



Telecom Decision CRTC 2011-619

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Ottawa, 26 September 2011

Bell Aliant Regional Communications, Limited Partnership – Application regarding notification and express consent requirements for 9-1-1 services and their applicability to fixed/native VoIP services

File number: 8633-B54-201108507

In this decision, the Commission determines that the requirements for service providers to notify customers and obtain their express consent, set out in Telecom Decisions 2005-21 and 2005-61, do not apply to fixed/native voice over Internet Protocol services.

Introduction

1. On 18 May 2011, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) filed an application requesting that the Commission clarify and provide direction as to the applicability of the customer notification requirements set out in Telecom Decisions 2005-21 and 2005-61 to fixed/native voice over Internet Protocol (VoIP) service providers. Fixed/native VoIP service is associated with a fixed customer location. Further, the telephone number assigned to the customer is associated with a local telephone exchange located within the region covered by the public safety answering point, which handles 9-1-1 calls for that region.
2. In Telecom Decisions 2005-21 and 2005-61, the Commission required fixed/native and nomadic/non-native VoIP service providers to notify their customers of the limitations of the 9-1-1 service provided using VoIP technology relative to that provided through legacy telephone services. The Commission further required VoIP service providers to obtain express consent indicating that the customer understood these limitations.
3. Bell Aliant submitted that the 9-1-1 service associated with fixed/native VoIP service is the same as that offered with its legacy telephone service, and therefore there should be no requirements for it to provide notification and obtain express consent regarding this service. Specifically, Bell Aliant submitted that these requirements should not apply to characteristics of the fixed/native VoIP service, such as service unavailability during extended power outages.
4. Bell Canada, TELUS Communications Company (TCC), and the Canadian Network Operators Consortium Inc. filed comments in support of Bell Aliant's application.

5. The Commission addressed an interrogatory to all parties to Telecom Decisions 2005-21 and 2005-61, to obtain their views on the need for notification and express consent, as set out in those decisions, in the case of fixed/native VoIP services. Bell Aliant; Bell Canada; Bragg Communications Inc., operating as Eastlink; Cogeco Cable Inc.; MTS Allstream Inc.; Quebecor Media Inc.; Rogers Communications Partnership; Saskatchewan Telecommunications; TCC; and l'Association des centres d'urgence du Québec and l'Agence municipale de financement et de développement des centres d'urgence 9-1-1 du Québec (collectively, the Coalition) responded to the Commission interrogatory.
6. All parties that responded, with the exception of the Coalition, submitted that the notification and express consent requirements should not be applied for fixed/native VoIP services. The Coalition submitted that, to the extent that there are any 9-1-1 service limitations associated with VoIP service, service providers should be required to notify and obtain express consent from their customers regarding such limitations.
7. The public record of this proceeding, which closed on 15 July 2011, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Commission's analysis and determinations

8. The Commission notes that VoIP service is increasingly used to provide a telephone service to consumers. Specifically, the local telephone service generally offered over platforms based on coaxial cable and on fibre-to-the-node and fibre-to-the-home (FTTx) is fixed/native VoIP service. The Commission further notes that incumbent local exchange carriers (ILECs), cable companies, and competitors are increasingly implementing these newer platforms to augment or replace legacy telephone networks.
9. In order to ensure public safety, in Telecom Decision 2005-21, the Commission required providers of fixed/native VoIP service to implement the same 9-1-1 service levels that the ILEC in that local region offered to its legacy telephone service customers.
10. However, as noted by Bell Aliant, there are differences between fixed/native VoIP service and legacy telephone service. In particular, unlike legacy telephone service, fixed/native VoIP service may be unavailable during periods of power outage or broadband Internet outage. The Commission agrees with Bell Aliant that such limitations are characteristics of the VoIP service and not of the 9-1-1 service itself.
11. The Commission considers that mandating notification and express consent for such service characteristics could create an incorrect customer perception that the 9-1-1 service associated with fixed/native VoIP service is not as reliable as the 9-1-1 service associated with legacy telephone service.
12. In light of the above, the Commission determines that the notification and express consent requirements set out in Telecom Decisions 2005-21 and 2005-61 relate only to limitations that are specific to the 9-1-1 service and therefore do not apply to fixed/native VoIP services.

Secretary General

Related documents

- *Follow-up to Emergency service obligations for local VoIP service providers, Decision 2005-21 – Customer notification requirements*, Telecom Decision CRTC 2005-61, 20 October 2005
- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005