



Telecom Public Notice CRTC 2007-12

Ottawa, 11 July 2007

Review of general tariff bundling rules and requirements for market trials in light of Decision 2007-51

Reference: 8663-C12-200709925

Introduction

1. On 27 December 2006, the Governor in Council published *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534 (the Policy Direction), which came into force on 14 December 2006. The Policy Direction requires the Commission to, among other things, rely on market forces to the maximum extent feasible to achieve the telecommunications policy objectives (the policy objectives) set out in section 7 of the *Telecommunications Act*.
2. In *Action plan for the review of Commission regulatory measures in light of Order in Council P.C. 2006-1534*, Telecom Decision CRTC 2007-51, also issued today, the Commission issued an action plan in which it indicated its intention to review existing regulatory measures in light of the Policy Direction. The action plan identified the rules governing bundles which are comprised of tariffed and non-tariffed services offered on a general tariff basis (the general tariff bundling rules) as well as the requirements for market trials as priorities to be reviewed in 2007-2008. These matters were considered in various Commission decisions and orders, including *Review of price floor safeguards for retail tariffed services and related issues*, Telecom Decision CRTC 2005-27, 29 April 2005 (the general tariff bundling rules) and Telecom Order CRTC 95-453, 12 April 1995 (the requirements for market trials).

Call for comments

3. The Commission therefore invites parties to comment, in light of the Policy Direction, on the continued appropriateness of the general tariff bundling rules as well as the requirements for market trials (the regulatory measures).
4. In implementing the directives set out in the Policy Direction to rely on market forces to the maximum extent feasible, the Commission is of the view that the onus is on parties who want the Commission to maintain the regulatory measures to justify (1) why market forces are insufficient to achieve the policy objectives, and (2) that the regulatory measures otherwise comply with the relevant criteria set out in the Policy Direction.
5. For each of the regulatory measures, parties should address the following issues in their initial comments, providing full supporting rationale and all evidence on which they rely:
 - a) Is the purpose underlying the regulatory measure able to be achieved through the reliance on market forces or is the regulatory measure still necessary?

- Identify the purpose of the regulatory measure and the policy objectives that are relevant to this purpose.
- Identify the relevant market forces.
- Can market forces be relied on to achieve the policy objectives? Why or why not?
 - Identify and weigh the positive and negative consequences of (1) eliminating, and (2) retaining, the regulatory measure.

b) (i) *Efficient and proportionate regulation*

- Is the regulatory measure efficient and proportionate to its purpose?
 - Identify the benefits and the harmful effects of the regulatory measure. Explain whether the benefits of the regulatory measure outweigh the harmful effects.
 - Identify any alternative regulatory measure that would be more efficient and proportionate. Explain why that measure would be more efficient and proportionate and how it would achieve the policy objectives.

(ii) *Minimal interference*

- Does the regulatory measure interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives?
 - Identify how, and to what extent, the regulatory measure interferes with the operation of competitive market forces, including the associated impacts on service providers and customers.
 - Identify any possible alternative regulatory or non-regulatory measure that would be less intrusive and explain how it would achieve the policy objectives.

(iii) *Efficient and competitive entry*

- Explain whether the regulatory measure deters economically efficient competitive entry into the market or promotes economically inefficient entry.

6. Persons interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the online form, or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2, or by faxing at: 819-994-0218 by **13 August 2007** (the registration date). Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
7. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
8. All parties may file with the Commission, serving a copy on all other parties, comments with regard to the above-noted issues by **27 August 2007**.
9. All parties may file with the Commission, serving a copy on all other parties, reply comments by **12 September 2007**.
10. The Commission expects to issue a decision on the issues raised in this Public Notice within 120 days after the record closes.
11. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
12. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
13. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
14. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
15. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
16. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

Important notice

17. Note that all information that you provide as part of this public process, except information granted confidentiality, 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 information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

18. The personal information you 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.
19. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, 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.
20. Please note that the information you 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 webpage of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

Location of CRTC offices

21. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours:

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

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

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Secretary General

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