



## Telecom Order CRTC 2009-792

Ottawa, 18 December 2009

### **Shaw Cablesystems G.P. – Proposed change to third-party Internet access service**

File numbers: Tariff Notices 11 and 11A

1. The Commission received an application by Shaw Cablesystems G.P. (Shaw), dated 19 November 2009 and amended on 24 November 2009, proposing changes to its tariff related to third-party Internet access (TPIA) service.
2. Shaw submitted that, in accordance with paragraphs 248 and 249 of Telecom Decision 2006-77, it proposed to add a new Nitro speed to its TPIA service to enable Shaw's TPIA customers to offer this new Internet service speed to their end-users. Shaw indicated that Nitro speed allows a download speed of up to 100 megabits per second (Mbps) and an upload speed of up to 5 Mbps, and is now available to its retail customers in Calgary, Edmonton, Saskatoon, Vancouver, Victoria, and Winnipeg. Shaw further indicated that it has not received any requests from its TPIA customers to receive access to the Nitro speed and noted that it anticipates a very limited demand for this service.
3. Shaw also proposed minor changes to the various product package tiers available through TPIA to include additional information regarding download and upload speeds for each product and an update to the name of the Warp Speed package. Shaw submitted that the intent of these minor changes is to assist its TPIA customers in the identification of the service packages.
4. Shaw submitted that the proposed rate for its Nitro speed is based on preliminary cost estimates and consistent with the Commission-approved monthly rates for higher-speed TPIA products offered by Shaw and other cable companies.
5. 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" or by using the file numbers provided above.
6. The Commission considers that the proposed rate for the Nitro speed appears, on a *prima facie* basis, to be consistent with the Commission-approved rates of other TPIA speeds offered by Shaw and further considers that it would not be in the public interest to delay the introduction of the proposed service speed to the wholesale market. Accordingly, the Commission considers it appropriate to grant interim approval to the proposed rate for Nitro speed. The Commission notes, however, that before a final determination may be made on Shaw's rate application, a cost study will be required.

7. The Commission also notes that it is currently reviewing the appropriateness of mandating certain wholesale high-speed access services in the proceeding initiated by Telecom Notice of Consultation 2009-261, and that determinations in that proceeding could potentially impact the terms and requirements for this wholesale service. Accordingly, the Commission considers that Shaw should not be required to file a cost study at this time.
8. The Commission therefore **approves on an interim basis**, effective 18 December 2009, the proposed monthly rate of \$111.75 for the Nitro speed (up to 100 Mbps download/5 Mbps upload). Further, the Commission **approves on a final basis**, also effective 18 December 2009, the proposed minor changes to the various product package tiers set out in the company's application.

Secretary General

### **Related documents**

- *Proceeding to consider the appropriateness of mandating certain wholesale high-speed access services*, Telecom Notice of Consultation CRTC 2009-261, 8 May 2009, as amended by Telecom Notices of Consultation 2009-261-1, 4 August 2009; 2009-261-2, 11 August 2009; 2009-261-3, 12 August 2009; 2009-261-4, 2 September 2009; 2009-261-5, 2 October 2009; and 2009-261-6, 27 October 2009
- *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>*