



Telecom Decision CRTC 2011-744

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Ottawa, 1 December 2011

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

File number: 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 179 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 the competitors 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.¹
2. Also in that order, 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 each year.
3. The Commission received October 2011 filings from the following competitors: Atria Networks LP; 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, Amtelecom Telco GP Inc., and Persona Communications Corp.; Greater Sudbury Telecommunications Inc., operating as Agilis Networks; Hydro One Telecom Inc.; Manitoba Hydro Telecom; MTS Allstream Inc. (MTS Allstream); Navigata Communications 2009, Inc.; O.N.Tel Inc., carrying on business as Ontera; Rogers Communications Inc.; Saskatchewan Telecommunications (SaskTel); Shaw Telecom G.P.; TBayTel; TELUS Communications Company (TCC); and Videotron Ltd.

¹ In Telecom Order 99-905, the Commission extended the IXPL forbearance process of Telecom Order 99-434 to Québec-Téléphone, now part of TELUS Communications Company, and to Télébec Itée, now Télébec, Limited Partnership.

Commission's analysis and determinations

4. The Commission established a framework for considering whether to forbear from regulation in Telecom Decision 94-19.
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 Aliant Telecom Inc. (now part of Bell Aliant), Bell Canada, 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 the above-noted forbearance criterion is met for 179 additional routes, which are in territories served by Bell Aliant, Bell Canada, SaskTel, and TCC. 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 exercising its powers and performing its duties, to the extent specified in this decision, in relation to the regulation of IXPL services on the routes listed in the Appendix would be 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 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 of these services and that, to the extent specified 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 to refrain from regulating the IXPL services on the routes listed in the Appendix, to the extent specified in this decision, would be 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 into all contracts and any other arrangements for the IXPL services forborne from regulation in this decision, where appropriate and on a going-forward basis, the existing conditions regarding the disclosure of confidential customer information to third parties. The Commission considers that it is also appropriate for it 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 of the date of this decision, 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

Appendix

Additional IXPL routes that qualify for forbearance based on the October 2011 reports from competitors, pursuant to Telecom Order 99-434

	ILEC A	Exchange A	Exchange B	ILEC B
1	Bell Aliant	Astorville ON	North Bay ON	Bell Aliant
2	Bell Aliant	Bracebridge ON	North Bay ON	Bell Aliant
3	Bell Aliant	Bracebridge ON	Sudbury ON	Bell Aliant
4	Bell Aliant	Burk's Falls ON	North Bay ON	Bell Aliant
5	Bell Aliant	Field ON	North Bay ON	Bell Aliant
6	Bell Aliant	Huntsville ON	Sudbury ON	Bell Aliant
7	Bell Aliant	North Bay ON	Powassan ON	Bell Aliant
8	Bell Canada	Barrie ON	Streetsville ON	Bell Canada
9	Bell Canada	Cooksville ON	Unionville ON	Bell Canada
10	Bell Canada	Detroit MI (border crossing)	Montreal QC	Bell Canada
11	Bell Canada	St. Catharines-Thorold ON	Streetsville ON	Bell Canada
12	Bell Canada	Streetsville ON	Welland ON	Bell Canada
13	SaskTel	Maple Creek SK	Moose Jaw SK	SaskTel
14	SaskTel	Maple Creek SK	Regina SK	SaskTel
15	SaskTel	Maple Creek SK	Saskatoon SK	SaskTel

16	SaskTel	Maple Creek SK	Swift Current SK	SaskTel
17	SaskTel	Maple Creek SK	Wilkie SK	SaskTel
18	SaskTel	Maple Creek SK	Yorkton SK	SaskTel
19	TCC	100 Mile House BC	Dawson Creek BC	TCC
20	TCC	100 Mile House BC	Revelstoke BC	TCC
21	TCC	Abbotsford BC	Dawson Creek BC	TCC
22	TCC	Abbotsford BC	Revelstoke BC	TCC
23	TCC	Airdrie AB	Dawson Creek BC	TCC
24	TCC	Airdrie AB	Revelstoke BC	TCC
25	TCC	Aldergrove BC	Dawson Creek BC	TCC
26	TCC	Aldergrove BC	Revelstoke BC	TCC
27	TCC	Baie-Comeau QC	Dawson Creek BC	TCC
28	TCC	Baie-Comeau QC	Revelstoke BC	TCC
29	TCC	Barrhead AB	Edmonton AB	TCC
30	TCC	Bonaventure QC	Dawson Creek BC	TCC
31	TCC	Bonaventure QC	Revelstoke BC	TCC
32	TCC	Bonnyville AB	Dawson Creek BC	TCC
33	TCC	Bonnyville AB	Revelstoke BC	TCC
34	TCC	Brooks AB	Dawson Creek BC	TCC

35	TCC	Brooks AB	Revelstoke BC	TCC
36	TCC	Calgary AB	Dawson Creek BC	TCC
37	TCC	Calgary AB	Irricana AB	TCC
38	TCC	Calgary AB	Kamloops BC	TCC
39	TCC	Calgary AB	Longview AB	TCC
40	TCC	Calgary AB	Onoway AB	TCC
41	TCC	Calgary AB	Revelstoke BC	TCC
42	TCC	Calgary AB	Stavelly AB	TCC
43	TCC	Camrose AB	Dawson Creek BC	TCC
44	TCC	Camrose AB	Revelstoke BC	TCC
45	TCC	Canmore AB	Dawson Creek BC	TCC
46	TCC	Canmore AB	Revelstoke BC	TCC
47	TCC	Chilliwack BC	Dawson Creek BC	TCC
48	TCC	Chilliwack BC	Revelstoke BC	TCC
49	TCC	Cold Lake AB	Dawson Creek BC	TCC
50	TCC	Cold Lake AB	Revelstoke BC	TCC
51	TCC	Courtenay BC	Dawson Creek BC	TCC
52	TCC	Courtenay BC	Revelstoke BC	TCC
53	TCC	Dawson Creek BC	Donnacona QC	TCC

54	TCC	Dawson Creek BC	Drumheller AB	TCC
55	TCC	Dawson Creek BC	Duncan BC	TCC
56	TCC	Dawson Creek BC	Edmonton AB	TCC
57	TCC	Dawson Creek BC	Edmonton International Airport AB	TCC
58	TCC	Dawson Creek BC	Fort McMurray AB	TCC
59	TCC	Dawson Creek BC	Gaspé QC	TCC
60	TCC	Dawson Creek BC	Grande Prairie AB	TCC
61	TCC	Dawson Creek BC	Hauterive QC	TCC
62	TCC	Dawson Creek BC	High River AB	TCC
63	TCC	Dawson Creek BC	Kamloops BC	TCC
64	TCC	Dawson Creek BC	Kelowna BC	TCC
65	TCC	Dawson Creek BC	Lacombe AB	TCC
66	TCC	Dawson Creek BC	Langley BC	TCC
67	TCC	Dawson Creek BC	Leduc AB	TCC
68	TCC	Dawson Creek BC	Lethbridge AB	TCC
69	TCC	Dawson Creek BC	Lloydminster AB	TCC
70	TCC	Dawson Creek BC	Matane QC	TCC
71	TCC	Dawson Creek BC	Medicine Hat AB	TCC

72	TCC	Dawson Creek BC	Montmagny QC	TCC
73	TCC	Dawson Creek BC	Nanaimo BC	TCC
74	TCC	Dawson Creek BC	New Westminster BC	TCC
75	TCC	Dawson Creek BC	Newton BC	TCC
76	TCC	Dawson Creek BC	Nisku AB	TCC
77	TCC	Dawson Creek BC	Parksville BC	TCC
78	TCC	Dawson Creek BC	Penticton BC	TCC
79	TCC	Dawson Creek BC	Port Coquitlam BC	TCC
80	TCC	Dawson Creek BC	Quesnel BC	TCC
81	TCC	Dawson Creek BC	Red Deer AB	TCC
82	TCC	Dawson Creek BC	Revelstoke BC	TCC
83	TCC	Dawson Creek BC	Richmond BC	TCC
84	TCC	Dawson Creek BC	Rimouski QC	TCC
85	TCC	Dawson Creek BC	Saanich BC	TCC
86	TCC	Dawson Creek BC	Salmon Arm BC	TCC
87	TCC	Dawson Creek BC	Sept-Îles QC	TCC
88	TCC	Dawson Creek BC	Sherwood Park AB	TCC
89	TCC	Dawson Creek BC	Sooke BC	TCC
90	TCC	Dawson Creek BC	Spruce Grove AB	TCC

91	TCC	Dawson Creek BC	Squamish BC	TCC
92	TCC	Dawson Creek BC	St. Albert AB	TCC
93	TCC	Dawson Creek BC	St-Augustin-de-Desmaures QC	TCC
94	TCC	Dawson Creek BC	Ste-Anne-des-Monts QC	TCC
95	TCC	Dawson Creek BC	Ste-Marie-de-Beauce QC	TCC
96	TCC	Dawson Creek BC	St-Georges-de-Beauce QC	TCC
97	TCC	Dawson Creek BC	St-Henri-de-Lévis QC	TCC
98	TCC	Dawson Creek BC	Stony Plain AB	TCC
99	TCC	Dawson Creek BC	Strathmore AB	TCC
100	TCC	Dawson Creek BC	Vancouver BC	TCC
101	TCC	Dawson Creek BC	Vegreville AB	TCC
102	TCC	Dawson Creek BC	Vermilion AB	TCC
103	TCC	Dawson Creek BC	Vernon BC	TCC
104	TCC	Dawson Creek BC	Victoria BC	TCC
105	TCC	Dawson Creek BC	Wetaskiwin AB	TCC
106	TCC	Dawson Creek BC	Whistler BC	TCC
107	TCC	Dawson Creek BC	Whitecourt AB	TCC

108	TCC	Dawson Creek BC	Williams Lake BC	TCC
109	TCC	Debolt AB	Grande Prairie AB	TCC
110	TCC	Dixonville AB	Grande Prairie AB	TCC
111	TCC	Donnacona QC	Revelstoke BC	TCC
112	TCC	Drumheller AB	Revelstoke BC	TCC
113	TCC	Duncan BC	Revelstoke BC	TCC
114	TCC	Edmonton AB	Forestburg AB	TCC
115	TCC	Edmonton AB	Fox Creek AB	TCC
116	TCC	Edmonton AB	High Prairie AB	TCC
117	TCC	Edmonton AB	Hughenden AB	TCC
118	TCC	Edmonton AB	Provost AB	TCC
119	TCC	Edmonton AB	Revelstoke BC	TCC
120	TCC	Edmonton AB	Slave Lake AB	TCC
121	TCC	Edmonton AB	Thorsby AB	TCC
122	TCC	Edmonton International Airport AB	Revelstoke BC	TCC
123	TCC	Fort McMurray AB	Revelstoke BC	TCC
124	TCC	Fort St. John BC	Revelstoke BC	TCC
125	TCC	Gaspé QC	Revelstoke BC	TCC
126	TCC	Grande Prairie AB	Grimshaw AB	TCC

127	TCC	Grande Prairie AB	Hines Creek AB	TCC
128	TCC	Grande Prairie AB	Revelstoke BC	TCC
129	TCC	Grande Prairie AB	Worsley AB	TCC
130	TCC	Hauterive QC	Revelstoke BC	TCC
131	TCC	High River AB	Revelstoke BC	TCC
132	TCC	Kamloops BC	Revelstoke BC	TCC
133	TCC	Kelowna BC	Revelstoke BC	TCC
134	TCC	Lacombe AB	Revelstoke BC	TCC
135	TCC	Langley BC	Revelstoke BC	TCC
136	TCC	Leduc AB	Revelstoke BC	TCC
137	TCC	Lethbridge AB	Revelstoke BC	TCC
138	TCC	Lloydminster AB	Revelstoke BC	TCC
139	TCC	Matane QC	Revelstoke BC	TCC
140	TCC	Medicine Hat AB	Revelstoke BC	TCC
141	TCC	Montmagny QC	Revelstoke BC	TCC
142	TCC	Nanaimo BC	Revelstoke BC	TCC
143	TCC	New Westminster BC	Revelstoke BC	TCC
144	TCC	Newton BC	Revelstoke BC	TCC
145	TCC	Nisku AB	Revelstoke BC	TCC

146	TCC	Parksville BC	Revelstoke BC	TCC
147	TCC	Penticton BC	Revelstoke BC	TCC
148	TCC	Port Coquitlam BC	Revelstoke BC	TCC
149	TCC	Prince George BC	Revelstoke BC	TCC
150	TCC	Quesnel BC	Revelstoke BC	TCC
151	TCC	Quesnel BC	Williams Lake BC	TCC
152	TCC	Red Deer AB	Revelstoke BC	TCC
153	TCC	Revelstoke BC	Richmond BC	TCC
154	TCC	Revelstoke BC	Rimouski QC	TCC
155	TCC	Revelstoke BC	Saanich BC	TCC
156	TCC	Revelstoke BC	Salmon Arm BC	TCC
157	TCC	Revelstoke BC	Sept-Îles QC	TCC
158	TCC	Revelstoke BC	Sherwood Park AB	TCC
159	TCC	Revelstoke BC	Sooke BC	TCC
160	TCC	Revelstoke BC	Spruce Grove AB	TCC
161	TCC	Revelstoke BC	Squamish BC	TCC
162	TCC	Revelstoke BC	St. Albert AB	TCC
163	TCC	Revelstoke BC	St-Augustin-de-Desmaures QC	TCC

164	TCC	Revelstoke BC	Ste-Anne-des-Monts QC	TCC
165	TCC	Revelstoke BC	Ste-Marie-de-Beauce QC	TCC
166	TCC	Revelstoke BC	St-Georges-de-Beauce QC	TCC
167	TCC	Revelstoke BC	St-Henri-de-Lévis QC	TCC
168	TCC	Revelstoke BC	Stony Plain AB	TCC
169	TCC	Revelstoke BC	Strathmore AB	TCC
170	TCC	Revelstoke BC	Vancouver BC	TCC
171	TCC	Revelstoke BC	Vegreville AB	TCC
172	TCC	Revelstoke BC	Vermilion AB	TCC
173	TCC	Revelstoke BC	Vernon BC	TCC
174	TCC	Revelstoke BC	Victoria BC	TCC
175	TCC	Revelstoke BC	Wetaskiwin AB	TCC
176	TCC	Revelstoke BC	Whistler BC	TCC
177	TCC	Revelstoke BC	Whitecourt AB	TCC
178	TCC	Revelstoke BC	Williams Lake BC	TCC
179	TCC	Scarborough ON	Winnipeg MB	Bell Canada