



## Telecom Order CRTC 2008-141

Ottawa, 15 May 2008

### Videotron Ltd.

Reference: Tariff Notices 19 and 19A

#### Third-Party Internet Access service

1. The Commission received an application<sup>1</sup> by Videotron Ltd. (Videotron), dated 20 March 2008, and amended on 28 March 2008, to revise its General Tariff item 200, Third Party Internet Access (TPIA). In its application, Videotron requested approval to amend the additional usage charge for TPIA Basic Internet service by (i) setting a combined cap for upload and download usage equal to the sum of the previously distinct caps for upload and download usage, and (ii) decreasing the maximum additional usage charge per month from \$99.95 to \$50.00.
2. Videotron also requested that the Commission ratify the charging of rates to TPIA subscribers from 5 March 2008, the same date that Videotron started charging the rates to its own end-customers. Videotron indicated that it would undertake to inform all of its TPIA customers of this application.
3. In Telecom Order 2008-89, the Commission approved Videotron's application on an interim basis, effective 2 April 2008.
4. The Commission received no comments regarding this application. The public record of this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

#### Commission's analysis and determinations

5. In Telecom Decision 2006-77, the Commission determined that each cable carrier should be provided the ability to manage the potential negative outcome of high-consuming bandwidth end-users in a manner that does not degrade the quality of service to all end-users, whether it is the cable carrier's end-user or the competitor's end-user. The Commission considered, however, that regardless of the approach adopted by the cable carriers to address this problem, such an approach must provide an equivalent treatment with respect to excessive usage to both their own retail Internet access service end-users and TPIA end-users.
6. The Commission notes that the proposed changes to the additional usage charge for TPIA Basic Internet service are identical to those which Videotron has recently introduced for its own retail Basic Internet service end-users.

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<sup>1</sup> The application was filed by Quebecor Media Inc., on behalf of Videotron Ltd.

7. Accordingly, the Commission considers Videotron's application, with respect to the increased bandwidth usage and rates, to be consistent with Telecom Decision 2006-77.
8. With respect to Videotron's request for a particular ratification date, the Commission considers that Videotron's submission is consistent with the Commission's policy that TPIA customers get equivalent treatment from the same date as the cable carriers' retail end-users.
9. Paragraph 25(4)(a) of the *Telecommunications Act* (the Act) stipulates that the Commission may ratify the charging of a rate by a Canadian carrier otherwise than in accordance with a tariff approved by the Commission if it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.
10. The Commission considers that the circumstances of this case warrant the ratification of the rate retroactive to 5 March 2008, because (i) the financial advantage that accrued to Videotron's retail customers should be available to TPIA customers from the same date, and (ii) the application is fully consistent with the Commission's directives in Telecom Decision 2006-77.
11. In light of the above, the Commission **approves on a final basis** the proposed rate decrease and revised terms and conditions, effective 2 April 2008. Further, the Commission ratifies, pursuant to subsection 25(4) of the Act, the charging of the decreased rates for the period from 5 March 2008 to 2 April 2008.

Secretary General

### **Related documents**

- Telecom Order CRTC 2008-89, 2 April 2008
- *Cogeco, Rogers, Shaw, and Videotron – Third-party Internet access service rates*, Telecom Decision CRTC 2006-77, 21 December 2006

*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>*