



## **Compliance and Enforcement Notice of Consultation CRTC 2024-43**

PDF version

Ottawa, 28 February 2024

*Public record: 1011-NOC2024-0043*

### **Call for comments – Proposed conditions of service requiring implementation of the call traceback process by telecommunications service providers providing voice telecommunications services**

**Deadline for submission of interventions: 29 March 2024**

**Deadline for submission of replies: 12 April 2024**

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

#### **Summary**

As one of the measures implemented to reduce spam calls on the Canadian voice network, the Commission approved the deployment of a call traceback process to determine the origin of unsolicited calls made in non-compliance with the Unsolicited Telemarketing Rules (“nuisance calls”). The process has been actively used by the Commission since fall 2021 for enforcement and analysis purposes. Although the Commission considers the traceback process to be a success, the participation is voluntary and only a limited number of telecommunications service providers are presently participating.

The call traceback process would be most effective if all telecommunications service providers participated. Among other things, the call traceback process provides valuable data that the Commission utilizes to analyze call traffic patterns and identify the entry point of nuisance calls in the country. This information is crucial for developing effective strategies to prevent and address nuisance calls.

Therefore, the Commission is initiating a proceeding to obtain public comments on its proposal to require telecommunications service providers providing voice telecommunications services in Canada to participate in the traceback process as a condition of offering and providing telecommunications services pursuant to sections 24 and 24.1 of the *Telecommunications Act*.

## Background

1. Given the essential role that telecommunications play in the lives of Canadians and recognizing that many nuisance calls<sup>1</sup> could pose a significant threat to Canadians and the Canadian telecommunications infrastructure, the Commission considered in Compliance and Enforcement and Telecom Regulatory Policy 2016-442 that protecting Canadians when accessing the telecommunications system is of fundamental importance. However, the Commission found, in that same regulatory policy, that the technical solutions available to Canadians to protect themselves from nuisance telecommunications were not sufficient.
2. Following further public process, the Commission determined in Compliance and Enforcement and Telecom Decision 2018-32 that, in addition to other measures to reduce nuisance calls, a standardized, industry-wide call traceback process was needed in order to determine the origin of nuisance calls. The Commission considered that such a process would enable corrective action to be taken at, or close to, the source of such calls, thereby reducing their volume and further protecting Canadians.
3. In Compliance and Enforcement and Telecom Decision 2019-215, the Commission approved the CRTC Interconnection Steering Committee (CISC) Network Working Group (NTWG) NTRE064 report (the initial report) proposing a call traceback methodology and recommending the process be subject to a trial. Among other things, the Commission confirmed that a *bona fide* traceback request is for the purpose of tracing and identifying the source of a nuisance call.
4. Based on the success of the traceback trial (report NTRE067 [the trial report]), in Compliance and Enforcement and Telecom Decision 2021-268, the Commission approved the rollout of the traceback process, moving it towards full deployment. The call traceback process has been actively used by the Commission since fall 2021.

## Call traceback

### Traceback trial

5. In Compliance and Enforcement and Telecom Decision 2019-215, the Commission stated that for the traceback process to be as effective as possible, all telecommunications service providers (TSPs) that provide voice telecommunications services in Canada should cooperate and participate in the final traceback process. For the purpose of the trial, the NTWG had considered a sample of TSPs representing all types of Canadian TSPs. Consequently, the traceback trial was conducted by nine TSPs representing all types of Canadian TSPs, including incumbent local exchange carriers (ILEC), competitive local exchange carriers (CLEC), small incumbent local exchange carriers (SILEC), resellers, and wireless carriers. The trial thus allowed for

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<sup>1</sup> As explained, nuisance calls refer to unsolicited telecommunications that are made in non-compliance with the Unsolicited Telemarketing Rules (UTRs). Unsolicited telecommunications that are in full compliance with the UTRs are not nuisance calls.

each type of TSP to determine whether the Canadian traceback process would effectively find the originator of the call subject to the traceback.

6. The trial report revealed that most TSP types could conduct tracebacks with minor limitations<sup>2</sup> and showed the effectiveness of the proposed traceback process. The trial also revealed the importance of conducting the traceback within a reasonable period due to the normal refresh rate of call log data. The NTWG noted that due to the small and limited trial size, some traceback scenarios may not have been identified.

#### **Actual use of traceback**

7. As stated above, in Compliance and Enforcement and Telecom Decision 2021-268, the Commission approved the rollout of the traceback process in August 2021, endorsing most of the recommendations of the trial report. Notably, the Commission requested that TSPs retain call data logs for a period of 10 calendar days and reply to traceback requests within two business days to reduce the risk of traceback failure due to the loss of data.<sup>3</sup> Furthermore, the Commission also set limits<sup>4</sup> on the number of traceback requests that can be sent to industry and that can be performed by an individual TSP on a weekly basis.
8. Although the NTWG recommended mandating all TSPs to implement traceback, the Commission endorsed a voluntary onboarding process and requested the NTWG to develop an onboarding package to facilitate the addition of new TSPs. TSPs could join on their own initiative, or upon an invitation from the Commission.
9. Four new TSPs joined the effort between December 2021 and February 2022 following an invitation from the Commission, bringing the total to 13.<sup>5</sup> However, the Commission notes that there was often a delayed response from recipients after they were sent the onboarding email.
10. From October 2021 to April 2023, TSPs participating in the traceback program processed 470 traceback requests. In 76% of those cases, the traceback process was completed as far as it was possible, by identifying either the Canadian source (6%) of the call or the foreign provider who sent the call into the Canadian network (70%). Of the 23% of uncompleted tracebacks, 4.3% resulted from the failure to respond by

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<sup>2</sup> For example, it is impossible to conduct a traceback on a call made between two subscribers connected to the same, lower-level local switch. Those switches usually do not have the capacity to record call logs, and thus calls cannot be traced afterward.

<sup>3</sup> Call logs data retention periods vary among TSPs.

<sup>4</sup> These limits are of 10 requests per TSP per week and of 40 requests per week for the whole industry.

<sup>5</sup> The participating TSPs are: Allstream Business Inc.; Bell Canada (including Bell MTS and Bell Mobility Inc.); CityWest Cable and Telephone Corporation, operating as CityWest; Distributel Communications Limited (including Primus Telecommunications Canada Inc. and Navigata Communications Ltd.); Fibernetics Corporation; Iristel Inc.; ModernWorks Inc.; Rogers Communications Canada Inc. (including Fido); Saskatchewan Telecommunications; Shaw Cablesystems G.P.; TekSavvy Solutions Inc.; TELUS Communications Inc.; and Videotron Ltd.

non-participating TSPs, 2.34% from failure to respond by participating TSPs, 5.1% from incomplete responses from participating TSPs, and 11.5% were due to the inability of TSPs to find the call.<sup>6</sup>

11. Traceback failures resulting from participating TSPs lack of response were mostly related to administrative reasons (such as staff on holiday, incorrect email addresses, etc.) rather than a lack of good faith.
12. Traceback failures due to incomplete responses stemmed from a TSP misunderstanding the process, specifically regarding the requirement to provide the name of the next upstream TSP.
13. As previously mentioned, traceback plays a role in investigations into potential violations of the Commission's *Unsolicited Telecommunications Rules*. It enables the confirmation of a call's origin, allowing the Commission to pursue its investigations more effectively. Prior to the implementation of traceback, cases involving calls with spoofed numbers couldn't be pursued due to the inability to determine their source. Additionally, traceback can be utilized to validate claims made by entities under investigation regarding number spoofing.
14. Furthermore, tracebacks provide valuable data that the Commission utilizes to analyze call traffic patterns and identify the entry point of nuisance calls in the country. This information is crucial for developing effective strategies to prevent and address nuisance calls.

### **Participation of TSPs in traceback**

15. The Commission considers that overall, the traceback process has been successful and has been useful both as an investigative and analytical tool in fighting the battle against nuisance calls for Canadians. The fact that 76% of the requests were completed indicates that the process is sound, enabling telecommunications enforcement investigators to easily determine the source of nuisance calls originating within Canada. Even tracebacks that stopped at the first foreign provider are useful, because, as stated above, they allow the Commission to better understand call traffic patterns and find points of egress of nuisance calls. This information can inform the development of future measures to mitigate nuisance calls. Nevertheless, the Commission considers that there is room for improvement.
16. The Commission notes that the voluntary onboarding process was not successful in bringing in many new TSPs in the ecosystem. While all the large Canadian carriers are ongoing participants, the 13 participating TSPs only represent a small portion of all the providers that are offering voice services in Canada.<sup>7</sup> As stated above, the

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<sup>6</sup> The main cause for this failure mode is errors in the complaint information (either date, time, or calling TN) provided by the complainant.

<sup>7</sup> These 13 TSPs account for over 90% of all calls made in Canada.

four new TSPs that joined following the trial did so after being contacted by the Commission.

17. As stated above, both the NTWG and the Commission have acknowledged the importance of participation by all TSPs for the traceback process to be as effective as possible. Yet, experience has shown that voluntary onboarding cannot reasonably be expected to achieve widespread participation by TSPs.
18. Based on the positive effect that the addition of only four TSPs had on the traceback completion rate, the Commission estimates that ensuring a broader participation from the industry would minimize traceback failure due to non-response and further increase the number of completed tracebacks by a significant percentage (around 10%<sup>8</sup>).
19. Under the current circumstances of voluntary onboarding, the Commission's capacity to obtain timely call tracing information is limited. Widespread participation by TSPs would also allow the Commission to collect more comprehensive data on nuisance calls traffic patterns, data that is essential for developing future policy instrument to further reduce the amount of spam calls reaching Canadians.
20. In light of the above, the Commission is of the preliminary view that achieving widespread participation necessitates mandatory involvement from all TSPs.

### **Call for comments**

21. The Commission invites comments on the issues set out below. The Commission requests that each party set out in a single document separate responses for each question that it chooses to address, repeating each question to introduce each response. Parties should provide comprehensive answers, including all necessary rationale and supporting evidence. Parties with similar views are encouraged to file a joint submission.
22. Parties are invited to comment on the following issues:

Q1. Comment on the appropriateness and effectiveness of imposing a requirement on all TSPs, as a condition of offering and providing telecommunications services pursuant to sections 24 and 24.1 of the *Telecommunications Act*, to respond to traceback requests in compliance with the process approved by the Commission from time to time.<sup>9</sup> Submissions regarding anticipated costs, operational burdens, or technical challenges should be supported with specific evidence.

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<sup>8</sup> This encompasses non-replies and incomplete replies from both participating and non-participating TSPs.

<sup>9</sup> See Compliance and Enforcement and Telecom Decision 2021-268.

Q2. Comment on the appropriateness of including the following elements in the traceback process:

- a. A requirement that TSPs comply with an onboarding process for the steps that must be taken sufficiently in advance of receiving a first traceback request in order that the TSP is able to respond promptly to a request in compliance with the approved traceback process. Such onboarding process would be developed by a CISC working group and approved by the Commission;
- b. A requirement that TSPs are to specify the name of the next upstream TSP for each traceback request received, regardless of the type of upstream TSP (ILEC, CLEC, wireless provider, reseller [in cases of wholesale agreements], etc.), including the name of the foreign TSP that sent the call to the first Canadian TSP;
- c. A requirement that TSPs retain the call data pertaining to a traceback request for a specific period following the date of the request. Comment on whether a period of 10 calendar days, as approved in Compliance and Enforcement and Telecom Decision 2021-268, remains appropriate;
- d. A requirement that TSPs respond to a traceback request within a specific period of time following receipt. Comment on whether a period of two business days, as approved in Compliance and Enforcement and Telecom Decision 2021-268, remains appropriate;
- e. A limit on the volume of monthly traceback requests. Comment on whether a limit of 10 traceback initiations per week assigned to a single terminating TSP, and total limit (i.e. by the entire industry) of 40 per week as approved in Compliance and Enforcement and Telecom Decision 2021-268 remains appropriate;
- f. A requirement that TSPs must forward traceback requests to foreign providers in instances where calls seem to have originated outside Canada but were transmitted to Canada. The purpose of this additional step would be to reveal situations where calls that both originated and terminated in Canada transited through a foreign country;
- g. A requirement in the traceback request form in instances when a traced call had been signed with a STIR/SHAKEN<sup>10</sup> certificate, to include the identity of the TSP that signed the call as well as the level of attestation attributed to it, should be included in the traceback form.

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<sup>10</sup> STIR stands for “Secure Telephone Identity Revisited.” SHAKEN stands for “Signature-based Handling of Asserted Information using toKENs.” It is a suite of protocols and procedures intended to combat caller identification (ID) spoofing by providing authentication and verification of caller ID information.

Q3. Comment on whether any other modifications to the process approved by the Commission in Compliance and Enforcement and Telecom Decision 2021-268 and as further detailed by the NTWG in contribution [NTC0707](#), would be appropriate.

Q4. Comment on whether it would be appropriate and useful for the Commission to publish individual traceback results specifically to identify (i) the associated call campaign of a specific traceback demand, (ii) the date and time of the call, and (iii) the originating Canadian carrier for domestic calls or, for international calls, the first Canadian carrier and the last foreign carrier in the call path. In addition, comment on how often such results should be published e.g. annually, semi-annually.

## Procedure

23. 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](http://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.
24. All TSPs are made parties to this proceeding and may file interventions with the Commission by **29 March 2024**.
25. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **29 March 2024**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
26. 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.
27. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
28. All parties may file replies to interventions with the Commission by **12 April 2024**.
29. 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](http://www.crtc.gc.ca), for additional information that they may find useful when preparing their submissions.

30. 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.
31. 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.
32. 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

33. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service, 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 or served. The Commission advises parties who file or serve 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.
34. 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.
35. 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.



36. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.

### **Important notice**

37. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email, or through the Commission's website at [www.crtc.gc.ca](http://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 fax numbers.
38. 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.
39. 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.
40. 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**

41. Links to interventions, replies, and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.
42. Documents are available upon request during normal business hours by contacting:

Documentation Centre  
[Examinationroom@crtc.gc.ca](mailto:Examinationroom@crtc.gc.ca)  
Tel.: 819-997-4389  
Fax: 819-994-0218

Client Services

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

Secretary General

## Related documents

- *CISC Network Working Group Consensus Report – Canadian traceback trial report*, Compliance and Enforcement and Telecom Decision 2021-268, 5 August 2021
- *CISC Network Working Group – Consensus report NTRE064 regarding an interim call traceback process*, Compliance and Enforcement and Telecom Decision 2019-215, 19 June 2019
- *Measures to reduce caller identification spoofing and to determine the origins of nuisance calls*, Compliance and Enforcement and Telecom Decision 2018-32, 25 January 2018; as modified by Compliance and Enforcement and Telecom Decisions 2018-32-1, 24 October 2018; and 2018-32-2, 8 December 2018
- *Empowering Canadians to protect themselves from unwanted unsolicited and illegitimate telecommunications*, Compliance and Enforcement and Telecom Regulatory Policy 2016-442, 7 November 2016
- *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