



## Telecom Decision CRTC 2011-72

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Ottawa, 8 February 2011

### **Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Application to review and vary Telecom Decision 2010-387 regarding the application of directives for 9-1-1 VoIP service**

File number: 8662-B54-201014597

*In this decision, the Commission denies Bell Aliant and Bell Canada's request to review and vary Telecom Decision 2010-387, and directs all Canadian carriers that offer nomadic and fixed/non-native voice over Internet Protocol services to implement the directives set out in that decision.*

#### **Introduction**

1. On 13 September 2010, Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, the Bell companies) filed an application requesting that the Commission review and vary certain aspects of Telecom Decision 2010-387.
2. In that decision, with a view to improving the 9-1-1 service offered to customers of nomadic and fixed/non-native voice over Internet Protocol (VoIP) services, the Commission directed all Canadian carriers that provide those services to implement the following measures: (1) contact customers each time they change their billing address to confirm their most likely physical address for emergency purposes; and (2) ensure that customers are able to update their most likely physical address online (the directives).
3. In their application, the Bell companies requested that the Commission confirm that the directives are not applicable in the case of business customers. The Bell companies also requested that the Commission either: (1) clarify that the directives only apply to VoIP service providers that have automatic number identification (ANI)-capable<sup>1</sup> emergency call operators in place, or (2) require all service providers offering nomadic and fixed/non-native VoIP services to put in place ANI-capable emergency call operators. In the alternative, the Bell companies requested that the Commission rescind the directives.
4. The Ontario 9-1-1 Advisory Board (OAB) filed evidence demonstrating that 9-1-1 calls originating from VoIP customers have been increasing over the last three years. The OAB noted the risks associated with the use of unverified user location information for emergency response, but did not take a position on the Bell companies' application.

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<sup>1</sup> An ANI-capable emergency call operator is one that is capable of receiving the caller's telephone number over the telephone line and is able to use this information to route the call properly.

5. TELUS Communications Company (TCC), MTS Allstream Inc. (MTS Allstream), and Quebecor Media Inc., on behalf of its affiliate Videotron Ltd. (Videotron), filed comments in support of the Bell companies' application. Northern911, a company offering 9-1-1 emergency call operator services to VoIP service providers, filed comments opposing the application.
6. The public record of this proceeding, which closed on 25 October 2010, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings" or by using the file number provided above.
7. The Commission has identified the following issues to be addressed in this decision:
  - I. Are the directives applicable in the case of business customers?
  - II. Is ANI capability a prerequisite for the directives to be meaningful?
- 1. Are the directives applicable in the case of business customers?**
8. In Telecom Public Notice 98-6, the Commission outlined the criteria to consider review and vary applications filed pursuant to section 62 of the *Telecommunications Act*. Specifically, the Commission stated that applicants must demonstrate that there is substantial doubt as to the correctness of the original decision, for example, due to one or more of the following: i) an error in law or in fact, ii) a fundamental change in circumstances or facts since the decision, iii) a failure to consider a basic principle which had been raised in the original proceeding, or iv) a new principle which has arisen as a result of the decision.
9. The Bell companies submitted, pursuant to Telecom Public Notice 98-6, that there is substantial doubt as to the correctness of Telecom Decision 2010-387 as it pertains to business customers because the Commission failed to consider the applicability and impact of its proposed improvements with respect to those customers.
10. The Bell companies submitted that, for the purposes of business customers, the directives are impractical and do not represent an improvement to public safety. They argued that, for a business customer with multiple locations, changes to the billing address are rarely associated with changes to the physical address. Further, the Bell companies submitted that larger business customers have their own Internet Protocol – Private Branch Exchange (IP-PBX) switches and usually manage the allocation of telephone numbers to their employees and locations without notifying their VoIP service provider.
11. The Bell companies also submitted that a business customer requiring enhanced public safety can purchase automatic location identification (ALI) service as an option, which would allow for the storing of current physical location information and also the automatic routing of 9-1-1 calls based on that information.

12. TCC, MTS Allstream, and Videotron separately submitted that the directives offer little benefit to business customers. MTS Allstream further submitted that it is unlikely that a business customer would make a 9-1-1 call using a nomadic or fixed/non-native VoIP service.
13. Northern911 submitted that the directives would improve public safety associated with 9-1-1 service for VoIP customers by helping to keep physical location information current for both residential and business customers.

### **Commission's analysis and determinations**

14. The Commission notes that the directives in Telecom Decision 2010-387 provide nomadic and fixed/non-native VoIP customers with the opportunity to keep their most likely physical location information current by updating the information, either proactively online or reactively when they are contacted by the VoIP service provider.
15. With respect to business customers in particular, the Commission notes that small and large business customers have knowledge of the physical location associated with each of their VoIP telephone numbers and are in control of that information. Therefore, the Commission considers that these customers are in the best position to provide this information to the VoIP service provider.
16. The Commission notes that the directives require nomadic and fixed/non-native VoIP service providers to obtain timely location updates from their customers, and considers that customers are responsible for the accuracy of the information provided. The Commission therefore considers that the directives are not impractical to implement and, once implemented, will improve public safety.
17. In addition, the Commission notes that VoIP service providers are not precluded from offering their customers further enhancements, such as ALI-based emergency call routing as an optional or value-added service.
18. In light of the above, the Commission finds that the Bell companies have not raised substantial doubt as to the correctness of the directives as they pertain to business customers. Accordingly, the Commission confirms that the directives in Telecom Decision 2010-387 apply to VoIP service providers offering residential or business nomadic and fixed/non-native VoIP services.

### **II. Is ANI capability a prerequisite for the directives to be meaningful?**

19. The Bell companies submitted, pursuant to Telecom Public Notice 98-6, that there is substantial doubt as to the correctness of Telecom Decision 2010-387 because the Commission erred in fact by assuming, at least implicitly, that VoIP service providers have an obligation to put in place emergency call operators that are ANI-capable.
20. The Bell companies noted that the Commission's directives require VoIP service providers to maintain a database with current physical location information for their customers. The Bell companies submitted that, for the available physical location

information to have a meaningful impact on public safety, the emergency call operator must be ANI-capable and thus have the ability to automatically access this information and route calls to the proper local public safety answering point (PSAP).

21. TCC, MTS Allstream, and Videotron separately submitted that the directives are not meaningful in the absence of ANI capability.
22. Northern911 submitted that the directives, once implemented, would improve public safety. Northern911 also submitted that ANI capability would further enhance public safety and should be encouraged.

### **Commission's analysis and determinations**

23. In Telecom Decision 2005-21, the Commission determined that for nomadic and fixed/non-native VoIP customers, the primary method for the emergency call operator to obtain a caller's physical location information is through verbal verification with the caller. In that decision, the Commission stated that only when verbal verification is not possible or fails should the emergency call operator use the available physical location information to route calls to the appropriate PSAP.
24. The Commission notes that in Telecom Decision 2005-21, it did not require 9-1-1 call operators to be ANI-capable. Further, the Commission notes that in Telecom Decision 2010-387, it did not require ANI capability as a prerequisite for the directives.
25. The Commission notes the argument that maintaining current physical location information for nomadic and fixed/non-native VoIP customers would not meaningfully enhance public safety unless the emergency call operator is also ANI-capable. The Commission considers, however, that an emergency call operator that does not have ANI capability may nevertheless be able to verbally obtain partial caller information such as name, telephone number, or account number. Alternatively, the emergency call operator could contact the VoIP service provider to trace the call and obtain the telephone number or other information pertaining to the caller. The Commission therefore considers that emergency call operators that are not ANI-capable could use information obtained from the caller or from the VoIP service provider to search available physical location information and locate the caller's physical location.
26. In light of the above, the Commission finds that it did not err in fact and that its determination to implement the directives did not assume that VoIP service providers would rely on ANI capability. Accordingly, the Commission confirms that ANI capability is not a prerequisite for the directives in Telecom Decision 2010-387.

### **Conclusion**

27. In light of all the above, the Commission finds that the Bell companies have failed to demonstrate substantial doubt as to the correctness of its determinations in Telecom Decision 2010-387. Accordingly, the Commission **denies** the Bell companies' application to review and vary Telecom Decision 2010-387 and

directs all Canadian carriers that offer nomadic and fixed/non-native VoIP services to implement the directives set out in Telecom Decision 2010-387 within **30 days** of the date of this decision.

### **Further actions**

28. The Commission notes that while all parties agreed that ANI capability would further enhance public safety, not all Canadian carriers offering nomadic and fixed/non-native VoIP services have this capability. The Commission is therefore launching Telecom Notice of Consultation 2011-73 concurrently with this decision to examine whether it would be appropriate to require these carriers to put in place ANI-capable emergency call operators.

Secretary General

### **Related documents**

- *Proceeding to review the appropriateness of requiring nomadic and fixed/non-native VoIP service providers to implement automatic number identification capability*, Telecom Notice of Consultation CRTC 2011-73, 8 February 2011
- *Viability of proposals for the provision of E9-1-1 service for nomadic and fixed/non-native VoIP subscribers*, Telecom Decision CRTC 2010-387, 17 June 2010
- *Emergency service obligations for local VoIP service providers*, Telecom Decision CRTC 2005-21, 4 April 2005
- *Guidelines for review and vary applications*, Telecom Public Notice CRTC 98-6, 20 March 1998