



Telecom Notice of Consultation CRTC 2012-317

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Ottawa, 31 May 2012

Call for comments

Forbearance from the regulation of certain wholesale local number portability services

File number: 8640-C12-201206540

The Commission calls for comments on whether it should extend forbearance from the regulation of certain wholesale local number portability services to all carriers.

Background

1. In *Revised regulatory framework for wholesale services and definition of essential service*, Telecom Decision CRTC 2008-17, 3 March 2008 (Telecom Decision 2008-17), the Commission set out, among other things, a restructured regulatory framework for wholesale services and assigned the wholesale services offered by carriers¹ into six service categories: essential, conditional essential, conditional mandated non-essential, public good, interconnection services, and non-essential subject to phase-out.² The Commission determined that services classified as non-essential subject to phase-out would be forborne following a phase-out period of three or five years, depending on the service.
2. Among the services the Commission assigned to the category of non-essential subject to phase-out were certain wholesale local number portability (LNP) services offered by Bell Canada and Bell Aliant Regional Communications, Limited Partnership (collectively, the Bell companies), MTS Allstream Inc.,³ Saskatchewan Telecommunications, and TELUS Communications Company (collectively, the large incumbent local exchange carriers (ILECs)); and by Cogeco Cable Inc., Rogers Communications Inc., Shaw Cablesystems G.P. and Videotron Ltd. (collectively, the

¹ Telecom Decision 2008-17 applied to competitive local exchange carriers (CLECs), major incumbent local exchange carriers (ILECs), Télébec, Limited Partnership, Cogeco Cable Inc., Rogers Communications Inc., Shaw Cablesystems G.P., and Videotron Ltd.

² Services in the non-essential subject to phase-out category were those that the Commission determined did not meet the definition of an essential service and that had not been classified as conditional mandated non-essential, public good, or interconnection services. The term "phase-out" means phasing out mandated access at the end of the transition period (three or five years, depending on the service).

³ As of early 2012, MTS Allstream Inc. became known as two separate entities, namely MTS Inc. and Allstream Inc.

cable carriers).⁴ The Commission granted prospective forbearance for these services with a phase-out period of three years from the date of the decision.

3. Following the end of the phase-out period, several of the companies cited in the preceding paragraph have since withdrawn certain wholesale LNP services, such as Call Routing – Location Routing Number Absent, from their respective tariffs.
4. In separate tariff notices dated 7 March 2012, Bragg Communications Inc., operating as EastLink (EastLink), on behalf of itself and Bluewater TV Cable (Bluewater), proposed to revise each company's General Tariff to remove references to port-out cancellation charges.⁵ EastLink submitted that these applications were in the nature of housekeeping changes intended to reflect forbearance from the regulation of these charges, similar to how forbearance was granted for the Bell companies pursuant to Telecom Decision 2008-17.
5. As indicated in paragraph 2 above, the Commission's determinations in Telecom Decision 2008-17 with regard to the forbearance of wholesale LNP services applied to those specific tariff items of the large ILECs and the cable carriers cited in the Appendix of that decision, but did not apply to other carriers such as other competitive local exchange carriers and the small ILECs.

Call for comments

6. In light of the above, the Commission calls for comments, with supporting rationale, on whether it should extend forbearance from the regulation of wholesale LNP services to all carriers.
7. In their interventions, parties are to (a) identify and describe any LNP-related services they offer to other carriers; (b) indicate when each of these services was first introduced; and (c) indicate whether these services are currently subject to a tariff and, if so, specify the tariff item numbers.

Procedure

8. 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.⁶
9. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues, by **3 July, 2012**.

⁴ See the Appendix in Telecom Decision 2008-17 for a complete list of tariff item numbers.

⁵ See EastLink Tariff Notice 32 and Bluewater Tariff Notice 7.

⁶ 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, where applicable. 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."

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

10. 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.
11. All parties may file reply comments with the Commission, serving copies on all other parties, by **10 July, 2012**.
12. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.
13. 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.
14. 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.
15. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
16. Electronic submissions should be in HTML format. Alternatively, Microsoft Word may be used for text and Microsoft Excel for spreadsheets.
17. 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.
18. 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

19. 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, 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.
20. 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.

21. 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 available in PDF format.
22. 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

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

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