



Telecom Regulatory Policy CRTC 2017-11

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Application of regulatory obligations directly to non-carriers offering and providing telecommunications services

*The Commission **directs** non-carriers, also known as resellers, as a condition of offering and providing any telecommunications services, to abide by all applicable existing consumer safeguard obligations set out in the Appendix to this decision, including the obligation to register with the Commission (the registration obligation).*

The Commission clarifies the registration obligation such that all non-carriers are required to register with the Commission prior to receiving telecommunications services for resale from Canadian carriers and other non-carriers.

The Commission modifies the underlying carrier requirements with respect to the consumer safeguard obligations set out in the Appendix to this decision, other than the registration obligation. Under this modification, underlying carriers are only required to report, in a timely manner, any non-compliance with the consumer safeguard obligations. As well, if a Canadian carrier can demonstrate that, as of a particular date, all the non-carriers to whom it offers and provides telecommunications services have registered with the Commission, that carrier can apply for permission to remove the underlying carrier requirements from its tariffs and service contracts and other arrangements with non-carriers.

With these determinations, the Commission ensures that Canadians continue to enjoy consumer safeguard obligations by providing that non-carriers are effectively made aware of and abide by these obligations.

Background

1. The Commission has mandated telecommunications service providers (TSPs) to provide to their customers various consumer safeguards, which relate to such things as the respect of privacy, access to telecommunications services by persons with disabilities, and access to emergency services.
2. The Commission has the authority under section 24 of the *Telecommunications Act* (the Act) to directly impose conditions on the offering and provision of telecommunications services by Canadian carriers,¹ including compliance with

¹ A Canadian carrier is a telecommunications common carrier that is subject to the legislative authority of Parliament. A telecommunications common carrier means a person who owns or operates a transmission

consumer safeguard obligations. However, until recently, the Commission did not have the statutory authority to directly impose such conditions on non-carriers (persons offering and providing any telecommunications service other than Canadian carriers, generally known as resellers).²

3. Instead, pursuant to section 24 of the Act, the Commission directed, in various decisions, underlying carriers that provide services to non-carriers to ensure through their tariffs and contractual arrangements (underlying carrier requirements) with non-carriers that the latter are subject to the consumer safeguard obligations. This approach was used to help ensure that non-carriers are aware of and comply with the Commission's consumer safeguard obligations, including those set out in the Appendix to this decision. For example, in addition to those consumer safeguards noted above, non-carriers are obligated to register with the Commission prior to receiving services from the carrier (referred to hereafter as the registration obligation).
4. As a result of the *Economic Action Plan 2014 Act, No. 2*, which came into force on 16 December 2014, the Act was amended to grant the Commission the authority, among other things, to
 - impose general administrative monetary penalties (AMPs) to promote compliance with the Act and any Commission regulation or decision under the Act;³ and
 - directly regulate non-carriers.⁴

Application

5. The Commission received an application from Bell Canada, dated 21 December 2015, in which the company requested that the Commission (i) impose consumer safeguard obligations directly on resellers pursuant to section 24.1 of the Act, and (ii) remove the requirement imposed through section 24 of the Act that the Canadian carriers impose consumer safeguard obligations on resellers through their tariffs, service contracts, or other arrangements with the resellers.

facility used by that person or another person to provide telecommunications services to the public for compensation.

² A reseller of telecommunications services sells or leases a telecommunications service provided by a Canadian carrier to the reseller on a wholesale basis.

³ Section 72.001 and subsection 72.002(1) of the Act grant the Commission the authority to impose general AMPs to promote compliance with the Act (a) in the case of an individual, an AMP not exceeding \$25,000 and, for a subsequent contravention, a penalty not exceeding \$50,000; or (b) in any other case, an AMP not exceeding \$10,000,000 and, for a subsequent contravention, a penalty not exceeding \$15,000,000.

⁴ Specifically, new section 24.1 of the Act states that the offering and provision of any telecommunications service by any person other than a Canadian carrier are subject to any conditions imposed by the Commission, including those relating to (a) service terms and conditions in contracts with users of telecommunications services; (b) protection of the privacy of those users; (c) access to emergency services; and (d) access to telecommunications services by persons with disabilities.

6. The Commission received interventions regarding Bell Canada's application from Allstream Inc. (Allstream); the Canadian Network Operators Consortium Inc. (CNOOC); Distributel Communications Limited (Distributel); the Public Interest Advocacy Centre (PIAC); Quebecor Media Inc., on behalf of Videotron G.P. (Videotron); Rogers Communications Canada Inc. (RCCI); Shaw Communications Inc. (Shaw); and TELUS Communications Company (TCC). The public record of this proceeding, which closed on 13 June 2016, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.
7. The Appendix to this decision lists the consumer safeguard obligations identified by Bell Canada in its application, as well as additional obligations identified in the course of this proceeding.⁵

Issues

8. Based on its review of the record of this proceeding, the Commission has identified the following issues to be addressed in this decision:
 - Should the existing consumer safeguard obligations set out in the Appendix to this decision apply directly to all non-carriers that offer and provide telecommunications services?
 - Should Canadian carriers continue to be subject to the underlying carrier requirements related to the consumer safeguard obligations set out in the Appendix to this decision?
 - Should the Commission clarify the registration obligation and the associated underlying carrier requirement and extend this requirement to service contracts and other arrangements between non-carriers?

Should the existing consumer safeguard obligations set out in the Appendix to this decision apply directly to all non-carriers that offer and provide telecommunications services?

Positions of parties

9. Bell Canada requested that the Commission apply the consumer safeguard obligations directly to resellers by exercising its powers under section 24.1 of the Act. It claimed that such direct regulation would provide the Commission with superior oversight and enforcement mechanisms than those that exist through the indirect regulation that is currently in place. Direct regulation would also benefit consumers, since it would enable the Commission to more effectively monitor compliance and correct non-compliance with the consumer safeguard obligations.

⁵ See Commission letters dated [19 January 2016](#) and [20 May 2016](#).

10. Allstream, CNOC, Distributel, RCCI, Shaw, TCC, and Videotron supported Bell Canada's application, arguing that imposing the consumer safeguard obligations directly on resellers would simplify the regulatory regime while not imposing any additional obligations on resellers.
11. PIAC opposed Bell Canada's application, arguing that while Bell Canada has asserted that section 24.1 of the Act now grants the Commission the authority to directly impose conditions on resellers, Bell Canada has not provided any evidence that the Commission ought to exercise its new authority.
12. PIAC also submitted that if the Commission decides to impose consumer safeguard obligations directly on resellers via section 24.1 of the Act, it should do so only by way of a notice of consultation to obtain a more complete record. PIAC argued that invoking section 24.1 of the Act and concurrently removing indirect underlying carrier oversight should be done on a policy-by-policy basis and only when a demonstrated need arises.

Commission's analysis and determinations

13. The application, pursuant to section 24.1 of the Act, of the consumer safeguard obligations set out in the Appendix to this decision, including the registration obligation as clarified below, directly to non-carriers would be consistent with the Commission's regulation of Canadian carriers, which are also directly subject to these obligations.
14. Further, such application would provide the Commission with greater flexibility regarding the monitoring and enforcement of compliance with these obligations for non-carriers. For example, the Commission could use regulatory tools, such as mandatory orders or AMPs, as required, directly with respect to non-carriers to promote compliance with their obligations. Such application would also be consistent with Parliament's intent in granting the Commission new powers under section 24.1 of the Act.
15. With respect to PIAC's submission regarding the use of a notice of consultation, the Commission has considered Bell Canada's application on its merits. A notice of consultation is not necessary since the Commission has already issued two process letters, which has generated a fulsome record.⁶ Furthermore, as part of its intervention, PIAC provided a counter-vailing submission to industry submissions.

⁶ As noted above, the Commission issued letters dated [19 January 2016](#) and [20 May 2016](#), which were posted on the Commission's website and sent by email to the following entities: incumbent local exchange carriers (ILECs), competitive local exchange carriers, small ILECs, non-dominant carriers, wireless carriers, non-facilities-based service providers registered with the Commission (i.e. digital subscriber line service providers, resellers of telecommunications services, resellers of high-speed retail Internet services, and competitive payphone service providers), the distribution list to Broadcasting and Telecom Notice of Consultation 2015-239 related to the review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc. (CCTS), and participants in the proceeding leading to

16. In light of the above, and pursuant to section 24.1 of the Act, the Commission **directs** persons offering and providing any telecommunications services other than Canadian carriers, as a condition of offering and providing telecommunications services, including interexchange services, local exchange services, wireless voice services, local voice over Internet Protocol (VoIP) services, Internet access services, and payphone services, to abide by (i) all applicable existing consumer safeguard obligations as set out in the Appendix to this decision, and (ii) the registration obligation as clarified below.

Should Canadian carriers continue to be subject to the underlying carrier requirements related to the consumer safeguard obligations set out in the Appendix to this decision?

Positions of parties

17. Allstream, Bell Canada, CNOC, Distributel, RCCI, Shaw, TCC, and Videotron submitted that Canadian carriers should no longer be subject to the underlying carrier requirements, arguing that

- Canadian carriers do not have the necessary resources and tools to monitor compliance by non-carriers with the Commission's consumer safeguard obligations imposed through tariffs, service contracts, and other arrangements. They also lack the appropriate enforcement tools to effectively address non-compliance.
- To correct non-compliance with consumer safeguard obligations, the Commission has a number of measures, including the ability to levy AMPs, while Canadian carriers are limited to terminating service, resulting in disconnection of the reseller and all of its end-users.
- The Commission is best placed to communicate its own regulatory requirements to resellers, allowing for a more consistent and uniform application of the requirements.
- Each Commission decision to add new regulatory requirements applicable to resellers requires Canadian carriers to incorporate the applicable condition into their contracts, which necessitates ongoing maintenance to keep contracts up to date.
- A requirement for Canadian carriers to implement processes and dedicate resources to monitoring or reporting on other industry players places a cost on them that resellers do not have, which would be inconsistent with the Policy Direction⁷ requirement in subparagraph 1(a)(ii) that regulatory measures be proportionate to their purpose and in subparagraph 1(b)(iii) that regulatory measures be implemented in a symmetrical and competitively neutral manner.

Telecom Regulatory Policy 2016-12 related to the application of the 9-1-1 regulatory obligations directly to non-carriers.

⁷ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

- Not requiring Canadian carriers to monitor resellers to ensure compliance with the Commission's consumer safeguard obligations would be consistent with the approach taken by the Commission in Broadcasting and Telecom Regulatory Policy 2016-102.⁸
18. TCC stated that it recognized the value in having underlying carriers report known or suspected cases of non-compliance with 9-1-1 obligations, as the Commission determined in Telecom Regulatory Policy 2016-12, due to the emergency life or death situations involved and the improvements in public safety that compliance with 9-1-1 obligations provides. TCC submitted that the remaining underlying carrier requirements do not have the same weight since they do not have the life and safety of Canadians immediately at stake.
19. However, both Distributel and TCC suggested keeping the underlying carrier requirement concerning the registration obligation as an exception to the proposed elimination of all remaining underlying carrier requirements. Distributel submitted that retaining this requirement would help ensure that the Commission is aware of the resellers that are subject to its regulation, while imposing less of an administrative burden on Canadian carriers. TCC submitted that retaining the requirement would ensure that all resellers are made aware of it at the time they purchase services from underlying carriers.
20. In reply, Bell Canada agreed with Distributel and TCC with respect to retaining the underlying carrier requirement related to registration.
21. PIAC, which opposed Bell Canada's application, argued the following:
- Bell Canada has failed to provide any evidence to support the removal of the indirect imposition of the consumer safeguard obligations.
 - Bell Canada and other Canadian carriers (primarily incumbent local exchange carriers), in keeping with their dominant role in the Canadian telecommunications system, may be better situated to enforce the consumer safeguard obligations than the Commission since they have working relationships with the resellers.
 - Canadian carrier wholesale service providers are likely to provide the most efficient means to track and ensure compliance by their wholesale service customers with the provisions in their wholesale service contracts.
 - Canadian carriers should not stop being subject to the underlying carrier requirements simply because of the amendments to section 24.1 of the Act, since it is more practical and efficient, at least for a significant transition period, to have Canadian carriers act as intermediaries between the Commission and resellers.

⁸ In that decision, the Commission made determinations regarding the structure and mandate of the CCTS.

Commission's analysis and determinations

22. Until now, the inclusion of consumer safeguard obligations in tariffs, and in service contracts and other arrangements that Canadian carriers have with non-carriers has been the primary means by which non-carriers were informed of the consumer safeguard obligations that apply to them. Such obligations encompass key consumer concerns, as indicated above.
23. The obligation for non-carriers to register with the Commission is a key tool that facilitates the Commission's communication with these entities. Through its operations in monitoring and regulating the telecommunications industry, the Commission has become aware that there are likely a large number of non-carriers that have not registered despite the long-standing requirement for Canadian carriers to include the registration obligation, among other obligations, in their tariffs, and in service contracts or other arrangements with non-carriers. Non-carriers that are not registered may be unfamiliar with the Commission's regulatory activities and processes.
24. In light of the above, until the Commission has greater assurance that non-carriers are aware of their regulatory obligations, including registration (through continued communication in underlying carriers' tariffs, service contracts, and other arrangements, and also directly by the Commission), it would be premature to remove the underlying carrier requirements.
25. With respect to the registration obligation, the Commission will maintain the underlying carrier requirement as clarified below, as a key tool that facilitates direct communication with non-carriers. The Commission's expectation is that all Canadian carriers will actively monitor and enforce compliance with this obligation.
26. As well, the Commission will maintain, at this time, the underlying carrier requirements with respect to the other consumer safeguard obligations set out in the Appendix to this decision. In the case of these obligations, consistent with the Commission's treatment of the 9-1-1 obligations in Telecom Regulatory Policy 2016-12, carriers will generally not be expected to monitor and enforce compliance with these obligations, but must report without delay any known or suspected non-compliance to the Commission.
27. With respect to the Commission's approach in Broadcasting and Telecom Regulatory Policy 2016-102 concerning the Commissioner for Complaints for Telecommunications Services Inc. (CCTS), while the Commission did not consider it necessary to renew the time-limited underlying carrier requirement established in Telecom Regulatory Policy 2011-46,⁹ the circumstances were different given that the

⁹ Pursuant to Telecom Regulatory Policy 2011-46, for a period ending on 20 December 2015, Canadian carriers were required, as a condition of providing telecommunications service to any reseller that was a member of the CCTS on 1 December 2010 and offered services within the scope of the CCTS's mandate, to include in their service contracts and other arrangements with such resellers the stipulation that the reseller was required to be a member of the CCTS.

requirement to become and remain a participant in the CCTS is triggered by the receipt of a complaint related to the provision of telecommunications services that fall within the scope of the CCTS's mandate.

28. Accordingly, the consumer safeguard obligations set out in the Appendix to this decision are to remain in tariffs, and in service contracts and other arrangements that Canadian carriers have with non-carriers, until a Canadian carrier can demonstrate, as of a particular date, that all the non-carriers to whom it offers and provides telecommunications services have registered with the Commission. At that point, a Canadian carrier could apply to the Commission for permission to remove the underlying carrier requirements, with the exception of the registration obligation, from its tariffs, and service contracts and other arrangements with non-carriers.
29. In light of the above, except for the registration obligation, the Commission modifies, pursuant to section 24 of the Act, the underlying carrier requirements with respect to the consumer safeguard obligations set out in the Appendix to this decision, as follows:

The Commission **directs** Canadian carriers, as a condition of offering and providing telecommunications services to persons who offer and provide any telecommunications services, including interexchange services, local exchange services, wireless voice services, local voice over Internet Protocol (VoIP) services, Internet access services, and payphone services, that are not Canadian carriers (hereafter, "non-carriers"), to (1) include in their tariffs, and in service contracts or other arrangements with these non-carriers, the requirement that the latter, and any or all of their wholesale customers and subordinate wholesale customers, abide by the obligations set out in the Appendix to this decision; and (2) report, in a timely manner, non-compliance by non-carriers with these obligations, whether actual or suspected, by letter addressed to the Secretary General, including the name and contact information of the non-carrier, as well as any details regarding the alleged non-compliant behaviour, and to implement any remedial directions from the Commission.

Should the Commission clarify the registration obligation and the associated underlying carrier requirement and extend this requirement to service contracts and other arrangements between non-carriers?

Commission's analysis and determinations

30. Registration is a key administrative function that supports the Commission's activities relating to, among other things,
- managing annual filing requirements and renewing international licences;
 - setting telecommunications fees;
 - administering the revenue-based contribution regime; and
 - preparing the annual Communications Monitoring Report.

31. The practice of the industry and the Commission over the years has been that all TSPs, including non-carriers that offer and provide any telecommunications services, are to register with the Commission. The importance of registration has been recognized by parties in this proceeding, which proposed that even if the Commission were to eliminate the underlying carrier requirements, the requirement to include the registration obligation in tariffs and in service contracts and other arrangements that Canadian carriers have with non-carriers should be retained.
32. To ensure that all non-carriers that offer and provide any telecommunications services are aware of the registration obligation, the Commission clarifies this obligation to require non-carriers that offer and provide such services, including interexchange services, local exchange services, wireless voice services, local VoIP services, Internet access services, and payphone services, to register with the Commission prior to receiving such services for resale from Canadian carriers and from other non-carriers. As stated above, this clarified registration obligation applies directly to all non-carriers pursuant to section 24.1 of the Act.
33. The Commission reminds non-carriers that while registration makes it easier for the Commission to identify and contact non-carriers, registration is not a pre-requisite for the Commission's authority over non-carriers. In all cases, whether registered or unregistered, whether through indirect regulation pursuant to section 24 of the Act or direct regulation pursuant to section 24.1 of the Act, all persons offering and providing telecommunications services are subject to the Commission's authority.
34. In light of the above, pursuant to section 24 of the Act, the Commission modifies the underlying carrier requirement with respect to the registration obligation as follows:
- The Commission **directs** Canadian carriers, as a condition of offering and providing any telecommunications services to persons who offer and provide any telecommunications services, including interexchange services, local exchange services, wireless voice services, local VoIP services, Internet access services, and payphone services, that are not Canadian carriers (hereafter, "non-carriers"), to include in their tariffs, and in service contracts or other arrangements with these non-carriers, the requirement that the latter, and any or all of their wholesale customers and subordinate wholesale customers, abide by the obligation to register with the Commission prior to receiving telecommunications services.
35. The Commission **directs** Canadian carriers to issue revised tariff pages,¹⁰ within **30 days** of the date of this decision, reflecting the determinations set out in this decision if their tariffs do not already contain generic wording to cover all telecommunications services.

¹⁰ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

36. The Commission also imposes the following requirement, pursuant to section 24.1 of the Act, applicable to non-carriers that provide telecommunications services to other non-carriers:

The Commission **directs** persons who offer and provide any telecommunications services, including interexchange services, local exchange services, wireless voice services, local VoIP services, Internet access services, and payphone services, that are not Canadian carriers (hereafter, “non-carriers”), as a condition of offering and providing such telecommunications services for resale to other non-carriers, to include in their service contracts or other arrangements with these non-carriers, the requirement that the latter, and any or all of their wholesale customers and subordinate wholesale customers, abide by the obligation to register with the Commission prior to receiving telecommunications services.

37. To the extent that they have not already done so, the Commission **directs** all non-carriers with existing service contracts or other arrangements with Canadian carriers or other non-carriers as of the date of this decision to register with the Commission by **17 July 2017**. Non-carriers entering into new contracts (including renewals and modifications) will have to register with the Commission prior to receiving telecommunications services for resale.

38. The Commission expects, pursuant to the above determinations, Canadian carriers and non-carriers to actively monitor and enforce the obligation for non-carriers to which they offer and provide telecommunications services to register with the Commission **prior** to receiving such services.

Policy Direction

39. The determinations made in this decision are consistent with the Policy Direction for the reasons set out below. The Policy Direction states that the Commission, in exercising its powers and performing its duties under the Act, shall implement the policy objectives set out in section 7 of the Act, in accordance with paragraphs 1(a), (b), and (c) of the Policy Direction.

40. The issues under consideration in this decision relate to (i) whether the consumer safeguard obligations should apply to non-carriers directly, (ii) whether underlying carrier requirements should continue to apply to Canadian carriers, and (iii) whether the registration requirements should be clarified and extended. Therefore, subparagraphs 1(a)(ii), 1(b)(i), and 1(b)(iii) of the Policy Direction apply to the Commission’s determinations in this decision.

41. Consistent with subparagraph 1(b)(i)¹¹ of the Policy Direction, the Commission considers that the policy objectives set out in paragraphs 7(a), (b), (f), and (h)¹² of the Act are advanced by the regulatory measures established in this decision.
42. Consistent with subparagraph 1(a)(ii)¹³ of the Policy Direction, the Commission is using measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent possible. Specifically, the modifications to the current underlying carrier requirements will help ensure that non-carriers are made aware of and abide by the consumer safeguard obligations. Further, the clarified underlying carrier requirement with respect to the registration obligation will help ensure that all non-carriers register with the Commission. Finally, the retention of the underlying carrier requirements until, as of a particular date, Canadian carriers can demonstrate that all the non-carriers to whom they offer and provide telecommunications services have registered with the Commission, will lessen their regulatory burden.
43. Consistent with subparagraph 1(b)(iii)¹⁴ of the Policy Direction, the regulatory measures established in this decision, to the greatest extent possible, are implemented in a symmetrical and competitively neutral manner. Specifically, the regulatory measures apply directly to all parties that offer and provide telecommunications services.

Secretary General

Related documents

- *Application of certain consumer safeguards for payphones directly to competitive payphone service providers*, Telecom Regulatory Policy CRTC 2016-295, 28 July 2016

¹¹ Subparagraph 1(b)(i) of the Policy Direction states that the Commission, when relying on regulation, should use measures that specify the telecommunications policy objective that is advanced by those measures and demonstrate their compliance with the Policy Direction.

¹² The cited policy objectives of the Act are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective; and 7(h) to respond to the economic and social requirements of users of telecommunications services.

¹³ Subparagraph 1(a)(ii) of the Policy Direction states that the Commission should, when relying on regulation, use measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives.

¹⁴ Subparagraph 1(b)(iii) of the Policy Direction states that the Commission, when relying on regulation, should use measures that if they are not of an economic nature, to the greatest extent possible, are implemented in a symmetrical and competitively neutral manner.

- *Application of certain consumer safeguards for payphones directly to competitive payphone service providers*, Telecom Notice of Consultation CRTC 2016-103, 17 March 2016
- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Regulatory Policy CRTC 2016-102, 17 March 2016
- *Application of the 9-1-1 regulatory obligations directly to non-carriers offering and providing telecommunications services*, Telecom Regulatory Policy CRTC 2016-12, 14 January 2016
- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Notice of Consultation CRTC 2015-239, 4 June 2015; as amended by Broadcasting and Telecom Notices of Consultation CRTC 2015-239-1, 24 July 2015; and 2015-239-2, 25 September 2015
- *Prohibition of 30-day cancellation policies*, Broadcasting and Telecom Regulatory Policy CRTC [2014-576](#), 6 November 2014
- *The Wireless Code*, Telecom Regulatory Policy CRTC [2013-271](#), 3 June 2013
- *The customer transfer process and related competitive issues*, Broadcasting and Telecom Regulatory Policy CRTC [2011-191](#), 18 March 2011
- *Review of the Commissioner for Complaints for Telecommunications Services*, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011
- *Modifications to forbearance framework for mobile wireless data services*, Telecom Decision CRTC [2010-445](#), 30 June 2010
- *Follow-up to Broadcasting and Telecom Regulatory Policy [2009-430](#) – Requirements for telecommunications service providers to communicate certain information in alternative formats*, Telecom Regulatory Policy CRTC [2010-132](#), 4 March 2010
- *Regulatory measures associated with confidentiality provisions and privacy services*, Telecom Regulatory Policy CRTC [2009-723](#), 25 November 2009
- *Review of the Internet traffic management practices of Internet service providers*, Telecom Regulatory Policy CRTC [2009-657](#), 21 October 2009
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC [2009-430](#), 21 July 2009; as amended by Broadcasting and Telecom Regulatory Policy CRTC 2009-430-1, 17 December 2009

- *Small incumbent local exchange carriers' show cause - Follow-up to Telecom Decision 2006-14*, Telecom Decision CRTC [2007-109](#), 21 November 2007
- *Unsolicited Telecommunications Rules framework and the National Do Not Call List*, Telecom Decision CRTC [2007-48](#), 3 July 2007; as amended by Telecom Decision 2007-48-1, 19 July 2007
- *Use of E9-1-1 information for the purpose of providing an enhanced community notification service*, Telecom Decision CRTC [2007-13](#), 28 February 2007
- *Implementation of wireless number portability*, Telecom Decision CRTC [2005-72](#), 20 December 2005
- *Regulatory framework for voice communication services using Internet Protocol*, Telecom Decision CRTC [2005-28](#), 12 May 2005; as amended by Telecom Decision CRTC [2005-28-1](#), 30 June 2005
- *Part VII application to revise Article 11 of the Terms of Service*, Telecom Decision CRTC [2005-15](#), 17 March 2005
- *Review of telemarketing rules*, Telecom Decision CRTC [2004-35](#), 21 May 2004
- *Follow-up to Telecom Decision CRTC [2003-33](#) - Confidentiality provisions of Canadian carriers*, Telecom Decision CRTC [2004-27](#), 22 April 2004
- *Confidentiality provisions of Canadian carriers*, Telecom Decision CRTC [2003-33](#), 30 May 2003; as amended by Telecom Decision CRTC 2003-33-1, 11 July 2003
- *Extending the availability of alternative formats to consumers who are blind*, Telecom Decision CRTC [2002-13](#), 8 March 2002
- *Alternative formats for a person who is blind*, Order CRTC [2001-690](#), 31 August 2001
- *Telemarketing restrictions extended to all telecom service providers*, Order CRTC 2001-193, 5 March 2001
- Letter Decision, 16 May 2000
- *Application of Consumer Safeguards to Resellers*, Letter Decision [1 February 2000](#)
- Letter Decision, [8 April 1999](#)
- Letter Decision, [8 December 1998](#)

- *Local pay telephone competition*, Telecom Decision CRTC [98-8](#), 30 June 1998
- Telecom Order CRTC 98-626, 26 June 1998
- *Local competition*, Telecom Decision CRTC [97-8](#), 1 May 1997
- Telecom Order CRTC 95-316, 15 March 1995
- *Competition in the provision of public long distance voice telephone services and related resale and sharing issues*, Telecom Decision CRTC [92-12](#), 12 June 1992; as amended by Erratum 92-12-1, 28 August 1992
- *Review of the general regulations of the federally regulated terrestrial telecommunications common carriers*, Telecom Decision CRTC [86-7](#), 26 March 1986; as amended by Telecom Order CRTC 86-593, 22 September 1986

Appendix to Telecom Regulatory Policy CRTC 2017-11

Introduction

Any person offering and providing telecommunications services who is not a Canadian carrier must abide by the applicable consumer safeguard obligations to the extent specified below.

Each consumer safeguard obligation is listed below, along with the relevant reference decision from which it was taken.

Accessibility

Accessibility obligations

For 24 hours a day, 7 days a week, resellers of local exchange services and local voice over Internet Protocol (VoIP) service providers (fixed and nomadic) are to provide Teletypewriter Relay (TTY Relay) Service,¹⁵ and Internet Protocol Relay (IP Relay) Service.

- As with TTY Relay Service, telecommunications service providers (TSPs) may meet the obligation to provide IP Relay Service by providing the service directly or by outsourcing the provision of the service to a third party.
- All references to “message relay service” in the existing relay service requirements set out in previous Commission decisions shall be read to include both TTY Relay Service and IP Relay Service.
- TSPs are to promote information on all of their disability-specific services and products, in the accessible manner(s) of their choice, and to incorporate an easy-to-find home page link into the special needs/disability sections of their websites, if their websites include such sections.
- TSPs are to make the information on telecommunications services and products on their websites accessible to the point of providing reasonable accommodation¹⁶ for persons with disabilities, with the service providers determining how to achieve this.
- Where customer service functions on websites are not accessible, persons with disabilities must not incur a charge or otherwise be disadvantaged if they use an alternate channel of customer service to access those functions. TSPs are to make accessible any customer service functions that are available solely over the service providers’ websites.

¹⁵ In previous decisions, the Commission has referred to TTY Relay Service as “Message Relay Service” or “MRS.”

¹⁶ See paragraphs 66 and 67 of Broadcasting and Telecom Regulatory Policy 2009-430 for examples of reasonable accommodations.

- TSPs are to make their general call centres accessible to the point of providing a reasonable accommodation to persons with disabilities by (a) training customer service representatives in handling enquiries from persons with disabilities, and familiarizing them with the service providers' products and services for persons with disabilities, and (b) making Interactive Voice Response systems¹⁷ accessible. A service provider with a disability call centre could meet this requirement by developing and implementing protocols for the appropriate transfer of calls to the call centre.

Reference decision/order/letter

See the following:

- the [8 April 1999 Letter Decision](#),¹⁸ in which the Commission approved CRTC Interconnection Steering Committee (CISC) consensus report CTRE006b (for resellers of local exchange services);
- paragraph 291 of Telecom Decision 2005-28 (for local VoIP service providers, fixed and nomadic);
- paragraph 72 of Telecom Decision 2007-109; and
- paragraphs 21, 23, and 70 of Broadcasting and Telecom Regulatory Policy 2009-430 (for VoIP service providers and resellers of local exchange services).

Accessibility obligations

An affiliate of a Canadian carrier that resells the carrier's service and resellers offering and providing telecommunications services are to make available the following information, within a reasonable period of time, in Braille, large print, computer diskette, or such other format as is mutually agreed upon by the parties:

- a) upon request of subscribers who are blind,
 - 1) billing statements;
 - 2) bill inserts sent to subscribers about new services or changes in rates for existing services; and
 - 3) any bill inserts that are mandated from time to time by the Commission; and
- b) upon request of subscribers or potential subscribers who are blind, information setting out the rates, terms, and conditions of the service.

¹⁷ An Interactive Voice Response system is a technology that enables a computer to detect voice and touch tones using a normal phone call and replaces customer service representatives for the portion of the phone call that uses the system.

¹⁸ In paragraph 279 of Telecom Decision [97-8](#), the Commission noted that resellers providing local exchange services would meet certain of the service requirements that the Commission imposes on local exchange carriers, such as 9-1-1 and MRS, by virtue of the underlying local exchange carriers' obligations.

However, in the case of a request for an excessively large volume of information, the service provider may limit the alternative format to computer diskette or any other electronic format mutually agreed upon by the parties.

Reference decision/order/letter

See the following:

- paragraph 15 of Order 2001-690; and
- paragraphs 22 and 24 of Telecom Decision 2002-13.

Accessibility obligations

Resellers are to make available information on dialing plan changes¹⁹ in alternative formats for persons with visual impairments, upon request, in a manner consistent with the dialing plan changes information requirement.

Reference decision/order/letter

See paragraph 21 of Telecom Regulatory Policy 2010-132.

Accessibility obligations

Competitive payphone service providers, as a condition of entering the local payphone market, are to abide by the following:

- (a) provision of coinless and cardless access to 9-1-1, or access to emergency call routing by an operator accessed by dialling 0 at a pay telephone. Where required by civic authorities, provision of a list of detailed pay telephone locations to the enhanced 9-1-1 administrator;²⁰
- (b) provision of MRS;
- (c) provision of 6-1-1 or another number for reporting telephone trouble;
- (d) provision of non-discriminatory access to the networks of all alternate providers of long distance services connected to the underlying local exchange carrier network, if long distance calling is permitted;
- (e) posting on or near the pay telephone of the company name, address, and toll free number where information can be obtained and complaints addressed;
- (f) posting the Commission's address and toll-free number (1-877-249-CRTC) on all pay telephone equipment, to ensure that consumers have direct recourse to facilitate the resolution of unresolved complaints;

¹⁹ Dialing plan changes refer to the transition from 7- to 10-digit dialing.

²⁰ This obligation must be retained in the Canadian carriers' tariffs, service contracts, and other arrangements, as per Telecom Regulatory Policy 2016-12.

- (g) operator services, if provided (other than emergency services access and MRS), that are in compliance with Telecom Order 95-316 as well as with procedures that evolve from the CISC;²¹
- (h) prominent display, at each pay telephone location, of the following information: rates of local calls, the name of the default long distance service provider, and any surcharges not included in the price of the call;²²
- (i) provision for coin return for uncompleted calls, such as busy signals or no answer if coin access is applicable, and similarly if a card is used, alternately billed charges must not apply if the call is not connected to the called party;
- (j) standard arrangement of letters as well as numbers provided on the dial in order to permit callers to reach their service provider of choice through the use of commonly used vanity access sequences;
- (k) all pay telephones are to meet existing and future customer-specific arrangements and the Terminal Attachment Program Advisory Committee standards to prevent network harm;
- (l) all pay telephones are to be accessible to the physically disabled, hearing aid compatible, and meet the standards established in Telecom Order 98-626 for provisioning of service to visually impaired consumers; and
- (m) adherence to all applicable Commission rules concerning protection of customer privacy.

Reference decision/order/letter

See Telecom Decision 98-8 –III ISSUES, B. Consumer Safeguards, and C. Mechanism to Ensure Enforceability of Safeguards.

Privacy

Privacy obligations

Resellers of telecommunications services are to comply with the following consumer safeguard obligations:²³

the authorization and dispute procedures set out in CISC consensus report CTRE002a;²⁴

²¹ This obligation was addressed in the proceeding initiated by Telecom Notice of Consultation 2016-103 and the subsequent Telecom Regulatory Policy 2016-295 (regarding the application of certain consumer safeguards directly to competitive payphone service providers).

²² See previous footnote.

²³ In [CISC report CTRE015a](#), consumer safeguards are defined as follows: authorization and dispute procedures (see CISC report CTRE002a); privacy/protection of customer information (see paragraph 289 of Telecom Decision 97-8 and paragraph 288 where practical, to be reviewed on a case-by-case basis where not practical); information provided to consumers prior to service installation and upon request (see paragraphs 292 and 293 of Telecom Decision 97-8).

the provision of information to consumers prior to service installation and upon request (consistent with paragraphs 292 and 293 of Telecom Decision 97-8);

- upon request, the following information:
 - 1) local calling area boundaries;
 - 2) details of all service options, with applicable prices;
 - 3) details of all potentially applicable service charges;
 - 4) policy on access to enhanced service providers;
 - 5) available special needs services; and
 - 6) information respecting privacy, including the company's responsibilities with regard to protecting the confidentiality of customer records.

- prior to service installation, the following information:
 - 1) billing frequency and payment policy;
 - 2) disconnection policy;
 - 3) security deposit policy;
 - 4) policy on directories;
 - 5) the name and address of the company providing service to the customer;
 - 6) a toll-free telephone number from which the customer can obtain further information or lodge a complaint;
 - 7) billing date;
 - 8) due date for payment;
 - 9) interest rate applicable to late payments;
 - 10) the information contained in section 3 above²⁵ with respect to access to 9-1-1 service and MRS, including customer charges, if any;²⁶ and
 - 11) the information contained in section 4²⁷ with respect to safety and privacy protection.

Resellers of telecommunications services, including resellers of Internet services and local VoIP service providers, are

- a) to the extent technically feasible, to abide by the following confidentiality provisions:

²⁴ This report is contained in [SEP2RPTB.DOC](#), which includes reports CTRE001a to CTRE016a. Those reports have been incorporated into Schedule H of the [Master Agreement for Interconnection](#) between local exchange carriers, which was approved in the Commission's [8 December 1998 Letter Decision](#).

²⁵ Section 3 refers to paragraphs 283 to 287 of Telecom Decision 97-8.

²⁶ This obligation is addressed in Telecom Regulatory Policy 2016-12.

²⁷ Section 4 refers to paragraphs 288 and 289 of Telecom Decision 97-8.

- All existing and future regulatory requirements designed to protect customer privacy. These include the following:
 - 1) delivery of the privacy indicator when invoked by an end-customer;
 - 2) provision of automated universal per-call blocking of calling line identification;
 - 3) provision of per-line call display blocking to qualified end-customers;
 - 4) disallowance of Call Return to a blocked number;
 - 5) enforcement of the Commission's restrictions on Automatic Dialing-Announcing Devices, Automatic Dialing Devices, and unsolicited facsimiles applicable in the incumbent local exchange carrier territory where they operate; and
 - 6) provision of universal Call Trace;

and

- b) required, at a minimum, to abide by Commission rules regarding the confidentiality of customer information established in Telecom Decision 86-7, as modified from time to time.

Unless a customer provides express consent or disclosure is pursuant to a legal power, all information kept by the company regarding the customer, other than the customer's name, address, and listed telephone number, is confidential and may not be disclosed by the company to anyone other than

- the customer;
- a person who, in the reasonable judgment of the company, is seeking the information as an agent of the customer;
- another telephone company, provided the information is required for the efficient and cost-effective provision of telephone service and disclosure is made on a confidential basis with the information to be used only for that purpose;
- a company involved in supplying the customer with telephone or telephone directory related services, provided the information is required for that purpose and disclosure is made on a confidential basis with the information to be used only for that purpose;
- an agent retained by the company in the collection of the customer's account, provided the information is required for and is to be used only for that purpose;
- a public authority or an agent of a public authority, for emergency public alerting purposes, if a public authority has determined that there is an imminent or unfolding danger that threatens the life, health, or security of an individual and that the danger could be avoided or minimized by disclosure of information; or
- an affiliate involved in supplying the customer with telecommunications services, provided the information is required for that purpose and disclosure is made on a confidential basis with the information to be used only for that purpose.

Express consent may be taken to be given by a customer where the customer provides the following:

- written consent;
- oral confirmation verified by an independent third party;
- electronic confirmation through the use of a toll-free number;
- electronic confirmation via the Internet;
- oral consent, where an audio recording of the consent is retained by the carrier; or
- consent through other methods, as long as an objective documented record of customer consent is created by the customer or by an independent third party.

Reference decision/order/letter

See the following:

- paragraph 10 of the [1 February 2000 Letter Decision](#), in which the Commission approved CISC consensus report [CTRE015a](#);²⁸
- paragraphs 49 and 51²⁹ of Telecom Decision 2003-33;
- paragraph 1 of Telecom Decision 2003-33-1;
- paragraphs 22 and 23³⁰ of Telecom Decision 2004-27;
- paragraphs 29 and 31 of Telecom Decision 2005-15;
- paragraph 306 of Telecom Decision 2005-28;
- paragraph 78 of Telecom Decision 2007-13;³¹
- paragraphs 75, 76, and 77 of Telecom Decision 2007-109; and
- paragraph 21 of Telecom Regulatory Policy 2009-723.

²⁸ This report refers to paragraphs 288 and 289 of Telecom Decision [97-8](#). Paragraph 289 refers to the Commission rules regarding confidentiality established in Telecom Decision [86-7](#), as amended by Telecom Order 86-593 and as modified from time to time.

²⁹ In paragraph 51 of Telecom Decision [2003-33](#), the Commission directed Canadian carriers to include, on a going-forward basis, provisions reflecting the direction given in paragraph 49 in customer service contracts and other arrangements for all forborne services, except forborne mobile wireless services that are not switched (affected forborne services). These provisions apply to all existing customers of affected forborne services, regardless of whether the provisions were included in the service contracts or other arrangements entered into by those customers.

³⁰ In paragraph 23 of Telecom Decision 2004-27, the Commission determined that these confidentiality provisions apply, effective the date of that decision, to all existing service contracts and other arrangements between Canadian carriers and resellers, regardless of whether the provisions were included in the service contracts or other arrangements entered into by those resellers.

³¹ This underlying carrier requirement was not part of the proceeding that resulted in Telecom Regulatory Policy 2016-12.

Privacy obligations

Local VoIP service providers are to obtain, prior to the commencement of service, the customer's express acknowledgement of the extent to which the privacy safeguards are not available with their local VoIP services.

Express acknowledgement may be taken to be given by a customer where the customer provides

- written acknowledgement;
- oral confirmation verified by an independent third party;
- electronic confirmation through the use of a toll-free number;
- electronic confirmation via the Internet;
- oral acknowledgement, where an audio recording of the acknowledgement is retained by the carrier; or
- acknowledgement through other methods, as long as an objective documented record of customer acknowledgement is created by the customer or by an independent third party.

Reference decision/order/letter

See paragraphs 308 and 309 of Telecom Decision 2005-28.

Privacy obligations

Secondary Internet service providers (ISPs) are to abide by the requirements set out in Telecom Regulatory Policy 2009-657 regarding any Internet traffic management practices they employ. Secondary ISPs are not to use for other purposes personal information collected for the purpose of traffic management and are not to disclose such information.

Reference decision/order/letter

See paragraphs 50 and 104 of Telecom Regulatory Policy 2009-657.

Customer transfers**Customer transfer obligations**

Resellers providing local exchange services are required to release telephone numbers for porting where customers move to other providers, i.e. customers are to be allowed to retain (and port, where required) their numbers in the same manner as customers of local exchange carriers.

Reference decision/order/letter

See the Conclusions/Recommendations in CISC consensus report [CTRE006b](#),³² approved in the Commission's [8 April 1999 Letter Decision](#).

Customer transfer obligations

VoIP service resellers, wireless resellers, and mobile virtual network operators are to support the porting in and out of telephone numbers.

Reference decision/order/letter

See paragraph 214 of Telecom Decision 2005-28 and paragraph 38 of Telecom Decision 2005-72.

Customer transfer obligations

Resellers of local exchange services are to follow the industry process maps for customer migration involving resale, as set out in CISC's related consensus report.

Reference decision/order/letter

See CISC consensus report [BPRE006a](#), approved in the Commission's [16 May 2000 Letter Decision](#).

Customer transfer obligations

Any TSPs, ISPs, and resellers are to abide by customer transfer and service cancellation requests from a prospective new service provider acting on behalf of a customer.

Reference decision/order/letter

See paragraph 28 of Broadcasting and Telecom Regulatory Policy 2011-191.

Internet traffic management practices (ITMPs)

ITMP obligations

Secondary ISPs or ISPs (resellers offering and providing Internet services) are to abide by paragraphs 50 and 104 of Telecom Regulatory Policy 2009-657.

Secondary ISPs are not to use for other purposes personal information collected for the purpose of traffic management and are not to disclose such information.

Secondary ISPs are to disclose to their retail customers, clearly and prominently on their websites, information related to their technical ITMPs. The ISP must also reference its

³² See footnote 18.

online disclosures in relevant marketing materials, customer contracts, and terms of service. Online disclosure should include the following information:

- why ITMPs are being introduced;
- who is affected by the ITMP;
- when Internet traffic management will occur;
- what type of Internet traffic (e.g. application, class of application, protocol) is subject to management; and
- how the ITMP will affect a user's Internet experience, including specific impact on speeds.

Disclosures on the websites of ISPs are to be made in a manner consistent with the accessibility determinations outlined in Broadcasting and Telecom Regulatory Policy 2009-430, such that the information disclosed is made accessible for persons with disabilities to the point of providing a reasonable accommodation.

The ITMP policy framework set out in Telecom Regulatory Policy 2009-657 applies to the use of mobile wireless data services to provide Internet access.

Reference decision/order/letter

See the following:

- paragraphs 50, 66, 67, and 104 of Telecom Regulatory Policy 2009-657 (disclosure requirements are set out in section III); and
- paragraphs 10 and 11 of Telecom Decision 2010-445.

Wireless Code

Wireless Code obligations

Resellers of wireless services are to adhere to the rules set out in the Wireless Code.

Reference decision/order/letter

See paragraph 395 and Appendix 1 of Telecom Regulatory Policy 2013-271.

Service cancellation

Service cancellation obligations

Resellers of retail local voice services, including VoIP, and/or Internet services, are to abide by the following requirement:

Cancellation date

- Customers may cancel their contract at any time by notifying their service provider.

- Cancellation takes effect on the day that the service provider receives notice of the cancellation.

Pursuant to Broadcasting and Telecom Regulatory Policy 2011-191, Canadian carriers must accept a customer cancellation request from a prospective new service provider on behalf of a customer.

Reference decision/order/letter

See paragraph 41 of Broadcasting and Telecom Regulatory Policy 2014-576.

National Do Not Call List

National Do Not Call List obligations

Resellers are required to disconnect the telecommunications service of a telemarketer that has violated the Unsolicited Telecommunications Rules (UTRs) upon direction from the Commission.³³

A reseller of Centrex service shall make all reasonable efforts to ensure that subscribers and end-users of the Centrex service do not employ the Centrex call transfer feature to transmit telemarketing telecommunications.³⁴

Reference decision/order/letter

See paragraphs 548 and 550 of the UTRs framework set out in Telecom Decision 2007-48, as well as Part III, section 7 of the [UTRs](#).

Registration

Registration obligations

Resellers are to register with the Canadian carrier and the Commission prior to receiving service.

³³ In Telecom Decision [2004-35](#), the Commission imposed the condition that all interexchange carriers, wireless service providers, and competitive local exchange carriers, pursuant to section 24 of the *Telecommunications Act*, as a condition of offering and providing telecommunications services, adhere to the new rules set out in that decision. The Commission noted that these new requirements were in addition to the existing requirements imposed on these service providers in Order [2001-193](#). The Commission also reminded all local exchange carriers that they were required, as a condition of providing service to resellers wherever they operate, to include a contractual stipulation that would oblige resellers to adhere to the additional rules set out in Telecom Decision 2004-35.

³⁴ Paragraph 550 has effectively been eliminated, since this condition has been overtaken by Part III, section 7 of the UTRs, which indicates that “a reseller of Centrex service shall make all reasonable efforts to ensure that subscribers and end-users of Centrex service do not employ the Centrex call transfer feature to transmit telemarketing telecommunications.”

Reference decision/order/letter

See Telecom Decision 92-12.

Registration obligations

All local VoIP service providers that are not operating as Canadian carriers are to register with the Commission as resellers, as a condition of obtaining services from a Canadian carrier or another TSP.

Reference decision/order/letter

See paragraph 204 of Telecom Decision 2005-28.