



Telecom Order CRTC 2022-119

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TELUS Communications Inc. – Revisions to the next-generation 9-1-1 Local Government Service Agreement template

The Commission **approves** revisions to TELUS Communications Inc.'s next-generation 9-1-1 Local Government Service Agreement template.

Background

1. In Telecom Regulatory Policy 2017-182, the Commission mandated incumbent local exchange carriers (ILECs), including small ILECs, to (i) provide end-user access to next-generation 9-1-1 (NG9-1-1) networks in their operating territories; (ii) provide wholesale access to these networks wherever provincial, territorial, and/or municipal governments have established public safety answering points (PSAPs); and (iii) connect their NG9-1-1 networks to the primary and secondary PSAPs in their operating territories.
2. In Telecom Decision 2021-199, the Commission directed NG9-1-1 network providers, by 1 March 2022, to (i) establish their NG9-1-1 networks; (ii) complete all NG9-1-1 production onboarding activities; and (iii) be ready to provide NG9-1-1 Voice wherever PSAPs have been established in a particular region. The Commission also directed NG9-1-1 network providers to file proposed wholesale and retail NG9-1-1 tariffs by no later than 1 November 2021.
3. On 1 November 2021, TELUS Communications Inc. (TCI) filed its NG9-1-1 tariff for approval with the Commission. Along with the NG9-1-1 tariff, TCI filed a template NG9-1-1 Local Government Service Agreement (hereafter referred to as the NG9-1-1 LGA agreement template), for use in agreements between TCI, as an NG9-1-1 network provider, and the local government authorities (LGAs) responsible for the provision of emergency services in jurisdictions within Alberta or British Columbia, for Commission approval. The NG9-1-1 LGA agreement template sets out TCI's and the LGA's obligations in the provision of NG9-1-1 services within the relevant serving territory.
4. In Telecom Order 2021-421, the Commission approved TCI's tariff notice (TN) 565 on an interim basis, and approved TCI's NG9-1-1 LGA agreement template.

5. On 30 November 2021, the Commission received comments from the Regional District of Fraser-Fort George (RDFFG) and on 20 December 2021, the Commission received joint comments from Calgary 9-1-1 and E-Comm 9-1-1 (Calgary/EComm).¹

Positions of parties

RDFFG

6. The RDFFG submitted that there needs to be clarification in the NG9-1-1 LGA agreement template to distinguish between the role of the LGA and the technical functions of a PSAP. LGAs may take on the technical operation of a PSAP, but in many cases they contract services out to an external PSAP that is then responsible for the technology and processes required to deliver NG9-1-1 services.
7. For this reason, the RDFFG proposed the addition and modification of wording in the NG9-1-1 LGA agreement template to clarify that technical requirements for the provision of NG9-1-1 services will not necessarily be executed by the LGA itself, but by its designated or contracted PSAPs. The NG9-1-1 LGA agreement template should still maintain, however, that the LGA is responsible for ensuring that its designated PSAPs do meet all technical requirements.

Calgary/EComm

8. Calgary/EComm submitted that a single agreement between an LGA and the NG9-1-1 network provider² will not properly address many of the clauses pertaining to PSAP technology and operations, due to the extensive infrastructure, technology, and process changes required with the rollout of NG9-1-1 services. Calgary/EComm requested that a separate agreement be drafted between the NG9-1-1 network provider and PSAPs to ensure that such clauses are appropriately addressed.
9. Calgary/EComm also submitted that the NG9-1-1 LGA agreement template does not adequately address the NG9-1-1 network provider's duties and obligations regarding privacy, confidentiality, or indemnity. Calgary/EComm proposed changes to make clauses within the agreement reciprocal, so that the NG9-1-1 network providers are responsible for the same privacy, confidentiality, and indemnity clauses as the LGAs. The proposed changes include: the addition of a clause to require a privacy impact assessment; clarification on the clause pertaining to the use of information or data

¹ Along with comments on the NG9-1-1 LGA agreement template, Calgary/EComm's submission also proposed the creation of a national NG9-1-1 program and services for PSAP labs funded through tariffs, as well as some changes to the NG9-1-1 tariff. These proposals are not being addressed as part of this order.

² In their interventions, both Calgary/EComm and the RDFFG used the term "next-generation core services (NGCS) provider" to refer to NG9-1-1 network providers. For consistency, the term "NG9-1-1 network providers" is used throughout this order.

provided by an end-user;³ and clarification of terms to make it clear that liability should rest with the party responsible for the system in which a problem originates.

TCI's reply

10. In its reply, TCI submitted that the comments from the RDFFG and Calgary/EComm were helpful in informing changes to the NG9-1-1 LGA agreement template. TCI filed a revised NG9-1-1 LGA agreement template along with its reply, indicating that it had adopted the changes proposed by the RDFFG and Calgary/EComm wherever possible.
11. With respect to the RDFFG's comments regarding changes to the wording in the NG9-1-1 LGA agreement template to distinguish between the roles of the LGA and the PSAP, TCI submitted that it has revised the NG9-1-1 LGA agreement template to ensure that Section 4 (Obligations of the LGA) refers solely to the obligations of the LGA, while Section C of the agreement speaks to technical requirements at the PSAP level.
12. With respect to Calgary/EComm's request for a separate agreement to be drafted between the NG9-1-1 network provider and PSAPs, TCI submitted that LGAs are accountable for their respective PSAP operations. If an LGA contracts out to a third-party PSAP, the LGA is responsible for managing the contractual relationship with that PSAP vendor. It would be impractical for TCI to unilaterally impose obligations onto a party with whom it has no contractual relationship. The requirement to have an LGA sign an agreement with an NG9-1-1 network provider exists because PSAPs are not government authorities. For this reason, TCI submitted that it would not subdivide the current agreement between TCI and an LGA into two agreements (one with an LGA, and one with a PSAP). LGAs must be responsible for defining a PSAP's responsibilities themselves, based on the responsibilities that are defined within the NG9-1-1 LGA agreement template.
13. In order to address Calgary/EComm's concerns regarding the symmetry of privacy, confidentiality, or indemnity obligations between LGAs and TCI, TCI has added two new subsections under Section 7 (Confidential Information), where TCI undertakes similar obligations to those of the LGAs. TCI indicated that Calgary/EComm had suggested that similar clauses be added related to TCI's obligations to ensure that obligations are symmetrical. However, regarding concerns raised with the terms for limitation of liability, TCI submitted that they cannot include similar terms for themselves as those for the LGAs because for all regulated telecommunications services that TCI provides, including NG9-1-1 services, the company's limitation of

³ Specifically, Calgary/EComm requested that this clause pertaining to the use of end-user information be worded in such a way as to include other business appropriate uses for data, given that PSAPs are required to participate in quality assurance programs and have business intelligence and investigative needs with the data collected.

liability is already codified in its General Terms of Service in General Tariff CRTC 21461.

14. In regard to Calgary/EComm's comments related to privacy, TCI confirmed that a privacy impact assessment had been performed by its Data and Trust Office and future privacy impact assessments will be performed if there are material changes to NG9-1-1 services. Furthermore, as it relates to Calgary/EComm's request for clarification in the clause pertaining to the use of end-user information, it is TCI's understanding that the LGA and the PSAP will be collecting personal information from end-users and can obtain express consent from end-users to use this information in ways other than those approved by the Commission, as applicable in the provision of NG9-1-1 services. With respect to Calgary/EComm's assertion that liability should rest, in all instances, with the party responsible for any failure, TCI submitted that the NG9-1-1 network provider has a contractual relationship with the LGA. Therefore, the LGA must be responsible for reflecting any applicable liability terms in its agreement with a PSAP. As such, TCI did not propose any changes to its NG9-1-1 LGA agreement template in this respect.

Commission's analysis and determinations

15. The purpose of the NG9-1-1 LGA agreement template is to set out the respective responsibilities of TCI and LGAs with regard to the provision of NG9-1-1 services within TCI's serving territories, as well as to reduce the administrative and regulatory burden of developing unique agreements between the parties involved in the provision of NG9-1-1 services. In its initial application, TCI explained that an agreement template approved by the Commission would accelerate the process of onboarding LGAs and PSAPs onto TCI's NG9-1-1 network.
16. By approving the NG9-1-1 LGA agreement template in Telecom Order 2021-421, the Commission recognized that signatories may need to make amendments to the template to account for their particular contexts. However, the revisions proposed by TCI go beyond a particular LGA context and would change the template in a substantive manner. In particular, TCI's proposed changes include clarifications regarding NG9-1-1 services and the responsibilities of the LGA, and improve the structure of the NG9-1-1 LGA agreement template. The Commission therefore considers that approval of the amendments to the NG9-1-1 LGA agreement template would mutually benefit TCI and LGAs since the proposed amendments provide clarity and certainty to the industry in negotiations for the provision of NG9-1-1 services.
17. The Commission also considers the amendments to the NG9-1-1 LGA agreement template to be reasonable as they address the concerns raised by interveners and are consistent with the obligations set out in the tariff.

Conclusion

18. In light of all of the above, the Commission **approves** TCI's amended NG9-1-1 Local Government Service Agreement template.
19. In approving a template agreement, the Commission expects that finalized agreements will be modified, as necessary, to account for individual LGA contexts.

Policy Direction

20. The 2019 Policy Direction⁴ states that the Commission should consider how its decisions can promote competition, affordability, consumer interests and innovation.
21. The Commission has reviewed TCI's application in light of the 2019 Policy Direction and has considered its aspects to the extent necessary, using measures that are efficient and proportionate to their purpose. The Commission considers that approval of the amended NG9-1-1 LGA agreement template is compliant with the 2019 Policy Direction, since it will promote consumer interests by ensuring the efficient rollout of NG9-1-1 services in TCI's serving territories.
22. Further, in compliance with subparagraph 1(b)(i) of the 2006 Policy Direction,⁵ approval of this application advances paragraph 7(a) of the *Telecommunications Act*.⁶
23. The Commission therefore considers that TCI's application is reasonable and complies with the regulatory policies.

Secretary General

Related documents

- *TELUS Communications Inc. – Interim approval of a tariff application*, Telecom Order CRTC 2021-421, 16 December 2021
- *Establishment of new deadlines for Canada's transition to next-generation 911*, Telecom Decision CRTC 2021-199, 14 June 2021

⁴ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

⁵ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

⁶ The cited policy objective is: 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.

- *Next-generation 9-1-1 – Modernizing 9-1-1 networks to meet the public safety needs of Canadians*, Telecom Regulatory Policy CRTC 2017-182, 1 June 2017