



## Telecom Decision CRTC 2008-44

Ottawa, 29 May 2008

### **Forbearance from the regulation of high capacity/digital data services interexchange private line services on certain additional routes**

Reference: 8638-S1-01/98

*In this Decision, the Commission forbears, with some conditions, from regulating high capacity/digital data services interexchange private line services on 105 additional routes.*

#### **Introduction**

1. In Telecom Order 99-434, the Commission directed the competitors of several incumbent local exchange carriers (ILECs) to file a semi-annual report identifying the interexchange private line (IXPL) routes on which they provided or offered high capacity/digital data services IXPL services (IXPL services) to at least one customer, at the equivalent of DS-3 or greater bandwidth, using terrestrial facilities from a company other than the ILEC or an affiliate of the ILEC.<sup>1</sup>
2. The Commission stated that upon being satisfied that one or more competitors met this criterion, it would proceed to forbear from the regulation of IXPL services on those particular routes without further process. The reports are due on 1 April and 1 October of each year.
3. The Commission received April 2008 filings from the following competitors: Axia SuperNet Ltd.; Bell Canada on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), and NorthernTel, Limited Partnership; Bragg Communications Inc. on behalf of itself and EastLink, Persona Communications Corp., Delta Cable, and Amtelecom Communications Corp.; Greater Sudbury Telecommunications Inc. operating as Agilis Networks; Hamilton Hydro Services Inc.; Hydro One Telecom Inc.; Kenora Municipal Telephone System; Manitoba Hydro; MTS Allstream Inc. (MTS Allstream); O.N.Tel Inc. carrying on business as Ontera; Rogers Communications Inc.; Saskatchewan Telecommunications (SaskTel); SCBN Telecommunications Inc.; Shaw Business Solutions Inc.; TELUS Communications Company (TCC); and Videotron Ltd.

#### **Commission's analysis and determinations**

4. The Commission established a framework for considering whether to forbear from regulation in Telecom Decision 94-19.

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<sup>1</sup> In Telecom Order 99-905, the Commission extended the IXPL forbearance process of Telecom Order 99-434 to Québec-Téléphone, now part of TCC, and to Télébec ltée, now Télébec, Limited Partnership.

5. In Telecom Decision 97-20, pursuant to section 34 of the *Telecommunications Act* (the Act) and in accordance with the framework set out in Telecom Decision 94-19, the Commission forbore in large part from regulating the IXPL services provided by the former Stentor-member companies on certain routes. The Commission expanded the scope of forbearance for forborne IXPL services provided by TCC in Telecom Decision 2003-77 and for those provided by Bell Canada, Aliant Telecom Inc. (now part of Bell Aliant), MTS Allstream, and SaskTel in Telecom Decision 2004-80.
6. The Commission has reviewed the competitors' reports filed pursuant to Telecom Order 99-434 and finds that one or more competitors met the above-noted forbearance criterion for 105 additional routes, which are in territories served by Bell Aliant, Bell Canada, Dryden Municipal Telephone System (Dryden MTS), MTS Allstream, SaskTel, TBayTel, and/or TCC. The Commission notes that these additional routes are listed in the Appendix.
7. Pursuant to subsection 34(1) of the Act, the Commission finds, as a question of fact, that to refrain from the exercise of its powers and the performance of its duties to the extent set out in this Decision with respect to the regulation of the IXPL services on the routes listed in the Appendix is consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
8. Pursuant to subsection 34(2) of the Act, the Commission also finds, as a question of fact, that the IXPL services on the routes listed in the Appendix are subject to a level of competition sufficient to protect the interests of users and that, to the extent set out in this Decision, it is appropriate to refrain from regulating the IXPL services provided on these routes.
9. Pursuant to subsection 34(3) of the Act, the Commission finds, as a question of fact, that refraining from regulating the IXPL services on the routes listed in the Appendix, to the extent set out in this Decision, is unlikely to unduly impair the continuance of a competitive market for these services.
10. In light of the above and pursuant to subsection 34(4) of the Act, the Commission declares that the following sections of the Act, with some exceptions as noted, do not apply to the affected ILECs' IXPL services on the routes identified in the Appendix:
  - section 24, except that the Commission directs the ILECs whose territories include one or more of the IXPL routes listed in the Appendix (the affected ILECs) to incorporate where appropriate, on a going-forward basis, the existing conditions regarding the disclosure of confidential customer information to third parties into all contracts and any other arrangements for the provision of the IXPL services forborne from regulation in this Decision. The Commission considers that it is also appropriate to retain sufficient powers under section 24 of the Act to specify possible future conditions upon the forborne services provided by the affected ILECs, where circumstances warrant;

- section 25;
  - section 27, except with respect to subsection 27(3) of the Act in relation to compliance with powers and duties not forborne from in this Decision;
  - section 29; and
  - section 31.
11. The Commission directs the affected ILECs to issue, within 45 days, tariff pages removing the tariffs for the IXPL services on the routes identified in the Appendix, effective on the date of issuance of the tariff pages.

Secretary General

### **Related documents**

- *Aliant Telecom, Bell Canada, MTS Allstream and SaskTel – Forbearance from section 29 of the Act for agreements related to forborne domestic toll services and forborne interexchange private line services*, Telecom Decision CRTC 2004-80, 9 December 2004
- *TELUS' application for forbearance from section 29 of the Telecommunications Act with respect to forborne interexchange private line and long distance services*, Telecom Decision CRTC 2003-77, 19 November 2003
- Telecom Order CRTC 99-905, 17 September 1999
- *Follow-up Proceeding to Telecom Decision CRTC 97-20: Establishment of criterion and process for considering further forbearance for High Capacity/DDS interexchange private line services*, Telecom Order CRTC 99-434, 12 May 1999
- *Stentor Resource Centre Inc. – Forbearance from regulation of interexchange private line services*, Telecom Decision CRTC 97-20, 18 December 1997
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

*Additional IXPL routes that qualify for forbearance  
based on the April 2008 reports from competitors, pursuant to Telecom Order 99-434*

	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
1	Bell Aliant	Bathurst NB	Campbellton NB	Bell Aliant
2	Bell Aliant	Bathurst NB	Edmundston NB	Bell Aliant
3	Bell Aliant	Bathurst NB	Fredericton NB	Bell Aliant
4	Bell Aliant	Bathurst NB	Halifax NS	Bell Aliant
5	Bell Aliant	Bathurst NB	Miramichi NB	Bell Aliant
6	Bell Aliant	Bathurst NB	Moncton NB	Bell Aliant
7	Bell Aliant	Bathurst NB	Richibucto NB	Bell Aliant
8	Bell Aliant	Bathurst NB	Saint John NB	Bell Aliant
9	Bell Aliant	Bathurst NB	St. Leonard NB	Bell Aliant
10	Bell Aliant	Bathurst NB	Tracadie NB	Bell Aliant
11	Bell Aliant	Bathurst NB	Woodstock NB	Bell Aliant
12	Bell Aliant	Corner Brook NL	St. Johns NL	Bell Aliant
13	Bell Aliant	Gander NL	St. Johns NL	Bell Aliant
14	Bell Aliant	Halifax NS	St. Johns NL	Bell Aliant
15	Bell Canada	Cambridge ON	Sarnia ON	Bell Canada
16	Bell Canada	Chicago IL	Streetsville ON	Bell Canada
17	Bell Canada	Chicago IL	Whalley BC	TCC
18	Bell Canada	Cooksville ON	Kanata ON	Bell Canada
19	Bell Canada	Kanata ON	Montréal QC	Bell Canada
20	Bell Canada	Kitchener ON	Seattle WA	
21	Bell Canada	Montréal QC	Seattle WA	
22	Bell Canada	Ottawa ON	Seattle WA	

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23	Bell Canada	Thornhill ON	Woodbridge ON	Bell Canada
24	Bell Canada	Toronto ON	Woodbridge ON	Bell Canada
25	Dryden MTS	Dryden ON	Winnipeg MB	MTS Allstream
26	MTS Allstream	Portage La Prairie MB	Winnipeg MB	MTS Allstream
27	SaskTel	Moose Jaw SK	Regina SK	SaskTel
28	SaskTel	Prince Albert SK	Saskatoon SK	SaskTel
29	SaskTel	Regina SK	Swift Current SK	SaskTel
30	SaskTel	Saskatoon SK	Winnipeg MB	MTS Allstream
31	TBayTel	Thunder Bay ON	Winnipeg MB	MTS Allstream
32	TCC	Abbotsford BC	Ste-Anne-des-Monts QC	TCC
33	TCC	Airdrie AB	Ste-Anne-des-Monts QC	TCC
34	TCC	Banff AB	Calgary AB	TCC
35	TCC	Bonnyville AB	Ste-Anne-des-Monts QC	TCC
36	TCC	Brooks AB	Ste-Anne-des-Monts QC	TCC
37	TCC	Calgary AB	Chipewan Lake AB	TCC
38	TCC	Calgary AB	Elk Point AB	TCC
39	TCC	Calgary AB	Seattle WA	TCC
40	TCC	Calgary AB	Ste-Anne-des-Monts QC	TCC
41	TCC	Camrose AB	Ste-Anne-des-Monts QC	TCC
42	TCC	Chilliwack BC	Ste-Anne-des-Monts QC	TCC
43	TCC	Cold Lake AB	Ste-Anne-des-Monts QC	TCC
44	TCC	Courtenay BC	Ste-Anne-des-Monts QC	TCC
45	TCC	Delta BC	Vancouver BC	TCC

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46	TCC	Drumheller AB	Ste-Anne-des-Monts QC	TCC
47	TCC	Duncan BC	Ste-Anne-des-Monts QC	TCC
48	TCC	Edmonton AB	Ste-Anne-des-Monts QC	TCC
49	TCC	Edmonton AB	Fort St. John BC	TCC
50	TCC	Fort St. John BC	Ste-Anne-des-Monts QC	TCC
51	TCC	Fort McMurray AB	Ste-Anne-des-Monts QC	TCC
52	TCC	Grande Prairie AB	Ste-Anne-des-Monts QC	TCC
53	TCC	High River AB	Ste-Anne-des-Monts QC	TCC
54	TCC	Kamloops BC	Ste-Anne-des-Monts QC	TCC
55	TCC	Kamloops BC	Trail BC	TCC
56	TCC	Kamloops BC	Vancouver BC	TCC
57	TCC	Kelowna BC	Ste-Anne-des-Monts QC	TCC
58	TCC	Lacombe AB	Ste-Anne-des-Monts QC	TCC
59	TCC	Leduc AB	Ste-Anne-des-Monts QC	TCC
60	TCC	Lethbridge AB	Ste-Anne-des-Monts QC	TCC
61	TCC	Lloydminster AB	Ste-Anne-des-Monts QC	TCC
62	TCC	Medicine Hat AB	Ste-Anne-des-Monts QC	TCC
63	TCC	Nanaimo BC	Ste-Anne-des-Monts QC	TCC
64	TCC	New Westminster BC	Ste-Anne-des-Monts QC	TCC
65	TCC	New Westminster BC	Seattle WA	
66	TCC	New Westminster BC	Vancouver BC	TCC
67	TCC	Newton BC	Ste-Anne-des-Monts QC	TCC
68	TCC	North Vancouver BC	Seattle WA	

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69	TCC	Parksville BC	Ste-Anne-des-Monts QC	TCC
70	TCC	Penticton BC	Ste-Anne-des-Monts QC	TCC
74	TCC	Prince George BC	Ste-Anne-des-Monts QC	TCC
72	TCC	Red Deer AB	Ste-Anne-des-Monts QC	TCC
73	TCC	Richmond BC	Ste-Anne-des-Monts QC	TCC
74	TCC	Saanich BC	Ste-Anne-des-Monts QC	TCC
75	TCC	Sherwood Park AB	Ste-Anne-des-Monts QC	TCC
76	TCC	Sooke BC	Ste-Anne-des-Monts QC	TCC
77	TCC	Spruce Grove AB	Ste-Anne-des-Monts QC	TCC
78	TCC	Squamish BC	Ste-Anne-des-Monts QC	TCC
79	TCC	St. Albert AB	Ste-Anne-des-Monts QC	TCC
80	TCC	Stony Plain AB	Ste-Anne-des-Monts QC	TCC
81	TCC	Strathmore AB	Ste-Anne-des-Monts QC	TCC
82	TCC	Vancouver BC	Ste-Anne-des-Monts QC	TCC
83	TCC	Vancouver BC	Whalley BC	TCC
84	TCC	Vegreville AB	Ste-Anne-des-Monts QC	TCC
85	TCC	Vermilion AB	Ste-Anne-des-Monts QC	TCC
86	TCC	Vernon BC	Ste-Anne-des-Monts QC	TCC
87	TCC	Victoria BC	Ste-Anne-des-Monts QC	TCC
88	TCC	Wetaskiwin AB	Ste-Anne-des-Monts QC	TCC
89	TCC	Whistler BC	Ste-Anne-des-Monts QC	TCC
90	TCC	Whitecourt AB	Ste-Anne-des-Monts QC	TCC
91	TCC	Hauterive QC	Ste-Anne-des-Monts QC	TCC

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92	TCC	Baie-Comeau QC	Ste-Anne-des-Monts QC	TCC
93	TCC	Bonaventure QC	Ste-Anne-des-Monts QC	TCC
94	TCC	Donnacona QC	Ste-Anne-des-Monts QC	TCC
95	TCC	Gaspé QC	Ste-Anne-des-Monts QC	TCC
96	TCC	Matane QC	Ste-Anne-des-Monts QC	TCC
97	TCC	Montmagny QC	Ste-Anne-des-Monts QC	TCC
98	TCC	Rimouski QC	Ste-Anne-des-Monts QC	TCC
99	TCC	Sept-Îles QC	Ste-Anne-des-Monts QC	TCC
100	TCC	St-Augustin-de-Desmaures QC	Ste-Anne-des-Monts QC	TCC
101	TCC	Ste-Anne-des-Monts QC	St-Georges-de-Beauce QC	TCC
102	TCC	Ste-Anne-des-Monts QC	St-Henri-de-Lévis QC	TCC
103	TCC	Ste-Anne-des-Monts QC	Ste-Marie-de-Beauce QC	TCC
104		Chicago IL	Kitchener ON	Bell Canada
105		Seattle WA	Whalley BC	TCC