November 6, 2009

Robert A. Morin
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario

Dear Mr. Morin:

Re: Telecom Notice of Consultation CRTC 2009-194, Call for comments – Nomadic VoIP E9-1-1 service

1. Bragg Communications Inc., operating as “EastLink” hereby files comments regarding the above-noted proceeding. EastLink was not actively involved in this proceeding. However, EastLink is submitting comments in relation to certain issues raised regarding the proposal of implementing an E9-1-1 service for nomadic VoIP service providers. EastLink’s failure to comment specifically on certain proposals or comments already filed on the record should not be interpreted as agreement with such comments where they are inconsistent with EastLink’s interests.

2. Issues raised in this proceeding relate to the proposal filed by Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Saskatchewan Telecommunications and TELUS Communications Company (the Companies) regarding the implementation of a Canadian version of the i2 standard for providing a nomadic VoIP E911 service. As described in the notice, under this proposal, each of the service providers that own the distribution facilities used to provide high-speed Internet access, or access service providers (ASPs), would be required to (i) build a location determination platform (LDP), which identifies a nomadic VoIP 9-1-1 caller’s location by linking the caller’s Internet Protocol (IP) address with the civic address of the high-speed Internet access used to obtain VoIP service, and (ii) maintain a database of its customers’ location information, known as the location information server (LIS). The ASPs would constantly update the LIS with the location information generated by the LDP and provide this information to the public safety answering points (PSAPs) when a 9-1-1 call is made. Various comments filed in response to this proposal establish that the costs of implementing this proposal are prohibitive. The Commission invited parties to file alternate
proposals to implement a nomadic VoIP solution, in addition to seeking comments on who should be responsible for the costs for the solution.

3. While EastLink recognizes the objective in seeking a solution for nomadic VoIP providers, it is important to balance the objective sought against the feasibility of a solution. As EastLink understands it, the actual use of nomadic VoIP in Canada is not significant, relative to the use of fixed or cellular voice services. Additionally, the nature of the VoIP service is that VoIP customers are made aware of the deficiencies in the VoIP 911 service offering through their existing terms of service, and are required to notify their VoIP Service Provider (VSP) of any changes in location. In EastLink’s view, the VSPs and/or their customers who have chosen the service must bear the primary responsibility associated with a 911 solution. To the extent that underlying ASPs may be required to play a role, it should be minimal and should not result in the imposition of additional costs to the ASP.

4. Based upon EastLink’s review of the various proposals filed herein, the logistics and the costs associated with implementing a fully operational E9-1-1 service for VoIP customers is simply prohibitive for many ASPs. Based upon our review there are numerous reasons to question whether the provision of E911 for VoIP at this time is simply premature. We understand that within the next two years NENA will finalize an i3 standard for the United States, which will likely provide a viable solution for a nomadic VoIP E911 service. It seems that many of the proposals offered in this proceeding are either extremely cost prohibitive, or technically less feasible in terms of offering a consistently accurate solution.

5. EastLink has reviewed the Canadian i2 architecture as a means to provide a nomadic E9-1-1 solution and we fully support the comments and information previously filed by numerous cable companies to the effect that the costs of creating a solution on this basis are prohibitive regardless of whether there is one LDP to be populated by all Access Service Providers (ASPs) or whether each ASP is required to implement its own LDP.

6. Most of the proposed solutions involve a requirement for the ASP to reconcile end-users’ IP addresses to a civic address, which must then be translated to a Street Address Guide (SAG) address. EastLink submits that a solution which requires the underlying ASP to reconcile these addresses will be cost prohibitive for most ASPs. EastLink and its affiliates, Persona Communications Inc., EastLink-Bluewater Communications Inc. and Amtelecom, together offer services through over 500 cable systems. In hundreds of these systems EastLink does not offer telephone service. The systems operated by EastLink and its affiliates operate in very rural, geographically dispersed communities throughout nine provinces. Most
of these systems are not fully interconnected and hundreds of our systems have less than 300 customers.

6. When EastLink makes a decision to provide telephone service in a given community, in addition to requiring the various network upgrades and other investments needed to implement the service, significant resources are allocated to implementing 911. EastLink must make arrangements with the local PSAPs and applicable 911 administrators as well as implementing internal processes to reconcile customer addresses with the SAG to ensure accuracy in address locations. In our experience, this component of provisioning the service remains a significant task even in provinces such as Nova Scotia and Prince Edward Island where there is only one 911 administrator to deal with. The efforts to provision 911 increase exponentially in other provinces where the 911 system is managed by each municipality, thus requiring us to establish processes within each location, negotiating with multiple PSAPs across multiple serving areas, and validation of civic addresses to multiple SAGs. The additional costs and resources associated with implementing 911 in these other provinces does become a relevant factor in assessing the merits of offering a telephone service in a given jurisdiction.

7. In this regard, EastLink has concerns that the Commission, through this proceeding, would mandate the provision of an E9-1-1 solution for nomadic VoIP providers that would force the underlying ASP to engage in the reconciliation between an IP address, a civic address and an update to the SAG, when the company does not even have processes in place in certain systems in order to provide its own telephone service. Even in areas where an ASP does provide a telephone service a solution that requires the ASP to reconcile IP addresses to civic addresses and then to the SAG is unreasonable and cost prohibitive. In areas where telephone is not provided, this becomes a more onerous task. On this basis, EastLink does not support the proposals that would require the underlying ASP to reconcile the IP addresses to a SAG address. Any solution to provision an E9-1-1 nomadic VoIP service must not force underlying ASPs to take on this responsibility. In EastLink's view, the costs would be prohibitive and it remains questionable whether we could provision this service through a number of our systems based on the hundreds of geographically dispersed rural systems we operate.

8. EastLink questions the merits of forcing an interim solution that is logistically impractical, fraught with challenges in accurately identifying customer location and is simply cost prohibitive for many ISPs. Given the evidence before the Commission regarding the penetration of nomadic VoIP services in the country (or lack thereof), we question whether any new interim solution is appropriate at this time. In this regard, EastLink submits that unless a reasonable,
low cost solution exists in the interim there is every reason to await the deployment of the i3 architecture which may provide a better alternative in the long term. Nomadic VoIP providers have chosen to enter this business on a model that is based on low cost and that does not provide certain service functionality. As these providers were willing to enter the markets on this basis, EastLink does not support a proposal that the underlying ISPs must step up and take the financial responsibility of provisioning a service for a market that the VoIP providers have chosen to enter.

9. For all of the foregoing reasons, EastLink does not support any of the solutions which would require EastLink or its affiliates to provide updates to an LIS server that would reconcile all IP addresses on its network to a SAG address. From our review, it seems that the only proposal that may provide a reasonable interim solution is the proposal filed by Rogers Communications and referred to as the “IP Tracker Solution”. As we understand it, this solution requires the engagement of the VoIP provider to prompt its end user when the IP address changes to another range, indicating that the user is in another location. This prompt places the responsibility for updating the new address with the end customer and the active involvement of the VoIP provider in updating this information. While there is a role to be provided by the underlying ASP, that role at least in comparison to the other alternatives, appears to be more manageable. Even with this proposal, there would be resource impacts to EastLink in terms of updating the VoIP provider when there are changes to IP address ranges, along with other associated obligations. However, when assessing all of the options, this option does not impose the level of logistical and cost prohibitive obligations that are present in the other options. As we have not fully analyzed the IP Tracker Solution our analysis of the various options seems to suggest that in this proceeding, if the Commission were required to select an option, this is the most viable one in comparison to the others. We remain of the view, however, that the most appropriate solution would be to await deployment of the i3 architecture.

10. In the notice, the Commission also refers to the submissions filed by the Canadian Cable Systems Alliance (CCSA) wherein it requests that small cable systems be exempt from the requirement to provide the ASP requirements of a nomadic VoIP E9-1-1 solution. The Commission seeks comments on whether small ASPs should be exempt from implementing an LDP, as well as what the proposed “cut off” should be for exemption. As noted previously, EastLink strongly opposes a VoIP E911 solution that involves implementing an LDP. If the Commission determines that such a solution is warranted, EastLink submits that certain ASPs should be exempt from this requirement. In EastLink’s view, the CCSA raises very valid arguments regarding the challenges associated with a small ASP providing a VoIP solution.
Many of these challenges do exist for EastLink as well, particularly on the basis that EastLink does not provide a local telephone service in hundreds of its systems, all of which means that if any E9-1-1 VoIP solution that requires validation of the SAG by the ISP would simply not be feasible for EastLink and is impractical in a number of systems.

11. EastLink has concerns that when assessing exemption issues, the Commission may look to the general size of an ASP or the number of customers served without recognizing that certain ASPs face challenges notwithstanding the total number of customers they may serve. EastLink is a prime example of an ASP that faces challenges in serving very rural, geographically dispersed communities that are more akin to the challenges faced by the smaller systems as described in the CCSA submissions. In this regard, if the Commission is intending to mandate a higher cost solution that involves the ASPs’ engagement at a more significant level, it is critical that the Commission appropriately consider the impacts to smaller systems operators, including EastLink. Additionally, EastLink’s Internet subscriber base represents less than 3% of Canadian residential Internet access subscribers, and we would expect that the impact of Eastlink not being included in the solution would be nominal. EastLink maintains its position that regardless of the solution chosen, ASPs should not be responsible for any costs of implementing a nomadic VoIP E911 solution and the costs of any such solution should be the responsibility of those benefitting from it, the VSPs and their customers.

Respectfully Submitted,

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cc: Interested Parties

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