



Telecom Notice of Consultation CRTC 2019-420-2

PDF version

References: 2019-420 and 2019-420-1

Ottawa, 30 April 2020

Public record: 1011-NOC2019-0420

Call for comments – Access to in-building wire in multi-dwelling units – Change to procedure

Suspension of the 8 June 2020 deadline for the submission of reply comments

Introduction

1. In Telecom Notice of Consultation 2019-420 and Telecom Notice of Consultation 2019-420-1 (collectively, the notice), the Commission established, then revised, deadlines for the submission of interventions and reply comments for this proceeding. The original deadlines of 2 April and 4 May 2020, respectively, were revised to 7 May and 8 June 2020, respectively, to support the ability of parties to participate in this proceeding in light of the COVID-19 pandemic.
2. The Commission received an application from Bell Canada, dated 15 April 2020, in which the company requested that the Commission suspend the revised deadlines until
 - (i) the Commission determines that the unprecedented situation resulting from the COVID-19 pandemic has ended;
 - (ii) Bell Canada has sufficient time (taking into account the continuing and evolving COVID-19 pandemic situation) to assess, evaluate, and analyze information on the state of its fibre in-building wire (IBW) at the various multi-dwelling unit (MDU) addresses, which it is due to receive by 11 May 2020 from local exchange carriers (LECs) and carrier Internet service providers (ISPs) that were using its IBW on 16 December 2019, pursuant to the Commission's direction in Telecom Decision 2020-122; or
 - (iii) such other date as the Commission considers just and reasonable in the unique circumstances of this proceeding.
3. The Commission received interventions regarding Bell Canada's request from Cloudwifi Inc. (Cloudwifi); Cogeco Communications inc., on behalf of Cogeco Connexion Inc.; the Public Interest Advocacy Centre; Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); Rogers Communications Canada Inc. (RCCD); Shaw Cablesystems G.P.; TekSavvy Solutions Inc.; and

TELUS Communications Inc. (TCI). Bell Canada submitted reply comments on 23 April 2020.

Commission's analysis and determinations

4. The Commission notes that, in addition to commenting on Bell Canada's request, some interveners introduced other matters in their submissions. For example, Cloudwifi and Videotron submitted that if the Commission were to grant a further delay in the proceeding, it should establish an interim access regime, which is currently the subject of another active proceeding. Videotron also referred to a July 2019 request it made for access to Bell Canada's fibre IBW. Further, RCCI and TCI requested lists of the MDU addresses where LECs and carrier ISPs were using their fibre IBW, although Telecom Decision 2020-122 only dealt with lists of connections related to Bell Canada's fibre IBW because it was those connections that were grandfathered as part of the Cloudwifi/Bell Canada dispute.
5. The Commission considers that all of these matters are beyond the scope of Bell Canada's original procedural request and has only considered matters in parties' submissions that are directly related to the procedural request. In addition, the Commission accepts Bell Canada's reply comments only to the extent that they are within the scope of its procedural request.
6. The Commission considers that Bell Canada and other parties were provided a reasonable opportunity to develop their interventions over the past several months since this proceeding was initiated in 2019. In addition, Bell Canada has been involved in several previous proceedings related to IBW since the summer of 2018; accordingly, the Commission considers that the company would have relevant information and resources at its disposal in order to prepare an intervention. Given that restrictions related to the COVID-19 pandemic were imposed beginning in mid-March 2020, interested parties had approximately 10 weeks to prepare submissions before regular work schedules may have been disrupted. As a result, the Commission considers that it would not be appropriate to suspend the entire proceeding until the COVID-19 pandemic has ended, the time frame of which is not known at this point.
7. Regarding Bell Canada's request for sufficient time (taking into account the COVID-19 pandemic situation) to assess, evaluate, and analyze the state of its fibre IBW at various MDUs based on the lists it is due to receive by 11 May 2020, the Commission does not consider that this activity is necessary in order for Bell Canada to submit an intervention in response to the notice.
8. However, the Commission considers that it would be appropriate to provide for a more flexible proceeding schedule, if necessary, to account for any relevant new information Bell Canada may receive in response to Telecom Decision 2020-122. The Commission considers that this can be achieved by (i) maintaining the 7 May 2020 intervention deadline, but suspending the 8 June 2020 reply comment deadline until further notice; and (ii) inviting parties, in their interventions that are

due on 7 May 2020, to include arguments for or against additional process to account for Bell Canada's findings regarding the lists required by Telecom Decision 2020-122.

9. Accordingly, the Commission maintains the current 7 May 2020 intervention deadline, but suspends the 8 June 2020 reply comment deadline, until further notice, to allow for additional process, if necessary.
10. The Commission will consider any arguments for or against additional process related to the information Bell Canada expects to receive in response to Telecom Decision 2020-122 that are included in parties' interventions. The Commission will establish additional process, as required, as well as a new reply comment deadline, following its review of the interventions.

Secretary General

Related documents

- *Bell Canada – Request for clarification of Telecom Decision 2019-419*, Telecom Decision CRTC 2020-122, 9 April 2020
- *Call for comments – Access to in-building wire in multi-dwelling units*, Telecom Notice of Consultation CRTC 2019-420, 16 December 2019; as amended by Telecom Notice of Consultation CRTC 2019-420-1, 8 April 2020