



Telecom Public Notice CRTC 2007-3

Ottawa, 19 March 2007

Proceeding to consider the requirement for a network interconnection device when the incumbent local exchange carrier's network is disconnected from residential inside wire

Reference: 8622-B2-200602773 and 8622-C12-200704321

In this Public Notice, the Commission invites comments regarding the installation of a network interconnection device when the incumbent local exchange carrier's (ILEC) network is disconnected from the inside wire at a residential customer location when a residential customer elects to take a cable telephone service and no longer wishes to use any services provided on the ILEC's network.

Background

1. On 15 March 2006, Bell Canada filed a Part VII application pursuant to the *CRTC Telecommunications Rules of Procedure* requesting that the Commission direct Vidéotron ltée (Vidéotron) to discontinue certain installation practices at the premises of customers subscribing to Vidéotron's cable telephony service.
2. On 11 April 2006, at the request of both parties, the Commission suspended the Part VII process to permit the parties to resolve the dispute through negotiations. As a result of these negotiations, parties had resolved a number of issues but were unable to agree on one outstanding issue with respect to the installation of a network interconnection device (NID).
3. On 1 September 2006, in accordance with the Commission's procedural letter of 10 August 2006, Vidéotron filed the answer to Bell Canada's Part VII application. On 11 September 2006, Bell Canada filed reply comments.
4. While the Part VII process resumed in September 2006, the parties agreed to Commission staff assisted mediation in November 2006, but were unable to come to an agreement.
5. The parties were unable to resolve the following:
 - (i) when a residential customer elects to take Vidéotron's cable telephone service and no longer wishes to use any services provided on the Bell Canada's network should Vidéotron be required to install a NID between Bell Canada's network and the customer's inside wire where such a device does not yet exist; and
 - (ii) if so, who should pay for the cost of the NID and the cost for its installation.

6. Rogers Cable Communications Inc. (RCCI) filed comments, which were supported by Shaw Communications Inc. (Shaw) and Bragg Communications Inc. (carrying on business as Eastlink), requesting a public proceeding in this matter.
7. The Commission considers that the remaining issue in dispute raises policy concerns that are common to all larger incumbent local exchange carriers (ILECs). Therefore, the Commission is initiating this public proceeding.

Issues to be addressed in this proceeding

8. The Commission invites comments regarding situations where a cable company, in preparation for the provision of cable telephony services, disconnects an ILEC's network from the inside wire at the premise of a residential customer that no longer wishes to use any services provided on the ILEC's network. Specifically, the Commission invites comments on
 - (a) whether a NID should be installed at the premises of a residential customer when no such device is present;
 - (b) if a NID is required to be installed in the situation set out in (a) above, should the cable company or the ILEC install the NID; and
 - (c) if a NID is required to be installed in the situation set out in (a) above, what portion, if any, should the cable company or the ILEC pay for the cost of installing the NID and for the cost of the NID.

Procedure

9. The record of the proceeding initiated by Bell Canada's Part VII application is made part of the record of the proceeding initiated by this Public Notice.
10. Bell Aliant Regional Communications, Limited Partnership, Bell Canada, Cogeco Cable Canada Inc., Eastlink, MTS Allstream Inc., RCCI, Saskatchewan Telecommunications, Shaw, TELUS Communications Company, and Vidéotron are made parties to this proceeding.
11. Other parties 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 **29 March 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.
12. The Commission will issue 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.
13. 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.

14. Parties listed in paragraph 10 are to file, and other interested parties registered pursuant to paragraph 11 are invited to file, written comments with the Commission with respect to the issues described in this Public Notice, serving a copy on all other parties, by **18 April 2007**.
15. The Commission and the parties may address interrogatories to any party who filed comments pursuant to paragraph 14. Any such interrogatories must be filed with the Commission and served on the relevant party or parties, by **2 May 2007**.
16. Responses to interrogatories addressed pursuant to paragraph 15 are to be filed with the Commission and served on all parties, by **22 May 2007**.
17. Requests by parties for further responses to their interrogatories, specifying in each case why a further response is both relevant and necessary, and requests for public disclosure of information for which confidentiality has been claimed, setting out in each case the reasons for disclosure, must be filed with the Commission and served on the relevant party or parties, by **29 May 2007**.
18. Written responses to requests for further responses to interrogatories and for public disclosure must be filed with the Commission and served on the party or parties making the request, by **5 June 2007**.
19. Determinations will be issued with respect to requests for further information and public disclosure as soon as possible. Any information to be provided pursuant to that determination will be filed with the Commission and served on all interested parties, by **26 June 2007**.
20. All parties may file written arguments with the Commission on any matter within the scope of this proceeding, serving copies on all other parties, by **3 July 2007**.
21. All parties may file reply arguments with the Commission, serving a copy on all other parties, by **9 July 2007**.
22. The Commission expects to issue a decision on the issues raised in this Public Notice within 150 days after the record closes.
23. 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.
24. Parties can file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
25. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
26. 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 transmission.

27. 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

28. 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.
29. 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.
30. Documents received electronically or otherwise will be put 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.
31. 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.

Location of CRTC offices

32. 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

Central Building

Les Terrasses de la Chaudière

1 Promenade du Portage, Room 206

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Tel: 819-997-2429

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99 Wyse Road, Suite 1410

Dartmouth, Nova Scotia B3A 4S5

Tel: 902-426-7997

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Montréal, Quebec H2Z 1G2
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Kensington Building
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Cornwall Professional Building
2125 – 11th Avenue, Suite 103
Regina, Saskatchewan S4P 3X3
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10405 Jasper Avenue, Suite 520
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Secretary General

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