



Telecom Notice of Consultation CRTC 2017-450

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Ottawa, 15 December 2017

File number: 1011-NOC2017-0450

Call for comments

Review of the reseller registration obligation

Deadline for submission of interventions: 30 January 2018

[\[Submit an intervention or view related documents\]](#)

The Commission invites comments on which types of non-carriers (resellers) should be exempt from the obligation to register with the Commission prior to receiving telecommunications services for resale from Canadian carriers or other resellers.

Background

1. The Commission currently requires Canadian carriers¹ and non-carriers (persons other than Canadian carriers offering and providing any telecommunications service, also known as resellers) to fulfill various obligations as a condition of offering and providing telecommunications services. These include the obligation to register with the Commission (the registration obligation).
2. Registration is a key administrative function that supports certain Commission activities, such as the following:
 - ensuring that the Commission's consumer safeguard obligations are respected;
 - setting telecommunications fees;
 - administering the revenue-based contribution regime;
 - monitoring telecommunications services;
 - ensuring compliance with international licensing and annual filing requirements; and
 - enhancing the Commission's understanding of the telecommunications entities that operate in Canada and of the telecommunications system as a whole.

¹ A Canadian carrier is a telecommunications common carrier that is subject to the legislative authority of Parliament. A telecommunications common carrier means a person who owns or operates a transmission facility used by that person or another person to provide telecommunications services to the public for compensation.

3. In 2014, the *Telecommunications Act* was amended to grant the Commission the authority to, among other things, directly regulate resellers.² Prior to this, the Commission had imposed obligations on resellers indirectly, by requiring Canadian carriers to include Commission-imposed obligations in their tariffs and contracts with resellers.
4. In Telecom Regulatory Policy 2017-11, the Commission directed resellers to abide by all applicable consumer safeguard obligations, including the registration obligation. The Commission also clarified the registration obligation such that all resellers are required to register with the Commission prior to receiving telecommunications services for resale from Canadian carriers or other resellers. The Commission also directed all resellers with existing service contracts or other arrangements with Canadian carriers or other resellers to register with it by 17 July 2017.
5. In particular, resellers offering and providing one or more of the following services are required to register with the Commission:
 - interexchange services;
 - local exchange services (also known as local telephone services);
 - wireless voice services;
 - local voice over Internet Protocol (VoIP) services;
 - Internet access services; and
 - payphone services.
6. The Commission received a large number of inquiries and registration applications from entities seeking clarification on whether the registration obligation applied to them. For example, the Commission was asked whether the registration obligation applies to entities that offer (i) only services such as machine-to-machine services (e.g. alarm systems, parking meters, and Global Positioning System or GPS), or (ii) private Wi-Fi connections, such as those in coffee shops, in airports, on public transportation, and in shopping malls.
7. In Telecom Regulatory Policy 2017-11-1, the Commission (i) postponed the above-noted registration deadline to 17 July 2018, and (ii) stated that it intended to initiate a proceeding to examine, among other things, which types of non-carriers should be subject to registration.

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8. The Commission reaffirms that resellers that offer and provide the services listed in paragraph 5 continue to be required to register. However, with this notice, the Commission

² Specifically, this resulted from the *Economic Action Plan 2014 Act, No. 2*, which came into force on 16 December 2014.

will examine whether the registration obligation should apply to entities such as those listed in paragraph 6.

9. Accordingly, the Commission invites comments on how it should administer the registration obligation to ensure that it is efficient and proportionate to its purpose. Specifically, parties are invited to
 - comment on which entities should be exempt from the registration obligation and why. For any proposed exemptions, provide a detailed explanation of why the registration of those entities would be neither in the public interest nor necessary for the Commission to fulfill its administrative functions³ and the telecommunications policy objectives set out in section 7 of the *Telecommunications Act*.
 - explain, in detail, the factors that the Commission should consider when determining whether a given entity should be exempt from the registration obligation.
10. Parties are to provide supporting rationale and all evidence on which they rely to formulate their position.
11. Issues related to obligations other than the registration obligation are out of the scope of this proceeding.
12. As a result of this proceeding, the Commission could modify the existing registration obligation or impose additional registration obligations on some or all Canadian carriers and non-carriers.
13. The Commission will review the matters raised in this proceeding in light of the Canadian telecommunications policy objectives set out in section 7 of the *Telecommunications Act* and taking into consideration the Policy Direction.⁴

Procedure

14. As explained in detail below, this proceeding includes the following steps:
 - Comments on the above-noted issues are due by **30 January 2018**.
 - The Commission may ask questions by **1 March 2018**.
 - Responses to the Commission's questions are due by **21 March 2018**.
 - Final submissions are due by **20 April 2018**.

³ See the administrative functions identified in paragraph 2.

⁴ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

15. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at www.crtc.gc.ca, under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
16. The large and small incumbent local exchange carriers, competitive local exchange carriers, wireless carriers, resellers of telecommunications services, resellers of high-speed retail Internet services, digital subscriber line service providers, and competitive pay telephone service providers, as listed on the Commission's [registration list](#), are made parties to this proceeding and may file interventions with the Commission by **30 January 2018**.
17. Other interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **30 January 2018**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
18. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
19. The Commission may request information, in the form of interrogatories, from any party to this proceeding by **1 March 2018**.
20. Responses to requests for information are to be filed with the Commission by **21 March 2018**.
21. All parties may file final submissions with the Commission on any matter within the scope of this proceeding by **20 April 2018**.
22. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
23. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
24. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file

submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

25. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

26. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
27. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
28. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

29. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and facsimile numbers.

30. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
31. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
32. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

33. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the file number provided at the beginning of this notice or by visiting the "Have your say!" section of the Commission's website, then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
34. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Secretary General

Related documents

- *Application of regulatory obligations directly to non-carriers offering and providing telecommunications services*, Telecom Regulatory Policy CRTC 2017-11, 17 January 2017; as amended by Telecom Regulatory Policy CRTC 2017-11-1, 10 July 2017

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010