



Telecom Order CRTC 2011-437

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Ottawa, 22 July 2011

DERYtelecom inc. / Shannon Vision Inc. and the Coopérative de câblodistribution Ste-Catherine-Fossambault – Public switched telephone network access agreements for the resale of local services

File numbers: 8340-D41-201105875 and 8340-D41-201103647

1. The Commission received an application from DERYtelecom inc. (DERYtelecom), dated 30 March 2011, in which the company submitted for Commission approval a public switched network access agreement for the resale of local services that it had reached with Shannon Vision Inc. (Shannon Vision).
2. DERYtelecom submitted that to facilitate Shannon Vision's local service offering, it would provide Shannon Vision with certain underlying network services, such as termination arrangements on third-party networks and the processing of number porting requests. DERYtelecom also submitted that it had agreed with Shannon Vision not to use the interconnection framework agreement between local exchange carriers, since its proposed agreement more accurately reflects the existing provider-client relationship between the two parties.
3. The agreement between DERYtelecom and Shannon Vision is identical to another public switched network access agreement for the resale of local services that DERYtelecom reached with the Coopérative de câblodistribution Ste-Catherine-Fossambault (Coopérative). DERYtelecom submitted the Coopérative agreement to the Commission on 21 February 2011, and the Commission approved it on a final basis in Telecom Order 2011-221.
4. The Commission received no comments regarding DERYtelecom's application. The public record of this proceeding, which closed on 11 July 2011, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file numbers provided above.

Commission's analysis and determinations

5. The Commission has reviewed the Shannon Vision agreement and considers that the terms and conditions comply with the Commission's requirements related to the resale of local services.
6. However, the Commission notes that Appendix A of both the Shannon Vision agreement and the Coopérative agreement stipulates that the reseller must be a member of the Commissioner for Complaints for Telecommunications Services Inc. (CCTS or Agency) if its Canadian telecommunications service revenues exceeded

\$10 million in the preceding fiscal year. The Commission considers that Appendix A of the two agreements should be modified to reflect the following determinations set out in Telecom Regulatory Policy 2011-46:

- as a condition of providing telecommunications service, all Canadian carriers are required to be members of the CCTS commencing five days after the date on which the CCTS informs the Canadian carrier that the CCTS has received a complaint about the Canadian carrier falling within the scope of the CCTS's mandate; and
- as a condition of providing telecommunications service to any reseller, all Canadian carriers are required to include in their service contracts and other arrangements with such resellers the stipulation that any such reseller is required to be a member of the CCTS commencing five days after the date on which the CCTS informs the reseller that the CCTS has received a complaint about the reseller falling within the scope of the CCTS's mandate.

7. Accordingly, the Commission **approves on a final basis** DERYtelecom's application, subject to the following modifications:

- i. replace section 15 of Appendix A, on page 16 of the agreement, with the following:

The Reseller is required to be a member of the CCTS commencing five days after the date on which the CCTS informs the Reseller that it has received a complaint about the Reseller falling within the scope of the CCTS's mandate. [translation]

The Reseller is required to include in its service contracts and other arrangements with other resellers the stipulation that any such reseller is required to be a member of the CCTS commencing five days after the date on which the CCTS informs the reseller that the CCTS has received a complaint about the reseller falling within the scope of the CCTS's mandate. [translation]

- ii. replace section 15 of Attachment 1 to Appendix A, on page 21 of the agreement, with the following:

Review of the Commissioner for Complaints for Telecommunications Services, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011 (paragraph 18)

8. The Commission determines that DERYtelecom must also make these modifications to the Coopérative agreement.
9. The Commission directs DERYtelecom to file revised agreements that include the above-mentioned modifications, for information purposes, within **60 calendar days** of the date of this order.

Secretary General

Related documents

- Telecom Order CRTC 2011-221, 29 March 2011
- *Review of the Commissioner for Complaints for Telecommunications Services*, Telecom Regulatory Policy CRTC 2011-46, 26 January 2011