



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

August 22, 2017

Filed VIA GCKEY

**Re: TNW Wireless Inc. (“TNW”) Part 1 Application for Mandated Wholesale Wireless Roaming – CRTC
file no.: 8620-R63-201705675 – Procedural Request of TELUS Communications Company
 (“TELUS”)**

Dear Ms. May-Cuconato,

1. We are in receipt of the Procedural Request of TELUS dated August 17, 2017 as referenced above (the “Procedural Request”).
2. In their Procedural Request asserts that in the TNW Reply to Answers and Interventions dated August 14, 2017 (the “Reply”) related to its Part 1 Application of July 4, 2017 (the “Application”) that TNW requested a new form of relief which should not be considered and inserted new evidence that should not be admitted. TNW contends that both of these assertions are incorrect for the reasons stated below.
3. With respect to the alleged insertion in the Reply of a new form of relief, the Application is quite clear that TNW is requesting 4 distinct forms of final relief:

Paragraph 21

- a. TNW requests that the Commission direct both Bell and Telus to provide TNW in good faith with Wholesale Roaming Agreements as per their respective Carrier Access Tariffs under reasonable economic terms and that the Commission direct both Bell and Telus to proceed with all necessary interconnection process and guideline as set by the GSM Association Permanent References and to complete the interconnection through Syniverse’s facilities in no more than 30 days after the delivery of the Wholesale Roaming Agreements.*

There is no reference to iPCS in this request nor is there any reference to iPCS in the preamble to the request for relief in Paragraph 21. TNW is simply requesting roaming agreements as per Telus' tariff which would necessarily include a traditional roaming scenario. Therefore there is no "alternative relief" being sought – paragraph 21 (a) is the relief being sought. We would also like to bring to the attention of the Commission, highlights under the section entitled "1.2 Rational for the Application". In this section it is very clear that traditional and iPCS services are offered and there is no mention of TNW offering iPCS as its exclusive technical offering. Quite the contrary, TNW notes that iPCS is an additional offering.

4. *TNW operates its own tower/radio sites and its own core mobile network which provide service to its home public mobile network ("HPMN"). Services are currently provided on 3G for voice and data over circuit switch and packet switch system, UMTS 3G circuits and packets as well as a 4G/LTE data switch. TNW will operate its own 4G/LTE data over its LTE EPC core network.*
5. *TNW **also provides** [emphasis added] access to its HPMN and global communication services through a licensing agreement to operate iPCS, a Smartphone-over-IP cloud spectrum technology. The technical details of iPCS are provided in Section 4.0 of the Application.*
6. ***Both TNW's traditional mobile offering and iPCS** [emphasis added] are fully compliant with CRTC 2017-56 and the inherent technologies allow only for incidental roaming on a visited public mobile network ("VPMN") as defined by Telecom Regulatory Policy CRTC 2015-177 and do not allow for incidences of "permanent roaming".*

Further, in paragraph 21 (b) of the Application, TNW is simply requesting that contract provisions for a roaming agreement remain consistent with determinations contained in CRTC 2017-56 which is unrelated to any use of specific technology and again makes no reference to iPCS.

- b. *TNW requests that within the Wholesale Roaming Agreements, the Commission direct Bell and Telus not to make as pre-conditions to an agreement inclusions of clauses and components or even discussions regarding specific contract items as already ruled to be excluded from their tariffs in CRTC 2017-56 such as identified in paragraphs 55, 75 and 106 of the Decision.*

In paragraph 21 (c) of the Application TNW's request for relief again makes no reference to use of any specific technology but requests that roaming agreements not be refused based on conjecture.

c. Further to 21 b. TNW requests that the Commission direct Bell and Telus not to refuse to provide Wholesale Roaming Agreements on the basis of any perceived misuse they deem may occur.

Finally, as a completely separate and distinct issue, TNW requests that the Commission review iPCS for compliance.

d. TNW requests that the Commission review its iPCS technology for compliance with CRTC 2017-56 and a determination that the use of iPCS while on Wi-Fi using Wi-Node cannot be deemed roaming.

7. The 4 points of relief are clear, distinct and not mutually dependent. Any or all of the 4 points can be independently approved or denied. TELUS is attempting to make a dependent link with TNW's request for a roaming agreement with its request for the Commission to review iPCS which is not there.
8. With respect to the alleged addition of new evidence, again we must disagree. It is quite clear that despite the technical detail provided in the Application, that within the Answers and Interventions are numerous references to iPCS as being equivalent or "essentially the same" as the approach used by Sugar Mobile in an effort to link iPCS to an approach that has already been denied by the Commission and thereby attempt to create a climate that implies the decision on the matter has already been made and requires no further consideration. Furthermore there were numerous references to MVNO's and non-facilities based competition, again in an attempt to imply that TNW not facilities based and somehow an MVNO. Regardless of whether this misdirection was deliberate or based on a selective interpretation of the material provided, this door was opened and TNW believed it was imperative to dispel these notions.
9. Furthermore, TELUS in its Answer attempted to dismiss iPCS without any justification, referring to it as an:

*. . . artifice is nothing more than a weak attempt at regulatory gaming, an effort to find a loophole in the rules . . .*¹

TNW believed it was important to deal with this inaccurate statement forcefully.

¹ TNW Wireless Inc. Part 1 Application for Mandated Wholesale Wireless Roaming, CRTC File No. 8620-R63-201705675 Answer of TELUS, para 29

10. In its Answer, TELUS further mischaracterizes iPCS in several more ways and makes several incorrect statements. Therefore TNW believed that its reply needed to vigorously address all of this in an informative way.
11. TNW does not believe that any new evidence has been admitted and that it simply addressed the points raised in the Answers or interventions by TELUS or others.
12. For the reasons described above, TNW respectfully requests that the Commission reject the Procedural Request of TELUS in its entirety.

Sincerely,



Lawry Trevor-Deutsch
President

Attachment

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