



## **Telecom Order CRTC 2006-258**

Ottawa, 4 October 2006

### **Bell Canada**

Reference: Tariff Notices 6972 and 6972A

### **Gateway Access Service**

#### **The application**

1. The Commission received an application by Bell Canada dated 26 July 2006, as amended on 6 September 2006, which proposed to revise General Tariff item 5410, Gateway Access Service (GAS), to upgrade a number of the transmission speeds without rate changes. Bell Canada's GAS is a broadband access service based on asymmetric digital subscriber line (ADSL) technology that enables competitors to establish a high-speed dedicated channel between an end-user's premises and a Bell Canada wire centre.
2. Bell Canada proposed that new generic names, GAS Access Lite – Residence, GAS Access Lite – Business, GAS Access Basic – Residence, and GAS Access Basic – Business, be used for the access services and that references to the transmission speeds associated with these access services be removed from its tariff. Transmission speeds would be upgraded from 3 megabits per second (Mbps) to 5 Mbps for GAS Access Basic – Residence service, from 256 kilobits per second (Kbps) to 512 Kbps for GAS Access Lite – Business service, and from 3 Mbps to 6 Mbps for GAS Access Basic – Business service. No transmission speed upgrade was proposed for the 256 Kbps GAS Access Lite – Residence service.

#### **Process**

3. The Commission received comments from Primus Telecommunications Canada Inc. (Primus) dated 23 August 2006 and from MTS Allstream Inc. (MTS Allstream) dated 25 August 2006. Bell Canada submitted reply comments dated 5 September 2006.

#### **Positions of parties**

4. Primus submitted that the proposed competitor GAS Access Lite – Business service, at 512 Kbps, did not match Bell Canada's equivalent business retail service speed of 1 Mbps. Primus requested that the Commission direct Bell Canada to provide its GAS Access Lite – Business service at 1 Mbps instead of 512 Kbps.
5. Primus and MTS Allstream requested that the download speeds of Bell Canada's GASs continue to be published in its tariff to provide assurance of the transmission speeds available.

6. MTS Allstream also requested that:
- Bell Canada provide the time frames and roll-out schedules for the line speed upgrades contemplated in its application;
  - the proposed rates for the Bell Canada service include mark-ups of no more than 15 percent; and
  - all rate differentials for business/residence customers, transmission speed, length of contract term, and the number of ADSL accesses be eliminated in favour of a single rate for the service.

***Bell Canada's reply***

7. Bell Canada submitted that the intent of its tariff revisions was not to create a new access speed for its customers. The company also submitted that the changes were intended to simplify the product offering and upgrade the speeds, which would result in improving the services for competitors without increasing their costs. Bell Canada further submitted that the provision of a new 1 Mbps access speed for its wholesale GAS was beyond the scope of its application.
8. With respect to the request to publish explicit transmission speeds, Bell Canada submitted that eliminating the transmission speed references in its GAS tariff would allow it to quickly make changes to speeds in the future without requiring changes to the tariff. Bell Canada noted that in *Bell Canada – KeyPak*, Telecom Order CRTC 2004-75, 11 March 2004, the Commission had approved a similar approach for KeyPak, a retail service.
9. With respect to the service upgrade implementation dates, Bell Canada submitted that it had already informed its customers in writing that the speed upgrades would be complete by 31 October 2006. The company indicated that its standard practice was to inform its customers when changes to transmission speed and price could be expected. Bell Canada suggested that its customers should contact the company should they have specific questions about how the upgrades affected them. The company noted that it provided a weekly report to Internet service providers informing them when digital subscriber line access multiplexer equipment was being provisioned in new areas to offer ADSL services, and that it made its ADSL access services available to both retail and wholesale customers when the equipment was put into service.
10. With respect to MTS Allstream's request to establish a single rate for the GAS with a mark-up of 15 percent above the costs, Bell Canada submitted that this request was beyond the scope of its application and that these aspects of its tariff had already been addressed when Bell Canada received final approval in *Bell Canada – Gateway Access Service and High Speed Access Service*, Telecom Order CRTC 2005-62, 17 February 2005.

**Commission's analysis and determinations**

11. The Commission notes that MTS Allstream has requested that the Commission set a single rate for Bell Canada's GAS with a mark-up of 15 percent above the costs. The Commission also notes that Primus proposed that Bell Canada should provide a 1 Mbps service for business customers. The Commission concludes that these issues will not be dealt with in this interim order, but rather in the final disposition of this application.

*Publication of speeds for GAS*

12. The Commission notes that the existing GAS tariff specifies the maximum downstream and upstream transmission speeds available under GAS. The Commission considers that such information regarding the transmission speeds available for GAS is important to competitors, who rely upon the availability of the advertised speeds to ensure that the GAS meets their requirements. The Commission also considers that, given the sensitivity of competitors' business plans to speed availability, the tariff publication of such data with respect to competitor services is more critical than it is with respect to retail services such as KeyPak.
13. The Commission further considers that approval of the tariff as proposed by Bell Canada will offer no recourse pursuant to the company's tariffs, should service complaints arise if Bell Canada does not deliver the proposed speeds.
14. In light of the above, the Commission considers that Bell Canada should be required to publish in its tariff the maximum transmission speeds available for each GAS available as part of its GAS tariff.

*Timing of service upgrades*

15. The Commission notes that Bell Canada has indicated that it will complete all the service upgrades by 31 October 2006, and that it has in place processes to advise customers of upcoming changes to services. Accordingly, the Commission considers that Bell Canada has adequately addressed the concerns of interveners with respect to the timing of service upgrades.

**Conclusions**

16. In light of the foregoing, the Commission **approves on an interim basis**, with the changes noted below, Bell Canada's proposed tariff revisions, effective the date of this Order.
17. The Commission directs Bell Canada to issue tariff pages, within 10 days of the date of this Order, modified to include the maximum downstream and upstream transmission speeds associated with each GAS available as part of its GAS tariff.

Secretary General

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