



## Telecom Decision CRTC 2017-186

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Reference: Telecom Decision 2016-453

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### **Coalition pour le service 9-1-1 au Québec – Request to review and vary certain determinations in Telecom Decision 2016-453 regarding wireless Phase II Enhanced 9-1-1 service**

*The Commission **denies** an application by la Coalition pour le service 9-1-1 au Québec to review and vary certain determinations set out in Telecom Decision 2016-453 regarding compliance with the wireless Phase II Enhanced 9-1-1 service obligations for incumbent local exchange carriers that provide stand-alone primary exchange service over a mobile wireless network. In particular, the Commission confirms that fixed wireless primary exchange services were not included in Telecom Decision 2016-453.*

#### **Background**

1. In Telecom Decision 2016-453, the Commission confirmed that all incumbent local exchange carriers (ILECs) that provide stand-alone primary exchange service (PES) in forborne exchanges over a mobile wireless network<sup>1</sup> must provide (i) wireless Phase II Enhanced 9-1-1 (E9-1-1) service, wherever a public safety answering point (PSAP) supports E9-1-1 service,<sup>2</sup> and (ii) wireless Basic 9-1-1 service, wherever a PSAP supports Basic 9-1-1 service.
2. In that decision, the Commission noted that it had already established the obligations related to 9-1-1 service regarding mobile wireless voice services. It indicated that, given the mobile nature of wireless voice services, it had determined in Telecom Decision 2003-53 that it was appropriate for wireless carriers to detect a wireless 9-1-1 caller's actual location and transmit that information to the PSAP where the emergency situation was located, rather than to enter the subscriber's home address in the Automatic Location Identification (ALI) database, which was the practice used for traditional wireline voice services.

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<sup>1</sup> As stipulated in Telecom Regulatory Policy 2011-291, ILECs can meet their obligation to provide stand-alone PES in forborne exchanges by using mobile wireless voice services.

<sup>2</sup> The main Phase II obligation is that wireless service providers are to provide a 9-1-1 caller's latitude and longitude coordinates to PSAPs and are not required to comply with the Phase I Automatic Location Identification (ALI) database approach used for wireline 9-1-1 service.

3. The Commission stated that to the extent that ILECs fulfill their obligation to provide stand-alone PES through mobile wireless voice services, they must comply with the wireless Phase II E9-1-1 service obligations where E9-1-1 service is supported by the PSAP, as is required of all wireless service providers, wherever E9-1-1 service is provided.

## **Application**

4. On 23 December 2016, la Coalition pour le service 9-1-1 au Québec (la Coalition) filed an application pursuant to section 62 of the *Telecommunications Act* (the Act), requesting that the Commission review and vary Telecom Decision 2016-453. Specifically, la Coalition asked the Commission to review that decision in order to (i) exempt from the decision fixed wireless stand-alone PES provided using a wireless local loop, and (ii) maintain and clarify current obligations regarding the routing of 9-1-1 calls made by a fixed wireless subscriber, which should include the provision of ALI data.
5. La Coalition submitted that there is substantial doubt as to the correctness of Telecom Decision 2016-453, which, it claimed, involves errors in fact regarding the safety of fixed wireless stand-alone PES subscribers who have been incorrectly treated as mobile wireless stand-alone PES subscribers.
6. The Commission received interventions regarding la Coalition's application from Bell Canada, Peel Regional Police, the Public Interest Advocacy Centre (PIAC), and TELUS Communications Company (TCC). The public record of this proceeding, which closed on 17 February 2017, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the file number provided above.

## **Issue**

7. In Telecom Information Bulletin 2011-214, the Commission outlined the criteria it would use to assess review and vary applications filed pursuant to section 62 of the 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 (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.
8. The Commission has identified the following issue to be addressed in this decision: Is there substantial doubt as to the correctness of Telecom Decision 2016-453?

## **Is there substantial doubt as to the correctness of Telecom Decision 2016-453?**

9. In its application, la Coalition made the following main arguments:
  - because it had not been informed of the proceeding that led to Telecom Decision 2016-453, it had not been able to participate in order to raise certain basic principles, which appear not to have been considered or assessed;
  - the Commission committed an error in fact by treating fixed wireless stand-alone PES subscribers as mobile wireless stand-alone PES subscribers, whereas the former group has always been treated the same way as wireline voice service subscribers for the purpose of the transmission of information to the PSAP during 9-1-1 calls; and
  - if the decision stands, it will constitute a framework change, with potentially negative effects on the safety of fixed wireless stand-alone PES subscribers making 9-1-1 calls, in the absence of a full consideration of all associated issues by the Commission.
10. Peel Regional Police supported la Coalition's application, and PIAC submitted comments generally supporting the application.
11. Bell Canada and TCC submitted that Bell Canada's original application, which initiated the proceeding that led to Telecom Decision 2016-453, was concerned only with the treatment of 9-1-1 calls with respect to ILECs providing mobile wireless voice services; it did not contain any references to fixed wireless services. Bell Canada submitted that it did not intend to include fixed wireless services in the consideration of its application. TCC submitted that la Coalition's application has nothing to do with Telecom Decision 2016-453 and that the Commission did not commit an error in law or in fact with respect to that decision. Accordingly, TCC expressed the view that la Coalition's application should be denied.

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

12. With respect to la Coalition's argument that it was not notified of the proceeding that led to Telecom Decision 2016-453, the Commission considers that there was no breach of the principle of natural justice and procedural fairness. Bell Canada's application was published pursuant to Part 1 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, and la Coalition had the opportunity to put forth its arguments, as did all other interested persons.

13. Regarding la Coalition's argument that the Commission committed an error in fact by treating fixed wireless stand-alone PES subscribers as mobile wireless stand-alone PES subscribers without considering the issue of fixed stand-alone PES, the Commission confirms that it did not commit such an error, for the following reasons:
- Bell Canada's original application specifically concerned obligations with respect to mobile wireless services for the provision of stand-alone PES in forborne exchanges; it did not make any mention of fixed wireless stand-alone PES; and
  - Bell Canada's intervention in the current proceeding, which was supported by TCC's intervention, confirmed that Bell Canada did not intend to include fixed wireless stand-alone PES in the consideration of its original application.
14. The Commission did not need to consider fixed wireless stand-alone PES because it was not part of the scope of the proceeding that led to Telecom Decision 2016-453. Therefore, the inclusion of information in the ALI database for subscribers to fixed wireless stand-alone PES, as with wireline voice services, remains unchanged, and la Coalition's remaining allegations regarding this issue are moot.
15. In light of the above, the Commission determines that there is no substantial doubt as to the correctness of Telecom Decision 2016-453 and that la Coalition has not demonstrated that the Commission committed an error in law or in fact on the basis of the alleged facts. The Commission therefore **denies** la Coalition's application.

Secretary General

### **Related documents**

- *Bell Canada – Application regarding compliance with the wireless Phase II Enhanced 9-1-1 obligations for incumbent local exchange carriers that provide stand-alone primary exchange service over a mobile wireless network*, Telecom Decision CRTC 2016-453, 16 November 2016
- *Obligation to serve and other matters*, Telecom Regulatory Policy CRTC 2011-291, 3 May 2011, as amended by Telecom Regulatory Policy CRTC 2011-291-1, 12 May 2011
- *Revised guidelines for review and vary applications*, Telecom Information Bulletin CRTC 2011-214, 25 March 2011
- *Conditions of service for wireless competitive local exchange carriers and for emergency services offered by wireless service providers*, Telecom Decision CRTC 2003-53, 12 August 2003, as amended by Telecom Decision CRTC 2003-53-1, 25 September 2003