



Telecom Decision CRTC 2013-276

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Ottawa, 6 June 2013

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 273 additional routes.

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 April 2013 filings from the following competitors: Axia SuperNet Ltd.; Bell Canada, on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), DMTS, 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 Inc. and Allstream Inc. (collectively, MTS Allstream); O.N.Tel Inc., carrying on business as Ontera; Rogers Communications Partnership; Saskatchewan Telecommunications (SaskTel); Shaw Telecom G.P.; TBayTel; TELUS Communications Company (TCC); teliPhone Navigata-Westel and Videotron G.P.

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 (Télébec).

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 273 additional routes, which are in territories served by Bell Aliant, Bell Canada, and MTS Allstream. 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 April 2013 reports from competitors, pursuant to Telecom Order 99-434

ILEC A	Exchange A	Exchange B	ILEC B
Bell Aliant	Chapleau ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Desbarats ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Espanola ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Foleyet ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Parry Sound ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Sault Ste. Marie ON	Sturgeon Falls ON	Bell Aliant
Bell Aliant	Sturgeon Falls ON	Sudbury ON	Bell Aliant
Bell Aliant	Sturgeon Falls ON	Swastika ON	NorthernTel
Bell Aliant	Sturgeon Falls ON	Témiscaming QC	Bell Aliant
Bell Aliant	Sturgeon Falls ON	Thessalon ON	Bell Aliant
Bell Aliant	Sturgeon Falls ON	Timmins ON	NorthernTel
Bell Aliant	Sturgeon Falls ON	Toronto ON	Bell Canada
Bell Aliant	Sturgeon Falls ON	Virginiatown ON	NorthernTel
Bell Canada	Blind River ON	Sturgeon Falls ON	Bell Aliant
Bell Canada	Bolton ON	Toronto ON	Bell Canada
Bell Canada	Cooksville ON	London ON	Bell Canada
Bell Canada	Cooksville ON	Montréal QC	Bell Canada
Bell Canada	Markham ON	Montréal QC	Bell Canada
Bell Canada	Markham ON	South Pickering ON	Bell Canada
Bell Canada	Milton ON	Streetsville ON	Bell Canada
Bell Canada	Montréal QC	St-Jean QC	Bell Canada
Bell Canada	Owen Sound ON	Toronto ON	Bell Canada
Bell Canada	South Pickering ON	Streetsville ON	Bell Canada
NorthernTel	Earlton ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Englehart ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Haileybury ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Hearst ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Iroquois Falls ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Kapuskasing ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Kirkland Lake ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Larder Lake ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Matheson ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	New Liskeard ON	Sturgeon Falls ON	Bell Aliant

ILEC A	Exchange A	Exchange B	ILEC B
NorthernTel	Ramore ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	Smooth Rock Falls ON	Sturgeon Falls ON	Bell Aliant
NorthernTel	South Porcupine ON	Sturgeon Falls ON	Bell Aliant
TCC	100 Mile House BC	Haney BC	TCC
TCC	100 Mile House BC	Percé QC	TCC
TCC	100 Mile House BC	White Rock BC	TCC
TCC	Abbotsford BC	Haney BC	TCC
TCC	Abbotsford BC	Percé QC	TCC
TCC	Abbotsford BC	White Rock BC	TCC
TCC	Airdrie AB	Haney BC	TCC
TCC	Airdrie AB	Percé QC	TCC
TCC	Airdrie AB	White Rock BC	TCC
TCC	Aldergrove BC	Haney BC	TCC
TCC	Aldergrove BC	Percé QC	TCC
TCC	Aldergrove BC	White Rock BC	TCC
TCC	Baie-Comeau QC	Haney BC	TCC
TCC	Baie-Comeau QC	Percé QC	TCC
TCC	Baie-Comeau QC	White Rock BC	TCC
TCC	Bonaventure QC	Haney BC	TCC
TCC	Bonaventure QC	Percé QC	TCC
TCC	Bonaventure QC	White Rock BC	TCC
TCC	Bonnyville AB	Haney BC	TCC
TCC	Bonnyville AB	Percé QC	TCC
TCC	Bonnyville AB	White Rock BC	TCC
TCC	Brooks AB	Haney BC	TCC
TCC	Brooks AB	Percé QC	TCC
TCC	Brooks AB	White Rock BC	TCC
TCC	Calgary AB	Coutts AB	TCC
TCC	Calgary AB	Haney BC	TCC
TCC	Calgary AB	Oyen AB	TCC
TCC	Calgary AB	Percé QC	TCC
TCC	Calgary AB	Sylvan Lake AB	TCC
TCC	Calgary AB	Walsh AB	TCC
TCC	Calgary AB	White Rock BC	TCC
TCC	Camrose AB	Haney BC	TCC
TCC	Camrose AB	Percé QC	TCC
TCC	Camrose AB	White Rock BC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Canmore AB	Haney BC	TCC
TCC	Canmore AB	Percé QC	TCC
TCC	Canmore AB	White Rock BC	TCC
TCC	Chilliwack BC	Haney BC	TCC
TCC	Chilliwack BC	Percé QC	TCC
TCC	Chilliwack BC	White Rock BC	TCC
TCC	Cold Lake AB	Haney BC	TCC
TCC	Cold Lake AB	Percé QC	TCC
TCC	Cold Lake AB	White Rock BC	TCC
TCC	Courtenay BC	Haney BC	TCC
TCC	Courtenay BC	Percé QC	TCC
TCC	Courtenay BC	White Rock BC	TCC
TCC	Dawson Creek BC	Haney BC	TCC
TCC	Dawson Creek BC	Percé QC	TCC
TCC	Dawson Creek BC	White Rock BC	TCC
TCC	Donnacona QC	Haney BC	TCC
TCC	Donnacona QC	Percé QC	TCC
TCC	Donnacona QC	White Rock BC	TCC
TCC	Drumheller AB	Haney BC	TCC
TCC	Drumheller AB	Percé QC	TCC
TCC	Drumheller AB	White Rock BC	TCC
TCC	Duncan BC	Haney BC	TCC
TCC	Duncan BC	Percé QC	TCC
TCC	Duncan BC	White Rock BC	TCC
TCC	Edmonton AB	Fox Lake AB	TCC
TCC	Edmonton AB	Glendon AB	TCC
TCC	Edmonton AB	Haney BC	TCC
TCC	Edmonton AB	Jean D'Or Prairie AB	TCC
TCC	Edmonton AB	Mayerthorpe AB	TCC
TCC	Edmonton AB	Percé QC	TCC
TCC	Edmonton AB	Rainbow Lake AB	TCC
TCC	Edmonton AB	Warburg AB	TCC
TCC	Edmonton AB	White Rock BC	TCC
TCC	Edmonton International Airport AB	Haney BC	TCC
TCC	Edmonton International Airport AB	Percé QC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Edmonton International Airport AB	White Rock BC	TCC
TCC	Fort St. John BC	Haney BC	TCC
TCC	Fort St. John BC	Percé QC	TCC
TCC	Fort St. John BC	White Rock BC	TCC
TCC	Fort McMurray AB	Haney BC	TCC
TCC	Fort McMurray AB	Percé QC	TCC
TCC	Fort McMurray AB	White Rock BC	TCC
TCC	Gaspé QC	Haney BC	TCC
TCC	Gaspé QC	Percé QC	TCC
TCC	Gaspé QC	White Rock BC	TCC
TCC	Grande Prairie AB	Haney BC	TCC
TCC	Grande Prairie AB	Percé QC	TCC
TCC	Grande Prairie AB	White Rock BC	TCC
TCC	Haney BC	High River AB	TCC
TCC	Haney BC	Kamloops BC	TCC
TCC	Haney BC	Kelowna BC	TCC
TCC	Haney BC	Lacombe AB	TCC
TCC	Haney BC	Langley BC	TCC
TCC	Haney BC	Leduc AB	TCC
TCC	Haney BC	Lethbridge AB	TCC
TCC	Haney BC	Lloydminster AB	TCC
TCC	Haney BC	Matane QC	TCC
TCC	Haney BC	Medicine Hat AB	TCC
TCC	Haney BC	Montmagny QC	TCC
TCC	Haney BC	Nanaimo BC	TCC
TCC	Haney BC	New Westminster BC	TCC
TCC	Haney BC	Newton BC	TCC
TCC	Haney BC	Nisku AB	TCC
TCC	Haney BC	Parksville BC	TCC
TCC	Haney BC	Penticton BC	TCC
TCC	Haney BC	Percé QC	TCC
TCC	Haney BC	Port Coquitlam BC	TCC
TCC	Haney BC	Prince George BC	TCC
TCC	Haney BC	Quesnel BC	TCC
TCC	Haney BC	Red Deer AB	TCC
TCC	Haney BC	Revelstoke BC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Haney BC	Richmond BC	TCC
TCC	Haney BC	Rimouski QC	TCC
TCC	Haney BC	Saanich BC	TCC
TCC	Haney BC	Salmon Arm BC	TCC
TCC	Haney BC	Sept-Îles QC	TCC
TCC	Haney BC	Sherwood Park AB	TCC
TCC	Haney BC	Sooke BC	TCC
TCC	Haney BC	Spruce Grove AB	TCC
TCC	Haney BC	Squamish BC	TCC
TCC	Haney BC	St. Albert AB	TCC
		St-Augustin-de-	
TCC	Haney BC	Desmaures QC	TCC
TCC	Haney BC	Ste-Anne-des-Monts QC	TCC
TCC	Haney BC	Ste-Marie-de-Beauce QC	TCC
TCC	Haney BC	St-Georges-de-Beauce QC	TCC
TCC	Haney BC	St-Henri-de-Lévis QC	TCC
TCC	Haney BC	Stony Plain AB	TCC
TCC	Haney BC	Strathmore AB	TCC
TCC	Haney BC	Vancouver BC	TCC
TCC	Haney BC	Vegreville AB	TCC
TCC	Haney BC	Vermilion AB	TCC
TCC	Haney BC	Vernon BC	TCC
TCC	Haney BC	Victoria BC	TCC
TCC	Haney BC	Wetaskiwin AB	TCC
TCC	Haney BC	Whistler BC	TCC
TCC	Haney BC	White Rock BC	TCC
TCC	Haney BC	Whitecourt AB	TCC
TCC	Haney BC	Williams Lake BC	TCC
TCC	Hauterive QC	Haney BC	TCC
TCC	Hauterive QC	Percé QC	TCC
TCC	Hauterive QC	White Rock BC	TCC
TCC	High River AB	Percé QC	TCC
TCC	High River AB	White Rock BC	TCC
TCC	Kamloops BC	Percé QC	TCC
TCC	Kamloops BC	White Rock BC	TCC
TCC	Kelowna BC	Percé QC	TCC
TCC	Kelowna BC	White Rock BC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Lacombe AB	Percé QC	TCC
TCC	Lacombe AB	White Rock BC	TCC
TCC	Langley BC	Percé QC	TCC
TCC	Langley BC	White Rock BC	TCC
TCC	Leduc AB	Percé QC	TCC
TCC	Leduc AB	White Rock BC	TCC
TCC	Lethbridge AB	Percé QC	TCC
TCC	Lethbridge AB	White Rock BC	TCC
TCC	Lloydminster AB	Percé QC	TCC
TCC	Lloydminster AB	White Rock BC	TCC
TCC	Matane QC	Percé QC	TCC
TCC	Matane QC	White Rock BC	TCC
TCC	Medicine Hat AB	Percé QC	TCC
TCC	Medicine Hat AB	White Rock BC	TCC
TCC	Montmagny QC	Percé QC	TCC
TCC	Montmagny QC	White Rock BC	TCC
TCC	Nanaimo BC	Percé QC	TCC
TCC	Nanaimo BC	White Rock BC	TCC
TCC	New Westminster BC	Percé QC	TCC
TCC	New Westminster BC	White Rock BC	TCC
TCC	Newton BC	Percé QC	TCC
TCC	Newton BC	White Rock BC	TCC
TCC	Nisku AB	Percé QC	TCC
TCC	Nisku AB	White Rock BC	TCC
TCC	North Vancouver BC	Whalley BC	TCC
TCC	Parksville BC	Percé QC	TCC
TCC	Parksville BC	White Rock BC	TCC
TCC	Penticton BC	Percé QC	TCC
TCC	Penticton BC	White Rock BC	TCC
TCC	Percé QC	Port Coquitlam BC	TCC
TCC	Percé QC	Prince George BC	TCC
TCC	Percé QC	Quesnel BC	TCC
TCC	Percé QC	Red Deer AB	TCC
TCC	Percé QC	Revelstoke BC	TCC
TCC	Percé QC	Richmond BC	TCC
TCC	Percé QC	Rimouski QC	TCC
TCC	Percé QC	Saanich BC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Percé QC	Salmon Arm BC	TCC
TCC	Percé QC	Sept-Îles QC	TCC
TCC	Percé QC	Sherwood Park AB	TCC
TCC	Percé QC	Sooke BC	TCC
TCC	Percé QC	Spruce Grove AB	TCC
TCC	Percé QC	Squamish BC	TCC
TCC	Percé QC	St. Albert AB	TCC
		St-Augustin-de-	
TCC	Percé QC	Desmaures QC	TCC
TCC	Percé QC	Ste-Anne-des-Monts QC	TCC
TCC	Percé QC	Ste-Marie-de-Beauce QC	TCC
TCC	Percé QC	St-Georges-de-Beauce QC	TCC
TCC	Percé QC	St-Henri-de-Lévis QC	TCC
TCC	Percé QC	Stony Plain AB	TCC
TCC	Percé QC	Strathmore AB	TCC
TCC	Percé QC	Vancouver BC	TCC
TCC	Percé QC	Vegreville AB	TCC
TCC	Percé QC	Vermilion AB	TCC
TCC	Percé QC	Vernon BC	TCC
TCC	Percé QC	Victoria BC	TCC
TCC	Percé QC	Wetaskiwin AB	TCC
TCC	Percé QC	Whistler BC	TCC
TCC	Percé QC	White Rock BC	TCC
TCC	Percé QC	Whitecourt AB	TCC
TCC	Percé QC	Williams Lake BC	TCC
TCC	Port Coquitlam BC	White Rock BC	TCC
TCC	Prince George BC	White Rock BC	TCC
TCC	Quesnel BC	White Rock BC	TCC
TCC	Red Deer AB	White Rock BC	TCC
TCC	Revelstoke BC	White Rock BC	TCC
TCC	Richmond BC	White Rock BC	TCC
TCC	Rimouski QC	White Rock BC	TCC
TCC	Saanich BC	White Rock BC	TCC
TCC	Salmon Arm BC	White Rock BC	TCC
TCC	Sept-Îles QC	White Rock BC	TCC
TCC	Sherwood Park AB	White Rock BC	TCC
TCC	Sooke BC	White Rock BC	TCC

ILEC A	Exchange A	Exchange B	ILEC B
TCC	Spruce Grove AB	White Rock BC	TCC
TCC	Squamish BC	White Rock BC	TCC
TCC	St. Albert AB	White Rock BC	TCC
TCC	St-Augustin-de-Desmaures QC	White Rock BC	TCC
TCC	Ste-Anne-des-Monts QC	White Rock BC	TCC
TCC	Ste-Marie-de-Beauce QC	White Rock BC	TCC
TCC	St-Georges-de-Beauce QC	White Rock BC	TCC
TCC	St-Henri-de-Lévis QC	White Rock BC	TCC
TCC	Stony Plain AB	White Rock BC	TCC
TCC	Strathmore AB	White Rock BC	TCC
TCC	Vancouver BC	White Rock BC	TCC
TCC	Vegreville AB	White Rock BC	TCC
TCC	Vermilion AB	White Rock BC	TCC
TCC	Vernon BC	White Rock BC	TCC
TCC	Victoria BC	White Rock BC	TCC
TCC	Wetaskiwin AB	White Rock BC	TCC
TCC	Whistler BC	White Rock BC	TCC
TCC	White Rock BC	Williams Lake BC	TCC
TCC	Whitecourt AB	White Rock BC	TCC
Télébec	Rouyn QC	Sturgeon Falls ON	Bell Aliant
	Blaine WA (border crossing)	Newton BC	TCC
	Chicago IL (border crossing)	Vancouver BC	TCC
	New York NY (border crossing)	Streetsville ON	Bell Canada