

Opinion**Internal CRTC files show poor probe of Rogers outage – it deserves its own scrutiny**

People use electronics outside a coffee shop in Toronto amid a nationwide Rogers outage, affecting many of the telecommunication company's services on July 8, 2022. Cole Burston/The Canadian Press

Matt Malone Special to The Globe and Mail

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Last summer, millions of Canadians lost the ability to access 911 services on the Rogers network during its infamous outage. As the incident deprived users of vital emergency services, there was chaos among first responders, 911 calls were disrupted and someone even died. The outage demanded a serious investigation shedding light on Rogers' handling of emergency calls.

But that is not what has happened.

Records I've obtained through an access-to-information request show that the Canadian Radio-television and Telecommunications Commission (CRTC) displayed a lackadaisical attitude toward the matter and did not even formally examine Rogers' obligations regarding 911 services.

This outage of responsibility and accountability at the CRTC deserves its own scrutiny.

When 911 services were disrupted last summer, employees at the CRTC charged with investigating potential breaches of such obligations showed minimal interest in doing so. Internal correspondence shows a CRTC emergency services manager saying, "Other than an email chain ... there was no formal analysis done."

When I asked for comment, the CRTC said "the responsibility to ensure the reliability and resiliency of the services applies only to 911 network providers" – not Rogers, which it

deemed to be only a telecommunications service provider. “Accordingly, there was no specific formal investigation.”

But that is nonsense. For one thing, such hair-splitting goes against what the CRTC has said before.

Moreover, the CRTC has long required service providers such as Rogers to “take all reasonable measures to ensure that their interconnection with [911 networks] and the communications to be transmitted over such networks are secure.” Service providers also have obligations to notify 911 network providers of outages “within a maximum of 30 minutes.” Rogers took almost four hours.

When 911 service disruptions implicated these obligations, the logical inference is that the CRTC would zero in on getting to the bottom of things – which it did not.

But even though it decided that no investigation needed to be done, optics, of course, were not ignored.

The same manager as above said the team provided background information to CRTC dispute resolution director Michel Murray, who was appearing before a House of Commons committee, so the information could be publicly “leveraged to drive the point that” the CRTC was doing its job.

The CRTC did indeed deem the issue of 911 calls important. It’s just that efforts apparently stopped at optics.

Six months later, on Feb. 21, 2023 – literally the day before the CRTC issued a public note stating that no further inquiry was necessary into the outage – another public servant revived the issue in the same e-mail thread.

This civil servant asked about potential breaches of Rogers’ regulatory obligations regarding emergency calls. “To confirm,” they wrote, “was there any requirement re: 911 that the outage affected?” No response. The CRTC proceeded to publish its note dismissing further inquiry anyway.

Two days after that, after the CRTC informed Canadians that further inquiry was not necessary, the same emergency services manager, who six months earlier had said “there was no formal analysis done,” responded to that e-mail.

“I cannot recall what I meant by the statements below [in the e-mail chain],” said the manager. He added a sad-face emoji.

“I do not think we found Rogers in contempt of any 911 obligation,” the manager continued. “The outage affected Rogers operation as a wireless service provider meaning that no calls were able to get through including 911 calls.”

In other words, the manager appeared to have relied entirely on his own subjective judgment to determine that, because all calls were affected – not just 911 calls – there was no point looking into whether Rogers violated any obligations regarding access to 911 services. Case closed.

Yes, there was indeed a broader inquiry on the outage in general. But, arguably, no aspect of the network is more important than emergency services, which should have been prioritized. (In its response to me, the CRTC did not directly address the details of these e-mails.)

This type of feckless oversight on the issue of 911 calls is unsurprising, given the revolving door between government and industry in this sector. The previous chairperson of the CRTC [was a former telecommunications industry lobbyist](#) who, once in his role, was caught [going for chummy drinks](#) with Bell's CEO on the eve of a favourable decision.

Just consider a separate but related issue: what the CRTC still has not done to give us better information about the outage.

For example, Rogers withheld from the public the actual number of 911 calls that were disrupted, although we already know from other sources that [42 emergency alerts were affected](#), including some that would have warned people about dangerous persons and incoming tornadoes.

The CRTC did not compel Rogers to be more transparent, even though it had the powers to do so and should have used them.

Rogers has stated that the public divulgence of basic information such as the number of 911 calls disrupted "could be exploited by malicious actors to disrupt our systems." But we already know a lot more on how to disrupt such systems, including [the number of coordinated calls it would take for malicious actors to overwhelm the 911 service](#).

Rogers used a thin pretext to publicly withhold the number of disrupted 911 calls, and the CRTC essentially parroted Rogers in its response to me.

The regulator repeated: "Certain information that could lead to harm to Rogers or its network, for example by malicious actors, and that is typically treated as confidential by industry players as well as the Commission, was maintained as confidential."

The CRTC said requests by the public for disclosure of this essential information were examined but refused by the regulator "by weighing any harm likely to be incurred by Rogers against the public interest in disclosure."

This suggests the CRTC did not take those public interests as seriously as Rogers' private interests. This point is only further driven home by the lack of any formal investigation into whether Rogers breached its obligations regarding 911.

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