Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Telecom Decision CRTC 2009-664

Ottawa, 23 October 2009

CISC Business Process Working Group – Non-consensus report BPRE069a regarding the competitor digital network DS-1 service process

File numbers: 8621-C12-01/08 and 8660-M59-200816994

In this decision, the Commission establishes provisioning interval guidelines for competitor digital network services at DS-1 rate in response to a report submitted by the CRTC Interconnection Steering Committee Business Process Working Group.

Introduction

1. In Telecom Decision 2008-68, the Commission directed the CRTC Interconnection Steering Committee (CISC) Business Process Working Group (BPWG) to

   i) develop a common provisioning process (or processes) for competitor digital network (CDN) services at digital signal level 1 (DS-1) rate,[1] including steps and time frames applicable to such elements as

      - confirming service availability or communicating the pricing of the facilities associated with this service when such facilities are not readily available; and
      - the testing at delivery;

   ii) properly define the terminology used in this/these process(es) between the ordering and the provisioning parties, such as the requirements for testing and remedial measures in case of failed provisioning; and

   iii) submit a report outlining its findings and recommendations on the above matters to the Commission.

2. On 12 December 2008, the BPWG filed with the Commission non-consensus report BPRE069a, *CDN DS1 Process – follow-up to Decision 2008-68* (the Report). In the Report, the BPWG requested, among other things, that the Commission make determinations on various non-consensus items and one consensus item.

3. While the BPWG agreed that the current overall CDN DS-1 ordering process is adequate, participants have been unable to reach consensus on a number of issues associated with the various steps leading to the delivery of CDN services. With the agreement of Commission staff, the BPWG narrowed its focus to defining uniform terminology, time frames, and information that would be included in incumbent local exchange carriers' (ILECs) responses to competitive local exchange carriers' (CLECs) requests. As a result, the BPWG did not address a common

[1] CDN service at DS-1 rate, also called CDN DS-1 service, is a facility capable of digital transmission at a nominal rate of 1.544 megabits per second and generally relates to 24 equivalent voice frequency channels.

ordering form, or the mechanization or standardization of existing systems for the CDN DS-1 ordering process. In addition, the BPWG did not address remedial measures in case of failed provisioning.

4. The Report is available on the Commission's website at www.crtc.gc.ca under “CRTC Interconnection Steering Committee” and “CISC Site Map.”

5. The Commission has identified the following issues to be addressed in this decision:

    I. Where facilities are available, what is a reasonable order confirmation interval and should it be standardized?

    II. Where facilities are not available, should a communications flow process and time intervals be defined and standardized? If so, what should be the process and related intervals?

    III. Where facilities are available, should a site visit date be included on the order confirmation form? If not, how much notice of a site visit should be given?

    IV. Where facilities are available, should charges pertaining to the CDN DS-1 service be indicated in the order confirmation?

    V. Is the proposed standard terminology sufficient for the provisioning process of CDN DS-1 service?

    VI. Should the CDN DS-1 service provisioning process be included in the installation, testing, and maintenance guidelines for unbundled loops and number portability?

6. The Commission notes that in Telecom Decision 2009-514 it addressed another matter referred to it by the BPWG regarding situations involving “no facilities available” (NFA) claims.

7. The Commission notes that the overall service interval for the CDN provisioning process is measured by competitor quality of service indicator 1.19.[2] The Commission also notes that the intervals set out in this decision for the various component steps within the CDN provisioning process are guidelines and that they are intended to promote the efficient delivery of CDN services. This decision does not affect the long-standing principle that except where the provisioning LEC and the ordering LEC have agreed to the interval in question, provisioning LECs are not to treat ordering LECs less favourably than they do their retail customers for similar services.

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[2] 1.19 – Requested Due Dates Met – CDN Services

I. Where facilities are available, what is a reasonable order confirmation interval and should it be standardized?

8. MTS Allstream Inc. (MTS Allstream) noted that it had a target response time of three business days where suitable facilities are available and submitted that a standardized interval should be approved.

9. Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), Bell Canada, Saskatchewan Telecommunications (SaskTel), and TELUS Communications Company (TCC) [collectively, the ILECs] stated that where facilities are available, their service level objective is to provide an order confirmation within two business days and that, in practice, they generally do so within a period of two to five business days.

10. In the Report, the ILECs submitted that the current provisioning process works well where facilities are available and that a Commission-sanctioned confirmation interval is not required. They also submitted that the Commission had made determinations in Telecom Decision 2006-34 regarding service intervals, the inclusion of the order confirmation interval in the standard service interval, and scenarios where facilities are not available and, therefore, MTS Allstream's proposal to impose new standards for order confirmations constitutes a request to review and vary that decision.

Commission's analysis and determinations

11. The Commission notes that ordering LECs, which include CLECs and other competitors, use

    - the abbreviated access service request form to order, for example, interconnection, signalling, and 9-1-1 trunks; transiting and transport facilities; links from CLEC to primary signalling transfer points; and connecting links (all of which are generally known as trunk-side facilities); and

    - the service order form to order facilities such as CDN services for access (these are generally known as line-side facilities).

12. The Commission notes that the Report focuses on CDN DS-1 service used on the line side of the network. However, the Commission considers that for the purpose of this decision, any reference to a service order confirmation is equally applicable to both the service order and the abbreviated access service request.

13. The Commission notes that the focus of Telecom Decision 2006-34 was on the overall time frame for delivery of CDN services for the purpose of the application of competitor quality of service performance standards. The Commission also notes that it did not address specific service order confirmation intervals in the context of establishing the overall delivery time intervals in that decision. The Commission considers, therefore, that it is appropriate to address this matter in this proceeding, and that MTS Allstream's request does not represent a request to review and vary Telecom Decision 2006-34.

14. The Commission notes that the majority of the provisioning LECs, which include all large ILECs, generally provide a service order confirmation to their competitors within two to five business days of the date of receipt of a CDN service request or order form. The Commission also notes that MTS Allstream's target response time is three business days. In the circumstances, the Commission determines that the service order confirmation interval should be three business days from the date of receipt of a request or order.

II. Where facilities are not available, should a communications flow process and time intervals be defined and standardized? If so, what should be the process and related intervals?

15. MTS Allstream submitted that standardized intervals for all scenarios are preferable, including those scenarios where no suitable facilities are available and permits and/or rights of way (RoW) are required. Rogers Communications Inc. (RCI) supported MTS Allstream's position and submitted that where major builds require building permits and/or RoW, additional time may be required before a confirmation date can be provided.

16. The ILECs submitted that the Commission had already made determinations in Telecom Decision 2006-34 regarding service intervals, the inclusion of the order confirmation interval in the standard service interval, and scenarios where facilities are not available. They reiterated that MTS Allstream's proposal to impose new standards for order confirmations was an attempt to review and vary that decision.

Commission's analysis and determinations

17. The Commission notes that situations where no facilities, or no suitable facilities, are available consist of the following two categories:

- no facilities are available, but they could be made available without the need to obtain permits and/or RoW; and
- no facilities are available, and they could only be made available after securing the necessary permits and/or RoW.

18. The Commission notes that a LEC that orders a CDN DS-1 service relies on certain important information from the provisioning LEC in order to inform its end-customer of the steps and activities leading to service delivery. The Commission considers that confirmation of the service delivery date is a critical piece of information that the ordering LEC needs in order to coordinate on-site visits and related activities with its end-customers.

19. With respect to the ILECs' submission that MTS Allstream's proposal constitutes a review and vary of Telecom Decision 2006-34, the Commission notes that its determination that it would not be appropriate to establish service intervals in NFA situations referred to the ultimate delivery dates of the CDN service and not, as are being considered here, to the intervals related to the various steps leading to such dates. Accordingly, the Commission does not consider that MTS Allstream's proposal constitutes a review and vary of Telecom Decision 2006-34.

20. The Commission considers that a common standardized communications flow process for CDN provisioning would mitigate potential confusion and misunderstandings. It would also reduce the likelihood of situations arising involving the conferring of an undue preference on the provisioning LEC stemming from its treatment of retail and wholesale customers.

21. Therefore, the Commission considers that in NFA situations, it is appropriate that a clearly defined step-by-step communications flow process with related intervals between the ordering and provisioning LECs should be established as a guideline.

22. The Commission notes that the following step-by-step communications flow process takes place between ordering and provisioning LECs when a request for CDN service is issued:

    Step 1 – Provisioning LEC notification to ordering LEC

    Step 2 – Ordering LEC initial response

    Step 3 – Provisioning LEC gives estimates of applicable charges and service delivery date to ordering LEC

    Step 4 – Ordering LEC final commitment to provisioning LEC

23. The Commission addresses each of the steps and related intervals of the communication process in NFA situations below.

Step 1 – Provisioning LEC notification to ordering LEC

a) Description

24. In step 1, upon receiving the request or order, the provisioning LEC verifies the availability of the facilities to complete the request or order. If an NFA claim is justified, the provisioning LEC provides the ordering LEC with an initial response informing it that

    i) the request or order cannot be completed by the requested service due date because of lack of facilities, with specific explanation justifying the NFA claim,[3]

    ii) construction charges will apply, and

    iii) the delivery date for the ordered CDN DS-1 service will need to be negotiated in a further step because permits and/or RoW may be required to complete make-ready work for the underlying outside plant facility.

b) Interval

25. The Commission notes that SaskTel submitted that it advises the customer within two business days that facilities work is required before the requested service can be delivered.

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[3] See Commission staff letter dated 15 January 2009.

26. The Commission considers that, as determined in issue I above for situations where facilities are available, three business days from the date of receipt of the request or order is an appropriate time period for the provisioning LEC to inform the ordering LEC of the status of its facilities and provide the information as described in paragraph 24 above.

27. Accordingly, the Commission determines that it would be appropriate for a provisioning LEC claiming an NFA situation to provide an initial response with specific justification to the ordering LEC within three business days of the date of receipt of a request or order.

Step 2 – Ordering LEC initial response

a) Description

28. In step 2, upon receiving the NFA notification from the provisioning LEC and after discussion with its end-customer, the ordering LEC initially confirms whether it wants the provisioning LEC to pursue or cancel the request or order.

b) Interval

29. The Commission notes that the parties proposed periods ranging from 3 to 15 business days as reasonable time frames for the ordering LEC to inform the provisioning LEC that it either wishes to proceed with the required construction work in situations where permits and/or RoW need to be secured or that it prefers to cancel the request or order.

30. The Commission notes that the time frame for an ordering LEC to inform the provisioning LEC of its intention to pursue a request or order in an NFA situation depends on its end-customer's response. The Commission considers that the time required for obtaining the end-customer's response is likely the same whether or not the situation requires permits and/or RoW.

31. Based on the proposed time frames and the activities required by the ordering LEC, the Commission determines that once the ordering LEC has received an initial response from the provisioning LEC indicating an NFA situation, five business days is a reasonable time frame for the ordering LEC to complete step 2.

Step 3 – Provisioning LEC gives estimates of applicable charges and service delivery date to ordering LEC

a) Description

32. Where the ordering LEC has confirmed its decision to pursue the request, in step 3 the provisioning LEC, where required, completes an economic study, initiates the process for securing permits or negotiating RoWs, issues outside plant work plans, and orders material and equipment. The provisioning LEC then communicates to the ordering LEC an estimate of applicable charges and the service delivery date.

b) Interval

33. MTS Allstream and TCC submitted that they provide estimates of applicable charges and the service delivery date within intervals of 5 and 10 business days, respectively, in NFA situations where permits and/or RoW are not required to make facilities available. Bell Aliant, Bell Canada, and SaskTel submitted that they would not address the issue, pending the Commission's determination with respect to the definition of an NFA situation.

34. In NFA situations that require securing permits and/or RoW, MTS Allstream indicated that it would be able to confirm the estimated charges and service delivery date within a four-week period. Other parties submitted average time frames ranging from 3 to 10 business days to inform a competitor or a retail customer requesting a CDN DS-1 or similar service of the estimated applicable charges. However, these parties indicated that it was not possible to provide an estimated delivery date until the necessary permits and/or RoW had been secured.

35. The Commission considers that in an NFA situation, regardless of whether permits and/or RoW need to be secured to complete the ordering LEC's service request or order, it is appropriate for the provisioning LEC to inform the ordering LEC of the estimated applicable charges and the service delivery date for the requested service within a determined time frame.

36. The Commission considers that where permits or RoW are not required, the provisioning LEC faces fewer challenges to complete a CDN service request or order since input from third parties is limited to delivery of material or equipment and scheduling of eventual contractual activities. In light of the time frames proposed and the activities required in situations where permits and/or RoW are not required to make the underlying facility ready, the Commission determines that for a provisioning LEC to provide estimates of applicable charges and the service delivery date to the ordering LEC, an interval no longer than five business days from the response date of the ordering LEC is appropriate.

37. Regarding situations where permits and/or RoW must be secured, the Commission considers that a longer interval is justified since the provisioning LEC depends on more input from third parties to complete the work to prepare the underlying facility. In these specific situations, the Commission determines that for a provisioning LEC to provide estimates of applicable charges and the service delivery date to the ordering LEC, an interval no longer than the date of receipt of the permit and/or RoW plus two business days is appropriate.

Step 4 – Ordering LEC final commitment to proceed

a) Description

38. In step 4, the ordering LEC approves the estimated charges, accepts the service delivery date, and provides the provisioning LEC with the final commitment to proceed with the required activities.

b) Interval

39. The Commission notes that in situations where no facilities are available, whether or not permits and/or RoW are required, there is a wide disparity – ranging from 5 to approximately 40 business days – in what parties consider to be a reasonable time frame for an ordering LEC to provide a provisioning LEC with a final commitment to proceed after it has received the estimated charges and service delivery date.

40. The Commission notes that after the provisioning LEC has informed the ordering LEC of the estimated applicable charges and the service delivery date of the CDN service, the ordering LEC must obtain approvals for the applicable charges and coordinate on-site work activities with the end-customer.

41. In light of the tasks the ordering LEC is required to complete, the Commission determines that 15 business days is the appropriate time frame for the ordering LEC to provide a commitment to the provisioning LEC.

III. Where facilities are available, should a site visit date be included on the order confirmation form? If not, how much notice of a site visit should be given?

42. MTS Allstream submitted that the provisioning LEC must always provide the site visit date to the ordering LEC on the order confirmation; otherwise, the ordering LEC might not be provided sufficient notice of the site visit. If this proposal is not accepted by the Commission, MTS Allstream requested that the provisioning LEC's voice-mail message clearly indicate that the message is in relation to a site visit it wishes to undertake.

43. RCI submitted that it is willing to accept a site visit date in a manner other than on the order confirmation, provided that it is notified a minimum of two business days prior to the site visit date.

44. Bell Aliant and Bell Canada submitted that it is unnecessary for them to provide site visit date information on the order confirmation in all situations because the due date and the site visit date usually occur on the same date. Further, they submitted that providing such information on the order confirmation would be costly. However, they indicated that if the due date and the site visit date are not the same, the technician generally calls the ordering LEC a minimum of one business day prior to the site visit date to advise when access to the site is required. They added that if the technician reaches a voicemail box, he or she leaves a voice message identifying the company name, the technician name and telephone number, and the circuit identification reference. Bell Aliant indicated that its technicians might also include the purchase order number in the message.

Commission's analysis and determinations

45. The Commission notes that two approaches have been discussed by the BPWG with respect to this matter. The first consists of the provisioning LEC providing the site visit date on the order confirmation that already contains information pertaining to the request or order, while the second consists of the provisioning LEC calling the ordering LEC to coordinate such a visit. The Commission considers that the ordering LECs are requesting that they be provided with sufficient notice of site visits.

46. Based on the record of this proceeding, the Commission is not persuaded that one approach is more effective than the other. Further, the Commission considers that costs would be incurred by the provisioning LEC to provide the site visit date on the order confirmation, as software changes would be required in the LECs' provisioning systems.

47. In light of the above, the Commission determines that where suitable facilities are available, provisioning LECs can either indicate a site visit date on the order confirmation or provide sufficient notice to the ordering LEC. The Commission also determines that a minimum notice period of two business days before the planned site visit should be given.

48. The Commission notes that the work documents pertaining to requests or orders for CDN services distributed to field technicians include, among other things, information related to the type of CDN service ordered, facilities assigned, circuit identification, service address, and purchase order number. The Commission determines that in addition to his or her name, telephone number, and company name, the provisioning LEC's technician or other resource person responsible for the coordination of site visits should, as part of the message, provide the ordering LEC the circuit identification, the service address, and the purchase order number. The provisioning LEC's technician or person responsible for site visits coordination should also make it clear that the reason for the call is a request for a site visit.

IV. Where facilities are available, should charges pertaining to the CDN DS-1 service be indicated on the order confirmation?

49. MTS Allstream submitted that CDN DS-1 service charges should be provided on the order confirmation.

50. TCC submitted that it does not provide the monthly recurring charge or non-recurring charge on the order confirmation because this information is available in the relevant TCC tariffs. TCC also submitted that it could not provide these charges on the order confirmation without costly system and process changes.

Commission's analysis and determinations

51. The Commission determines that the provisioning LECs should not be required to provide information to the ordering LEC about CDN DS-1 service charges on the order confirmation because this would essentially duplicate information that can be obtained from the relevant tariffs.

V. Is the proposed standard terminology sufficient for the provisioning process of CDN DS-1 service?

52. The Commission notes that the BPWG reached consensus on the definitions for two dates, namely the "Site Visit Date" and the "In Service Due Date/Confirmed Due Date." The Commission determines that based on the BPWG's submission, no further changes to terminology are required at this time to facilitate the CDN DS-1 service provisioning process.

53. Accordingly, the Commission **approves** the two definitions as proposed by the BPWG.

VI. Should the CDN DS-1 service provisioning process be included in the installation, testing, and maintenance guidelines for unbundled loops and number portability?

54. Distributel Communications Limited, MTS Allstream, RCI, TCC, and Videotron Ltd. submitted that the CDN DS-1 process should be included in the installation, testing, and maintenance guidelines (ITMG) for unbundled loops and number portability. They also submitted that by having the CDN DS-1 process documented in the ITMG, all carriers, Internet service providers, and resellers would have a common reference to procedures for ordering CDN DS-1 service, and to the applicable service intervals that apply during the ordering process and that assist parties with continued efficiency. They further submitted that if parties wish to negotiate different methods and procedures, they could do so on a bilateral basis.

55. Bell Aliant, Bell Canada, and SaskTel objected to including CDN DS-1 procedures in the ITMG. They submitted that reviewing CDN DS-1 processes had improved the overall understanding of the CDN DS-1 ordering and provisioning processes, and had clarified the communication requirements between the ordering and provisioning LECs. In their view, including these processes in the ITMG would be counter-productive, forcing LECs to incur costs and deviate unnecessarily from their current negotiated arrangements and service level objectives with their existing customers. At the same time, they submitted that there continues to be a need for LECs to negotiate their needs on a co-operative and bilateral basis.

56. Bell Aliant, Bell Canada, and SaskTel submitted that including standardized procedures in the ITMG would be inconsistent with the Policy Direction[4] because the costs outweigh the benefits.

Commission's analysis and determinations

57. In Telecom Decision 2008-68, the Commission noted that CLECs were using CDN DS-1 service as a substitute for Type C loops, which are supplied according to a standard provisioning process and for which delivery is measured by a competitor quality of service indicator. In that decision, the Commission considered that without a standard documented common process with clearly defined terminology applicable to the ILECs, confusion between the ordering and the provisioning parties may arise, leading to delays and unexpected costs in

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[4] *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

provisioning CDN service.

58. The Commission considers that any costs related to developing and inserting a section about the CDN DS-1 service provisioning process in the ITMG would be minimal and that it would benefit the entire industry by reducing misunderstandings between parties. As such, the Commission disagrees with the view that such a step would be inconsistent with the Policy Direction.

59. Accordingly, the Commission requests that the BPWG develop and file with the Commission a new section in the ITMG to deal with the CDN DS-1 service ordering and provisioning processes, within 90 days of the date of this decision.

Secretary General

Related documents

- *MTS Allstream Inc. – Application concerning provisioning of competitor digital network services in accordance with competitor quality of service standards,* Telecom Decision CRTC 2009-514, 21 August 2009

- *CRTC Interconnection Steering Committee (CISC) Business Process Working Group (BPWG) - Non-consensus report BPRE066a regarding the implementation of* Installation, Testing and Maintenance for Unbundled loops and Standalone Number Portability Guidelines Version 7.0 *and related matters*, Telecom Decision CRTC 2008-68, 6 August 2008

- *Follow-up to* Finalization of quality of service rate rebate plan for competitors, *Telecom Decision CRTC 2005-20 – Service intervals for provisioning CDN services and Type C loops*, Telecom Decision CRTC 2006-34, 26 May 2006