



Telecom Notice of Consultation CRTC 2018-459

PDF version

Ottawa, 11 December 2018

Public record: 1011-NOC2018-0459

Show cause proceeding and call for comments – Applicability of the Commission’s determinations set out in Telecom Decision 2018-458 to Cogeco Communications Inc., Rogers Communications Canada Inc., Shaw Cablesystems G.P., and Videotron Ltd.

Deadline for submission of interventions: 12 February 2019

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

Introduction

1. The Commission regulates the aggregated wholesale high-speed access (HSA) services provided by large cable carriers. This service is also known as third-party Internet access (TPIA) service. In Telecom Decision 99-8, the Commission considered, among other things, that a condition of the provision of this service would be that it is available for resale.

Telecom Decision 2018-458

2. Frontier Networks Inc. (Frontier) filed a Part 1 application, dated 16 April 2018, regarding the refusal of Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink), to allow Frontier to continue to resell HSA service to Frontier’s reseller customers.
3. In Telecom Decision 2018-458, issued today, the Commission determined, among other things, that Frontier is permitted, pursuant to Eastlink’s HSA tariff,¹ to resell HSA service to other resellers. The Commission also determined that it would be appropriate to make modifications to Eastlink’s HSA tariff that would (i) include a specific term permitting HSA customers to resell HSA service on a wholesale basis, and (ii) require the removal of any terms that limit the services that an HSA customer can offer to only retail Internet services and voice over Internet Protocol (VoIP) services.

¹ Eastlink’s HSA tariff is referred to as Eastlink’s TPIA General Tariff in Telecom Decision 2018-458.

4. In that decision, the Commission noted that Cogeco Communications Inc. (Cogeco), Rogers Communications Canada Inc. (RCCI), Shaw Cablesystems G.P (Shaw), and Videotron Ltd. (Videotron), have similar terms relating to resale and the restriction on service offerings in their respective HSA tariffs.

Call for comments

5. The Commission hereby initiates a proceeding in which Cogeco, RCCI, Shaw, and Videotron are directed to show cause why the determinations made in paragraph 47 of Telecom Decision 2018-458 should not apply to them.

Procedure

6. 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.
7. Cogeco, RCCI, Shaw, and Videotron are made parties to this proceeding and may file interventions with the Commission by **28 January 2019**.
8. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **12 February 2019**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
9. 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.
10. Cogeco, RCCI, Shaw, and Videotron may file reply comments with the Commission by **22 February 2019**.
11. 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.
12. 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.

13. 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.
14. 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

15. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service 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 or served. The Commission advises parties who file or 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.
16. 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.
17. 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.
18. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.

Important notice

19. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, 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 fax numbers.
20. 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.
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 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

23. 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 public record number provided at the beginning of this notice or by visiting the "Have your say!" section, 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.
24. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TTY: 1-877-909-2782

Secretary General

Related documents

- *Frontier Networks Inc. – Application regarding the refusal of Eastlink to allow Frontier to resell high-speed access services*, Telecom Decision CRTC 2018-458, 11 December 2018
- *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
- *Regulation under the Telecommunications Act of cable carriers' access services*, Telecom Decision CRTC 99-8, 6 July 1999