



PUBLIC INTEREST ADVOCACY CENTRE  
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

23 August 2017

Ms. Danielle May-Cuconato  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, ON K1A 0N2

**VIA GCKEY**

Dear Ms. May-Cuconato,

**Re: Commission File 8620-R63-201705675**

**TNW Wireless Inc Part 1 Application Regarding Wholesale Roaming  
Agreements required under Telecom Regulatory Policy CRTC 2015-177**

**Comments on TELUS Procedural Request**

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1. The Public Interest Advocacy Centre (**PIAC**) notes a 17 August 2017 procedural letter filed by TELUS Communications Company (**TELUS**) requesting that the Commission strike certain aspects of TNW Wireless' Reply. PIAC opposes TELUS's request.
2. TELUS argues that TNW Wireless' reply seeks new alternative relief, namely that TNW Wireless be granted mandated roaming only for traditional roaming situations.

An order permitting traditional roaming is both within the scope of TNW Wireless' initial request and within the scope of the alternative relief proposed by PIAC in its intervention. TNW Wireless' application requested that the Commission direct Bell and TELUS to provide TNW with Wholesale Roaming Agreements. It was clear to PIAC that TNW's request related to both customers inside and outside TNW Wireless' licensed spectrum territory and PIAC anticipated that the Commission might grant partial relief permitting wholesale roaming only for customers in TNW's licensed spectrum territory.

3. We note that Bell Canada clearly distinguishes between traditional roaming subscribers and iPCS subscribers in its answer:

10. We understand from TNW's Application, and from their 13 June 2017 responses to our 11 May 2017 questions, that TNW envisions two types of end-users who would utilize roaming services on the Bell home network: "Type A" subscribers would be "traditional subscribers", who are resident within TNW's home footprint, utilize traditional 3GPP GSM access to the TNW home network and receive telephone numbers from areas within TNW's licensed footprint. These Type A subscribers would gain access to roaming on the Bell host network solely when out of range of the TNW home network. Type B subscribers, in contrast, would be any of those end-user subscribers who are not Type A subscribers, who use iPCS technology data only Smartphone-over- Internet Protocol (IP) cloud based technology. [Footnotes omitted]

4. Regardless, PIAC argued in its intervention that TNW Wireless should be granted wholesale roaming for traditional roaming situations. Our intervention states:

11. TNW can only use wholesale roaming to serve customers who rely primarily on a TNW home network.

12. Obviously, customers residing in TNW's mobile footprint rely primarily on a TNW home network. TNW should be able to use wholesale roaming tariffs to provide roaming service to such customers.

5. It is common practice for interveners to propose alternative relief and for the Commission to grant such relief. The applicable rules of procedure call on interveners to address not only whether they support the application but whether they support the nature of the decision sought.<sup>1</sup> There can be no issue with the applicant supporting alternative proposals in its Reply. We note that TNW Wireless also supports PIAC's alternative proposal to consider home Wi-Fi to be part of a carrier Wi-Fi network where the home Wi-Fi network is opened to all customers of the carrier.<sup>2</sup>

6. PIAC does agree with TELUS that interveners and respondents raised objections applicable to traditional roaming situations. The Commission should consider those objections in deciding TNW's application.

7. TELUS also argued that TNW Wireless has introduced new evidence in its Reply. The evidence added by TNW elaborates on the evidence included in its application. It responds to concerns raised by Bell regarding TNW Wireless' 9-1-1 service<sup>3</sup> and arguments that TNW's arrangement is an attempt to exploit a perceived loophole

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<sup>1</sup> Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (SOR/2010-277), s 23(2)(e-f).

<sup>2</sup> See TNW Wireless, Reply (14 August 2017) at para 94.

<sup>3</sup> Bell, Answer (4 August 2017) at paras 37-46.

rather than a reasonable technical arrangement.<sup>4</sup> It is also apparently an attempt to remedy perceived misunderstandings regarding the nature and legal significance of its remote access to its network.<sup>5</sup> In PIAC's view, TNW Wireless' lengthy initial application provided a full and fair disclosure of the relevant facts and it does not appear any significant information was "kept in reserve" to limit interveners and respondents right of reply.

8. In light of the above, PIAC proposes that the Commission dismiss TELUS's procedural motion.

Yours truly,  
*[original signed]*

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<sup>4</sup> TELUS, Answer (4 August 2016) at para 29.

<sup>5</sup> See TNW Wireless, Reply (14 August 2017) at para 93.