



Telecom Decision CRTC 2011-92

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CISC Business Process Working Group – Non-consensus report BPRE075a regarding fulfillment of Type III and IV CLEC obligations

File number: 8621-C12-01/08

The Commission approves the six consensus recommendations (with a minor modification to the sixth recommendation) concerning the obligations for Type III and IV competitive local exchange carriers, which were submitted by the CISC Business Process Working Group in non-consensus report BPRE075a.

Regarding the non-consensus item, the Commission directs all local exchange carriers (LECs) maintaining websites to post their approved LEC access tariffs on their websites. Those LECs that do not maintain websites are to provide an electronic copy of their LEC access tariffs upon request.

Introduction

1. On 3 August 2010, the CRTC Interconnection Steering Committee (CISC) Business Process Working Group (BPWG) filed non-consensus report BPRE075a – *Fulfillment of Type 3/4 CLEC Obligations* (the report), requesting the Commission's approval of six consensus items and its determination on one non-consensus item.
2. Competitive local exchange carriers (CLECs) are required to meet a number of obligations in order to be registered with the Commission as a CLEC so that they may offer local exchange services to the public. CLECs are categorized into one of four categories, each of which has varying obligations.¹ In particular, the Commission has permitted the smaller CLECs (Type III and IV) to meet some of their obligations by outsourcing them to another local exchange carrier (LEC), commonly known as the underlying carrier.
3. Four of five consensus items in the report deal with information that Type III and IV CLECs are to provide to other LECs when their obligations are met through a third party, while the fifth item is of general interest to all LECs (the first five consensus items). The sixth consensus item relates to the electronic filing of CLEC

¹ Definitions relating to the four types of CLECs, as well as the entry obligations they must meet, can be found on the Commission's website at <http://www.crtc.gc.ca/eng/8180/8180m.htm>.

letters and the posting of these letters on the Commission's website for use by all LECs. The non-consensus item relates to a requirement for LECs to post their access tariffs on their websites.² A description of the six consensus items is included in the appendix to this decision.

4. The report is available on the Commission's website at www.crtc.gc.ca under "CRTC Interconnection Steering Committee".

Issues

5. The Commission considers that the report raises the following issues:

- I. Should the Commission approve the consensus items?
- II. Should all LECs be required to post their approved access tariffs on their websites?

I. Should the Commission approve the consensus items?

6. The Commission notes that the first five consensus items deal with the information that should be exchanged between LECs for interconnection and operational purposes. The Commission considers that the BPWG's recommendations ensure that the relevant data is disclosed to the required LECs and remains updated.
7. The sixth consensus item deals with information that is filed with the Commission. The Commission considers the BPWG's recommendation to require a company to file all letters associated with CLEC registration status and expansion of CLEC serving territory electronically to be appropriate. With respect to the posting of such letters on the Commission website, the Commission notes that at various times the BPWG and its participants have requested that all past CLEC registration and expansion letters be posted on the Commission's website. The Commission expects that the relevant information contained in these letters in lieu of a copy of the documents as submitted will be available on its website by mid-2011.
8. Accordingly, the Commission **approves** the six consensus recommendations with a minor modification to the sixth recommendation as described in the previous paragraph.

II. Should all LECs be required to post their approved access tariffs on their websites?

9. The report noted that while many LECs file their tariff notices with the Commission electronically, this is not a mandated practice for all tariffs. It also noted that where LEC tariffs are filed electronically, only the revised pages are submitted for

² These tariffs are Competitor Access Tariffs, which set out the rates, terms, and conditions for interconnection with other carriers.

Commission approval. The report noted that, as a result, it is necessary to search through the complete history of a LEC's access tariff applications in order to compile a complete current version of a tariff. The report noted that the BPWG was unable to reach consensus on a requirement for LECs to post a complete current version of their access tariffs on their websites and requested that the Commission resolve this non-consensus issue.

10. Bell Aliant Regional Communications, Limited Partnership, Bell Canada, TELUS Communications Company, Saskatchewan Telecommunications, and MTS Allstream Inc. noted that most, if not all, LECs maintain websites and submitted that it was reasonable to require all LECs, or at least Type I, II, and III CLECs, to post their access tariffs on their websites to make them accessible by all service providers.
11. Bragg Communications, the Canadian Cable Systems Alliance (CCSA), Distributel Communications Limited, Rogers Communications Inc., Shaw Communications Inc., and Videotron Ltd. opposed posting companies' access tariffs on websites other than the Commission website. They submitted that the requirement for CLECs to submit tariff filings in electronic format is sufficient to provide parties with access to these tariffs. These parties suggested that a search of these electronic tariff filings would result in the retrieval of the most recent filings, as well as any other filing within the past number of years.
12. The CCSA argued that it would be disproportionately burdensome to require small CLECs to post on their websites their LEC tariffs, which would only be of interest to other LECs. It noted that small CLECs' websites are essentially geared to provide information to their customers and prospective customers, and it expressed concern that there would be future requests by other LECs for uniformity and ease of access to this information once it was posted on small CLECs' websites.
13. The Commission notes that under subsection 25(3) of the *Telecommunications Act*, a Canadian carrier is to file and publish or otherwise make its tariffs available for public inspection in a form and manner specified by the Commission, and it is to include any information the Commission requires. In the Commission's view, this means that the public, and other carriers, are entitled to be able to publicly view a complete version of a Canadian carrier's current tariff(s).
14. The Commission considers that the tariff notices filed by Canadian carriers for Commission approval and posted on its website do not provide a means to view a complete current version of a tariff. Indeed, as noted by some parties in the non-consensus report, a person would be required to research all tariff notices in order to compile a version of a tariff. The Commission is concerned that, even then, the result would not be a complete current version of a carrier's tariff(s). Therefore, the Commission considers that tariff notices posted on its website are not a suitable means of publishing a carrier's tariff(s) for public inspection.

15. The Commission considers that it is the responsibility of Canadian carriers to ensure that complete current versions of their approved access tariffs are available for public inspection. The Commission considers that this can best be achieved by making these tariffs available via the Internet.
16. The Commission notes that a large majority of LECs already maintain websites. The Commission therefore considers that it would not be unduly burdensome for these LECs to post their respective approved access tariffs on their websites. In cases where LECs do not have websites, the Commission considers that it would be appropriate, as an alternative, for these LECs to have complete versions of their approved access tariffs in electronic format available upon request.
17. Accordingly, the Commission directs all LECs that maintain websites to post their approved access tariffs on their respective websites, and those LECs that do not maintain websites to provide an electronic version of their approved access tariffs upon request.

Secretary General

Summary of BPWG consensus recommendations

Recommendation

1 *Local Interconnection Arrangements*

The Master Agreement for Local Interconnection (MALI) Schedule C filed with the Commission must explicitly identify all third-party arrangements that support traffic exchange between customers of the two LECs signing the agreement.

When there are changes to third-party arrangements, the Outsourcing CLEC must advise all LECs with which it has signed MALIs of the changes. The Outsourcing CLEC must also arrange with each of the parties to have Schedule C updated as required. The Outsourcing CLEC must file any amendments to Schedule C with the Commission.

2 *Tariff for Interexchange Equal Access*

Each Type 3 CLEC (and Type 4 CLEC that chooses to offer equal access) must identify in its local exchange carrier-interexchange carrier (LEC-IXC) Agreement (Schedule 3, Part 4) the third party to which it has outsourced equal access arrangements.

When changes are made to third-party arrangements, the Outsourcing CLEC must advise all IXCs with which it has signed LEC-IXC agreements of the changes. The Outsourcing CLEC must also arrange with each of the parties to have Schedule 3 of the LEC-IXC agreement updated as required.

3 *Basic Listing Interchange File (BLIF) Agreement*

Parties wishing to purchase directory listings for the local subscribers served by a given CLEC should contact that CLEC to make the appropriate arrangements.

4 *9-1-1 Service and Agreements*

Each LEC must provide Contact & Escalation information to other LECs serving the same area.

In its Contact & Escalation information, each CLEC must identify who to contact regarding 9-1-1 service arrangements.

When changes are made to 9-1-1 arrangements, the CLEC must provide updated Contact & Escalation information to all other LECs operating in the same area.

5 *Central Office (CO) Codes*

Each Type 3 and Type 4 CLEC must identify in its Contact & Escalation information who to contact regarding numbering issues.

6 *CLEC Letters*

A Company must file all letters associated with CLEC registration status and expansion of CLEC serving territory electronically with the CRTC.

The CRTC should post such letters on its website.

The CRTC should post Commission letters responding to CLEC status and expansion on its website.