



Compliance and Enforcement and Telecom Notice of Consultation CRTC 2017-405-1

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Reference: [2017-405](#)

Ottawa, 13 June 2018

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Call for comments

Implementation of universal blocking of calls with blatantly illegitimate caller identification

Revisions to process

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With this notice, the Commission provides its determinations with respect to Bell Canada's 8 January 2018 request for, among other things, changes to the scope of the current proceeding and direction concerning confidentiality claims made by certain parties to the proceeding. Given these determinations, the Commission revises the procedural dates established in Compliance and Enforcement and Telecom Notice of Consultation [2017-405](#).

Bell Canada's request for procedural and other directions re Compliance and Enforcement and Telecom Notice of Consultation 2017-405

1. On 16 November 2017, the Commission issued Compliance and Enforcement and Telecom Notice of Consultation [2017-405](#) seeking comments on, among other things, its proposal to require telecommunications service providers (TSPs), as a condition of providing retail voice telecommunications services, to implement mandatory network blocking of calls with malformed telephone numbers and where the calling and called number are the same number.
2. On 8 January 2018, Bell Canada filed a procedural letter requesting changes to the scope of the current proceeding (the Notice of Consultation 2017-405 proceeding), as well as to the process in view of confidentiality concerns. Specifically, Bell Canada requested that the Commission
 - conduct the remainder of the current and all future regulatory proceedings dealing with spoofing within a confidential CRTC Interconnection Steering Committee (CISC) working group;

- expand the scope of the Notice of Consultation 2017-405 proceeding to include an update to the Commission from TSPs on their progress towards implementing a spoofing filtering solution in accordance with the Commission-suggested “best practices;”
 - provide direction on (i) confidentiality claims made by, among others, Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink), and Saskatchewan Telecommunications (SaskTel), in respect of their 18 December 2017 interventions, and (ii) how Bell Canada should provide its 18 December 2017 intervention to counsel for Canadian Network Operators Consortium Inc. (CNOc); and
 - suspend the original 22 January 2018 deadline for final reply in the current proceeding.
3. On 9 January 2018, CNOc filed in confidence a letter expressing the same concerns as outlined by Bell Canada. On 10 January 2018, Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron), filed in confidence a letter supporting the submissions made by Bell Canada.
 4. By letter dated 18 January 2018, Commission staff requested that Bell Canada, CNOc, and Videotron file abridged versions of their respective letters on the public record of this proceeding. CNOc filed its letter on the public record and Videotron filed an abridged version of its letter on the public record.
 5. Then, in a [31 January 2018](#) letter from Commission staff, Bell Canada and Videotron were asked to file unabridged versions of their letters on the public record by 2 February 2018. All parties to the proceeding had an opportunity to comment on Bell Canada’s procedural requests by 9 February 2018, and Bell Canada had the right to file a reply by 14 February 2018.
 6. In addition to comments from CNOc and Videotron as noted above, responses to Bell Canada’s requests were filed by Cogeco Communications Inc. (Cogeco), Rogers Communications Canada Inc. (RCCI), SaskTel, and TELUS Communications Inc. (TCI), all of which supported Bell Canada’s procedural requests. Bell Canada filed reply comments on 14 February 2018.
 7. Bell Canada’s procedural requests are addressed in detail below.

Should the balance of the current proceeding and all future proceedings related to spoofing be conducted within a confidential CISC working group?

8. Bell Canada requested that all proceedings dealing with spoofing, including the balance of the Notice of Consultation 2017-405 proceeding, be conducted within a CISC working group. As part of this request, Bell Canada proposed that the Commission should introduce security and identification verification safeguards that would allow it to verify the legitimacy of all participants in such proceedings. Further,

Bell Canada argued that all discussions and documents exchanged within any such CISC working group should be secured by way of mutually executed Non-Disclosure Agreements. In Bell Canada's view, implementation of such measures would create a secure environment that would reduce the risk of publicly alerting spoofer to new regulatory or other measures, which could potentially enable them to adjust and defeat such measures, to the detriment of Canadian consumers and TSPs.

Commission's analysis and determinations

9. The proceeding leading to Compliance and Enforcement and Telecom Regulatory Policy 2016-442 dealt with, among other things, network-level call blocking. In that decision, the Commission stated that it expected TSPs to implement network blocking of nuisance calls with blatantly illegitimate caller identification (caller ID) and requested that CISC file a report identifying the implementation issues and mitigation measures for the types of telephone numbers subject to network blocking.
10. The CISC Network Working Group subsequently submitted a consensus report that recommended that network-level call blocking not be implemented. In response to that report, the Commission issued Compliance and Enforcement and Telecom Notice of Consultation 2017-405, in which it stated that it remained of the view that universal blocking applied at the network level for some forms of blatantly illegitimate caller ID would be an effective mechanism to reduce unwanted illegitimate calls from reaching telephone subscribers and should be implemented in Canadian TSPs' networks. Further, the Commission stated that it is prepared to take further regulatory measures if TSPs do not take adequate steps so that Canadians are protected from receiving blatantly illegitimate calls.
11. Accordingly, the Commission, as part of this proceeding, called for comments on whether all TSPs should be required to implement this form of call blocking as a condition of providing retail voice telecommunications services, pursuant to sections 24 and 24.1 of the *Telecommunications Act*. The Commission also sought comments on issues related to the implementation of conditions such as mitigation measures to avoid unintended consequences, notification and disclosure measures, redress mechanisms, and monitoring methodologies. The essential issue in the current process is thus a policy one: whether such call blocking ought to be imposed as a condition of service, and in what circumstances.
12. The Commission considers that the general policy issue concerning the implementation of network-level call blocking, and the related issues concerning mitigation measures to avoid unintended consequences, notification and disclosure measures, redress mechanisms, and monitoring methodologies are issues of interest to consumers. As such, these general policy issues should be discussed in a public forum to allow for input from the public who will be affected by any measures implemented. Furthermore, this approach is consistent with the manner in which network-level call blocking has been examined by the Commission to date: in a public process, subject to existing provisions governing the filing of confidential information.

13. Moreover, the mandate of CISC pertains solely to technological, administrative, and operational issues. As such, CISC has been used as a forum for resolving details required to implement the Commission's policy determinations. CISC is not an appropriate forum in which to determine policy matters, which matters should be determined by the Commission in the public interest. Moreover, to date, network-level call blocking has been discussed and examined on the public record, subject to existing provisions governing the filing of confidential information.
14. In light of the above, the Commission concludes that the policy issue in this proceeding cannot appropriately or efficiently be resolved within CISC. Furthermore, it would not be appropriate to exclude interested parties, other than TSPs, from participation in this proceeding, and to examine the issues entirely in confidence. As set out below, the Commission considers that issues of confidentiality can adequately be dealt with in the context of a public proceeding. The Commission therefore **denies** Bell Canada's request for the balance of the current proceeding and all future proceedings related to spoofing be conducted within a confidential CISC working group.

Should the scope of the Notice of Consultation 2017-405 proceeding be expanded?

15. Bell Canada requested, both in its 18 December 2017 intervention, and again in its procedural request, that the scope of this proceeding be expanded to include updates from parties on their progress towards soliciting proposals for call-filtering solutions, and to suspend the current proceeding in order to provide time to investigate a more comprehensive and effective approach to reducing spoofing using the call-filtering best practices identified in Compliance and Enforcement and Telecom Regulatory Policy 2016-442 . Bell Canada submitted that this would be the best way for the Commission to obtain the most holistic update on all matters relevant to the prevention of spoofing, including the relative merits of the blocking proposals in comparison with the potential for call filtering to better address those concerns.

Commission's analysis and determinations

16. Call filtering was examined in the proceeding leading to Compliance and Enforcement and Telecom Regulatory Policy 2016-442. In that decision, the Commission set out the best practices that should be used by TSPs for their call-filtering services and directed TSPs that provide retail voice services to file reports outlining their current or proposed call-filtering services.
17. Approximately 25 TSP reports were filed with the Commission in May/June 2017. The reports indicated that call-filtering services are not generally available to consumers.
18. Call-filtering services have thus already been examined in a previous proceeding. Furthermore, the Commission considers that expanding the scope of the current proceeding, with a corresponding suspension of the process, would delay consideration of the specific issue of whether, and in what circumstances, network-

level blocking of calls with blatantly illegitimate caller ID should be required as a condition of providing telecommunications services.

19. Nevertheless, to the extent parties consider that developments in call filtering are relevant to whether the Commission ought to mandate network-level call blocking, the parties can make any such arguments in their submissions in this proceeding.
20. In light of the above, the Commission **denies** Bell Canada's request to expand the scope of the proceeding.

What direction is necessary on confidentiality claims made by TSPs?

21. Bell Canada noted that Eastlink and SaskTel filed the entirety of their submissions in confidence, making it impossible for it and other parties to respond to them. Other parties claimed confidentiality in respect of substantial portions of their interventions. Bell Canada requested Commission direction regarding obtaining confidential (or redacted) versions of these submissions, and as to how it should respond to CNOC's request for a copy of Bell Canada's redacted confidential intervention.

Commission's analysis and determinations

22. CNOC, RCCI, SaskTel, TCI, and Videotron agreed that there is a need for confidentiality to protect against disclosure of information that could be used by nuisance callers to avoid the control measures put in place. However, CNOC disagreed that Non-Disclosure Agreements are necessary as long as the parties receiving the confidential information are TSPs or an organization such as CNOC representing the interests of various TSPs.
23. The Commission notes that this proceeding is not dealing with any new ways to diminish nuisance calls. Moreover, as noted above, the issue of network-level call blocking has already been examined in the public proceeding that led to the issuance of Compliance and Enforcement and Telecom Regulatory Policy 2016-442, and subsequently the issuance of Compliance and Enforcement and Telecom Notice of Consultation 2017-405.
24. Much of the information in respect of which confidentiality has been claimed has thus already been discussed in other proceedings, or is otherwise in the public domain. For example, the types of numbers to be blocked (in a general sense) were discussed in the proceeding initiated by Compliance and Enforcement Notice of Consultation [2015-333](#), and various nuisance call reduction methodologies were also discussed. Accordingly, the Commission considers that there is no justification to retain in confidence entire interventions, or even substantial portions of interventions.
25. The Commission agrees that it would not, however, be in the public interest to make available on the public record of this proceeding data or statements that are not otherwise publicly available and that could be used to the benefit of nuisance callers. In addition, some interventions contained information that is typically accorded confidentiality in Commission proceedings.

26. More specifically, the Commission considers that the public interest does not require disclosure on the public record of this proceeding information, not otherwise available publicly, regarding

- specific customer difficulties;
- specific numbers to be blocked;
- specific number of blocked calls;
- details of specific blocking measures;
- network or otherwise proprietary information; and
- competitively sensitive information.

27. Accordingly, the Commission **directs** parties to this proceeding to refile their interventions, where necessary, on the public record, with abridged versions in accordance with the guidance provided above, no later than **20 June 2018**. Parties are reminded that, in accordance with the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, in support of any such request for confidentiality, parties must provide reasons, with any supporting documents, as to why disclosure of the information on the public record would not be in the public interest, including why the specific direct harm that would likely result from the disclosure would outweigh the public interest.

28. Requests for disclosure of information in respect of which confidentiality is claimed and that does not fall within the categories of confidential information identified in paragraph 26 above, may be filed no later than **28 June 2018**, serving a copy of such request on the party claiming confidentiality. Responses by parties claiming confidentiality may be filed by **4 July 2018**, serving copies on those parties making the disclosure request.

29. The Commission notes that Bell Canada and RCCI provided to TSPs redacted copies of their confidential interventions. Bell Canada sought direction from the Commission regarding obtaining confidential filings by other parties, and regarding the request by CNOC for a copy. The Commission considers that providing confidential versions of submissions to parties for legitimate purposes serves the public interest by limiting disclosure of information that could be used to undermine industry attempts to address illegitimate nuisance calls. Accordingly, all parties that have not already done so are to provide a confidential version of their interventions, redacted where necessary to protect personal, proprietary, or competitively sensitive information such as disaggregated costing information, to CNOC and to TSPs registered with the Commission that are parties to this proceeding, upon request. Other parties may file a request with the Commission no later than **20 June 2018** to obtain such abridged versions. Parties receiving a confidential version of a submission shall sign a confidentiality undertaking to treat as confidential all information in the submission

that is not on the public record of this proceeding and not to use or permit the use of the confidential information contained in the submission for any purpose other than the party's participation in this proceeding, and not to disclose such information to any other person for any other purpose, without the express written consent of the party that authored the document.

What change should be made to the original 22 January 2018 deadline for final reply in the current proceeding?

30. In conjunction with its request to expand the scope of this proceeding, Bell Canada asked the Commission to suspend the original 22 January 2018 deadline for the filing of final reply comments.

Commission's analysis and determinations

31. As set out above, the scope of the proceeding will not be expanded to include updates on the implementation of a call-filtering solution, so there is no reason to suspend the completion of this proceeding.

32. Accordingly, the process set out in paragraph 31 of Compliance and Enforcement and Telecom Notice of Consultation [2017-405](#) for the filing of reply comments is amended, such that all parties who filed interventions pursuant to paragraph 29 of Compliance and Enforcement and Telecom Notice of Consultation [2017-405](#) may file replies to other interventions by **16 July 2018, or 10 business days from the Commission's disposition of requests for disclosure, if any such requests are received.**

Secretary General

Related documents

- *Implementation of universal blocking of calls with blatantly illegitimate caller identification*, Compliance and Enforcement and Telecom Notice of Consultation CRTC 2017-405, 16 November 2017
- *Empowering Canadians to protect themselves from unwanted unsolicited and illegitimate telecommunications*, Compliance and Enforcement and Telecom Regulatory Policy CRTC 2016-442, 7 November 2016
- *Empowering Canadians to protect themselves from unsolicited and illegitimate telemarketing calls*, Compliance and Enforcement Notice of Consultation CRTC 2015-333, 23 July 2015; as amended by Compliance and Enforcement Notices of Consultation CRTC 2015-333-1, 17 August 2015; and 2015-333-2, 5 January 2016