BY EPASS

6 November 2009

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Secretary General,

Subject: TNC CRTC 2009-194-1 – Call for Comments – Nomadic VoIP E911 service

INTRODUCTION

1. Pursuant to the schedule for this matter set out in the Commission’s Public Notice dated 15 April 2009 and modified on 4 June 2009, Execulink Telecom Inc. (Execulink) hereby submits its submission with respect to the Nomadic VoIP E911 services.

2. On 7 August 2009 Execulink provided comments on Appendixes 1 and 4.

3. The revised schedule dated 12 May 2009 of TNC 2009-194 the Commission invited submissions on 6 November 2009 on the following specific issues identified in Appendixes 2 and 3;

   i) Who should pay for the various costs of implementing nomadic VoIP E9-1-1 service?

   ii) Should small ASPs be exempt from implementing an LDP?
4. Execulink is pleased to provide comments on these specific issues as well as some general comments.

WHO SHOULD PAY?

5. In Appendix 2 of the TNC requested comments on the policy implications of a requirement that implementation of each of the cost elements (LDPO, ILEC network elements and Interconnection) be recovered over (a) each ASP’s respective high-speed Internet client base; (b) all Canadian nomadic VoIP users; (c) all Canadian E9-1-1 users; and (d) all Canadian E9-1-1 users excluding wireless subscribers.

6. Execulink believes that requiring anyone other than the users (VoIP customers) or the VoIP providers would be contrary to the cost recovery mechanisms established for the other forms of E911. For voice (traditional) E911 the costs are paid by the traditional voice customers. For wireless E911 the costs are paid by the wireless users. To ask any group other the VoIP users to pay for VoIP E911 is not appropriate and should not be considered. To do otherwise could cause the cost recovery mechanisms of the other forms of E911 to be challenged.

7. Thus the only acceptable cost recovery mechanism is (b) all Canadian nomadic VoIP users.

8. At the end of Appendix 2 the TNC asks questions how revenues should be collected and distributed and how costs should be assessed and verified.

9. Execulink submits that revenues should be collected on the same bases as other forms of E911. Namely a monthly fee per VoIP user. If VoIP providers chose to absorb the E911 costs and not pass them along to their users that would be their choice.

10. VoIP E911 rates should be established so that the total (Canada) revenues equal the total (Canada) costs for establishing and maintaining VoIP E911. This could be done on a similar base as the high cost fund.

11. The revenues would be distributed to the ASPs and others involved based upon their costs.
12. Administration should be done by an industry run organization similar to CPCC, CNAC or CCTS. It would be their responsibility to verify costs as well as administrate the collection and distribution of funds.

SHOULD SMALL ASPS BE EXEMPT?

13. The costs to implement VoIP E911 will be substantial. The costs for small ASPs may be proportionally higher than larger ASPs.

14. The Commission has previously adopted modified regulations for the smaller BDUs and ILECs. Execulink supports similarly modifying VoIP E911 requirements for the smaller ASPs.

15. However, for safety reasons VoIP E911 requirements for the smaller ASPs should not be exempted.

16. Execulink urges the Commission to ensure the capital cost burden of implementation not be imposed on the ASPs in general and the smaller ASPs in particular.

17. The costs to implement VoIP E911 should be the responsibility of the VoIP providers and not the ASPs. All ASP costs to implement and maintain the VoIP E911 system should be the responsibility of the VoIP providers. Thus the appropriate question should be how the costs should be shared between VoIP providers. Please see Execulink’s 7 August 2009.

GENERAL COMMENTS

18. Execulink is very concerned that the Nomadic VoIP E911 service as contemplated in the TNC will not work for all VoIP users. To implement a service that does not work for some users (users may not know) can create a false sense of security.

19. Execulink has identified some (there are undoubtedly more) connection types where Nomadic VoIP E911 will not function;
   - Connections using a VPN.
   - Private VoIP PBXs serving multiple locations.
   - Roaming within a neighbourhood or campus and connecting through a local wireless router.

20. MTS Allstream confirmed that Nomadic VoIP E911 will not work for VoIP service through a VPN in answer to a question posed by Execulink.
MTS Allstream did not assess use of nomadic VoIP service through a corporate VPN. An ASP can only provide to the LIS an IP address it has assigned. Where a VoIP provider supplies an alternate IP address associated with the VPN, the ESP would not be able to extract the correct address from the LIS.

21. MTS Allstream provided the following answer how to ensure emergency personnel are dispatched to the correct location for these customers;

MTS Allstream speculates that the vast majority of nomadic VoIP users have ready access to alternate services, including wireless and wireline services, which both provide extremely reliable access to 9-1-1 services, including automated identification of the caller’s location. In the case of a business person working from home, the person is likely to have any or all of a business cell phone, a personal cell phone, and a home phone readily available. All of these options would be superior choices for calling 9-1-1 than using nomadic VoIP service over a VPN connection.

22. Execulink urges the Commission to not implement a ‘solution’ that will provide a false sense of safety for a group of Canadians where Nomadic VoIP E911 will not work.

**SUMMARY**

23. To summarize;

The Commission should not implement Nomadic VoIP E911 unless it will work for all VoIP users.

If the Commission decides to implement;
- Canadian nomadic VoIP users should pay for VoIP E911
- Administration should be done by an industry run organization similar to CPCC, CNAC or CCTS
- The Commission should not exempt VoIP E911 requirements for the smaller ASPs.
- The costs to implement VoIP E911 should be the responsibility of the VoIP providers and not the ASPs.

24. To conclude Execulink would like to thank the Commission for the opportunity to provide this input.
Respectfully submitted,

[Signature]

Keith Stevens

c. Interested Parties to TNC 2009-194

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