



## Telecom Regulatory Policy CRTC 2016-231

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### **Application of Basic 9-1-1 service obligations to wireless service providers that are not competitive local exchange carriers**

*The Commission imposes an obligation on wireless service providers that are not competitive local exchange carriers, but provide voice services, to provide wireless Basic 9-1-1 service in all areas where they operate and where wireless Basic 9-1-1 network access services are available from the relevant incumbent local exchange carrier. This obligation will take effect **60 days** following the date of this decision. Where Basic 9-1-1 service is not yet available, this obligation will take effect immediately following the Commission's approval of a wholesale wireless 9-1-1 access services tariff.*

*This obligation will enable a consistent level of 9-1-1 service to be provided to Canadians, regardless of the wireless service provider they choose. It is also consistent with the goal set out in the Commission's 9-1-1 action plan: to enhance Canadians' access to existing 9-1-1 services.*

#### **Introduction**

1. Effective and timely telecommunications access to emergency services is critical to the health and safety of citizens, and is an important part of the Commission's role in ensuring that Canadians have access to a world-class communication system.
2. The Commission has mandated telecommunications service providers to offer their customers 9-1-1 service wherever provincial, territorial, and municipal governments have established 9-1-1 call centres, known as public safety answering points (PSAPs). As a result, most of Canada's population currently has access to either Basic 9-1-1 or Enhanced 9-1-1 (E9-1-1) service.<sup>1</sup>
3. The Commission has set out 9-1-1-related obligations in various decisions. Specifically, in Telecom Decision 97-8, the Commission established competitive local exchange carrier (CLEC) obligations, including the obligation for CLECs to provide 9-1-1 services to their subscribers.

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<sup>1</sup> Basic 9-1-1 service enables callers to be directly connected to 9-1-1 operators in PSAPs, who dispatch the appropriate emergency responders. E9-1-1 service includes Basic 9-1-1 service, but also automatically provides PSAP 9-1-1 operators with the telephone number and estimated location of the caller.

4. In Telecom Decision 2003-53, the Commission set out the following 9-1-1-related obligations:

For wireless CLECs:

- In a community where the incumbent local exchange carrier (ILEC) provides Basic 9-1-1 service, the wireless carrier must provide a comparable level of service.
- Provide wireless E9-1-1 service to their subscribers in communities where wireless E9-1-1 network access service is available from an ILEC.
- Establish and maintain toll-free telephone access to and continuous staffing of at least one of their operation centres, in order to promptly assist authorized PSAP personnel seeking subscriber information in emergency situations.

For wireless service providers (WSPs):

- Provide subscribers with initial and periodic notification of the availability, characteristics, and limitations of the 9-1-1 service offered.
- Provide wireless E9-1-1 service to their subscribers in communities where wireless E9-1-1 network access service is available from an ILEC.
- Establish and maintain toll-free telephone access to and continuous staffing of at least one of their operation centres, in order to promptly assist authorized PSAP personnel seeking subscriber information in emergency situations.

5. In Telecom Decision 2003-53, the Commission also imposed an obligation on wireless CLECs to provide Basic 9-1-1 service where Basic 9-1-1 service is provided by the ILEC. However, it did not impose a similar obligation on WSPs that are not CLECs.

### **Proceeding**

6. In Telecom Notice of Consultation 2015-548, the Commission initiated a proceeding to examine whether WSPs that are not CLECs, but provide voice services, should be subject to the obligation to provide wireless Basic 9-1-1 service in all areas where they operate and where wireless Basic 9-1-1 network access services are available from the relevant ILEC.
7. The Commission received interventions from Bell Canada, la Coalition pour le service 9-1-1 au Québec (the Coalition), Iristel Inc. (Iristel), the Public Interest

Advocacy Centre (PIAC), Rogers Communications Canada Inc. (RCCI), TELUS Communications Company (TCC), and WIND Mobile Corp. (WIND).

### **Positions of parties**

8. Bell Canada, the Coalition, PIAC, RCCI, TCC, and WIND all agreed that WSPs that are not CLECs should be required to provide Basic 9-1-1 service where wireless Basic 9-1-1 network access services are available from the relevant ILEC.
9. Iristel submitted that any obligation on WSPs to provide Basic 9-1-1 service must take into account the unique circumstances of the WSPs that operate in areas where Basic 9-1-1 service is available from the ILEC and in areas where it is not. Iristel indicated that its affiliate, Ice Wireless Inc. (Ice Wireless), has implemented an alternative 9-1-1 service through which 9-1-1 calls are routed from Ice Wireless's customers to a specialized call centre, which transfers the calls to the appropriate PSAP, or to the appropriate emergency responder in areas where no PSAP exists.
10. Iristel argued that imposing an obligation to provide Basic 9-1-1 service through the use of ILECs' 9-1-1 services where they are available would constitute an inappropriate burden on a WSP that has implemented an equivalent alternative emergency service, since it would
  - significantly disrupt Ice Wireless's ability to offer its equivalent emergency service;
  - result in significant implementation and operational costs; and
  - result in complex undertakings to ensure that customers are aware of which emergency service is available to them.
11. Bell Canada submitted that Ice Wireless's alternative solution involves a third-party call centre,<sup>2</sup> which potentially delays the delivery of emergency services to the end-user, whereas calls are routed directly to the PSAP through Basic 9-1-1 service. Bell Canada added that any implementation costs are likely to be minimal.
12. The Coalition stated that there should not be two categories of service providers (those that provide 9-1-1 services versus those that provide alternative emergency services, e.g. Ice Wireless) with respect to wireless 9-1-1 services.
13. In reply to Iristel's comments, TCC submitted that
  - requiring all WSPs to provide access to Basic 9-1-1 service in areas where that service is available from the serving ILEC is in the best interest of Canadians;

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<sup>2</sup> A third-party call centre is an intermediary call centre that is responsible for obtaining the caller's location and transferring the call to the PSAP or emergency service responder that provides the appropriate service in that location.

- the alternative service provided by Ice Wireless is below the level of service provided by other WSPs since it causes delays in call routing and potential mishaps in call completion;
  - while Ice Wireless's alternative service enables customers to access an intermediary operator in areas of Canada with no 9-1-1 service, the provision of an alternative emergency service should not detract from the provision of Basic 9-1-1 service;
  - the implementation costs are outweighed by the benefits of Basic 9-1-1 service, and these costs are worthwhile given the precious seconds that are saved routing calls using Basic 9-1-1 service rather than an intermediary operator; and
  - callers do not need to know how their 9-1-1 calls are routed – they only need to know that in an emergency, they should call 9-1-1 and that, where possible, their calls will be directed to the serving PSAP automatically.
14. Bell Canada and TCC submitted that WSPs should be permitted to provide alternative emergency services in areas where no Basic 9-1-1 or E9-1-1 service is available. However, PIAC submitted that it is not persuaded that Ice Wireless offers a comparable level of service to Basic 9-1-1 service, and that uniform 9-1-1 service obligations must therefore be imposed on all WSPs.
15. RCCI submitted that all WSPs should provide Basic 9-1-1 service, at a minimum, where it is supported by the relevant ILEC, and that there is no valid argument as to why the same obligations should not apply to all WSPs. RCCI indicated that the average customer who signs up for wireless service cannot be expected to know that the level of 9-1-1 service could potentially be different, and possibly inferior, depending on which WSP they choose.

### **Commission's analysis and determinations**

16. PIAC, PSAPs, and WSPs all supported the implementation of a Commission requirement for WSPs that are not CLECs to provide Basic 9-1-1 service in all areas where wireless Basic 9-1-1 network access services are available from the relevant ILEC.
17. Wireless Basic 9-1-1 service as mandated by the Commission requires all 9-1-1 calls to be routed directly to the PSAP designated by the provincial, territorial, or municipal authorities responsible for emergency service responses. As a result, any alternative emergency service that does not involve routing wireless 9-1-1 calls directly to the designated PSAP cannot be considered equivalent to wireless Basic 9-1-1 service. Iristel's proposal to route 9-1-1 calls first to a third-party call centre, before the appropriate PSAP, would result in unnecessary delays for users to access emergency services, and may also cause errors in call routing.

18. As well, WSPs should provide access to emergency services in cooperation with local authorities or the public safety agencies that receive the emergency calls.
19. In this regard, Iristel did not provide details on whether Ice Wireless has made arrangements with local authorities regarding how its service is provided, such as what 9-1-1 call handling policies and procedures are to be used, and what training is required of its operators.
20. The costs for implementing 9-1-1 services (Basic and Enhanced) are borne by WSPs, as set out in Telecom Regulatory Policy 2009-40. Bell Canada, which operates in Yukon, stated that these costs would be minimal. Further, the matter of costs needs to be balanced against the importance of 9-1-1 services for the health and safety of Canadians.
21. In light of the above, it is necessary for WSPs that are not CLECs, but provide voice services, to be subject to the same obligation as WSPs that are CLECs: to provide wireless Basic 9-1-1 service in all areas where they operate and where wireless Basic 9-1-1 network access services are available from the relevant ILEC. The Commission therefore imposes this obligation on these WSPs, to take effect within **60 days** of the date of this decision. Where Basic 9-1-1 service is not yet available, this obligation will take effect immediately following the Commission's approval of a wholesale wireless 9-1-1 access services tariff. These determinations support one of the goals identified in the Commission's 9-1-1 action plan, set out in Telecom Regulatory Policy 2014-342, which is to enhance Canadians' access to existing 9-1-1 services.

## **Policy Direction**

22. The Policy Direction<sup>3</sup> states that the Commission, in exercising its powers and performing its duties under the *Telecommunications Act* (the Act), shall implement the policy objectives set out in section 7 of the Act, in accordance with paragraphs 1(a), (b), and (c) of the Policy Direction.
23. The Commission considers that its determinations in this decision are consistent with paragraphs 7(a) and (b) of the Act,<sup>4</sup> and with subparagraph 1(b)(iii)<sup>5</sup> of the Policy Direction in that all WSPs must provide the same level of service.

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<sup>3</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

<sup>4</sup> The cited policy objectives are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; and 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada.

<sup>5</sup> The cited policy objective is that the Commission, when relying on regulation, should use measures that, if they are not of an economic nature, to the greatest extent possible, are implemented in a symmetrical and competitively neutral manner.

Secretary General

**Related documents**

- *9-1-1 action plan*, Telecom Regulatory Policy CRTC 2014-342, 25 June 2014, as amended by Telecom Regulatory Policy CRTC 2014-342-1, 30 January 2015
- *Implementation of wireless Phase II E9-1-1 service*, Telecom Regulatory Policy CRTC 2009-40, 2 February 2009
- *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 competition*, Telecom Decision CRTC 97-8, 1 May 1997