



## Telecom Order CRTC 2024-220

PDF version

Ottawa, 25 September 2024

*Public records: DMTS, a division of Bell Canada Tariff Notice 89; Groupe Maskatel Québec S.E.C. Tariff Notice 90; KMTS, a division of Bell Canada Tariff Notice 100; NorthernTel Limited Partnership Tariff Notice 421; Ontera, a division of NorthernTel Limited Partnership Tariff Notice 154; Téléphone de St-Éphrem inc. Tariff Notice 58; Téléphone de St-Victor Tariff Notice 59; Téléphone Upton Tariff Notice 62*

### Various companies – Removal of print directory obligation

#### Summary

The Commission received applications from DMTS, a division of Bell Canada; Groupe Maskatel Québec S.E.C.; KMTS, a division of Bell Canada; NorthernTel Limited Partnership; and Ontera, a division of NorthernTel (collectively, the companies). In these applications, the companies proposed changes to their general tariffs to remove the requirement to provide a printed telephone directory to customers.

In this order, the Commission approves the companies' applications. The tariff revisions will remove terms and conditions that are no longer required following the Commission's elimination of the basic service objective in Telecom Regulatory Policy 2016-496. The Commission's determinations in that proceeding were in part based on comments from parties which noted that directory information can now be more readily found by digital means.

The changes will therefore ensure that the companies' tariffs accurately reflect the Commission's previous determinations and the current tariffed services that are available to customers.

#### Applications

1. Between 10 and 12 April 2024, the Commission received applications from DMTS, a division of Bell Canada (DMTS); Groupe Maskatel Québec S.E.C. (Maskatel)<sup>1</sup>; KMTS, a division of Bell Canada (KMTS); NorthernTel Limited Partnership (NorthernTel); and Ontera, a division of NorthernTel (Ontera) [collectively, the companies] proposing changes to the following tariffs:

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<sup>1</sup> Maskatel filed an application on behalf of itself, and similar applications on behalf of Téléphone de St-Éphrem inc., Téléphone de St-Victor, and Téléphone Upton.

<b>Company name</b>	<b>Tariff Notice (TN)</b>	<b>Tariff item</b>
DMTS	TN 89	CRTC 25370 <ul style="list-style-type: none"> <li>• Section 80 – Terms of Service, Item 12 – Directories</li> </ul>
KMTS	TN 100	CRTC 25440 <ul style="list-style-type: none"> <li>• Section 80 – Terms of Service, Item 12 – Directories</li> </ul>
Maskatel	TN 90	CRTC 25030 <ul style="list-style-type: none"> <li>• Item 1.2.12 – Directories</li> </ul>
NorthernTel	TN 421	CRTC 25510 <ul style="list-style-type: none"> <li>• Section N80, Item 11 – Directories</li> </ul>
Ontera	TN 154	CRTC 25520 <ul style="list-style-type: none"> <li>• Item 1000 – Terms of Service, Article 12 – Directories</li> </ul> CRTC 25300 <ul style="list-style-type: none"> <li>• Section 80 – Terms of Service, Article 12 – Directories</li> </ul>
Téléphone de St-Éphrem inc.	TN 58	CRTC 25090 <ul style="list-style-type: none"> <li>• Item 1.2.12 – Directories</li> </ul>
Téléphone de St-Victor	TN 59	CRTC 25110 <ul style="list-style-type: none"> <li>• Item 1.2.12 – Directories</li> </ul>
Téléphone Upton	TN 62	CRTC 25150 <ul style="list-style-type: none"> <li>• Item 1.2.12 – Directories</li> </ul>

2. In their applications, the companies proposed to remove the requirement to provide a printed telephone directory to customers.
3. The companies noted that in Telecom Regulatory Policy 2016-496, the Commission eliminated the basic service objective<sup>2</sup> in regulated areas. Among other things, the basic service objective required companies to provide a printed copy of the current local telephone directory upon request from a customer. As a result of the elimination

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<sup>2</sup> The basic service objective consisted of (i) individual line local touch-tone service; (ii) the capability to connect to the Internet via low-speed data transmission at local rates; (iii) access to the long distance network, operator/directory assistance services, enhanced calling features and privacy protection features, emergency services, as well as voice message relay service; and (iv) a printed copy of the current local telephone directory upon request.

of the basic service objective, the companies submitted that the requirement to provide printed telephone directories no longer applies.

4. The Commission did not receive any interventions in regard to these applications.

### **Commission's analysis**

5. In the proceeding that led to Telecom Regulatory Policy 2016-496, the Commission sought comments on what changes, if any, should be made to the basic service objective (which included the requirement to provide printed directories upon request). The Commission noted that there was almost universal access in Canada to the level of service set out in the basic service objective and that the intended goal of the basic service objective had been achieved.
6. During that proceeding, while some parties highlighted the importance of printed directories, many parties submitted that the Commission should no longer mandate the provision of printed directories, and that directory information can be more readily found by digital means. Furthermore, technology has evolved to focus more on mobile and broadband services,<sup>3</sup> and the Commission recognized that it was appropriate to transition its regulatory frameworks and measures from being voice-centric to broadband-centric. Accordingly, among other measures, the Commission eliminated the basic service objective.
7. The proposed tariff revisions would eliminate terms and conditions that are no longer required, as a result of the Commission's determinations in Telecom Regulatory Policy 2016-496. These revisions would ensure that the companies' tariff pages accurately reflect the Commission's determinations and the offerings available to customers. Therefore, the Commission finds the proposed revisions to be appropriate.

### **Conclusion**

8. In light of all of the above, the Commission approves, by majority decision, the Companies' applications.
9. The dissenting opinion of Commissioner Bram Abramson is attached.

Secretary General

### **Related documents**

- *Various companies – Removal of print directory obligation and Service Improvement Plan*, Telecom Order CRTC 2024-219, 25 September 2024

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<sup>3</sup> This evolution towards mobile and broadband services also means that Canadians rely more on mobile phone numbers and email addresses, neither of which are included in print directories.

- *Modern telecommunications services – The path forward for Canada’s digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016
- *Tariff application and intercarrier agreement approval processes*, Telecom Decision CRTC 2016-65, 19 February 2016
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455-1, 19 February 2016
- *Obligation to serve and other matters*, Telecom Regulatory Policy CRTC 2011-291, 3 May 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Approval mechanisms for retail and CLEC tariffs*, Telecom Decision CRTC 2008-74, 21 August 2008
- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15 (Consolidated version), 6 April 2006; as amended by Order in Council P.C. 2007-532, 4 April 2007
- *Service standards for the disposition of telecommunications applications*, Telecom Circular CRTC 2006-11, 7 December 2006
- *Regulatory framework for second price cap period*, Telecom Decision CRTC 2002-34, 30 May 2002; as amended by Telecom Decision CRTC 2002-34-1, 15 July 2002
- *Telephone service to high-cost serving areas*, Telecom Decision CRTC 99-16, 19 October 1999
- Telecom Order CRTC 98-109, 4 February 1998
- *Rates for unlisted number service and related issues*, Telecom Public Notice CRTC 97-31, 27 August 1997
- *Regulation of mobile wireless telecommunications services*, Telecom Decision CRTC 96-14, 23 December 1996
- *Bell Canada—Directory file service*, Telecom Decision CRTC 92-1, 3 March 1992
- *Bell Canada—Provision of telephone directory data base information in machine-readable format*, Telecom Decision CRTC 90-12, 14 June 1990

- *Review of the general regulations of the federally regulated terrestrial telecommunications common carriers*, Telecom Decision CRTC 86-7, 26 March 1986
- *Implementation of decision permitting attachment of subscriber-provided Telex and TWX terminal equipment*, Telecom Decision CRTC 84-14, 27 April 1984
- *Attachment of subscriber-provided terminal equipment*, Telecom Decision CRTC 82-14, 23 November 1982

## Dissenting opinion of Commissioner Bram Abramson

1. The rise and fall of paper telephone directories in Canada, spanning more than 130 years, book-end rich social, economic, and policy histories. Phone books reflected cover artists' work back to local communities, yet ripped in two, became props for a classic feat of strength. They served as everything from make-shift goalie pads to portable high chairs. Businesses left out of the directory declared themselves "almost destroyed".<sup>4</sup> Courts pondering phone book copycatting advanced how we understand copyright in an information age.<sup>5</sup> Carrier exchange of machine-readable directory listings, to maintain consistent telephone directories (and directory assistance) in a multi-player environment, became one of the Commission's first forays into orchestrating data governance across a federated system.<sup>6</sup> Regulated fees<sup>7</sup> for the privilege of being unlisted became a foil for evolving attitudes towards privacy,<sup>8</sup> a core Commission responsibility.<sup>9</sup>
2. The venerable phonebook, in short, was a nodal point for an endless array of uses and settings in Canadian life. But the reasons for its decline are evident. Landline subscriptions, with their by-default listings, receded. Wireless phone number take-up, unlisted from the outset,<sup>10</sup> advanced. So did the number-independent identifiers, like email addresses and app-specific handles, that lie beyond the Public Switched Telephone Network.<sup>11</sup> All this shrunk the proportion of relevant identifiers covered by directory listings. Regulatory obligations declined accordingly. Publishers moved

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<sup>4</sup> *Flanders v. B.C. Telephone Co.*, 1926 CanLII 530 (BC CA); *Halifax Harbour Services Limited v. Maritime Telegraph & Telephone*, 1979 CanLII 4396 (NS SC).

<sup>5</sup> *Feist Publications, Inc., v. Rural Telephone Service Co.*, 499 U.S. 340 (1991); *Tele-Direct (Publications) Inc. v. American Business Information, Inc.*, 1997 CanLII 6378 (FCA); *CCH Canadian Ltd. v. Law Society of Upper Canada*, [2004] 1 SCR 339.

<sup>6</sup> E.g., Telecom Decisions 90-12 and 92-1.

<sup>7</sup> Telecom Public Notice 97-31; Telecom Order 98-109; contrast, by 2019, to *411Numbers ceases practice of removing information for a fee*, PIPEDA Report of Findings 2019-005 (OPC), 24 March 2019.

<sup>8</sup> *Englander v. TELUS Communications Inc.*, 2004 FCA 387 (CanLII).

<sup>9</sup> *Telecommunications Act*, S.C. 1993, c. 38, paragraph 7(i).

<sup>10</sup> Telecom Decision 94-7, section E-3 ("Liability for wrongful disclosure"), extended more broadly in Telecom Decision 96-14; Report to the Governor-in-Council on Directory Subscriber Listings and on Unlisted Number Service, 23 December 1996, section F ("Wireless services listings").

<sup>11</sup> *The international public telecommunication numbering plan*, International Telecommunications Union (ITU) Recommendation E.164 (11/10), 18 November 2010.

from annual to bi-annual publication.<sup>12</sup> Near-pervasive distribution gave way to opt-in distribution,<sup>13</sup> where distribution was even required.<sup>14</sup>

3. Until this order and the related Telecom Order 2024-219, both majority decisions of the Telecommunications Committee on behalf of the Commission (the Directory Orders),<sup>15</sup> the latest word in that process was Telecom Regulatory Policy 2016-496. That policy concluded a multi-year proceeding which, “among other things, examine[d] (i) the telecommunications services that Canadians require to participate in the digital economy, (ii) how these telecommunications services are used by Canadians, and (iii) [the Commission’s] role in ensuring the availability of affordable basic telecommunications services to all Canadians.” It heralded a new beginning in which the Commission would “begin to shift the focus of its current regulatory frameworks from wireline voice services to broadband Internet access services”. It adopted a new broadband universal service objective. It created the Broadband Fund. And, in ushering in the new, it swept away the old, devoting 25 of its 259 paragraphs to “[m]odifications to current regulatory measures for local voice services” which, among other things,
  - eliminated the basic service objective (BSO), as it then was, from the regulated exchanges where it remained;
  - noted that “[t]he elimination of the basic service objective will not impede the continued provision of local voice service in regulated exchanges since the associated rates, terms, and conditions are set out in the ILECs’ [incumbent local exchange carrier] respective tariffs”; and
  - deferred to another day how, shorn of the BSO affixing those tariffs in place, the Commission ought to evaluate applications relating to them.<sup>16</sup>
4. With the Directory Orders, that day has arrived across much of Canada, and set a marker for the remainder. Absent any public intervention on any of the eight

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<sup>12</sup> Commission staff letters, [11 May 2007](#) and [24 November 2008](#).

<sup>13</sup> Commission staff letter, [2 June 2010](#); Telecom Regulatory Policy 2011-291, paragraph 44 (in regulated exchanges, print copies of white pages made available only on request).

<sup>14</sup> Obligations to provide telephone directories to subscribers generalized to the then-federally-regulated telecommunications carriers in Telecom Decisions 82-14, 84-8, and 86-7; moved to the basic service objective in Telecom Decision 99-16, paragraph 24; and retained there in consolidated Telecom Decision 2006-15, paragraph 397, were eliminated for forborne exchanges in Telecom Regulatory Policy 2011-191, paragraph 49; and, subject to continued tariffing, for regulated exchanges in Telecom Regulatory Policy 2016-496, paragraph 186.

<sup>15</sup> Telecommunications Committee, *By-Law No. 10*, paragraph (e) (“[a]ny act or thing done by the Telecommunications Committee shall be deemed to be an act or thing done by the members”).

<sup>16</sup> Paragraphs 9, 51, 64, 80-81, 110-114, 130-133, and 185.

applications of which this order disposes, or the five of which Telecom Order 2024-219 does, my colleagues rely on Telecom Regulatory Policy 2016-496's canvassing of the matter, and resulting findings, as sufficient to move the phonebook's history into the whimper of its final stage.

5. With both respect for my colleagues' views, and few illusions, I hope, as to the anachronistic role of telephone directories for most Canadians, I respectfully disagree. The applicants, who appreciate and discharge honorably their vital function in rural and remote communities within Canada, will surely maintain those services most required by those communities, even where no tariff is in place requiring it. Nonetheless, I have three concerns with the process by which my colleagues have arrived at their decision.
6. First, it seems insufficient to me simply to point at Telecom Regulatory Policy 2016-496's withdrawal of the BSO as fully dispositive of the matter at hand. Indeed, the public proceedings leading to the Directory Orders are full answers as to why it cannot: the policy did not, in rescinding the BSO, likewise rescind or invite ILECs to apply to rescind the related tariffs. On the contrary. Telecom Regulatory Policy 2016-496 was careful to point to continuing tariffs that grounded continuing service. The decision not to invite rescission of the relevant tariffs ensured that the Commission would be called on to turn its mind to the specific changes sought, to which Telecom Regulatory Policy 2016-496, given its broad scope, could attend only briefly.
7. Now, years later, ILECs have come forward to apply to rescind that aspect of the BSO relating to telephone directories, about which the Commission had previously considered

that the provision of the directories and the primary listings are an integral component of basic telephone service. The existence and availability of a comprehensive telephone directory facilitates the use of telephone service for many customers and is a key tool for many business customers, particularly small business customers. Yet it is not clear that in a forborne market the operation of market forces would result in residential and business customers receiving a comprehensive phone directory and primary listings at a reasonable cost.<sup>17</sup>

8. This description's weight is plainly diminished wherever basic telephone service has declined—that is, wherever reliable broadband and pervasive mobile services have reduced the landline's criticality to daily life. But the settings in which the tariffs in question do their work are precisely those where the landline frequently remains critical. Non-forborne exchanges, predominantly rural or remote, are where the lack of competitive wireline or wireless alternatives cause them, even today, to remain regulated.

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<sup>17</sup> Consolidated Telecom Decision 2006-15, paragraph 398.



9. Telecom Regulatory Policy 2016-496 established an approach whereby the Commission would apply a more focused lens to the once-BSO tariff elements that ILECs would apply to rescind. This was wise. Our obligation to honour that approach is wrapped up in our duty to carefully consider what is before us. To that end, the sprawling nature of the proceeding leading to Telecom Regulatory Policy 2016-496 constitutes a second and self-standing reason why its review of evidence on phonebooks' continuing role, at that time, cannot substitute for such review, especially in 2024.
10. What to do about telephone directories played, at best, a bit part in Telecom Regulatory Policy 2016-496. Directories are mentioned in just one of that decision's 259 paragraphs. Take the lengthy appearing portion of the hearing, in which 84 separate interveners appeared, as an index. Only two interveners, Jean-François Mezei, and the Yellow Pages Limited, raised the matter unprompted, and only the Yellow Pages Limited addressed it as more than passing comment. Another nine, prompted to speak about the importance of phonebooks by the Commission, provided short answers before returning to their main areas of concern. In all, discussion of the telephone directory appears in 1.2 percent of the transcript, the Yellow Pages Limited appearance accounting for more than half of that.<sup>18</sup>
11. Does the fact that no party intervened on the proceedings leading to the Directory Orders, however, not confirm a lack of objection? If anyone had a problem with these proposals, wouldn't they have said so? This oft-heard refrain is worth addressing, third, as it applies to tariff proceedings.
12. In my view, and in relation to tariffs in particular, it would be short-sighted to conflate a lack of interventions with quiescence, awarding the tie to the applicant, as it were. It is invariably at least as plausible that it points to potential deficiencies in our own procedures. In 2005, 2008, 2010, and 2016 the Commission gradually adopted new streamlined rules for tariffs, and broader new rules of practice and procedure.<sup>19</sup> These had the merit of allowing tariffs to be processed more quickly, a crucial function. But they also had the demerit of maintaining them in a layer of obscurity. Simply to identify whether a topic has arisen that may be of interest or concern, parties must:

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<sup>18</sup> CRTC transcript, 11-28 April 2016, paragraphs 271-278 (Yukon Government), 747-756 (First Mile Connectivity Consortium), 1177-1189 (TCPub Media Inc.), 3260-3270 (Government of Nunavut), 4311-4315 (Town of Milton, Councillor for Ward 3), 5385-5398 (Affordable Access Coalition), 5731-5758 (Daniel Sokolov), 6664-6677 (Federation of Canadian Municipalities), 10996-11125 (Yellow Pages Limited), 16047-16051 (Joint Task Force), and 18191 (Jean-François Mezei). The percentage figure reflects these 238 paragraphs' proportion of the 19,780-paragraph transcript.

<sup>19</sup> Telecom Circular 2005-6; Telecom Decision 2008-74; Broadcasting and Telecom Information Bulletin 2010-959; Telecom Information Bulletin 2010-455-1; Telecom Decision 2016-65.

- frequently check pages deep within the CRTC website to see whether anything has changed or appeared;
- if so, decipher cursory interim decisions that cite tariff notice numbers but with little to explain them;
- download and wade through ZIP files linking the tariff notice to something more concrete; and
- hold the whole things up against tariff pages that live deep within carriers' own websites, in Portable Document Format mimicking a format unrefreshed since 1979,<sup>20</sup>

all on an item-by-item basis, before even getting to the question of whether to intervene. Few active market participants, in today's environment, have the time or resources to routinely undertake this activity. All the less so for consumers, or even the consumer groups seeking to reflect their voices.

13. It should, then, be of little surprise that very few applications put in the form of a tariff notice attract any interventions at all. It should be of even less surprise that we did not hear, here, from Canadians living in the rural exchanges whose lack of competitive alternatives cause the exchanges to remain regulated, and where an absence of reliable broadband and pervasive mobile services keeps some reliant on land lines.
14. The new tariff procedures have played an important role in meeting service standards. But by painting all tariffed items with the same brush, our ability to solicit evidence and ensure public participation on matters of clear public interest—like the winddown of phonebooks in rural and remote landline-dependent communities—is diminished.
15. That is, in my view, the case here. On balance, I agree, it is difficult to believe in 2024 that phonebooks could still have the importance they once did, or even that they did in 2006. Yet our duty in conducting administrative hearings is to make findings based on more than stale-dated or incidental findings or on vibes. When the proceeding relates to vulnerable or disadvantaged populations or to a matter of clear public interest, as I believe it does here, that duty is elevated.
16. The Commission has the privilege of being master, in many respects, of our own procedure. That privilege also implies responsibility. Some of the ways we've discharged that responsibility go beyond many other administrative tribunals. We make all non-confidential hearing materials available on our Web site. We broadcast and transcript our appearing public hearings. Even if we do these things less than perfectly, they speak to an approach that enhances the transparency and accessibility of our public proceedings. By the same token, however, when the procedures we

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<sup>20</sup> *CRTC Tariff Regulations*, SOR/79-555.

devise fail to elicit the evidence we require, we should be prepared to ask hard questions.