

**BEFORE THE CANADIAN RADIO-TELEVISION AND
TELECOMMUNICATIONS COMMISSION**



TELUS COMMUNICATIONS INC.

Telecom Notice of Consultation CRTC 2023-156

Call for comments – Enabling direct 9-1-1 and 9-8-8 calls from multi-line telephone systems

Reply

July 7, 2023

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1. Executive Summary

1. TELUS Communications Inc. (“TELUS”) files this reply in accordance with the procedures set out in Telecom Notice of Consultation CRTC 2023-156 - *Call for comments - Enabling direct 9-1-1 and 9-8-8 calls from multi-line telephone systems* (“TNC 2023-156”).¹
2. In TNC 2023-156, the Commission raises concerns that some multi-line telephone systems (“MLTS”) do not have the ability to place direct dialed calls to 9-1-1 and 9-8-8 and might not provide accurate location for 9-1-1 calls. It seeks comments on whether regulatory intervention is necessary to alleviate “confusion, uncertainty and delay”² with respect to these issues.
3. In this reply, TELUS will address the positions of parties that both support and oppose TELUS. TELUS does not reply to every topic or statement made in the interventions but instead focuses on a few key areas. The failure of TELUS to address any issue or statement raised in the interventions of other parties should not be construed to mean that TELUS agrees or accepts such issue or statement, where such agreement or acceptance would be contrary to TELUS’ interests.
4. In section 2, TELUS explains that public safety concerns regarding the inability for an MLTS to directly dial 9-1-1 or 9-8-8 without first dialing an outside line access code are not nearly as common as they might have been in the past. Therefore, prior to implementing any regulatory measures on this issue, the Commission should examine 9-1-1 calling patterns to determine what percentage of calls originate from wireless versus wireline services, and of the wireline calls, how many originate from MLTS versus other wireline services. In this way, the Commission should satisfy itself that there is, in fact, a problem to be solved here that merits regulatory intervention.

¹ Telecom Notice of Consultation CRTC 2023-156, *Call for comments – Enabling direct 9-1-1 and 9-8-8 calls from multi-line telephone systems*, 23 May 2023 (“TNC 2023-156”).

² TNC 2023-156, summary

5. In section 3, TELUS reiterates that the Commission should utilize its powers under section 32(b) of the *Telecommunications Act* (“the Act”) to regulate MLTS manufacturers, instead of using sections 24 and 24.1 to impose indirect regulation on carriers or telecommunications resellers. Given that Parliament has granted authority to the Commission to set regulations directly on MLTS manufacturers, it should use that path, rather than indirect regulation. As an alternative, the Commission could advocate to the Minister of Innovation, Science and Industry (“the Minister”) to use his powers under section 69.3 of the Act to establish technical specifications on MLTS that manufacturers of MLTS systems in Canada must follow. Either of these courses would impose direct regulation on MLTS manufacturers, thereby ensuring a consistent standard of technical requirements for all MLTS systems sold in Canada. It also gives direct enforcement power to either the Commission or the Minister under the Act to ensure that manufacturers are complying with the regulations.
6. Direct regulation is far superior to the indirect regulation imposed on carriers or resellers that the Commission was contemplating in TNC 2023-156. The indirect regulation would create gaps that would not ensure consistent technical specifications. It also has limited enforcement capability, in that the only means to effect compliance would be via breach of contract remedies sought by a carrier or reseller. Moreover, any breach of contract by an MLTS provider or customer would likely be unknown to a carrier or reseller because MLTS configuration is a function that does not require carrier or reseller involvement. Moreover, manufacturers of MLTS systems, the entities that could institute a complete technical solution to this issue, would also never face CRTC or government scrutiny for a serious public safety concern.
7. In section 4, TELUS clarifies why if the Commission were to impose any regulatory measures with respect to MLTS, those measures should not be applicable to already in place MLTS systems and explains why there must be a two-year transition period for any new regulations to come into force if the Commission issues new MLTS regulations.

8. Finally, in section 5, TELUS will address concerns raised by parties from the public safety answering point (“PSAP”) community³ regarding types of features and functionalities they consider necessary for MLTS systems to provide in the context of 9-1-1 and 9-8-8. Notably, these members of the PSAP community have proposed prohibiting screening of 9-1-1 calls by MLTS owners and a requirement for MLTS to provide accurate on campus location information and call back numbers.

2. It Is Not Clear that the Current 9-1-1 and 9-8-8 Dialing Presents a Concern that Warrants Commission Regulation

9. TELUS reiterates its position that the issues with respect to direct dialing to 9-1-1 and 9-8-8 are not nearly as prevalent in 2023 as they were in the past. Notably, the present landscape has shifted considerably since 2019.⁵ As a result of the COVID-19 pandemic, remote work has become more and more prevalent, leading to a material upswing in nomadic Voice over IP and cell phone usage and as a result, less reliance on-premises, non-nomadic MLTS. TELUS provided evidence in its intervention from the University of Toronto School of Cities⁴ that documented the downturn in activity in downtown cores.
10. Additionally, the universal availability of wireless services has further diminished Canadians and visitors to Canada’s use of MLTS.⁵ These are all dramatic shifts from 2019, when the Federal Communications Commission adopted Kari’s Law and the Section 506 of RAY BAUM’S Act.⁶ Accordingly, the Commission should carefully consider the level to which it adopts disruptive regulation in the MLTS space if such regulation would not provide the same scale of benefits that it might have even five years ago.
11. To compile a full record of this proceeding and prior to the Commission implementing any regulatory measures, TELUS proposes that the Commission examine 9-1-1 calling patterns to determine what percentage of calls originate from wireless versus wireline services, and of the wireline calls, how many originate from MLTS versus other wireline services. To

³ City of Calgary, London Police Services, BH Group, New Brunswick 9-1-1, OPP, Agence Municipale de financement et de développement des centres d’urgence 9-1-1- du Québec and the RCMP.

⁴ http://downtownrecovery.com/dashboards/recovery_ranking.html

⁵ Visitors to Canada would, for example use MLTS in the past as part of a hotel stay.

⁶ <https://www.fcc.gov/mlts-911-requirements>

gather these data, the Commission should pose requests for information to Canadian PSAPs. PSAPs keep detailed records of call sources and will be able to provide the Commission with a better understanding of the size of the problem to be addressed. In contrast, 9-1-1 network service providers do not have the information to determine the number of 9-1-1 calls that originate from MLTS. If the Commission determines that direct dialing to 9-1-1 and 9-8-8 from MLTS is a significant issue based on call records, it could impose regulations as described in section 3, below, that impose obligations on MLTS manufacturers under section 32(b) of the Act.

3. The Commission Should Use Direct Regulation from its Powers Under the Act Rather than Indirect Regulation

12. As noted in TELUS' intervention, the Commission incorrectly stated in TNC 2023-156 that it lacked jurisdiction to regulate MLTS manufacturers⁷. The Commission and many other parties failed to recognize that indirect regulation is unnecessary because there is a specific provision in the Act that provides the Commission the powers to regulate MLTS manufacturers directly. Section 32(b) of the Act states:

32. The Commission may, for the purposes of this Part,

...

(b) determine standards in respect of the technical aspects of telecommunications applicable to telecommunications facilities operated by or connected to those of a Canadian carrier

13. TELUS, Bell Canada, Rogers and SaskTel all agreed that indirect regulation under section 24 and 24.1 would “do little to enforce any new rules due to MLTS configurations being totally invisible to the TSPs.”⁸ The Syndicat Canadien de la fonction public (“SCFP”) echoed this sentiment when they stated that “Tout semble dépendre de la configuration et de la programmation de chaque système téléphonique.” Bell Canada in its intervention

⁷ TNC 2023-156, para 14-15

⁸ Rogers Intervention, para 27

was unsure on whether or not a “MLTS vendor itself is providing or offering a telecommunications service, as defined in the Act.”⁹ However, Bell Canada might not have recognized the Commission’s powers under section 32(b) of the Act, which gives the Commission the power to regulate MLTS manufacturers in terms of setting standards for technical aspects of telecommunications facilities.

14. Many parties to this proceeding¹⁰ supported the idea put forward by the Commission that MLTS regulations under section 24 and 24.1 the Act under the misconception that the imposition of these obligations on Canadian carriers and resellers would provide meaningful change in the MLTS market with respect to the delivery of 9-1-1 related services. This incorrect assertion was supported by Avaya, the City of Calgary, London Police Services, BH Group and New Brunswick 9-1-1.
15. These parties are not telecommunications service providers (“TSPs”). These parties fail to appreciate is that TSPs are quite often not the parties responsible for the configuration of MLTS.
16. Any regulation under section 24 or section 24.1 could require carriers and resellers to undertake MLTS installations and management in a way that is compliant with the “MLTS Best Practices” as laid out in Telecom Decision CRTC 2022-265 - *CISC Emergency Services Working Group - Consensus report ESRE0074b - Proposal to Manage Multi-line Telephone Systems in the Canadian Enhanced 9-1-1 or Next-Generation 9-1-1 Environment* (“TD 2022-265”), but this would not put in place a consistent MLTS standard. This is because carriers and resellers install only a portion of the overall MLTS installed in Canada. As a result, the only way to effect change on a large scale in the MLTS market is by direct regulations on MLTS manufacturers. Regulating manufacturers directly is the only way in which the Commission can fulfill its stated goal of creating a “universal regime¹¹” with respect to 9-1-1 and 9-8-8 access in Canada.

⁹ Bell Canada Intervention, para 12

¹⁰ Calgary 9-1-1, Avaya, BH Group, New Brunswick 9-1-1, RCMP,

¹¹ TNC 2023-156, para 13

17. Having said that, one instance where regulation under section 24 or section 24.1 would be logical would be to impose conditions of service on TSPs to undertake MLTS installations and management only in a way that is compliant with the “MLTS Best Practices” as laid out in TD 2022-265. This would be consistent with TELUS’ position that the only way to bring about meaningful change in the MLTS market is through direct regulation.
 18. Utilizing the powers granted to the Commission by Parliament under section 32(b) to direct MLTS manufacturers in respect to technical aspects to MLTS sold for use in, or imported to Canada are pre-programmed to be compliant with the MLTS Best Practices. This direction should include how such systems are programmed to dial 9-1-1 and 9-8-8, how calls are routed and what location information is programmed into the MLTS would address the concerns the Commission raised in launching this proceeding. This direction should apply to MLTS sold for use in, or imported to Canada.
 19. If the Commission is unwilling to use its powers under section 32(b), then it should approach the Minister and ask that he impose direct regulation on MLTS manufacturers by way of his powers set out in section 69.3 of the Act. That section sets out that the Minister can “establish technical specifications” in relation to “telecommunications apparatus”. This power extends to all telecommunications apparatus - exempt or otherwise. Provided the Commission compiles a full evidentiary record that demonstrates there is a need for a regulatory measure to address MLTS direct dialing to 9-1-1 and 9-8-8, TELUS, and likely the industry as a whole, would be willing to support any CRTC advocacy to the Minister for him to utilize his powers under the Act.
- 4. Any potential MLTS regulation should only be applicable to new MLTS installations**
20. In TELUS’ response to question 2(b) in TNC 2023-156, TELUS noted that any regulatory action should be forward looking and would require a transition period to allow hardware and software manufacturers to adapt their builds to comply with any changes in the MLTS regulatory regime. TELUS proposed a transition period of two years from the release of a decision. This two-year period is similar to the ramp up period provided by the Federal Communications Commission (“FCC”) with regards to Kari’s Law and the RAY BAUM

Act.¹² Bell Canada¹³ and Rogers¹⁴ also recommended a two-year transition period. Bell Canada noted that the Commission’s “focus should be on new MLTS, as older systems have limitations¹⁵”.

21. The NG9-1-1 Coalition stated that MLTS Best Practices should apply to any MLTS system already deployed or any new installation¹⁶. The BH Group makes a similar assertion¹⁷.
22. The NG9-1-1 Coalition and the BH Group lack an understanding of the commercial MLTS environment and the regulatory reach of the Commission with respect to already in service MLTS. While the Commission could, as noted by TELUS above, under section 32(b) of the Act require that MLTS manufacturers only develop, deploy and sell MLTS that are pre-programmed to conform with the MLTS Best Practices as laid out in TD 2022-265, it would be difficult if not impossible for the Commission under section 32(b) or the Minister under section 69.3 to effect any change with respect to already installed MLTS. MLTS manufacturers have no ability to reprogram existing MLTS already in operation.
23. Notably, the Commission has already educated subscribers of MLTS access services¹⁸ on the MLTS Best Practices through the notifications it required TSPs to issue through TD 2022-265. Through that notification, customers became aware of the MLTS Best Practices.
24. Based on the above, TELUS continues to propose that the Commission implement a forward-looking policy that mandates manufacturers that sell MLTS to follow the Best Practices as a requirement for providing MLTS services in Canada based on a two-year transition period. The Commission can be comforted by the fact that existing MLTS

¹² The two-year period in the US meant that those these laws did not apply to “any MLTS that is manufactured, imported, offered for first sale or lease, first sold or leased, or installed on or before February 16, 2020. See <https://www.fcc.gov/mlts-911-requirements>

¹³ Bell Canada intervention, para 32

¹⁴ Rogers intervention, para 26

¹⁵ Bell Canada Intervention, para 34

¹⁶ NG9-1-1 Coalition intervention, para 9.

¹⁷ BH Group intervention, page 2

¹⁸ PRIs, Centrex, IP trunks, etc

customers are now educated on the MLTS Best Practices and will hopefully of their own accord implement the recommendations contained therein.

5. Response to three key MLTS functionalities proposed by PSAPs

25. PSAP community participants¹⁹ to this proceeding were unanimous in their support of three additional key MLTS functions, to assist them in protecting the health and safety of Canadians. Those three proposed functionalities are:
- a. 9-1-1 calls should not be screened by the MLTS operator before being allowed to proceed over the 9-1-1 network to a PSAP or an intermediary operation in the case of nomadic VoIP
 - b. Location details for 9-1-1 calls from fixed, non-nomadic devices must be provided to PSAPs
 - c. Direct callback numbers for 9-1-1 callers should be provided to PSAPs
26. With respect to item (a) above, that 9-1-1 calls should not be screened by an MLTS operator,²⁰ the Commission should consider the possibility that PSAPs do not understand the value of call screening. Some MLTS customers institute this screening process for very valid public safety reasons. Notably, some MLTS customers experience frequent misdials to 9-1-1 which means that screening these calls to 9-1-1 prior to forwarding them to a PSAP alleviates unnecessary calls received by PSAPs. Other campus-style environments such as universities wish to dispatch their campus security to be first on site. These resources, due to proximity, can often arrive faster than municipal/provincial first responders. Additionally, campus security, once on site, can then coordinate with first responders to ensure they are guided directly to the emergency without any chance of misdirection. Notably, calls that are call screened, still function as direct dialed calls, once forwarded to

¹⁹ City of Calgary, London Police Services, Agence municipal de financement et de developement des centres d'urgence 9-1-1 du Quebec, New Brunswick 9-1-1, OPP, NG9-1-1 Coalition,

²⁰ Some MLTS operators do not route 9-1-1 calls directly to a PSAP, instead, they route the call to a call screener, who can confirm the call is a legitimate 9-1-1 call and then forward it to a PSAP or address the concern with on premise security/medical resources

a PSAP. These are all benefits to public safety. As a result, the Commission should not institute rules that limit call screening by MLTS customers.

27. The second functionality requested by PSAP community participants was that location of 9-1-1 calls from fixed, non-nomadic devices should be made available to PSAPs. The third functionality requested by the PSAP community participants was that a direct callback number, directly to the caller, instead of the phone number associated with the main trunk into the PBX, be made available to PSAPs for all 9-1-1 calls made from a MLTS.
28. TELUS agrees with these requests. TELUS recognizes that providing first responders with accurate location information is critical to callers to 9-1-1 receiving timely assistance. It is for that reason that TELUS has developed and deployed its Public Switch-Automatic Location Information Service (“PS-ALI”)²¹ service for its retail customers. As noted in TELUS’ intervention, it has subscribed a significant number of customers to the service and plans to continue to make this service available to its retail customer base for as long as the ALI server remains in service.
29. Importantly, to ensure this functionality will be available in an NG9-1-1 environment, as TELUS noted in its intervention, the Commission should direct the CRTC Interconnection Steering Committee (“CISC”) - Emergency Services Working Group (“ESWG”) to immediately begin exploring how the next generation of PS-ALI service can be developed. This exploration should lead to the CISC-ESWG providing recommendations to the Commission on a Private Switch-Location Information Server (“PS-LIS”) which would allow the CRTC to make PS-LIS available to all MLTS customers.
30. TELUS considers that the first functionality requested by the PSAP community participants would provide limited value to the MLTS emergency services environment and as such should not be mandated by the Commission, but TELUS supports the mandate

²¹ PS-ALI is a service which allows MLTS customers to provide additional 9-1-1 features, such as precise location information for non-nomadic MLTS phone numbers.

of the second and third functionalities for MLTS and should be supported by the Commission through the exploration of PS-LIS by the CISC-ESWG.

6. Conclusion

31. TELUS supports the Commission's view that encouraging adoption of the MLTS Best Practices may not be sufficient to support the health and safety of Canadians and that regulatory intervention may be required.
32. The Commission should pose interrogatories to Canadian PSAPs to determine if direct dialing to 9-1-1 and 9-8-8 from MLTS is a large enough issue to impose regulations to address, if so, the Commission could impose obligations on MLTS manufacturers under section 32(b) of the Act.
33. The Commission must determine to what level direct dialing to PSAPs and 9-8-8 is currently unavailable within Canada to determine whether or not it is appropriate to impose regulatory rules to prohibit MLTS owners from requiring callers to utilize outside line access codes in order to access 9-1-1 and 9-8-8.
34. To the extent that the Commission determines that regulatory intervention is required, the Commission should utilize its powers under section 32(b) to set technical requirements that would be imposed directly regulation upon MLTS manufacturers, which ensures that all **new** MLTS configurations in Canada that are sold for use in, or imported to Canada are pre-programmed to be compliant with the MLTS Best Practices. Direct regulation is far superior to the indirect regulation imposed on carriers or resellers that the Commission was contemplating in TNC 20123-156. As an alternative, the Commission could advocate to the Minister of Innovation, Science and Industry ("the Minister") to use his powers under section 69.3 of the Act to establish technical specifications on MLTS that manufacturers of MLTS systems in Canada must follow.
35. To address valid concerns raised by parties with respect to location information in an MLTS environment, the Commission should direct the CISC - ESWG to immediately begin exploring how the PS-LIS service can be developed.

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36. Direct regulation is far superior to the indirect regulation imposed on carriers or resellers that the Commission was contemplating in TNC 20123-156.

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