideration, including the degree of competition and the importance of the

information to the ability of the Commission to obtain a full and complete record. The factors considered are discussed in more detail in Broadcasting and Telecom Information Bulletin 2010-961.

70. By letter dated 27 October 2015, the Commission ordered Bell Mobility, RCP, and TCC to release on the public record the maximum rates in the interim tariff pages that were filed on 4 June 2015. These interim roaming rates are generally the same as the legislated caps calculated by the roaming carriers.

71. The revenue and demand details of the underlying calculations for the legislated caps are commercially sensitive information. If the legislated caps calculated consistent with the Commission's determinations discussed above are disclosed, it would be possible for competitors to gauge the relative size of the revenue adjustments by comparing the legislated caps initially filed for Bell Mobility, RCP, and TCC against the caps calculated consistent with this decision. This would likely enable competitors to estimate the amounts attributable to, for example, the upfront payments for handsets. In the Commission's view, such disclosure would result in specific direct harm to the carriers concerned. Further, given that the legislated caps are no longer in force, the public interest in their disclosure is attenuated. In the circumstances, the Commission finds that the specific direct harm resulting from the disclosure of the legislated caps calculated consistent with the determinations in this decision outweighs the public interest in their disclosure.

72. In light of the above, the Commission concludes that the legislated caps calculated consistent with the determinations in this decision should not be placed on the public record. Nonetheless, the Commission considers that these caps should be disclosed to the relevant wholesale roaming customers to ensure that the amounts they pay are the amounts contemplated by section 27.1 of the Act, as determined in this decision for the periods in question. Accordingly, the Commission **directs** roaming carriers to disclose the legislated caps calculated consistent with its determinations in this decision, in confidence, to their wholesale roaming customers.

Other matter

73. Roaming carriers did not file all revenue and traffic information for each of the exclusions listed in the Appendix to this decision. It is therefore not possible for the Commission to calculate with accuracy (i) the legislated cap consistent with the determinations in this decision, for each service, and (ii) the financial adjustments to be made, if any.

Conclusion

74. In light of the above, the Commission **directs** roaming carriers to file the following information with the Commission within **30 days** of the date of this decision:

    - Legislated roaming caps for the applicable time frames, calculated consistent with the determinations in this decision. These caps are to be filed in

confidence with the Commission and served on the wholesale roaming customers to whom they apply.

- A list of any wholesale roaming customers charged a roaming rate higher than the legislated cap calculated consistent with the determinations in this decision during the applicable time frames.

    - Where applicable, roaming carriers are to describe what actions they intend to take to bring themselves into compliance with section 27.1 of the Act with respect to the amounts previously charged to these wholesale roaming customers.

75. To the extent that wholesale roaming customers and the roaming carriers in question disagree as to the amount of the legislated caps, they are to make every effort to resolve the matter among themselves before requesting for the Commission to be involved.

Secretary General

Related documents

- *Legislated wholesale domestic roaming caps*, Telecom Notice of Consultation CRTC 2015-186, 12 May 2015

- *Regulatory framework for wholesale mobile wireless services*, Telecom Regulatory Policy CRTC 2015-177, 5 May 2015

- *Review of wholesale mobile wireless services*, Telecom Notice of Consultation CRTC 2014-76, 20 February 2014, as amended by Telecom Notices of Consultation CRTC 2014-76-1, 25 April 2014; and 2014-76-2, 5 September 2014

- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010, as amended by Broadcasting and Telecom Information Bulletin CRTC 2010-961-1, 26 October 2012

- *TELUS Communications Inc. and TELE-MOBILE COMPANY – Calculation of contribution-eligible revenues*, Telecom Decision CRTC 2002-23, 12 April 2002

- *Rogers Wireless Inc. – Calculation of contribution-eligible revenues*, Telecom Decision CRTC 2002-22, 12 April 2002

- *Disputed issues submitted by the Contribution Collection Mechanism (CCM) Implementation Working Groups*, Order CRTC 2001-221, 15 March 2001

- *Industry Consensus Reports submitted by the Contribution Collection Mechanism (CCM) Implementation Working Groups*, Order CRTC 2001-220, 15 March 2001

Appendix to Telecom Decision CRTC 2015-540

List of exclusions from total retail wireless revenues

Revenue exclusions

Company name	TCC	Bell Mobility	RCP	MTS	TBayTel	SaskTel	Eastlink	WIND	Videotron	Ice Wireless
Wholesale roaming services	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International long distance	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International roaming	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International text message	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Northwestel Inc. (for Bell Mobility)	N/A	Excluded	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Warranty services	Included	Excluded	Excluded	Excluded	N/A	Excluded	Excluded	Excluded	Excluded	Excluded
Hardware upgrade fees	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
Number change fees	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
9-1-1 fees	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
Government recovery fees	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
Paper bill fees	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
Handset subsidy	Included	Included	Included	Excluded	Included	Included	Excluded	Excluded	Excluded	Excluded
Mobile TV	Included	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded
Investment revenues	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Location-based services	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Road assistance services	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Telematics services	Included	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Visual voicemail & voice-to-text services	Included	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Premium SMS services	Excluded	Excluded	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Voice mail, directory assistance	Excluded	Included	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Feature add-ons	Excluded	Included	Excluded	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Downloads (e.g. ringtones and Java)	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Paging	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded

Company name	TCC	Bell Mobility	RCP	MTS	TBayTel	SaskTel	Eastlink	WIND	Videotron	Ice Wireless
Miscellaneous (FleetNet, Apple Care, Apps, etc.)	Included	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded

Traffic exclusions

Company name	TCC	Bell Mobility	RCP	MTS	TBayTel	SaskTel	Eastlink	WIND	Videotron	Ice Wireless
Wholesale roaming services	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International roaming	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International long distance	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
International text message	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Northwestel Inc. (for Bell Mobility)	N/A	Excluded	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Voice, text, and data outside Canada	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded
Internally generated traffic	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded	Excluded