



Telecom Notice of Consultation CRTC 2012-623

PDF version

Ottawa, 9 November 2012

Call for comments

Proceeding to consider whether the Commission should withhold subsidy payments to the Quebec small ILECs that have not yet implemented local competition

File number: 8695-C12-201214155

Background

1. Following the formal signed expression of interest from TELUS Communications Company (TCC) and Cogeco Cable Inc. (Cogeco)¹ to interconnect with CoopTel, Téléphone Guèvremont inc., Téléphone Milot inc., and Sogetel inc. (the Quebec small ILECs) in their respective territories, the Commission issued several decisions² (hereafter referred to as the local competition decisions) ordering the companies to implement local competition in their operating territories by 23 July 2012.
2. The Quebec small ILECs have yet to implement local competition in their respective territories.
3. In Telecom Decision 2012-622, also issued today, the Commission determined that the Quebec small ILECs have subjected, and continue to subject Cogeco to an unreasonable disadvantage, in violation of subsection 27(2) of the *Telecommunications Act*, by not having implemented local competition by 23 July 2012, contrary to the Commission's local competition decisions.
4. In that decision, the Commission further considered that its policy goal, as well as a goal of Cogeco, is to have local competition implemented in the Quebec small ILECs' territories as soon as possible. The Commission set out its preliminary view that the withholding of subsidy payments due to the Quebec small ILECs would be an appropriate remedy.

¹ Cogeco Câble Québec s.e.n.c. is to be the telecommunications service provider offering competitive telephone services, while the interconnection between Cogeco and the Quebec small ILECs is to be provided by TCC.

² Telecom Decisions 2012-36, 2012-37, 2012-40, and 2012-42

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5. In light of the above, the Commission is seeking comments on whether it would be appropriate to withhold the subsidy payments due to the Quebec small ILECs in order to encourage the timely implementation of local competition. Specifically, the Commission is considering the following:
 - Order that local competition be implemented in the Quebec small ILECs' territories no later than 31 January 2013;
 - On 1 February 2013, the Commission would direct the Central Fund Administrator (CFA) to withhold payments of subsidies for the month of February 2013 onwards for the Quebec small ILECs that have not yet implemented local competition; and
 - For each Quebec small ILEC, the CFA would continue to withhold the payment of subsidies for every month until local competition is implemented in all their respective exchanges as identified in the local competition decisions, at which time the withheld payments would be paid.
6. The Commission will consider a local competition implementation date other than 31 January 2013, should Cogeco and TCC request one in their comments, with supporting rationale.

Procedure

7. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding.³
8. TCC, Cogeco, CoopTel, Téléphone Guèvremont inc., Téléphone Milot inc., Sogetel inc., and l'Association des Compagnies de Téléphone du Québec inc. are made parties to this proceeding and may file an intervention with the Commission by **26 November 2012**.
9. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues, by **26 November 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.

³ 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."

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 **3 December 2012**.
12. The Commission expects to publish a decision on the issues raised in this notice within 60 days 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.

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

Related documents

- *Cogeco Cable Inc. – Application regarding Quebec small ILECs granting themselves an undue preference*, Telecom Decision CRTC 2012-622, 9 November 2012
- *ACTQ/OTA – Application to stay certain portions of Telecom Regulatory Policy 2011-291 and related matters*, Telecom Decision CRTC 2012-188, 30 March 2012
- *Sogetel inc. – Implementation of local competition for Cogeco Cable Inc.*, Telecom Decision CRTC 2012-42, 24 January 2012
- *Téléphone Milot inc. – Implementation of local competition for Cogeco Cable Inc.*, Telecom Decision CRTC 2012-40, 24 January 2012
- *Téléphone Guèvremont inc. – Implementation of local competition for Cogeco Cable Inc.*, Telecom Decision CRTC 2012-37, 24 January 2012
- *CoopTel – Implementation of local competition for Cogeco Cable Inc.*, Telecom Decision CRTC 2012-36, 24 January 2012