



## Telecom Notice of Consultation CRTC 2011-761

PDF version

Ottawa, 8 December 2011

### Call for comments

### Notification requirements for competitive local exchange carriers seeking to offer local services in new exchanges, and filing of related documents

File number: 8663-C12-201115791

#### Introduction

1. In Telecom Decision 97-8, the Commission determined, among other things, that a competitive local exchange carrier (CLEC) would have to meet a number of notification requirements and file certain documents before it could begin offering local services in an exchange. Such requirements include (in part) the following:
  - filing a letter of intention to offer local services in a new exchange prior to negotiating the necessary interconnection arrangements and completing the required testing for the proposed exchange;
  - filing Schedule C of the Master Agreement for Local Interconnection (MALI) for the Commission's approval, pursuant to Telecom Decision 2007-129;
  - filing a notification letter, once the requirements imposed on CLECs in Telecom Decision 97-8 and subsequent decisions have been satisfied, along with a map of the proposed serving area; and
  - serving the documentation filed with the Commission on all Canadian carriers that currently provide services in the exchange where the CLEC is proposing to provide service.
2. In the Policy Direction,<sup>1</sup> the Governor in Council required, among other things, that when relying on regulation, the Commission use measures that are efficient and proportionate to their purpose and that interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives.

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<sup>1</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

3. The Commission notes that the notification requirements set out in Telecom Decision 97-8 are currently imposed on CLECs seeking to offer local services in new exchanges. However, since CLECs must already meet these requirements in their current serving areas, the Commission questions whether it is still relevant to impose all the requirements each time a CLEC seeks to offer local services in a new exchange.

### **Call for comments**

4. The Commission invites interventions on the appropriateness of maintaining all the current notification requirements for existing CLECs seeking to offer local services in a new exchange. In their interventions, interested persons and parties should address the following issues, providing supporting rationale and all evidence on which they rely, and should structure their submissions according to the issues identified below:

- 1) *Filing a letter of intention to offer local services in a new exchange*

- a. In light of the requirement to file a notification letter once the requirements imposed on CLECs have been satisfied, discuss whether a CLEC should continue to be required to file a letter indicating its intention to offer local services in a new exchange prior to negotiating and implementing the necessary interconnection arrangements, and completing the required testing for the proposed exchange.

- 2) *Filing Schedule C of the MALI*

If a CLEC already has approved MALIs with all the local exchange carriers that currently offer local services in the exchange in which it wishes to offer local services,

- a. discuss whether the Commission should continue to require that Schedule C be updated to include the interconnection arrangements relevant to the new exchange and be filed for approval **prior to** approving a CLEC's request to begin offering local services in this exchange; or
- b. alternatively, discuss what, if any, regulatory requirement(s) should be adopted instead.

- 3) *Filing a notification letter once the requirements imposed on CLECs have been satisfied*

With reference to the Table of Obligations for CLECs posted on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Registration Lists" in the Telecommunications Sector part of the website, discuss which obligation(s), if any, a CLEC should address when seeking the Commission's approval to begin offering local services in an exchange within a given incumbent local exchange carrier's (ILEC) incumbent serving territory if

- a. the CLEC is entering the ILEC's serving territory for the first time; or
  - b. the CLEC already provides local services in other exchanges within the relevant ILEC's incumbent serving territory.
- 4) *Serving the documentation filed with the Commission on other carriers*
- a. Discuss whether a CLEC should continue to be required to serve the documentation it files with the Commission, as referred to in the CLEC obligations, on all Canadian carriers that currently provide service in the exchange where it is proposing to provide service. Explain what documentation, if any, should be provided and upon whom such documentation should be served.
- 5) *Service standard for the approval of CLECs' requests*
- a. If the Commission were to establish a service standard for the approval of a CLEC's request to provide local services in a new exchange, indicate what time frame, beginning on the date the Commission receives the CLEC's application, would be appropriate and why.
5. The Commission initiated a proceeding to review the local, wireless, and toll network interconnection regulatory regimes in Telecom Notice of Consultation 2011-206. Moreover, in Telecom Notice of Consultation 2011-220, it invited comments on the appropriateness of requiring (i) CLECs to provide serving area maps and (ii) ILECs to provide maps of their exchanges and local interconnection regions. The Commission will therefore not be considering comments related to those proceedings in the current call for comments.

## **Procedure**

6. *The Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure), which came into force on 1 April 2011, apply to this proceeding.<sup>2</sup>
7. The local exchange carriers listed in the Appendix<sup>3</sup> to this notice are made parties to this proceeding and may file an intervention with the Commission by **25 January 2012**.
8. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues, by

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<sup>2</sup> The Rules of Procedure set out, among other things, the rules for the filing, content, format, and service of interventions and interrogatories; the procedure for filing confidential information and requesting its disclosure; and the conduct of the public hearing. Accordingly, the procedure set out in this notice must be read in conjunction with the Rules of Procedure and their accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

<sup>3</sup> Taken from the lists of carriers posted on the Commission's website as of the date of this notice

**25 January 2012.** In accordance with section 26 of the Rules of Procedure, this intervention must explicitly state that the person wishes to be considered an intervener.

9. Shortly thereafter, the Commission will post the interventions on its website. All documents required to be served on a party or parties to the proceeding must be served using the contact information contained in the interventions.
10. All parties may file reply comments with the Commission, serving copies on all other parties, by **9 February 2012**.
11. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.
12. The Commission will not formally acknowledge interventions or comments. It will, however, fully consider all submissions, which will form part of the public record of the proceeding.
13. Parties are reminded that, in accordance with the Rules of Procedure, 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. A document must be filed with the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due.
14. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
15. Electronic submissions should be in HTML format. Alternatively, Microsoft Word may be used for text and Microsoft Excel for spreadsheets.
16. 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.
17. The Commission encourages interested persons and 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**

18. All information provided 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 provided.

19. The personal information provided 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.
20. Documents received electronically or otherwise will be posted 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 made available in PDF format.
21. The information provided 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 provided as part of this public process.

### **Location of CRTC offices**

22. 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 J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

### ***Regional offices***

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel.: 902-426-7997  
Fax: 902-426-2721

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

360 Main Street, Suite 970  
Winnipeg, Manitoba R3C 3Z3  
Tel.: 204-983-6306  
Fax: 204-983-6317

2220 – 12<sup>th</sup> Avenue, Suite 620  
Regina, Saskatchewan S4P 0M8  
Tel.: 306-780-3422

100 – 4<sup>th</sup> Avenue SW, Suite 403  
Calgary, Alberta T2P 3N2  
Tel.: 403-292-6660  
Fax: 403-292-6686

858 Beatty Street, Suite 290  
Vancouver, British Columbia V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General

### **Related documents**

- *Call for comments: Review of the regulatory measures associated with the provision of maps by incumbent and competitive local exchange carriers*, Telecom Notice of Consultation CRTC 2011-220, 29 March 2011
- *Notice of hearing: Proceeding to review network interconnection matters*, Telecom Notice of Consultation CRTC 2011-206, 23 March 2011, as amended by Telecom Notice of Consultation CRTC 2011-206-1, 3 May 2011
- *Forbearance with respect to certain inter-carrier agreements filed pursuant to section 29 of the Telecommunications Act*, Telecom Decision CRTC 2007-129, 14 December 2007
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997

## Appendix

### **Incumbent local exchange carriers**

Bell Aliant Regional Communications, Limited Partnership

Bell Canada

MTS Allstream Inc.

Northwestel Inc.

Saskatchewan Telecommunications

Télébec, Limited Partnership

TELUS Communications Company

### **Small incumbent local exchange carriers**

Amtelecom Limited Partnership

Brooke Telecom Co-operative Ltd.

Bruce Telecom

CityWest Telephone Corporation

Cochrane Telecom Services

CoopTel

Dryden Municipal Telephone System

Execulink Telecom Inc.

Gosfield North Communication Co-operative Limited

Hay Communications Co-operative Limited

Huron Telecommunications Co-operative Limited

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.

Lansdowne Rural Telephone Co. Ltd.

Le Téléphone de St-Éphrem inc.

Mornington Communications Co-operative Limited

Nexicom Telecommunications Inc.

Nexicom Telephones Inc.

North Frontenac Telephone Corporation Ltd.

NorthernTel, Limited Partnership  
NRTC Communications  
Ontera  
People's Tel Limited Partnership  
Quadro Communications Co-operative Inc.  
Roxborough Telephone Company Limited  
Sogetel inc.  
TBayTel  
Téléphone Guèvremont inc.  
Téléphone Milot inc.  
Tuckersmith Communications Co-operative Limited  
Wightman Telecom Ltd.  
WTC Communications

**Competitive local exchange carriers**

768812 Ontario Inc. (Vianet Internet Solutions/ExaTEL Inc.)  
Access Communications Co-operative Limited  
Bell Canada  
Bragg Communications Incorporated (EastLink)  
Bruce Telecom  
Câble Axion Digitel inc.  
CityWest Cable (North) Corp.  
Cogeco Cable Canada LP  
Cogeco Cable Québec General Partnership  
Cogeco Data Services LP  
CoopTel  
DERYtelecom inc.  
Distributel Communications Limited  
EastLink Bluewater Communications Inc.  
Execulink Telecom Inc.  
Fibernetics Corporation  
Fido Solutions Inc.  
FlexITy Solutions Inc.

Globility Communications Corporation  
Hay Communications Co-operative Limited  
Huron Telecommunications Co-operative Limited  
Iristel Inc.  
ISP Telecom Inc.  
La Coopérative de câblodistribution de l'Arrière-Pays  
Les.Net (1996) Inc.  
Managed Network Systems, Inc.  
Maskatel inc.  
Michaud Technologies Inc.  
Mornington Communications Co-operative Limited  
Mountain Cablevision Limited  
MTO Telecom Inc.  
MTS Allstream Inc.  
NanoFibre Networks Inc.  
Navigata Communications 2009, Inc.  
Nexicom Telecommunications Inc.  
Novus Entertainment Inc.  
NRTC Communications  
Ontera  
Provincial Tel Inc.  
Quadro Communications Co-operative Inc.  
Rogers Communications Partnership  
Seaside Communications  
Shaw Telecom G.P.  
Sogetel inc.  
Source Cable Limited  
Xittel Telecommunications Inc.  
Téléphone Drummond Inc.  
Telnet Communications  
TELUS Communications Company  
TeraGo Networks Inc.  
Tuckersmith Communications Co-operative Limited

Videotron G.P.

Westman Media Cooperative Ltd.

Wightman Communications Ltd.

WTC Communications

Yak Communications (Canada) Corp.