



May 24, 2022

FILED VIA: GCKEY

Claude Doucet
Secretary General
Canadian Radio-Television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Doucet:

Re: Follow-up to Telecom Regulatory Policy CRTC 2021-130, *Review of mobile wireless services (File # 8740-B38-202104628, 8740-T66-202104884, 8740-R28-202104636)* - Eastlink comments

1. Bragg Communications Inc., carrying on business as Eastlink (“Eastlink”), is in receipt of proposed tariffs, filed by Bell Mobility Inc. (“Bell”), Rogers Communications Canada Inc. (“Rogers”), and TELUS Communications Inc. (“TELUS”), pursuant to Telecom Decision CRTC 2022-102 *Updates to national wireless carriers’ GSM-based wholesale mobile wireless roaming tariffs to incorporate seamless hand-off and 5G roaming* (“TD 2022-102”, the “Decision”). Eastlink provides herein our comments.
2. In TD 2022-102, the Commission directed Bell, Rogers and TELUS (the “National Carriers”) to make changes, for Commission approval, to the proposed terms and conditions in their wholesale mobile roaming service tariffs to enable seamless hand-off according to the determinations outlined in the Decision. Eastlink’s comments are limited to whether the revised tariff provisions reflect the determinations in the Decision. Eastlink’s failure to comment specifically on certain issues should not be interpreted as a lack of interest or concern about those issues, nor should they be interpreted in a manner that would be contrary to Eastlink’s interests.

Costs

3. In Telecom Regulatory Policy CRTC 2021-130 (TRP 2021-130), the Commission directed the National Carriers to implement seamless roaming as part of their wholesale roaming service. Eastlink submits that since seamless roaming is now a feature of wholesale roaming, the National Carriers should not be entitled to charge separate and excessive implementation fees as proposed in their tariffs.
4. That said, the current wholesale roaming rates are based on cost studies filed in 2015, using unit costs that were primarily based on 3G network equipment and technologies. Since that time, cost savings associated with the introduction of LTE and 4G networks have led to significant reductions in the cost of delivering a GB of data. This has translated into significant reductions in retail prices. Based on the Commission's annual telecommunications facilities and pricing data collection surveys, the average revenue per 1 GB of data per month declined from \$17.33 in 2017 to \$8.73 in 2020¹. With the introduction of unlimited data plans by all three National Carriers, this downward trend has continued into 2022. At the same time, the wholesale roaming rate has remained the same, with wholesale roaming customers paying significantly more than retail customers for 1 GB of data. These excessive roaming rates threaten the sustainable competition that regional wireless carriers have brought to the market, and ultimately result in higher costs for Canadians. This includes impacting our ability to expand into new areas, and causing us to examine the long term viability of some of our serving areas.
5. Despite the fact that the National Carriers already have the advantage of unjust inflated rates, all three have proposed new costs associated with the implementation of seamless roaming. The proposed tariffs include a labour charge that applies to all work performed by the company to provide the seamless roaming service, along with charges for materials and other costs. As further outlined below, the implementation process proposed by the National Carriers has no established timeline, which could lead to excessive delays, and considerable upfront costs. In this way, the National Carriers have designed their tariffs to create significant barriers to entry in the provisioning of seamless roaming. Furthermore, as the Commission directed the National Carriers to make seamless roaming a feature of their mandated wholesale wireless

¹ Communications Market Reports – Open Data – CRTC – Retail Mobile – Infographic 8 – Highlights of retail mobile financial performance, 2017-2020

roaming service, any costs associated with this service should be included in the wholesale roaming rates.

6. Eastlink submits that given the excessive roaming rates currently charged by the National Carriers, not only are further costs to implement seamless roaming unjustified, the Commission should also revisit the National Carriers wholesale roaming rate. To that end, Eastlink, Cogeco Communications Inc., on behalf of its subsidiary Cogeco Connexion Inc. (“Cogeco”), Quebecor Media Inc., on behalf of its subsidiary Videotron Ltd. (“Videotron”) and Xplornet Communications Inc. and Xplore Mobile Inc. (together, “Xplornet”) (collectively, the “Regional Competitors”), have submitted a joint Part 1 Application on May 19th, requesting that the Commission initiate an immediate and comprehensive review of the National Carriers wholesale roaming tariff rates. Until that review is complete, the Commission should declare that the current wholesale roaming rates of the National Carriers be considered interim and direct the National Carriers to remove any costs associated with the implementation of seamless roaming from their proposed tariffs. Regional carriers should be permitted to proceed with the implementation of seamless roaming based on the current wholesale roaming rates.

Feasibility assessments

7. In the proceeding that led to the Decision, Bell’s proposed tariff included language that provided them discretion to deny a wholesale roaming customer seamless roaming if they determined, based solely on their own review, that it was not feasible. In their analysis of the proposed tariff provisions, the Commission noted that the National Carriers were directed to make seamless roaming a feature of their mandated wholesale mobile roaming service, and that compliance with this regulatory requirement is not optional². In response to Bell’s tariff proposal, the Commission also pointed out that Bell provided little to no explanation of the criteria it would use to assess feasibility and either approve or deny a request³. As the proposed tariff provisions were not compliant with TRP 2021-130, the Commission directed the National Carriers to revise their tariff proposals to remove any wording that gives them the discretion to deny the provision of seamless roaming based on unilateral feasibility assessments. To the extent that any technical limitations to implementing seamless roaming

² TRP 2022-102 Paragraph 31.

³ TRP 2022-102 Paragraph 30.

are identified, the Commission stated that the National Carriers and regional wireless carriers are expected to work together in good faith to overcome such impediments to ensure that seamless roaming is provided as mandated. Further, if parties are unable to reach an agreement, they must seek to resolve the issue using other means, including the Commission's staff-assisted dispute resolution mechanism, as set out in Broadcasting and Telecom Information Bulletin 2019-184⁴. Despite this directive, the updated tariffs provide the National Carriers' the discretion to deny the implementation of seamless roaming based on their perceived technical issues or limitations. Eastlink submits that all three proposed tariffs fail to adhere to the Commission's clear direction that the National Carriers were to exclude any language in their tariff provision that would allow them to deny service due to technical issues or limitations.

8. Rogers' proposed tariff establishes a multi-step implementation process, whereby a regional carrier must first request a Seamless Roaming Potential Implementation Review by providing Rogers a "written request, in the form prescribed by Rogers, identifying the areas in which the Wholesale Roaming Customer may wish to implement or update coverage for Seamless Roaming and all relevant information required by Rogers to assess the feasibility of and potential technical approaches to implementing Seamless Roaming⁵." Rogers can then ask for additional information if it is required, and upon completion of their review they will determine if it is feasible to provide seamless roaming. If they determine it is not feasible, Rogers will assist the wholesale roaming customer to identify what solutions may be possible. Rogers does not specify what information will be necessary to complete their review, nor do they outline the criteria they will use to determine the feasibility of seamless roaming, providing them full discretion to reject an application and otherwise delay the process. Further, Rogers makes no reference to the dispute resolution process, in particular the Commission's staff-assisted dispute resolution mechanisms. Eastlink submits that Rogers Seamless Roaming Implementation Review adds an additional step to the implementation process inevitably leading to unnecessary delays and disputes.
9. Bell has also maintained its Seamless Handoff Potential Implementation Review as the first step in their implementation process. Upon completion of their review, Bell will advise the wholesale roaming customer whether seamless roaming is feasible. Although Bell does allow

⁴ TRP 2022-102 Paragraph 32.

⁵ Rogers TN 72/A 4.5.1

for the wholesale customer to dispute Bell's assessment, and they claim they will work together in good faith to identify any impediments to implementing seamless roaming, their tariff also states that "No further Services for Seamless Handoff are required to be provided by the Company to the Wholesale Roaming Customer pursuant to this tariff item if the Company has determined that it is not feasible to implement Seamless Handoff..."⁶ Bell's language amounts to granting themselves discretion to unilaterally deny the service based on their review, contrary to the Commission's direction. It is only after this review is complete, for which there are no set timelines, that the wholesale roaming customer is permitted to submit the "Seamless Handoff Boundary Set-Up request", to begin the implementation process. Like Rogers, Bell has not provided any detail on the information required to perform the review, nor have they provided any information on the criteria that they propose to use to determine the feasibility of seamless roaming, inevitably leading to unnecessary delays and disputes.

10. In their proposed tariff, TELUS includes provisions that could be used to deny the implementation of seamless roaming due to technical incompatibilities or issues. For example, Section 233.3 (2) (i), allows TELUS to deny any service if the standards and industry guidelines have not been widely adopted in Canada. As outlined by the Commission in the decision, to the extent there are technical impediments to implementing seamless roaming, the national wireless carrier and the regional wireless carrier in question are expected to work together in good faith to overcome such impediments to ensure that seamless roaming is provided as mandated⁷. TELUS also fails to make any mention of the dispute resolution process.

11. Eastlink submits that to the extent that a review of possible technical solutions or impediments to seamless roaming is necessary it should be part of the standard set-up process and the requirement to work together to come up with a solution should be subject to the 90-day timeline established by the Commission (or any other timeline agreed upon by both parties). The proposed processes, including requiring a review process prior to submitting a request and the lack of detail on what information is required for the technical review, will inevitably lead to delays and disputes. In order to adhere to the Decision, the National Carriers should be directed to remove any reference to feasibility assessments. Further, the National Carriers should also be required to outline the process that both parties will follow if they are unable to

⁶ Bell tariff 18 (a)(1)(d)

⁷ Telecom Decision 2022-102 Paragraph 32.

reach agreement on a technical solution, including the Commission's staff-assisted dispute resolution mechanism. Absent these specifications the National Carriers will be in the position to delay or deny implementation indefinitely.

Implementation timelines

12. In TD 2022-102, the Commission directed the National Carriers to begin accepting written requests for seamless roaming from regional wireless carriers effective immediately and work in good faith to have the service operational for a requesting regional wireless carrier within 90 days of receiving a request⁸. As noted by the Commission, the 90-day deadline may be extended if both parties agree. Despite this clear direction, none of the National Carriers have proposed an implementation process that can reasonably be expected to be completed within 90 days.
13. In the case of Rogers, it is only after the wholesale roaming customer has gone through the Seamless Roaming Potential Implementation Review, for which there are no prescribed timelines, that they may then initiate a "Seamless Roaming Set-Up" request. In the proposed tariff, it is only following receipt of a Seamless Roaming Set-Up request that Rogers will work to make the service operational within 90 days, or another timeline mutually agreed upon by both parties⁹. Not only does Rogers' proposed process delay when a request can be made, but once requested their process will clearly not allow the service to be operational within 90 days.
14. Bell proposes that wholesale roaming customers' be permitted to initiate a request for seamless handoff based on their response to the Seamless Handoff Potential Implementation Review in the form prescribed by the Company. They have not made any reference to the Commission's mandated 90-day timeline, and have instead modified their Testing and Commercial starting Date section, to state that the Commercial Starting Date for Seamless Handoff is the date agreed to by both parties, after successful completion of the process outlined in Section 18 and all network and billing test procedures¹⁰. Given the requirement for a Seamless Handoff Potential Implementation Review prior to the start of the implementation

⁸ TRP 2022-102 Paragraph 69.

⁹ Rogers TN 72/A 4.5.3.b.

¹⁰ Bell TN 5A 100 2(b)

process, it's very unlikely that the process described by Bell will be completed in 90 days, contrary to the Commission's mandated timeline.

15. TELUS outlines their multi-step implementation process, which includes a high level implementation assessment; drafting and finalization of a statement of work; and detailed solution design, testing and implementation but does not provide any reference to the Commission's 90-day timeline or any other expectations on how long the process will take. Given the amount of steps required, Eastlink is doubtful that TELUS' proposed implementation process can be complete within 90 days.
16. Eastlink submits that although the decision allows for a timeline established by both parties, the Commission has directed the National Carriers to make seamless roaming operational within 90 days. This timeline should not be circumvented by establishing preliminary review processes that fall outside the 90-day implementation timeline. The National Carriers should be directed to streamline the application process and include a provision in their tariffs that explicitly states that the service will be operational within 90 days. Failure to do so will only further delay implementation.

Network and border information update

17. As noted by the Commission, it is important to have up-to-date cell site information to facilitate seamless hand-offs between networks. Regional carriers have the incentive to frequently update cell site information to minimize the use of the National Carriers' wholesale roaming service. To balance the need for cell site information to accurately reflect the expanding networks of the regional carriers, with the perceived administrative burden on the National Carriers, the Commission determined that a monthly exchange of information is reasonable. The Commission also determined that upon receiving updated regional carrier cell site information, the National Carriers are to make the necessary adjustments to their network within 30 days. National Carriers are to provide their updated cell site information to a regional carrier within 7 days of receiving a request. The Commission directed the National Carriers to revise their tariff pages accordingly and to set out the standard format in their tariffs.
18. Rather than provide the standard format for updating cell site information, Bell suggests the wholesale roaming customer be required to complete a form, but does not provide any detail

on what sort of information will be required. Rogers suggests that the process for updating network border information will be described and agreed upon in the Seamless Roaming Potential Implementation Review. Although TELUS provides the information that is required for updating cell site information, they require the wholesale roaming customers to go through the initial implementation process again. Further, the National Carriers are attempting to include language that would limit border updates to a singular border, contrary to the Commission's determination that regional wireless carriers be permitted to submit updated network information monthly. Eastlink is concerned that this approach will lead to unreasonable delays in updating cell site information, leading to unnecessary roaming costs for regional carriers as they continue to build out their network.

19. Bell's tariff outlines the Seamless Handoff Boundary Change process. Under this process, a wholesale roaming customer can initiate a Seamless Handoff Boundary Change by "providing a written request in the form prescribed by the Company, which form shall include only information required by the Company to complete a Seamless Handoff Boundary Change for that Wholesale Roaming Customer"¹¹. The detail of what will be required is supposed to be determined during the initial boundary set-up. As part of their review of the boundary change request, Bell again allows themselves the ability to deny a change to the seamless handoff boundary if they determine it is not technically feasible. After Bell completes their assessment, the parties agree on a statement of work to implement the boundary change. Bell commits only to "take commercially reasonable efforts"¹² to make the necessary adjustments within 30 days. Eastlink submits that the lack of detail on the information Bell will require as part of the process to update cell site information along with Bell's reference to commercially reasonable efforts will inevitably lead to delays and disputes.

20. In their proposed tariff update, Rogers does not provide a standard format for updating network border information. Instead, Rogers proposes that the process for updating border information "must conform to the process described and agreed upon in the Seamless Roaming Potential Implementation Review"¹³. Eastlink is concerned with the lack of detail provided by Rogers on what information is required when updating network boundaries. Further, Rogers only commits to using "commercially reasonable efforts to make the required

¹¹ Bell TN 5A 100. 8(g)(1)

¹² Bell TN 5A 100. 8(g)(1)(d)

¹³ Rogers TN 72/A 5.2.3

adjustments to Rogers' PMN within 30 days¹⁴, contrary to the direction by the Commission that national wireless carriers make the necessary adjustments within 30 days.

21. Although TELUS outlines the information that will be required to update network boundaries, they propose that wholesale roaming customers go through the entire implementation process again for each subsequent network border change. This includes a high level implementation assessment of the seamless roaming request. TELUS does indicate that for a single boundary change, some of the original information could be re-used or re-submitted, however it is unclear what is meant by a "single network boundary change". Once the carrier has gone through the initial process to set-up seamless roaming, it should not be necessary for them to go through the entire implementation process again. Rather the National Carrier should be required to develop a simplified process which does not require a detailed review, but rather simply updates the information already provided.
22. Eastlink requests that the Commission direct the National Carriers to establish a streamlined process for submitting updated cell site information, and set out the standard format for submitting requests in the tariff. The Commission should also confirm that the requirement to update carrier cell site information is not limited to any one specific boundary, and that carriers are permitted to submit all relevant updates.

In-footprint roaming

23. In the Decision, the Commission re-iterated that its primary motivation for mandating seamless roaming was to minimize dropped calls and data sessions, since doing so would benefit both consumers and competition¹⁵. As part of their analysis, the Commission considered its determination made in Telecom Decision 2017-56 wherein they required the National Carriers to provide in-footprint wholesale roaming, because it reasoned that there is no solid and stable boundary to a wireless network, coverage gaps are inherent to the nature of mobile wireless services, and significant time is required for smaller wireless carriers to expand their facilities and fill coverage gaps. Therefore, given the overlapping nature of public mobile networks, the Commission determined that in-footprint roaming and occasional offloading are important to

¹⁴ Rogers TN 72/A 5.2.3

¹⁵ Telecom Decision 2022-102, paragraph 45

the quality of roaming services¹⁶. As a result, the Commission directed the National Carriers to revise their tariffs to clarify that seamless roaming should be available for use by regional wireless carriers where they have in-footprint coverage gaps, consistent with its determinations on in-footprint roaming in Telecom Decision 2017-56.

24. Despite the Commission's analysis and subsequent determination on coverage gaps, in particular their view that there is no solid and stable boundary to a wireless network, all three of the National Carriers propose tariff language describing a rigid network boundary. As the Commission recognized, this description does not accurately capture the reality of wireless networks and coverage gaps, which will make it challenging for wholesale roaming customers to address in-footprint coverage gaps, contrary to the overall intent of the Decision. This is particularly true in areas such as shopping malls, stadiums and other outdoor venues.
25. For example, TELUS' definition of a "Home Network Inner Boundary" requires wholesale roaming customers to submit coverage maps identifying a "contiguous boundary of Wholesale Roaming Customer cell sites, and within which the Wholesale Roaming Customer has no verifiable wireless network coverage." ¹⁷ Essentially, TELUS is addressing in-coverage network gaps by requiring wholesale roaming customers to identify solid boundaries, contrary to the Commission's determination that there is no solid and stable boundary to a wireless network. Similarly, Bell's definition of "in-footprint Coverage Gap Boundary" would also require the wholesale roaming customer to provide a coverage map that includes a defined perimeter¹⁸.
26. The National Carriers should be directed to remove language that would require regional carriers to submit defined in-territory coverage boundaries. As noted by the Commission such boundaries do not exist in a wireless network, and requiring regional carriers to submit maps that create rigid in-footprint boundaries will make it challenging for regional carriers to address coverage gaps.

¹⁶ Telecom Decision 2022-102, paragraph 43

¹⁷ TELUS TN 564A Item 233.2

¹⁸ Bell TN 5A Item 100 (1) (19)

5G

27. In the Decision, the Commission determined that the obligation to provide seamless roaming applies to 4G/LTE and 5G networks, and directed the National Carriers to update their proposed tariff pages to reflect this decision. The Commission also repeated the determination made in TRP 2021-130 that its wholesale roaming policy applied to 5G, which includes both 5G-NSA and 5G-SA networks. That said, the Commission also recognized that only Rogers had announced a 5G-SA network, and directed the National Carriers to make wholesale roaming on 5G-SA networks available to regional wireless carriers, once 5G cores are deployed in their networks and wherever 5G-SA networks are available.
28. Eastlink submits that all 3 National Carriers have launched 5G on a non-standalone basis, yet Bell and TELUS are attempting to limit their seamless roaming service only to 4G/LTE VoLTE voice calls or data sessions, contrary to the Commission's policy that its wholesale roaming policy applies to both 5G-NSA and 5G-SA networks. Eastlink requests that the National Carriers be directed to update their tariffs to ensure that wholesale roaming, including seamless roaming, are available on 5G-NSA networks.

Conclusion

29. Eastlink is concerned with the attempts by the National Carriers to create barriers to entry and unduly delay implementation of seamless roaming by failing to follow the Commission's direction in TD 2022-102. The National Carriers have proposed tariffs that maintain their discretion to deny service, fail to adhere to implementation timelines established by the Commission, outline open-ended and vague implementation processes, and serve to limit access to seamless roaming on 5G-NSA networks and in coverage gaps. Further, despite already benefiting from inflated wholesale roaming rates the proposed tariffs include implementation costs which, coupled with the open-ended implementation processes, are likely to result in significant upfront costs for wholesale roaming customers. The tariffs as proposed will only serve to deny end-users the benefit of no longer experiencing the frustration of dropped calls when moving from one network to another, and impact the ability of regional carriers to compete by offering a higher quality of service. Eastlink requests the Commission direct the National Carriers to address the issues as outlined herein, consistent with the intent of TRP 2021-130 and TD 2022-102.

Respectfully submitted,

Marielle Wilson

Marielle Wilson
Vice President Regulatory

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