



## Broadcasting and Telecom Notice of Consultation CRTC 2010-406

PDF Version

Ottawa, 23 June 2010

### Call for comments on the customer transfer process and related competitive issues

*The Commission calls for comments on a request by Bell Aliant Regional Communications, Limited Partnership, Bell Canada and Bell TV (the Bell companies) for regulatory symmetry between measures applicable to telecommunications and broadcasting services for the handling of service cancellation when a customer wishes to transfer from one service provider to another.*

*The Commission also calls for comments on the Bell companies' requests related to:*

- *the imposition of competitor quality of service (Q of S) standards to apply to the transfer of customers between broadcasting distribution undertakings (BDUs);*
- *the elimination of charges for the use of BDU inside wire, and the imposition of cost-based charges applicable to any BDU failing to meet Q of S standards*
- *the publication of access agreements between BDUs and owners of multiple-unit dwellings; and*
- *the use of local availabilities<sup>1</sup> by incumbent cable companies and new entrants for the promotion of their respective services.*

*The Commission further calls for comments on a request by Shaw Communications Inc. for a Commission determination regarding the handling of BDU customer cancellations and transfers.*

*Finally, the Commission is seeking comments on whether a standardized industry customer transfer process for customers changing high-speed Internet access service providers should be established.*

*The deadline for the submission of comments is **23 July 2010**. The deadline for the submission of replies is **9 August 2010**.*

#### **Bell companies' requests**

1. The Commission has received a request by Bell Aliant Regional Communications, Limited Partnership, Bell Canada and Bell TV (the Bell companies), dated 27 May 2010, proposing a number of regulatory changes intended to achieve regulatory symmetry between the telephony and broadcasting distribution markets.

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<sup>1</sup> Local availabilities are periods of time within the programming of non-Canadian services where BDUs may insert announcements or promotions, as per negotiated agreements between those BDUs and the programming services in question.

2. The Bell companies are seeking relief under both the *Telecommunications Act* and the *Broadcasting Act*. The abridged version of the Bell companies' request is made part of the public record of the proceeding.
3. Specifically, the Bell companies have requested that the Commission impose a condition under section 24 of the *Telecommunications Act* regarding the provision of local business and residential primary exchange services (PES) and long distance services by Canadian carriers and by telecommunications service providers (TSPs). The condition would require that when any carrier – or a TSP providing services via the lease and/or resale of carrier services and facilities – wishes to provide a customer with such services, the cancellation of an existing service must be received directly from the end-user customer, as distinct from the prospective new service provider.
4. In the alternative, the Bell companies submitted that a service provider be able to cancel existing services on behalf of a new customer in the broadcasting distribution market. However, the Bell companies indicated that modifying the customer transfer process for telephony service would be the preferred approach.
5. Bell also requested that the Commission:
  - impose conditions applicable to the termination and migration of television broadcasting distribution services by broadcasting distribution undertakings (BDUs) through the introduction of quality of service (Q of S) standards, including appropriate cost-based charges applicable to any BDU failing to meet the relevant Q of S standards;
  - eliminate the \$5.00 one-time charge for inside wire in single-unit dwellings (SUDs) and the \$0.52 per subscriber/per month fee for inside wire in multiple-unit dwellings (MUDs);
  - impose a condition on BDUs requiring that all access agreements between BDUs and MUD owners pertaining to the provision of broadcasting distribution services be made public; and
  - require cable and new entrant BDUs to share each other's local availabilities promotional components, and in particular that, for a period of five years from the date of a Commission determination, cable and Internet Protocol television BDUs be required to share the 25 percent of local availabilities that each is permitted to use for the promotion of its own services, with 12.5 percent allocated to the cable BDU and 12.5 percent allocated to the competitor.
6. The Commission notes that, in Public Notice 2000-81, it accepted a “non-interference model,” as proposed by the Canadian Cable Television Association, for the use of cable inside wire in both SUDs and MUDs. As noted in that public notice, in filing its proposal, the cable industry specifically excluded any request for compensation for the wiring

installed in SUDs. Subsequently, in Broadcasting Public Notice 2002-51, the Commission established a just and reasonable fee for the use of inside wire in MUDs only.

### **Shaw Communications Inc.'s request**

7. On 25 May 2010, the Commission received a request from Shaw Communications Inc. (Shaw) for a Commission determination regarding the requirements applicable to handling BDU customer cancellation and transfer requests. Specifically, Shaw sought a determination as to whether there is a requirement for BDUs to handle third-party cancellation requests through a customer service group.
8. The Commission notes that Shaw's request pertains to the issue raised by the Bell companies, as noted in paragraph 4 above. Accordingly, the Commission intends to consider Shaw's request as part of this proceeding. To that end, Shaw's letter of 25 May 2010 is made part of the public record of the proceeding, as are the following related documents:
  - Shaw's letter to the Commission dated 12 May 2010;
  - a letter from the Executive Director, Broadcasting, to Shaw and to TELUS Communications Company (TCC) dated 17 May 2010,
  - a letter from TCC to the Commission dated 31 May 2010; and
  - a letter from the Executive Director, Broadcasting, to Shaw dated 10 June 2010.
9. Finally, the Commission notes that, on 17 January 2003, in response to a request from Commission staff, the following cable companies provided information concerning the establishment and operation of their customer service groups:
  - Cogeco Cable Inc.
  - Rogers Cable Communications Inc.
  - Shaw Cablesystems Limited
  - Videotron Ltd.
10. To assist the parties, the Commission is also placing these documents on the public record of the proceeding. The Commission notes that the documents referred to in paragraph 9 were filed for the Commission's information, and were not subject to and have not received Commission approval.

### **High-speed Internet access services**

11. The Commission notes that there is no standardized industry customer transfer process for changing high-speed Internet access service providers. The lack of such a process has resulted in end-customer billing issues and service provider disputes. When ordering and provisioning high-speed Internet service, the service providers – which include local exchange carriers, resellers and high-speed Internet access service providers – depend entirely on terms and conditions contained in agreements signed between parties.

12. Accordingly, the Commission is also seeking comments on whether a standardized industry customer transfer process for customers changing high-speed Internet access service providers should be established.

### **Call for comments**

13. The Commission calls for comments on the proposals set out above, as well as on the possible establishment of a customer transfer process for high-speed Internet access service, pursuant to the *Broadcasting Act* and the *Telecommunications Act*.

### **Procedures**

14. The companies listed in the appendix to this Notice of Consultation are made parties to this proceeding.
15. Parties interested in participating in this proceeding and receiving copies of all submissions must notify the Commission of their intention to do so by filling out the online form or by writing to the Secretary General (by mail: CRTC, Ottawa, Ontario, K1A 0N2; by fax: 819-994-0218) by **8 July 2010**. Parties are to provide their email addresses, where available. If parties do not have access to the Internet, they are to indicate when they notify the Commission whether they wish to receive disk versions of hard-copy filings.
16. As soon as possible after the registration date, the Commission will post on its website a complete list of interested parties, their mailing addresses, and, if available, their email addresses, identifying those parties who wish to receive disk versions.
17. All parties may file comments with the Commission regarding the above- noted issues, serving copies on all other parties, by **23 July 2010**.
18. All parties may file reply comments with the Commission, serving copies on all other parties, by **9 August 2010**.
19. The Commission will not formally acknowledge comments. It will, however, fully consider all comments, which will form part of the public record of the proceeding.
20. If a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
21. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
22. Electronic submissions should be in HTML format. Alternatively, Microsoft Word may be used for text and Microsoft Excel for spreadsheets.
23. Each paragraph of all submissions should be numbered. In addition, the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

24. The Commission encourages parties to monitor the record of this proceeding and/or the Commission's website for additional information that they may find useful when preparing their submissions.

### **Important notice**

25. Note that all information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email, or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
26. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
27. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
28. Please note that the information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not link directly to the information that was provided as part of this public process.

### **Location of CRTC offices**

29. Submissions may be examined or will be made available promptly upon request at Commission offices during normal business hours.

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel.: 819-997-2429  
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***Regional offices***

Metropolitan Place  
99 Wyse Road  
Suite 1410  
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Tel.: 902-426-7997  
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205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2  
Tel.: 514-283-6607

55 St. Clair Avenue East  
Suite 624  
Toronto, Ontario M4T 1M2  
Tel.: 416-952-9096

Kensington Building  
275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel.: 204-983-6306  
TDD: 204-983-8274  
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2220 - 12<sup>th</sup> Avenue  
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Regina, Saskatchewan S4P 0M8  
Tel.: 306-780-3422

10405 Jasper Avenue  
Suite 520  
Edmonton, Alberta T5J 3N4  
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Suite 530  
Vancouver, British Columbia V6C 3B6  
Tel.: 604-666-2111  
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Secretary General

### **Related documents**

- *Cable inside wire fee*, Broadcasting Public Notice CRTC 2002-51, 3 September 2002
- *Revised policy concerning inside wire regime; Call for comments on proposed amendments to section 10 of the Broadcasting Distribution Regulations*, Public Notice CRTC 2000-81, 9 June 2000

## Appendix to Telecom and Broadcasting Notice of Consultation CRTC 2010-406

### Parties to the Proceeding

Access Communications Co-operative Ltd.  
Amtelecom Limited Partnership  
Bell Aliant Regional Communications, Limited Partnership  
Bell Canada  
Bluewater TV Cable Ltd.  
Bragg Communications Incorporated  
Brooke Telecom Co-operative Ltd.  
Bruce Telecom  
Câble-Axion Digitel Inc.  
CityWest Telephone Corporation  
Cochrane Telecom Services  
Cogeco Cable Inc.  
CoopTel  
DERYtelecom inc.  
Distributel Communications Limited  
Dryden Municipal Telephone System  
ExaTEL Inc.  
Execulink Telecom Inc.  
Fibernetics Corporation  
Fido Solutions Inc.  
FlexITy Solutions Inc.  
Globility Communications Corporation  
Gosfield North Communication Co-operative Limited  
Hay Communications Co-operative Limited  
Huron Telecommunications Co-operative Limited  
Iristel Inc.  
ISP Telecom Inc.  
KMTS  
La Cie de Téléphone de Courcelles Inc.  
La Compagnie de Téléphone de Lambton Inc.  
La Compagnie de Téléphone de St-Victor  
La Compagnie de Téléphone Upton Inc.  
La Coopérative de câblodistribution de l'Arrière-Pays (CCAP)  
Lansdowne Rural Telephone Co. Ltd.  
Managed Network Systems Inc.  
Maskatel inc.  
Michaud Technologies Inc.  
Mornington Communications Co-operative Limited  
Mountain Cablevision Limited  
MTS Allstream Inc.  
NanoFibre Networks Inc.  
Nexicom Telecommunications Inc.

Nexicom Telephones Inc.  
North Frontenac Telephone Corporation Ltd.  
NorthernTel, Limited Partnership  
Northwestel Inc.  
Novus Entertainment Inc.  
NRTC Communications  
Ontera  
People's Tel Limited Partnership  
Persona Communications Corp.  
Provincial Tel Inc.  
Quadro Communications Co-operative Inc.  
Rogers Cable Communications Inc.  
Roxborough Telephone Company Limited  
Saskatchewan Telecommunications  
Shaw Communications Inc.  
Sogetel inc.  
Source Cable Limited  
TBayTel  
Télébec, Limited Partnership  
Xittel Telecommunications Inc.  
Téléphone Drummond Inc.  
Téléphone Guèvremont inc.  
Téléphone Milot inc.  
Téléphone de St-Éphrem inc.  
TelNet Communications  
TELUS Communications Company  
TeraGo Networks Inc.  
Tuckersmith Communications Co-operative Limited  
Videotron Ltd.  
Westman Media Cooperative Ltd.  
Wightman Telecom Ltd.  
WTC Communications  
Yak Communications (Canada) Corp.