



Telecom Notice of Consultation CRTC 2019-219

PDF version

Ottawa, 21 June 2019

Public record: 1011-NOC-2019-0219

Show cause proceeding and call for comments – Applicability of the Commission’s preliminary view set out in Telecom and Broadcasting Decision 2019-218 to all telecommunications service providers

Deadline for submission of interventions: 5 August 2019

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

The Commission initiates a proceeding for telecommunications service providers (TSPs) to show cause why the Commission’s preliminary view regarding access to in-building wire, expressed in Telecom and Broadcasting Decision 2019-218, should not apply to all TSPs.

Introduction

1. The Commission regulates access to in-building wire¹ and multi-dwelling units (MDUs) for the provision of telecommunications services. The Commission’s policies and regulations regarding such access are set out in a series of Commission decisions,² and have been, until more recently, focused on supporting competition for local voice service.
2. For example, in Telecom Decision 2003-45, the Commission considered it necessary to ensure that existing and potential end-users in new and existing MDUs have direct access to the local exchange carrier (LEC) of their choice. As a result, the Commission amplified a condition of service first established in Telecom Decision 97-8 by requiring that all LECs wishing to serve end-users in an MDU be able to access end-users in that MDU on a timely basis, by means of resale, leased facilities, or their own facilities, at their choice, under reasonable terms and conditions (the MDU access condition).

¹ Telecom Decision 99-10 defines “in-building wire” as wire and other facilities that are in a multi-dwelling unit (MDU) – for example, wires in the MDU’s risers, running from the main terminal room to the telephone closet on each floor, and from there to the customer’s suite. It also indicates that in-building wire may be owned by a telecommunications service provider or by the property owner.

² See, in particular, Telecom Decisions 97-8, 99-10, 2003-45, and 2005-33; and Decision 2001-362.

3. In Telecom Decision 2005-33, the Commission extended the MDU access condition to include a subset of non-competitive local exchange carrier (CLEC), facilities-based telecommunications service providers (TSPs) that provide service to end-users in MDUs – specifically, the member companies of the Coalition of Hydro Telecom Service Providers (the Coalition). However, the Commission’s determinations in that decision were restricted to the Coalition and do not apply to other non-CLEC, facilities-based TSPs.

Telecom and Broadcasting Decision 2019-218

4. Cloudwifi Inc. (Cloudwifi) filed a Part 1 application, dated 27 August 2018, which included, among other things, a request that the Commission allow facilities-based Internet service providers (ISPs) access to the in-building wire owned by carriers and broadcasting distribution undertakings (BDUs).
5. In Telecom and Broadcasting Decision 2019-218, issued today, the Commission, among other things, expressed the preliminary view that (i) the MDU access condition and associated obligations should be extended to all carrier ISPs, and potentially to all TSPs; and (ii) all carrier ISPs, and potentially all TSPs, should have access to LECs’ and other TSPs’ in-building wire in MDUs on the same basis as registered CLECs, and regardless of technology (including in-building fibre facilities).
6. The Commission applied its determinations only to Bell Canada, which was the respondent to the application. The Commission considered that Cloudwifi’s request could not be granted in full as part of the proceeding that led to that decision since the application was not served on all potential respondents.
7. Consequently, the Commission decided to issue a notice of consultation, concurrent with the publication of the decision, to consider this matter further and to help determine to which other entities, if any, the MDU access condition and associated obligations, and access to in-building fibre, should be extended.

Call for comments

8. In light of the above, the Commission initiates a proceeding in which all TSPs are invited to show cause why
 - the MDU access condition and associated obligations should not be extended to all TSPs, in the same way that Telecom Decision 2005-33 extended the MDU access condition to members of the Coalition; and
 - all TSPs should not have access to all other TSPs’ in-building wire on the same basis as registered CLECs, regardless of technology.

Procedure

9. 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.
10. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **5 August 2019**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
11. 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.
12. Parties may file reply comments with the Commission by **20 August 2019**.
13. 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.
14. 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.
15. 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.
16. 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

17. 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.
18. 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.
19. 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.

Important notice

20. All information provided 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.
21. 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.
22. 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.

23. 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

24. 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 "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
25. 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

- *Cloudwifi Inc. – Application to prevent Bell Canada from interfering with customer use of Bell Canada's inside wire*, Telecom and Broadcasting Decision CRTC 2019-218, 21 June 2019
- *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
- *Application of Decision 2003-45 to the Coalition of Hydro Telecom Service Providers*, Telecom Decision CRTC 2005-33, 10 June 2005
- *Provision of telecommunications services to customers in multi-dwelling units*, Telecom Decision CRTC 2003-45, 30 June 2003
- *Decision CRTC 2001-362*, 19 June 2001
- *Location of Demarcation Point for Inside Wire in Multi-Dwelling Units and Associated Issues*, Telecom Decision CRTC 99-10, 6 August 1999
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997