

January 5, 2001

Ms. Shirley Soehn
Executive Director, Telecommunications
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Ms. Soehn:

Re: Public Notice CRTC 2000-151

1. Pursuant to the directions on procedure in Public Notice CRTC 2000-151, the Canadian Wireless Telecommunications Association (CWTA) provides the following comments regarding three-digit dialing for national agencies' information services.
2. The CWTA represents the wireless telecommunications industry in Canada. It has a membership base of more than 300 domestic and international companies. CWTA's members come from a variety of sectors, including mobile telephone service providers, paging companies, mobile radio, mobile satellite carriers, and fixed wireless service providers. In addition, CWTA represents a broad cross-section of manufacturers and equipment suppliers to the industry.
3. The CWTA participates in numbering forums at the national and international levels. CWTA is active at the Canadian Steering Committee on Numbering (CSCN) and its working groups, and holds a seat on the North American Numbering Council (NANC).

CRITERIA FOR THE ALLOCATION OF REMAINING N11 RESOURCES

4. The CWTA submits three general principles to be used as criteria for the allocation of the remaining N11 resources:

5. First, the service should accommodate as many members of society as possible.
6. Second, there should be a convincing rationale why, for the service in question, the caller should only have to dial three rather than seven or more digits. A convincing rationale could be related to such factors as urgency and avoidance of confusion. The simple desire to have a phone number with a unique appearance would not be a convincing rationale.
7. Third, wireless carriers must be permitted to charge subscribers regular airtime rates for access to N11 services, and must be permitted to recover any additional charges that may be imposed on them, such as per-subscriber charges.

CNIB Proposal - General

8. The Canadian National Institute for the Blind (CNIB) has filed two applications related to their Information Centre for the Blind (ICB) service. The first application requests the allocation of an abbreviated N11 dialing code on a permanent basis for access to the ICB with the requirement that all Local Exchange Carriers (LECs) and Wireless Service Providers (WSPs) route calls to this assigned number to the ICB service. The second application requests that the costs of the service be recovered through a monthly charge per active end user telephone number applicable to all LECs in Canada.
9. The ICB is intended to provide blind and visually impaired Canadians access to information in alternate formats. The CNIB states in its application to the Commission for an N11 code, dated May 15, 2000, "The ICB serves as an interactive voice equivalent to the type of access to information that non-visually impaired people have using the Internet."
10. The CWTA does not wish to prescribe what services may or may not be appropriate for blind / visually impaired Canadians. It is clear from the comments submitted to the Commission regarding the original applications that the blind are well represented by a diverse range of knowledgeable, articulate groups. The CWTA does however, have serious reservations regarding both CNIB applications.

CNIB Proposal – Rationale for an N11 Code

11. The CNIB contends that the public interest benefit of allocating an N11 code for their Information Centre for the Blind (ICB) service is indisputable, but they provide very few supporting arguments. CWTA notes that this position has in fact been disputed by other groups representing the blind / visually impaired community in Canada. The Canadian Federation of the Blind (CFB), The Canadian Council of the Blind (CCB), Council of Canadians with Disabilities (CCD), and the National Federation of the Blind (NFB) all filed comments on the original CNIB applications.

12. The CFB, in a letter to the Commission dated July 10, 2000, stated that allocation of an N11 for this service would “damage the status of blind Canadians and the opportunities available to us”. The CCD, in a letter to the Commission dated July 14, 2000, indicated that the allocation of an N11 code would perpetuate the image of the blind as helpless. The NFB, a group that generally supported the applications, in a letter to the Commission dated July 17, 2000, noted that with the use of terminal equipment with features such as speed dialing and voice dialing, an N11 code is not crucial for the accessibility of the service.

13. CWTA notes that, in order to use the ICB service, a client must register with the CNIB to obtain an access code. This raises two concerns. First, the use of an access code removes the benefits of abbreviated dialing provided by an N11 code by introducing a new set of required digits. Second, such a registration requirement calls into question the universality of the proposed service. The CNIB provides no criteria for registration, but the proposal creates a scenario where a single organization has the ability to restrict the use of what should be a universally accessible public resource.

14. An N11 code is a valuable public resource that should be allocated in such a way as to serve the maximum number of people. Restricting access to an N11 code does not serve this objective.

15. Given the lack of consensus amongst the blind / visually impaired community, the limited application, and restricted access to the proposed service, the CWTA submits that it would be inappropriate to allocate an N11 code for access to CNIB's ICB service.

CNIB Proposal - Cost Recovery

16. The CNIB asserts that the ICB and the Message Relay Service (MRS or 711) be regarded in the same light, including the manner in which they should be funded. The CWTA concurs with commenters Axxent, Canadian Council of the Blind, Council of Canadians with Disabilities, T-base Communications, and Videotron, that the ICB is not at all analogous to MRS. MRS is a direct extension of the public telephone system. It allows the deaf or hearing impaired to communicate with the hearing and vice versa. The ICB is a content service; it is not a means of inter-personal communications. Even the National Federation of the Blind, an organization that supports the comparison between ICB and MRS recognizes the distinction between the carriage of telecommunications and the provision of information. In their letter to the Commission dated July 17, 2000, the NFB describes MRS as allowing “deaf and hard-of-hearing Canadians to communicate with others using telephones”. In the next paragraph, the NFB states the ICB “would allow print-handicapped, blind and vision-impaired Canadians to access information”.
17. The CWTA submits that there is a clear and distinct difference between ICB and MRS.
18. In its application for cost recovery, the CNIB states “a precedent has been set for the general body of telephone subscribers to fund access to basic communications services for special needs groups.” However, the service CNIB is proposing is not a basic telecommunications service, it is an enhanced information access service. The CWTA notes that in Telecom Decisions 85-29 and 86-17, the Commission clearly states that MRS is a basic service.

The Commission wishes to emphasize that this is not a question of ordering a telephone company to provide a service enhancement or a discount, at its own cost, due to the disability of a particular class of customer. Rather, it is the provision by a telephone company, to rate paying subscribers, of the means to use the telephone on a basis that attempts to provide access comparable to that of other subscribers.

19. The proposed ICB service clearly represents a service enhancement beyond what other subscribers enjoy, contrary to the Commission’s decisions regarding the provision of MRS.

20. Also, the CNIB failed to address the manner in which wireless carriers provide relay services. Subsequent to Telecom Order 96-269, wireless carriers were permitted to opt out of the ILEC MRS by providing Wireless Relay Service (WRS). Wireless carriers do not apply a specific charge to provide this service to their customers. As the ICB is not a basic service, the CNIB proposal provides no opportunity for a comparable arrangement for the ICB.
21. Moreover, the proposed line charge does not appear to be cost-based. The CNIB seeks to cover the costs of providing the ICB service. The CNIB estimates that costs of this service amount to \$0.018 per local telephone line per month, but they request a monthly per-line charge of \$0.02. If they are allowed to collect this amount, according to the numbers provided by the CNIB, they will earn an annual surplus of \$429,600. The CWTA submits that it is entirely inappropriate to require telephone subscribers to provide a profit to a charitable organisation.
22. It is the position of the CWTA that telecommunications service providers should not be required to fund any service that has as its sole purpose the distribution of information and / or the provision of content. There is no precedent for a requirement for telecommunications service providers to provide content to subscribers.
23. In light of the foregoing, the CWTA urges the Commission to deny the CNIB application for cost recovery.
24. However, should the Commission decide to mandate provision of the ICB, wireless carriers must be permitted to charge their customers normal airtime rates for calls accessing this service. The CNIB indicates that calls to ICB would be up to 35 minutes in length, and perhaps longer if additional sessions are established by the caller. Considering that fact in light of wireless carriers' revenue models and the nature of wireless networks, it is imperative that wireless carriers be permitted to charge regular airtime rates for calls to ICB.
25. Unlike a typical wireline LEC, wireless carriers generally do not charge a flat rate for local calling. Airtime usage charges are critical to a wireless carrier's ability to offset its substantial network costs. Within a wireless network, the number of available channels in a given area is finite, limiting the number of calls that may occur at one time. If wireless carriers are unable to charge regular airtime rates, it would cause a direct loss of revenue through the provision of network services without compensation

in addition to decreased revenue potential caused by the reduced network capacity.

United Way Proposal

26. In an application dated June 26, 2000, the United Way et al. requested that an N11 code be assigned for non-commercial use across Canada exclusively for access to information and referrals for community, social, health and government services. United Way et al. proposed that 211 for information and referral services be established incrementally across Canada based on community readiness of organizations providing those services to the general public. The United Way also proposed that, while no additional charges should be applied to a 211 call, normal airtime charges would apply to wireless calls, and normal pay telephone local charges would apply.
27. The CWTA supports the United Way's proposal to permit wireless carriers to charge normal airtime rates for access to this service. As noted above, it is critical that wireless carriers be permitted to offset their substantial network costs by means of charging regular airtime rates.
28. The CWTA notes that more than 70 letters of support were filed with the Commission in response to the United Way's N11 application.
29. The CWTA notes that 211 has been allocated to Information and Referral services nationally in the United States.
30. The CWTA notes that the United Way intends to fund the service through internal sources, and does not seek any subsidy from telecommunication service providers. The CWTA submits that it is appropriate for this service to be funded by the providers of the service.
31. It would appear that the United Way proposal meets the criteria for the allocation of the remaining N11 codes proposed by the CWTA earlier in these comments.

Conclusion

32. In summary, the CWTA recommends the Commission take the following steps with regard to allocating N11 resources in Canada.

33. The Commission should apply, as general criteria, a requirement that
- a. Proposed services should serve as many members of society as possible,
 - b. N11 resources are allocated to telecommunication services for which there is a demonstrated, persuasive rationale, such as urgency or avoidance of confusion, why the caller should only have to dial three rather than seven or more digits.
 - c. Wireless carriers must be permitted to charge subscribers regular airtime rates for access to N11 services.
34. The Commission should deny the CNIB application for an N11 code based on the above criteria and the lack of consensus amongst the proposed end-users.
35. The Commission should deny the CNIB application for cost recovery. The proposed service is not analogous to MRS as the CNIB maintains, and there is no basis to require telecommunication service providers to fund the provision of information and/or content. This service is not a means of inter-personal communications or a basic telecommunication service and does not meet the standard established in Telecom Decisions 85-29 and 86-17.
36. The Commission should consider the United Way proposal to allocate an N11 code to Information and Referral Services.
37. The CWTA appreciates the opportunity to provide these comments.

Sincerely,

Electronic filing

J. David Farnes
Vice President
Regulatory Affairs

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