

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

IN THE MATTER OF

FOLLOW-UP 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*, 6 APRIL 2022 – TARIFF APPLICATIONS (CRTC FILES 8740-R28-202104636, 8740-T66-20210488, 8740-B38-202104628, 8740-R28-202104636)

**INTERVENTION OF IRISTEL INC.
ON BEHALF OF ITSELF AND ITS AFFILIATES, ICE WIRELESS INC.
AND I-MOBILECA INC.**

24 MAY 2022

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EXECUTIVE SUMMARY

ES1. Iristel, on behalf of itself and its affiliates Ice Wireless and i-MobileCA, is hereby submitting its intervention regarding the TNs filed by the National Carriers pursuant to the Commission's directions in TD 2022-102 to file updated wholesale roaming tariffs to implement seamless roaming and 5G roaming.¹

ES2. Several aspects of the TNs filed by the National Carriers do not reflect the Commission's determinations in TD 2022-102. The deviations from those determinations will, unless eliminated, have the effect of delaying the introduction of effective seamless roaming and 5G roaming in Canada. That, in turn, will have a corresponding negative impact on competition and the end-users of mobile wireless services. Iristel therefore requests that the Commission act expeditiously to order the National Carriers to file amended TNs that reflect fully and precisely the Commission's determinations in TD 2022-102.

ES3. Bell Mobility TN 5A deviates from the Commission's determinations in TD 2022-102 in the following ways:

- a. Bell Mobility failed to comply with the Commission's directive to create a standard format for regional wireless carriers to provide updated cell site information to their wholesale roaming providers. The result of Bell Mobility's failure to comply with TD 2022-102 is that regional carriers are unable to know in advance the information that Bell Mobility will require to update cell site information. This lack of advance knowledge of Bell Mobility's requirements will lead to delays in the implementation of seamless roaming. Moreover, the absence of a standard format in Bell Mobility's wholesale roaming tariff for regional carriers to use to provide updated cell site information creates a risk whereby Bell Mobility may unilaterally change its information requirements or impose unreasonable information requirements on regional carriers. Iristel notes that TELUS did include the standard information that it requires from regional carriers to update its cell site databases in its TN 564A.

¹ Capitalized terms in the Executive Summary are defined in the main body of this submission.

- b. Bell Mobility is seeking to impose limitations on in-footprint seamless roaming by constraining it to “material geographic areas”.² TD 2022-102 did not authorize any such limitations on in-footprint seamless roaming and therefore Bell Mobility’s proposal is out of process. The regional carrier is best placed to determine where it has coverage gaps in its network and it should be solely responsible for identifying these coverage gaps. Iristel requests that the Commission direct Bell Mobility to remove this limitation from its wholesale roaming tariff.
- c. Iristel is concerned by language in Bell Mobility’s cover letter accompanying TN 5A in which Bell Mobility states that it will update its tariffs to reflect the availability of roaming on its 5G-SA network “at the appropriate times.”³ Pursuant to TD 2022-102, Bell Mobility does not have the discretion to update its tariffs at a time it believes is appropriate, but must “notify regional wireless carriers who are customers of their wholesale roaming services six months prior to the launch of a 5G-SA core network.”⁴ The Commission also directed the National Carriers to update their tariffs to reflect the availability of direct interconnection and the availability of roaming on 5G-SA networks six months prior to the launch of a 5G-SA core network. Iristel requests that the Commission remind Bell Mobility of this mandatory requirement of TD 2022-102.
- d. Iristel objects to Bell Mobility’s inclusion of proposed rates for implementing seamless roaming in TN 5A and submits that these should have been submitted as part of a separate tariff notice. TD 2022-102 did not authorize the National Carriers to submit rates for the implementation of seamless roaming as part of the revised tariff pages required by that decision and therefore the inclusion of proposed modifications to Bell Mobility’s wholesale roaming rates, including implementation costs related to seamless roaming, is out of process.

ES4. Rogers TNs 72A and 72B deviate from the Commission’s determinations in TD 2022-102 in the following ways:

² Bell Mobility TN 5A, at Item 100, s 1(a)(19).

³ Bell Mobility TN 5A, Cover Letter, at para 4.

⁴ TD 2022-102, at paras 149-150.

- a. In the same manner as Bell Mobility TN 5A, Rogers failed to comply with the Commission’s directive to create a standard format for regional wireless carriers to provide updated cell site information to their wholesale roaming providers. The consequences of that failure are the same and Iristel requests that the Commission direct Rogers to include in its wholesale roaming tariff the standard information that it requires from regional carriers to update its cell site databases.
- b. Rogers is proposing that the configuration of direct interconnection between the wholesale roaming customer and Rogers “will solely be determined by Rogers and is subject to commercial agreement outside the confines of this tariff.”⁵ The Commission did not provide in TD 2022-102 that the configuration of the direct interconnection would be solely determined by Rogers or be subject to a separate commercial agreement outside the confines of the tariff. The configuration should be mutually determined and not be subject to commercial agreements outside the tariff.
- c. While Rogers has acknowledged that seamless roaming will be available for coverage gaps within a wholesale roaming customer’s footprint, additional clarification is needed to confirm that it is the wholesale roaming customer that will be responsible for identifying those coverage gaps.
- d. In the same manner as the other National Carriers, Rogers has proposed rates for implementing seamless roaming in TNs 72A and 72B. TD 2022-102 did not authorize the National Carriers to submit rates for the implementation of seamless roaming as part of the revised tariff pargues required by that decision and therefore the inclusion of proposed modifications to Rogers’ wholesale roaming rates, including implementation costs related to seamless roaming, is out of process.

ES5. TELUS TN 564A deviates from the Commission’s determinations in TD 2022-102 in the following ways:

- a. TELUS has included anti-competitive terms and conditions in TN 564A that were not authorized by the Commission in TD 2022-102. In particular, TELUS is

⁵ Rogers TN 72A, at p. 106A, Article 4.3.

attempting to limit the availability of 5G roaming to consumers and small businesses and to prevent wholesale roaming being used for Internet of Things and Machine to Machine communications. TD 2022-102 did not provide any authority for TELUS to make these changes and they are out of process in addition to being entirely anti-competitive. The Commission should direct TELUS to remove these items forthwith.

- b. TELUS is imposing unjustified limitations on in-footprint roaming by limiting its availability to situations where the wholesale roaming customer has no wireless network coverage at all. This limitation is far too rigid as regional carriers may require in-footprint roaming in situations where they have weak wireless network coverage. The Commission did not impose any limitations on the availability of in-footprint roaming in TD 2022-102 and thus TELUS' proposal is not authorized by that decision.
- c. In the same manner as the other National Carriers, TELUS has proposed rates for implementing seamless roaming in TN 564A. TD 2022-102 did not authorize the National Carriers to submit rates for the implementation of seamless roaming as part of the revised tariff pages required by that decision and therefore the inclusion of proposed modifications to TELUS' wholesale roaming rates, including implementation costs related to seamless roaming, is out of process.

ES6. As a general matter, Iristel is concerned that in submitting rates for the implementation of seamless roaming the National Carriers have not given any indication of the actual expected cost to implement seamless roaming in any given instance. Any proposed rates must be fully scrutinized in a separate proceeding and the National Carriers must be required to fully justify their costs for the implementation of seamless roaming through cost studies.

1.0 INTRODUCTION AND STRUCTURE OF INTERVENTION

1.1 Introduction

1. Iristel Inc. ("Iristel"), on behalf of itself and its affiliates Ice Wireless Inc. ("Ice Wireless") and i-MobileCa Inc. ("i-MobileCA"), is hereby submitting its intervention regarding the tariff

notices (“TNs”) filed pursuant to the Commission’s directions in Telecom Decision CRTC 2022-102⁶ (“TD 2022-102”).

2. More specifically, Iristel’s intervention addresses TNs filed by Bell Mobility Inc.⁷ (“Bell Mobility”), Rogers Communications Canada Inc.⁸ (“Rogers”), and TELUS Communications Inc.⁹ (“TELUS”) (collectively, Bell Mobility, Rogers and TELUS are the “National Carriers”) that purport to amend their existing wholesale roaming tariffs to enable the introduction of seamless roaming and 5G roaming in accordance with the Commission’s directions in TD 2022-102. Pursuant to the Commission’s instruction to interveners in TD 2022-102, Iristel’s intervention is limited to addressing whether the TNs filed by the National Carriers reflect the Commission’s determinations in TD 2022-102.¹⁰

3. As described further below, several aspects of the TNs filed by the National Carriers do not reflect the Commission’s determinations in TD 2022-102. The deviations from those determinations will, unless eliminated, have the effect of delaying the introduction of effective seamless roaming and 5G roaming in Canada. That, in turn, will have a corresponding negative impact on competition and the end-users of mobile wireless services. Iristel therefore requests that the Commission act expeditiously to order the National Carriers to file amended TNs that reflect fully and precisely the Commission’s determinations in TD 2022-102.

4. Iristel and its affiliates are regional wireless carriers that primarily operate in rural and remote areas such as Canada’s North and hold spectrum in other regions of Canada, including areas in Ontario, Quebec and Atlantic Canada. Collectively, Iristel and its affiliates’ spectrum holdings cover 1.1 million Canadians. Iristel anticipates making significant use of seamless roaming and 5G roaming to facilitate the expansion of its mobile wireless network. Iristel therefore

⁶ *Updates to national wireless carriers’ GSM-based wholesale mobile wireless roaming tariffs to incorporate seamless hand-off and 5G roaming*, Telecom Decision CRTC 2022-102, 6 April 2022 [“TD 2022-102”].

⁷ Bell Mobility Inc., TN 5A, *Amendment - Wholesale Service*, CRTC File 8740-B38-202104628, 22 April 2022 [“Bell Mobility TN 5A”].

⁸ Rogers Communications Canada Inc., TN 72A, *Amendment - Update to one-way domestic wireless roaming services to incorporate seamless hand-off and 5G roaming*, CRTC File 8740-R28-202104636, 22 April 2022, [“Rogers TN 72A”]; Rogers Communications Canada Inc., TN 72B, *Amendment - Update to one-way domestic wireless roaming services to incorporate seamless hand-off and 5G roaming*, CRTC File 8740-R28-202104636, 26 April 2022 [“Rogers TN 72B”].

⁹ TELUS Communications Inc, TN 564A, *Amendment - Changes to Terms & Conditions for GSM-based Roaming Service*, CRTC File 8740-T66-202104884, 22 April 2022 [“TELUS TN 564A”].

¹⁰ TD 2022-102, at para 140.

has a significant interest in ensuring that the wholesale roaming tariffs enabling seamless roaming and 5G roaming do not contain any terms and conditions that are anti-competitive or otherwise undermine the effectiveness of seamless roaming and 5G roaming.

1.2 Structure of Intervention

5. Part 2.0 of Iristel's intervention discusses the instances in which Bell TN 5A does not comply with the Commission's directives in TD 2022-102.

6. Part 3.0 of Iristel's intervention discusses the instances in which Rogers TN 72A & TN 72B do not comply with the Commission's directives in TD 2022-102.

7. Part 4.0 of Iristel's intervention discusses the instances in which TELUS TN 564A does not comply with the Commission's directives in TD 2022-102.

8. Part 5.0 of Iristel's intervention notes general concerns with the rates proposed by the National Carriers for the implementation of seamless roaming.

9. Part 6.0 of Iristel's intervention is the conclusion.

2.0 IRISTEL'S COMMENTS ON BELL TN 5A

10. There are several instances in which Bell Mobility TN 5A does not adhere to the Commission's directives in TD 2022-102. Iristel is also concerned by comments made by Bell Mobility in its cover letter to the Commission that accompanied Bell Mobility TN 5A.

2.1 Bell Mobility failed to create a standardized format for the provision of cell site information

11. In TD 2022-102, the Commission made the following determination:

The Commission determines that the regional wireless carriers are to provide updated cell site information to their wholesale roaming providers no more than once per month, in a standard format that is to be described in the tariffs. Upon receiving updated regional wireless carrier cell site information, the national wireless carriers are to provide their updated cell site information to a regional wireless carrier within 7 days of receiving a request. The Commission directs the national wireless carriers to revise their tariff pages accordingly and to set out the standard format in the tariffs, for approval.¹¹ [Emphasis added]

¹¹ *Id.*, at para 146.

12. Bell Mobility failed to comply with the Commission's directive to create a standard format for regional wireless carriers to provide updated cell site information to their wholesale roaming providers. In explaining its failure to create a standard format for updated cell site information to be provided, Bell Mobility stated:

With respect to paragraph 88 of Decision 2022-102, we are unable at this time to establish a standard format for regional wireless carriers to provide updated cell site information in connection with a change in a seamless handoff boundary, given that the specific seamless handoff implementation for each regional wireless carrier has not yet been defined. However, we are committed to working in good faith with our customers to define the information that will be required once the seamless handoff boundary has been established. Our proposed tariff amendments reflect this commitment.¹²

13. Bell Mobility's failure to create a standard format for regional carriers to provide updated cell site information, despite a clear direction from the Commission in TD 2022-102 to create such a standard format, is unacceptable. The result of Bell Mobility's failure to comply with TD 2022-102 is that regional carriers such as Iristel are unable to know in advance the information that Bell Mobility will require to update cell site information. This lack of advance knowledge of Bell Mobility's requirements will inherently lead to delays in the implementation of seamless roaming, and thus the development of more effective competition in Canada's mobile wireless markets, since regional wireless carriers are unable to adjust their systems to proactively gather and prepare the information required by Bell Mobility to update cell site information.

14. Moreover, the absence of a standard format in Bell Mobility's wholesale roaming tariff for regional carriers to use to provide updated cell site information creates a risk whereby Bell Mobility may unilaterally change its information requirements or impose unreasonable information requirements on regional carriers that further delay the implementation of seamless roaming. Given the opposition of the National Carriers to the very idea of seamless roaming, detailed oversight by the Commission is required of the National Carriers' information requirements to update cell site information.

15. Bell Mobility is fully capable of knowing what information it requires from regional carriers in order to update its cell site databases and to set these informational requirements in a standard format in its wholesale roaming tariff for approval by the Commission. Iristel notes that

¹² Bell Mobility TN 5A, Cover Letter, at para 3.

TELUS did include the standard information that it requires from regional carriers to update its cell site databases in its TN 564A.¹³ Iristel requests that the Commission direct Bell Mobility to adhere forthwith to the Commission's determination in TD 2022-102 with respect to the creation of a standardized format for the provision of cell site information.

2.2 Bell Mobility is imposing limitations on in-footprint roaming without justification

16. In TD 2022-102, the Commission also 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."¹⁴

17. Iristel objects to Bell Mobility's proposed definition of "In-footprint Coverage Gap Boundary":

"In-footprint Coverage Gap Boundary" means the perimeter of a material geographic area within the HPMN coverage area identified by the Wholesale Roaming Customer as an in-footprint coverage gap, as shown on a coverage map provided by the Wholesale Roaming Customer to the Company and as agreed to by the Parties, where that perimeter falls within the Company Available PMN.¹⁵ [Emphasis added]

18. Nowhere in TD 2022-102 did the Commission state that in-footprint coverage gaps were limited to "material geographic areas". Iristel is concerned that this limitation suggested by Bell Mobility may be used by Bell Mobility to unilaterally deny in-footprint seamless roaming to a wholesale roaming customer if Bell Mobility argues that a coverage gap does not cover a large enough geographic area. It should be up to the wholesale roaming customer to determine where they require in-footprint seamless roaming to address coverage gaps, not Bell Mobility or any other National Carrier.

19. As the Commission did not limit the availability of in-footprint seamless roaming to a "material geographic area" in TD 2022-102 there was no justification for Bell Mobility to include such a limitation in its wholesale roaming tariff. Iristel also notes that the reference to the coverage gap being agreed to by the parties may also be used by Bell Mobility to deny seamless roaming in coverage gaps. The regional carrier is best placed to determine where it has coverage gaps in its

¹³ TELUS TN 564A, at Item 233.8(a).

¹⁴ TD 2022-102, at para 144.

¹⁵ Bell Mobility TN 5A, at Item 100, s 1(a)(19).

network and it should be solely responsible for identifying these coverage gaps. Iristel requests that the Commission direct Bell Mobility to remove this limitation from its wholesale roaming tariff such that the revised provision reads as follows:

"In-footprint Coverage Gap Boundary" means the perimeter within the HPMN coverage area identified by the Wholesale Roaming Customer as an in-footprint coverage gap, as shown on a coverage map provided by the Wholesale Roaming Customer to the Company, where that perimeter falls within the Company Available PMN.

2.3 Bell Mobility does not have discretion as to when it chooses to inform wholesale customers of the launch of its 5G-SA network

20. Iristel is also concerned that comments made by Bell Mobility in its cover letter accompanying Bell Mobility TN 5A do not reflect the Commission's determinations in TD 2022-102. In its cover letter, Bell Mobility stated:

With respect to updates to the tariff that the Commission has indicated are to be filed at a later time, as described in paragraphs 105, 122, and 136 of Decision 2022-102, we have not launched and made available a 5G-standalone (5G-SA) network and at this time our plans to do so have not been finalized and are confidential, competitively sensitive, and contingent on procurement, build-out, and testing processes, among other factors. We will file updates to our tariff at the appropriate times following confirmation of the date on which our 5G-SA network will be launched and made commercially available to our customers.¹⁶ [Emphasis added]

21. Iristel is concerned that this language does not acknowledge the Commission's explicit directions in TD 2022-102 as to when the National Carriers must notify their wholesale roaming customers of the launch of a 5G-SA core network and file updated tariffs. In TD 2022-102 the Commission directed the National Carriers "to notify regional wireless carriers who are customers of their wholesale roaming services six months prior to the launch of a 5G-SA core network."¹⁷ The Commission also directed the National Carriers to update their tariffs to reflect the availability of direct interconnection and the availability of roaming on 5G-SA networks six months prior to the launch of a 5G-SA core network.¹⁸

¹⁶ Bell Mobility TN 5A, Cover Letter, at para 4.

¹⁷ TD 2022-102, at paras 149-150.

¹⁸ *Ibid.*

22. Therefore, Bell Mobility does not have the discretion to “file updates to our tariff at the appropriate times”¹⁹ or claim total confidentiality over the launch date of its 5G-SA core network. Pursuant to TD 2022-102, Bell Mobility must notify its wholesale roaming customers and file the required tariff amendments six months prior to the launch of its 5G-SA core network.²⁰ Iristel requests that the Commission remind Bell Mobility that compliance with this requirement of TD 2022-102 is mandatory and non-compliance with be viewed as a breach of TD 2022-102.

2.4 Bell Mobility’s proposed rates for implementing seamless roaming were not authorized by TD 2022-102

23. As with the other National Carriers, Bell Mobility, for the first time, has proposed rates for the implementation of seamless roaming in TN 5A.²¹ Bell Mobility is proposing to use “the Commission-approved rates for Bell Canada’s labour and engineering CRTC 6516 Item 4960.2.(b) for hourly rates associated to activity other than repair and maintenance.”²² Further below, in section 5.0 of this intervention, Iristel highlights some general concerns with the proposed labour rates put forth by the National Carriers. In addition to those more general concerns, Iristel objects to Bell Mobility’s inclusion of proposed rates for implementing seamless roaming in TN 5A and submits that these should have been submitted as part of a separate tariff notice. In TD 2022-102, the Commission gave the following instructions to the National Carriers for filing revised tariff pages:

Furthermore, as a general matter, in filing revised tariff pages for the Commission’s approval, the national wireless carriers are to remove any proposed changes to their wholesale roaming tariffs that (i) do not relate to either the provisioning of seamless roaming or 5G roaming, or (ii) are not of a housekeeping nature.

In Telecom Regulatory Policy 2021-130, the Commission noted that the proper reflection of the underlying costs associated with the implementation of seamless roaming in the tariffed wholesale roaming rates may be appropriate upon implementation of seamless roaming. RCCI and TCI have proposed to include provisions relating to rates for the seamless roaming service, without specifying the rates (Items 800.15.1 and 233.4.2, respectively). The national wireless carriers are reminded that any changes to their tariffed wholesale roaming rates require prior Commission approval.²³ [Emphasis added]

¹⁹ Bell Mobility TN 5A, Cover Letter, at para 4.

²⁰ TD 2022-102, at paras 149-150.

²¹ Bell Mobility TN 5A, Item 100, s 24(b)(1).

²² Bell Mobility TN 5A, Cover Letter, at para 5.

²³ TD 2022-102, at paras 138-139.

24. The Commission then went on to issue 12 specific directions to the National Carriers with respect to the implementation of seamless roaming in paragraphs 142 to 151 of TD 2022-102. Notably, submitting proposed labour rates and other rates for the implementation of seamless roaming was not one of the directions issued by the Commission. TD 2022-102 did not authorize the National Carriers to submit rates for the implementation of seamless roaming as part of the revised tariff pages required by that decision and therefore the inclusion of proposed modifications to Bell Mobility's wholesale roaming rates, including implementation costs related to seamless roaming, is out of process.

25. Therefore, Bell Mobility should be required to remove the proposed rates for the implementation of seamless roaming from its wholesale roaming tariff. To the extent that Bell Mobility wishes to charge rates for the implementation of seamless roaming, it should submit a separate tariff notice to that effect justifying that the rates are just and reasonable, by basing them strictly on the corresponding underlying costs required to provide the service.

3.0 IRISTEL'S COMMENTS ON ROGERS TN 72A & 72B

26. There are several instances in which Rogers TN 72A & 72B do not adhere to the Commission's directives in TD 2022-102.

3.1 Rogers failed to create a standardized format for the provision of cell site information

27. As with Bell Mobility, Rogers has failed to provide a standardized format for the provision of cell site information by regional wireless carriers, despite a clear direction from the Commission in TD 2022-102 to develop such a standardized format.²⁴ Rogers' justification for this failure was similar to Bell Mobility's:

Rogers notes the lack of industry technical guidelines available for Seamless Roaming. Further complicating matters is the fact that Rogers does not have any experience with this sort of exchange of information. As such, Rogers proposes that the form and format of this information exchange will be agreed upon by both parties once the Feasibility and Implementation Report is complete and the statement of work is agreed upon.²⁵

²⁴ TD 2022-102, at para 146.

²⁵ Rogers TN 72A, Cover Letter, at para 7.

28. Iristel has already noted in its discussion of Bell Mobility's failure to provide a standardized format for the exchange of cell site information how this omission will lead to delays in the implementation of seamless roaming and thus the introduction of more effective competition in Canada's mobile wireless market. Iristel maintains that the National Carriers are fully capable of articulating the standard information they will require from regional carriers to update cell site information. Iristel notes that TELUS did include the standard information that it requires from regional carriers to update its cell site databases in its TN 564A.²⁶ There is no justification for Rogers refusing to adhere to the Commission's clear directive in TD 2022-102 that the National Carriers set out in their wholesale roaming tariffs the standard format by which the regional carriers should provide updated cell site information.²⁷

29. Iristel therefore requests that the Commission direct Rogers to adhere forthwith to the Commission's determination in TD 2022-102 with respect to the creation of a standardized format for the provision of cell site information.

3.2 TD 2022-102 did not provide that direct interconnection would be subject to a commercial agreement outside of the tariff

30. In TD 2022-102, the Commission made the following determination and associated directives with respect to interconnection methods for wholesale roaming:

The Commission determines that indirect interconnection remains the mandated form of interconnection for wholesale roaming. Nevertheless, the Commission directs the national wireless carriers to notify regional wireless carriers who are customers of their wholesale roaming services six months prior to the launch of a 5G-SA core network and begin working in good faith to implement direct connections upon request. The Commission directs the national wireless carriers to file tariff updates reflecting the availability of direct interconnection at that time.²⁸

31. In response to this directive, Rogers has proposed Article 4.3 in TN 72A, which states:

A direct interconnection may be requested by the Wholesale Roaming Customer. The configuration of this interconnection will solely be determined by Rogers and is subject to commercial agreement outside the confines of this tariff.²⁹

²⁶ TELUS TN 564A, at Item 233.8(a).

²⁷ TD 2022-102, at para 146.

²⁸ *Id.*, at para 149.

²⁹ Rogers TN 72A, at p. 106A, Article 4.3.

32. Rogers' proposal for the implementation of direct interconnection goes far beyond what the Commission directed in TD 2022-102. The Commission did not provide that the configuration of the direct interconnection would be solely determined by Rogers or be subject to a separate commercial agreement outside the confines of the tariff. Given the opposition of the National Carriers to wholesale roaming in general, Commission oversight is required of the terms and conditions under which wholesale roaming is offered to avoid anti-competitive conduct on the part of the National Carriers.

33. Iristel proposes that Article 4.3 be revised to read as follows:

A direct interconnection may be requested by the Wholesale Roaming Customer. The configuration of this interconnection will be mutually determined by Rogers and the Wholesale Roaming Customer.

34. Iristel submits that this revised wording is more consistent with the Commission's directive in TD 2022-102, which did not provide for Rogers to be solely responsible for determining the configuration of the direct interconnection or making it subject to a commercial agreement outside the confines of the tariff.

3.3 Additional clarification is required with respect to coverage gaps in Rogers' tariff

35. In TD 2022-102, the Commission also 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."³⁰

36. In Item 1.21 of its revised wholesale roaming tariff, Rogers defines "Seamless Roaming" as follows:

"Seamless Roaming" shall mean the uninterrupted transition between the Wholesale Roaming Customer's PMN and the Rogers' PMN (excluding 2G and 3G services). This involves handing off voice calls and data sessions from the Wholesale Roaming Customer's PMN to the Rogers' PMN without interruption in service. Seamless roaming will also be available for coverage gaps in Wholesale Roaming Customer Footprint. [Emphasis added]

³⁰ TD 2022-102, at para 144.

37. For greater certainty, it should be clarified that it is the Wholesale Roaming Customer that is responsible for identifying coverage gaps. This is logical as it is the Wholesale Roaming Customer that is best placed to know where it has coverage gaps in its network. Therefore, Iristel proposes a minor revision to Item 1.21 of Rogers TN 72A as follows:

“Seamless Roaming” shall mean the uninterrupted transition between the Wholesale Roaming Customer’s PMN and the Rogers’ PMN (excluding 2G and 3G services). This involves handing off voice calls and data sessions from the Wholesale Roaming Customer’s PMN to the Rogers’ PMN without interruption in service. Seamless roaming will also be available for coverage gaps, which shall be identified by Wholesale Roaming Customer, in Wholesale Roaming Customer Footprint.

3.4 Rogers’ proposed rate for implementing seamless roaming were not authorized by TD 2022-102

38. As with the other National Carriers, Rogers has proposed a labour rate in its wholesale roaming tariff for the implementation of seamless roaming. Rogers states that it is proposing an interim labour rate that is “based on the nearest approved rate from our Third Party Internet Access (“TPIA”) service.”³¹ However, Rogers then goes onto propose modifications to this previously approved labour rate that have the effect of inflating it significantly. In order to translate its TPIA labour rates, which were approved in 2001, to 2022 dollars, Rogers’ proposes an Expense Increase Factor of 2.9%.³² Rogers has also decided to apply a 40% mark-up, apparently because the original TPIA labour rate only included a 30% mark-up and increasing the mark-up would be “in accordance with Telecom Order 2018-99 which applied a 40% mark-up to the national wireless carriers roaming services.”³³ In TN 72B, Rogers addressed an omission from TN 72A whereby it intended to state that ““charges for material and other direct costs for the initial set-up of seamless roaming for each Wholesale Roaming Customer be passed through to the Wholesale Roaming Customer.”³⁴

39. Further below, in section 5.0 of this intervention, Iristel highlights some general concerns with the proposed labour rates put forth by the National Carriers. In addition to those more general concerns, Iristel objects to Rogers’ inclusion of rates for the implementation of seamless roaming

³¹ Rogers TN 72A, Cover Letter, at para 13.

³² *Id.*, at para 15.

³³ *Id.*, at para 16.

³⁴ Rogers TN 72B, Cover Letter, at para 2.

in TN 72A and TN 72B, as well as its proposal for calculating such rates, which are based on a separate TPIA wireline services that has nothing to do with the provision of wholesale mobile wireless services. As noted above in our discussion of Bell Mobility TN 5A, the inclusion of rates for the implementation of seamless roaming was not one of the specific directions issued by the Commission to the National Carriers in TD 2022-102 and is thus out of process.

40. Rogers should be required to remove the proposed rates for the implementation of seamless roaming from its wholesale roaming tariff. To the extent that Rogers wishes to charge rates for the implementation of seamless roaming, it should submit a separate tariff notice to that effect justifying that the rates are just and reasonable, by basing them strictly on the corresponding underlying costs required to provide the service.

4.0 IRISTEL'S COMMENTS ON TELUS TN 564A

41. There are several instances in which TELUS TN 564A does not adhere to the Commission's directives in TD 2022-102.

4.1 TELUS has included anti-competitive terms and conditions in TN 564A that are not authorized by TD 2022-122

42. The Commission was very clear in TD 2022-102 that the National Carriers "are to remove any proposed changes to their wholesale roaming tariffs that (i) do not relate to either the provisioning of seamless roaming or 5G roaming, or (ii) are not of a housekeeping nature."³⁵ TELUS has ignored this direction and has introduced terms and conditions into its wholesale roaming tariff that were not authorized by TD 2022-102 and that are anti-competitive.

43. At Item 233.1 of its proposed tariff pages, TELUS states:

Pursuant to paragraphs 410 and 421 of Telecom Regulatory Policy CRTC 2021-130 ("TRP 2021-130"), GSM-based Roaming Service shall also enable seamless roaming and roaming on the Company's 5G networks. GSM-based Roaming Service on 5G shall be provided by the Company to enable voice, data and text retail mobile services only, for consumers and small businesses, in accordance with the terms and conditions herein. [Emphasis added]

44. This restriction on the availability of 5G roaming only to consumers and small businesses was not one of the items the Commission viewed as necessary in TD 2022-102 to implement 5G

³⁵ TD 2022-102, at para 138.

roaming and cannot be viewed as a housekeeping change. This restriction on the availability of 5G roaming introduced by TELUS is therefore out of process. Moreover, the restriction is entirely anti-competitive and will only serve to hobble the ability of regional carriers to compete by foreclosing markets to them and subjecting them to an undue administrative burden of determining who is a consumer or small business. TELUS should be instructed to remove this unjustified and anti-competitive limitation on 5G roaming from its wholesale roaming tariff.

45. Similarly, in Item 233.2 of its proposed tariff pages, for its definition of “GSM-based Roaming Service”, TELUS states:

For greater certainty, GSM-based Roaming Service cannot be used to enable Internet of Things or Machine-to-Machine communications.

46. Once again, this limitation on GSM-based roaming, which prevents wholesale roaming customers from using wholesale roaming to provide service to Internet of Things and Machine-to-Machine devices, cannot be described as a housekeeping change or as being necessary to implement 5G roaming or seamless roaming and is thus out of process. It is also an anti-competitive limitation on the availability of wholesale roaming that is designed to limit the addressable market by regional carriers. TELUS should be instructed to remove this unjustified and anti-competitive limitation on the availability of GSM-based roaming from its wholesale roaming tariff.

4.2 TELUS is imposing limitations on in-footprint roaming without justification

47. In TD 2022-102, the Commission also 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.”³⁶

48. Iristel objects to the definition of coverage gap proposed by TELUS:

“Home Network Inner Boundary” means the area within the HPMN, as shown on a coverage map and as agreed to by the Parties, as delineated by a contiguous boundary of Wholesale Roaming Customer cell sites, and within which the Wholesale Roaming Customer has no verifiable wireless network coverage (i.e. a network “coverage gap” as referred to in paragraph 44 of Telecom Decision CRTC 2022-102), where the Wholesale Roaming Customer will request Seamless Roaming Service along the outer boundary of such area, pursuant to Item 233.3.8

³⁶ *Id.*, at para 144.

and subject to Items 233.3.15 and 233.3.16. The Home Network Inner Boundary must be within the Available Footprint.³⁷ [Emphasis added]

49. This definition of coverage gap is too rigid, and the Commission did not require in TD 2022-102 that coverage gaps be limited to areas where regional carriers have no verifiable wireless network coverage. A coverage gap can also be an area where a regional carrier has a weak signal and seamless roaming is required in these instances as well to prevent dropped calls for end-users.

50. TELUS' proposal to limit the definition of coverage gap to areas where there is no verifiable wireless network coverage constitutes an excessively high threshold that, if allowed to be implemented, would result in regional carriers not being able to take advantage of in-footprint seamless roaming in many instances where it is required. Such an outcome would undermine the regional carriers' ability to be effective competitors to the National Carriers.

51. Since TD 2022-102 did not specify an eligibility threshold for seamless roaming availability for use by regional wireless carriers, no such eligibility threshold should be included by TELUS in its wholesale roaming tariff.

52. Accordingly, Iristel requests that the Commission direct TELUS to amend Item 233.2 of its wholesale roaming tariff to read as follows:

“Home Network Inner Boundary” means the area within the HPMN, as shown on a coverage map and as agreed to by the Parties, as delineated by a contiguous boundary of Wholesale Roaming Customer cell sites, and within which the Wholesale Roaming Customer has informed the Company that the Wholesale Roaming Customer has a coverage gap, where the Wholesale Roaming Customer will request Seamless Roaming Service along the outer boundary of such area, pursuant to Item 233.3.8 and subject to Items 233.3.15 and 233.3.16. The Home Network Inner Boundary must be within the Available Footprint.

4.3 TELUS' proposed rates for implementing seamless roaming were not authorized by TD 2022-102

53. As with the other National Carriers, TELUS has proposed rates in its wholesale roaming tariff for the implementation of seamless roaming.³⁸ TELUS provides almost no justification for its proposed labour rate, which it states that it calculated as follows:

³⁷ TELUS TN 564A, at Item 233.2.

³⁸ *Id.*, at Item 233.4, paragraph 2.

the Company proposes to recover its project costs for implementation of seamless roaming for each Wholesale Roaming Customer using a labour rate that is estimated based on the labour unit costs for the specific job functions that will be involved in delivering seamless roaming. In this regard, TELUS took the weighted average of the hourly costs of those job functions according to their expected contribution to the overall service delivery effort. TELUS included both direct and indirect costs as estimated in 2022. The labour rate presented in the proposed tariff page (Item 233.4.2.a) includes the markup component as determined in Telecom Order CRTC 2018-99, *Wholesale mobile wireless roaming service tariffs - Final rates*.³⁹

54. Further below, in section 5.0 of this intervention, Iristel highlights some general concerns with the proposed rates put forth by the National Carriers. In addition to those more general concerns, Iristel objects to TELUS' inclusion of rates for the implementation of seamless roaming in TN 564A, as well as the manner in which the rate was calculated. As noted above in our discussion of Bell Mobility TN 5A, as well as Rogers TN 72 A and TN 72B, the inclusion of rates for the implementation of seamless roaming was not one of the specific directions issued by the Commission to the National Carriers in TD 2022-102 and is thus out of process.

55. Therefore, TELUS should be required to remove the proposed rates for the implementation of seamless roaming from its wholesale roaming tariff. To the extent that TELUS wishes to charge rates for the implementation of seamless roaming, it should submit a separate tariff notice to that effect justifying that the rates are just and reasonable, by basing them strictly on the corresponding underlying costs required to provide the service.

56. Iristel also strongly objects to the near total lack of transparency as to how TELUS calculated its proposed labour rate. For example there is no further description of the “specific job functions that will be involved in delivering seamless roaming”⁴⁰. TELUS must, instead, submit a cost study to justify this labour rate.

5.0 IRISTEL IS CONCERNED BY THE IMPLEMENTATION RATES PROPOSED BY THE NATIONAL CARRIERS

57. As a general matter, Iristel notes that it is concerned about the rates being proposed by the National Carriers for the implementation of seamless roaming. In submitting these rates, the

³⁹ TELUS TN 564A, Cover Letter, at para 5.

⁴⁰ *Ibid.*

National Carriers have not given any indication of the actual expected cost to implement seamless roaming in any given instance. Iristel is concerned that unless this issue is carefully scrutinized, approving these rates could give the National Carriers an opportunity to game the regulatory system by making the implementation of seamless roaming so prohibitively expensive that it is impossible for regional carriers to implement.

58. To avoid the risk of seamless roaming becoming unworkable due to its cost, aside from the fact that TD 2022-102 clearly did not authorize the National Carriers to submit rates for the implementation of seamless roaming as part of the revised tariff pages they were directed to prepare as a result of that decision, it is imperative that any proposed rates for the implementation of seamless roaming be fully scrutinized in a separate proceeding. The National Carriers must be required to fully justify their costs for the implementation of seamless roaming through cost studies.

6.0 CONCLUSION

59. Iristel is alarmed that, as currently drafted, the proposed wholesale roaming tariffs of the National Carriers contain several anti-competitive terms and conditions that are not consistent with the directions of the Commission in TD 2022-102. Unless immediately corrected, these deviations will delay and thwart the introduction of effective seamless roaming and 5G roaming. To prevent such an outcome, Iristel urges the Commission to swiftly order the National Carriers to correct their proposed tariffs to comply fully and precisely with the Commission's clear directions in TD 2022-102.