



Telecom Notice of Consultation CRTC 2016-333

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Ottawa, 18 August 2016

File number: 1011-NOC2016-0333

Call for comments

Disconnection practices between telecommunications service providers

Deadline for submission of interventions: 19 September 2016

[\[Submit an intervention or view related documents\]](#)

The Commission calls for comments on disconnection practices when a telecommunications service provider ceases providing services to another telecommunications service provider for reasons such as non-payment for services rendered. The Commission aims to mitigate the effects of these practices on end-customers.

Background

1. In January 2016, an ongoing dispute between a Canadian carrier (as defined in section 2 of the *Telecommunications Act*, also known as an underlying carrier) and a reseller (a person offering and providing telecommunications services other than a Canadian carrier, as set out in section 24.1 of the *Telecommunications Act*) led the Canadian carrier to cease providing certain telephone services to the reseller. Approximately 27,000 Canadians' telephone services were disconnected for several days without prior notice to end-customers by the reseller. With the assistance of Commission staff, the issue was resolved and service was restored. A Commission staff letter addressing the incident was issued on [8 June 2016](#).
2. The Commission notes that for the purpose of this notice, the use of the term "telecommunications service provider(s)" throughout refers to both Canadian carriers and resellers, as defined above.
3. Currently, only incumbent local exchange carriers (ILECs) are subject to regulatory obligations, including notice requirements, by way of their terms of service, when they intend to suspend or terminate regulated telecommunications services to telecommunications service providers. Telecommunications service providers, including ILECs, that intend to cease providing non-regulated telecommunications services to other telecommunications service providers have no regulatory obligation to give those other providers notice prior to disconnection. As well, telecommunications service providers have no regulatory obligation to advise their

own end-customers if the company from which it is obtaining services ceases providing such services, even though this service interruption could in turn result in service interruption for end-customers.

Call for comments

4. The Commission hereby initiates a proceeding to examine whether regulatory measures are required to mitigate future occurrences of situations similar to the one described above. The Commission invites comments, with supporting rationale, on the following questions:
 - a) Should the Commission impose an obligation that contracts for telecommunications services between two telecommunications service providers, including between (i) two Canadian carriers, (ii) a Canadian carrier and a reseller, or (iii) two resellers, include a minimal time frame for notice of intent to disconnect (e.g. 30 days)?
 - b) Should telecommunications service providers be required to advise the Commission, on a timely basis, when a notice of intent to disconnect services to other telecommunications service providers is issued so that the Commission can attempt to help parties find a solution to prevent service interruptions to end-customers?
 - c) Are there any other measures that the Commission could employ to ensure that the disconnection by one telecommunications service provider of another does not unduly affect end-customers, such as an obligation to provide end-customers with notice prior to disconnection?
 - d) To which telecommunications services should any of the above measures apply (e.g. residential primary exchange services, mobile wireless services, and Internet access services)?

Procedure

5. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at www.crtc.gc.ca, under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
6. All Canadian carriers and resellers that are operating as of the date of this notice are made parties to this proceeding, since the decision resulting from this proceeding may

be binding on them, and they may file interventions with the Commission by **19 September 2016**.

7. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **19 September 2016**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
8. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
9. All parties may file replies to interventions with the Commission by **27 September 2016**. Due to the potential large number of parties to this proceeding, parties are not required to serve a copy of their replies on other parties. Parties are to consult the Commission's website to determine who has filed interventions for the purpose of exercising their right of reply.
10. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
11. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and 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.
12. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
13. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

14. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service or filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
15. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
16. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.
17. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.

Important notice

18. All information that parties provide as part of this public process, except information designated confidential, 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 all personal information, such as full names, email addresses, postal/street addresses, and telephone and facsimile numbers.
19. The personal information that parties provide 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 available in PDF format.
21. The information that parties provide 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 provide access to the information that was provided as part of this public process.

Availability of documents

22. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the file number provided at the beginning of this notice or by visiting the "Participate" section of the Commission's website, selecting "Submit Ideas and Comments," then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
23. Documents are also available from Commission offices, upon request, during normal business hours.

Commission offices

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Toll-free TDD: 1-877-909-2782

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Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010