



Telecom Order CRTC 2013-114

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Ottawa, 11 March 2013

Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership – Revisions to support structure service tariffs

File numbers: Bell Canada Tariff Notices 925 and 926 (NST)
Télébec Tariff Notices 451, 451A, 452, and 452A

In this order, the Commission approves, with modifications, revisions to Bell Aliant's, Bell Canada's, and Télébec's respective support structure service tariffs that (1) implement a charge for the use of a service pole, (2) recover a portion of the cost of a census associated with service poles by Bell Aliant in the Atlantic provinces, and (3) introduce a charge for the non-reporting of service poles used (unreported attachment charge).

Background

1. Support structures are the poles, conduits, strand, anchors, and manholes that incumbent local exchange carriers (ILECs) own or for which they have the right to grant access permits¹ to licensees. Licensees are the cable television undertakings or Canadian carriers that attach their facilities, such as wires, onto ILECs' poles to serve their own end-users.
2. In Telecom Decision 2010-900, the Commission approved new main pole rates for certain ILECs.² The Commission noted, at that time, that the ILECs were not permitted to charge for the use of service poles³ by licensees. The Commission considered that the ILECs should be compensated by licensees for their use of service poles. Therefore, in that same decision, the Commission initiated a follow-up proceeding to determine a service pole rate and to seek parties' comments on its preliminary view that each ILEC's service pole rate should be the same as its new main pole rate.
3. In Telecom Decision 2011-406, the Commission confirmed its preliminary view and approved for each ILEC a service pole rate, effective 4 July 2011, equal to that ILEC's main pole rate approved in Telecom Decision 2010-900. With respect to the ILECs' submission that they lacked the records required to bill a rate specific to each

¹ A permit is the written approval of a licensee's application to use the ILECs' support structures.

² These ILECs were Bell Aliant Regional Communications, Limited Partnership; Bell Canada; Télébec, Limited Partnership; MTS Allstream; and TELUS Communications Company.

³ In Telecom Decision 2010-900, the term "service pole" refers to a pole on which the only licensee attachment is a drop wire to the subscriber's premises.

service pole, the Commission considered that there were alternative approaches to determining the number of billable service poles.

4. Subsequent to Telecom Decision 2011-406, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; and Télébec, Limited Partnership (Télébec) [collectively, Bell Canada et al.] issued revised support structure service tariff pages to reflect the service pole charge. The revisions also contemplated that a permit would be “deemed” to be issued for use of service poles without an application, and this deemed permit would trigger the charge. In the proceeding leading to Telecom Order 2012-139, the Commission considered that the deemed issuance of a permit incorrectly implied that an approval process is required by a licensee for use of a service pole.
5. In Telecom Order 2012-139, the Commission also denied proposed revisions to the respective tariffs of Bell Canada et al. to introduce a penalty for the non-reporting of subscriber drop wires⁴ on service poles, since it would be difficult to impose a penalty on a going-forward basis without knowledge of the number and the location of the service poles used by licensees prior to 4 July 2011. The Commission considered that, while a penalty would act as an incentive for licensees to report their use of service poles accurately, Bell Canada et al.’s approach was premature.
6. Subsequent to these Commission decisions, Bell Aliant, in the Atlantic provinces, completed censuses of its service poles. The results of the censuses provide information on the number and location of the service poles used by the licensees.

Application

7. The Commission received applications from Bell Canada et al., dated 7 July 2012, in which the companies proposed revisions to the Support structure service in Bell Canada’s National Services Tariff (NST)⁵ item 901 and in Télébec’s General Tariff (GT) Chapter 10.3.⁶
8. Bell Canada et al. proposed revisions to their respective support structure service tariffs to, among other things,
 - implement monthly rates for the use of Bell Canada et al.’s service poles,
 - introduce a charge of \$100 for an unreported subscriber drop wire on a service pole (unreported attachment),

⁴ A subscriber drop wire is the facility or those facilities running from a pole or from the last pole in those circumstances where there are multiple poles, as the case may be, to a subscriber’s or multiple subscribers’ premises.

⁵ Bell Canada’s NST also applies to Bell Aliant.

⁶ Further proposed revisions to Télébec’s support structure service tariffs were made under Tariff Notices 451A and 452A, received on 27 September 2012.

- introduce a one-time service charge to partially recover the cost of the pole census, and
 - update the tariffs to include future census costs by issuing revised tariff pages, rather than seeking Commission approval.⁷
9. The Commission received comments from Bragg Communications Inc., carrying on business as EastLink; Cogeco Cable Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; Rogers Communications Partnership; and Shaw Communications Inc. (collectively, the Cable carriers); and from MTS Inc. and Allstream Inc. (collectively, MTS Allstream). The public record of this proceeding, which closed on 17 December 2012, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file numbers provided above.

Issues

10. The Commission has identified the following issues to be addressed in this order:
- I. Should the Commission approve Bell Canada et al.'s proposed implementation of monthly rates for the use of its service poles?
 - II. Should the Commission approve the introduction of a \$100 charge for an unreported attachment?
 - III. Should the Commission approve a one-time charge for the partial recovery of costs for a pole census?
 - IV. Should the Commission allow updates to the tariffs for the recovery of future census costs through the issuance of tariff pages?
 - V. Should the Commission approve other proposed tariff revisions?

I. Should the Commission approve Bell Canada et al.'s proposed implementation of monthly rates for the use of their service poles?

11. Bell Canada et al. proposed revisions to their respective support structure service tariffs that would implement the service pole rate approved in Telecom Decision 2011-406. Under Bell Canada et al.'s proposal, the monthly rate would be implemented using one of the methods described below.

a) By date of placement of a subscriber drop wire on a service pole

12. Bell Canada et al. proposed to implement monthly rates for the use of their service poles on the date the licensee places a subscriber drop wire on a service pole, if the licensee self-reports.

⁷ Telecom Information Bulletin 2010-455 sets out the procedures that apply to the approval processes for tariff applications.

Commission's analysis and determinations

13. The Commission considers that this proposal is appropriate because the date of placement is the date on which the licensee begins to use the service pole.

b) By date of negotiated agreement as to the number of billable service poles

14. Bell Canada et al. proposed to implement monthly rates for the use of their service poles on the date determined on the basis of a negotiated agreement as to the number of billable service poles.

Commission's analysis and determinations

15. The Commission considers this proposal to be appropriate because in Telecom Decision 2011-406, it considered that there were alternative approaches to determining the number of service poles. The Commission is of the view, however, that the proposed wording of the tariffs should clarify that the negotiated agreement relates to the number of billable service poles. Therefore, the Commission directs Bell Canada et al. to modify the proposed last sentence of Bell Canada NST item 901.4(o) and Télébec GT article 10.3.4(15) as follows (changes are in bold):

- Bell Canada:

In the case of a commercial agreement between the Company and a Licensee **as to the number of billable service poles, the monthly charges specified in Item 901.5(b)(1) will commence on the date specified in the negotiated agreement.**

- Télébec:

Dans le cas d'une entente commerciale entre la Compagnie et le Titulaire **concernant le nombre de poteaux de service à facturer, les frais mensuels précisés à l'article 10.3.5(2)(i) entreront en vigueur à la date précisée dans l'entente négociée.**

c) By the date the licensee receives census results, retroactive to 4 July 2011 and thereafter on a monthly basis

16. If a) and b) above do not apply, Bell Canada et al. proposed to implement monthly rates for the use of their service poles on the date the licensee receives census results, retroactive to 4 July 2011 and thereafter on a monthly basis.
17. Bell Canada et al. noted that under the existing terms and conditions of their support structure service tariffs, a licensee is required to notify them of the placement of subscriber drop wires on their service poles. Bell Canada et al. submitted that, despite the fact that the Commission had approved a rate for attachments to service poles, only a very small number of licensees have actually reported their presence on service poles since Telecom Decision 2011-406 was issued.

18. Bell Canada et al. stated that, in order to charge for the use of their service poles, Bell Aliant has completed a census of all its poles in the Atlantic provinces. Bell Canada et al. stated that they intend to conduct censuses in Ontario and Quebec on an area-by-area basis unless they can negotiate agreements with regard to service pole usage.
19. Bell Canada et al. proposed that the completion of these censuses and communication of the results to the relevant licensees would trigger the commencement of the monthly charges as of the date the results were communicated, retroactive to 4 July 2011. Bell Canada et al. added that where a licensee had reported the placement of a subscriber drop on a service pole after 4 July 2011 but before a census is conducted, the monthly charge would apply only as of the date of placement.
20. The Cable carriers opposed the application of monthly rates retroactive to 4 July 2011. They submitted that Bell Canada et al.'s terms of service limit retroactive billing for recurring charges to 12 months. They further submitted that there is no basis for extending this general limitation period indefinitely, or at all, particularly when Bell Canada et al. control when a census is completed.
21. In reply, Bell Canada et al. submitted that the Commission, pursuant to section 61 of the *Telecommunications Act* (the Act), has the power to make conditional decisions. Bell Canada et al. pointed out that in Telecom Order 2012-139, the Commission noted that accurate notification and records by the licensee of the placement of its subscriber drop wires on service poles was paramount. Bell Canada et al. argued that the service pole rates had therefore been made effective 4 July 2011, conditional on the determination of the number and location of service poles as well as licensees' subscriber drop wires attached to those poles.
22. Bell Canada et al. acknowledged that the Cable carriers had expressed a valid concern that fees would apply retroactive to 4 July 2011 regardless of when a census is actually completed. They therefore proposed to amend the proposed language such that it would state that in no case shall retroactive fees exceed \$100 per service pole.

Commission's analysis and determinations

23. The Commission considers that the proposal to implement the monthly charge effective the date the licensee receives census results is appropriate because on that date, licensees will have a record of their service pole use established as a result of a census.
24. With respect to the matter of retroactivity to 4 July 2011, the Commission notes that under section 61 of the Act, the Commission may provide that the whole or any portion of a decision shall come into force on, among other things, the fulfilment of a specified condition. The Commission finds that the census is the fulfilment of the condition set out in Telecom Decision 2011-406 and Telecom Order 2012-139, namely the establishment of records of service pole use by the licensees.

25. The Commission therefore concludes that upon receipt of the results of a census by the relevant licensees, the application of the monthly charges for the use of service poles retroactive to 4 July 2011 is appropriate.
26. The Commission notes that those licensees that reported the placement of a subscriber drop wire on a service pole after 4 July 2011 but before a census is conducted would be charged the monthly charge for those reported attachments on service poles as of the date of placement, as set out in paragraphs 11 and 12.
27. The Commission is of the view that Bell Canada et al.'s proposal to limit retroactive charges to a maximum of \$100 per service pole, regardless of when a census is actually completed, is appropriate as it establishes a reasonable cap on retroactive charges. The Commission therefore directs Bell Canada et al. to insert the following sentence after the third sentence in Bell Canada NST item 901.4(o) and Télébec GT article 10.3.4(15):
- Bell Canada

In no case will the aforementioned retroactive monthly charges exceed \$100 per service pole.
 - Télébec

En aucun cas ces frais mensuels rétroactifs précités dépasseront 100 \$ par poteau de service.

Conclusion

28. In view of the above, the Commission **approves** the proposed revisions to implement the monthly charges for the use of service poles, as modified above, in Bell Canada NST item 901.4(o) and Télébec GT article 10.3.4(15).

II. Should the Commission approve the introduction of a \$100 charge for an unreported attachment?

29. Bell Canada et al. proposed to introduce a charge of \$100 for an unreported attachment, that is, for a licensee that has failed to report a subscriber drop wire on a service pole. They stated that this charge would apply only after obtaining knowledge of the use of their service poles. Such knowledge would be established through either a census of their service poles or through notification of service pole use in a specific area by the licensee itself.⁸
30. Bell Canada et al. submitted that only a few licensees have reported their presence on service poles since Telecom Decision 2011-406 was issued, adding that the only

⁸ The proposal that the unreported attachment charge apply subsequent to notification of service pole use by a licensee was not part of the original tariff filing and was proposed in an interrogatory response.

way to incent licensees to report their use of service poles accurately is to introduce an unreported attachment charge. They noted that in Telecom Order 2012-139, the Commission acknowledged the need for such a charge but found that it should not apply prior to the determination of which licensees are on which service poles.

31. MTS Allstream supported the introduction of an unreported attachment charge.
32. The Cable carriers opposed the introduction of an unreported attachment charge. They submitted that the amount of \$100 is unsupported, excessive, and unreasonable.
33. The Cable carriers submitted that if the Commission allows an unreported attachment charge, the licensee should be charged the lesser of \$100 or the amount that it would have been paying since 4 July 2011.
34. The Cable carriers argued that any charge for unreported subscriber drop wires on service poles must not apply where the licensee can show that (i) it had notified the existing or prior owner of the pole, (ii) it has been paying monthly charges, (iii) the subscriber drop wire was installed prior to the date of an audit, or (iv) the attachment is the subject of a negotiated agreement.
35. The Cable carriers further submitted that any unreported attachment charge should be limited to attachments to service poles and should not extend, as Bell Canada et al. proposed, to attachments on any pole, including main poles. In reply, Bell Canada et al. offered to revise the wording of the proposed unreported attachment charge section of their tariffs by adding “to a service pole” in the title of the section and removing the words “in Support Structures” from the section.

Commission’s analysis and determinations

36. In Telecom Order 2012-139, the Commission noted that it would be difficult to impose a penalty for the non-reporting of subscriber drop wires on service poles on a going-forward basis without knowledge of the use of service poles prior to 4 July 2011.
37. The Commission notes that a census of poles has been conducted in the Atlantic provinces and that a census on an area-by-area basis will be conducted in Ontario and Quebec, unless Bell Canada et al. negotiate agreements with respect to service pole use. The Commission also notes that some licensees have reported their use of service poles to Bell Canada et al. since Telecom Decision 2011-406 was issued.
38. In the Commission’s view, there must be an incentive for licensees to report the placement of subscriber drop wires on service poles, as required by Bell Canada et al.’s tariffs. Therefore, the Commission considers that an unreported attachment charge of \$100 is appropriate. The Commission considers the unreported attachment charge should only apply after the establishment of records of service pole use, that is, when Bell Canada et al. find a subscriber drop wire on a service pole that a licensee has not reported subsequent to a census, or where Bell Canada et al. find a subscriber drop wire on a service pole that a licensee has not reported subsequent to

notification of service pole use in a specific area by the licensee itself. Further, the Commission considers that it would not be appropriate to apply the lesser of the \$100 charge or the amount based on the effective date of 4 July 2011, as proposed by the Cable carriers, as that amount would be equivalent to the monthly rate and would not give the licensee any incentive to report within 30 days, as required.

39. The Commission considers, however, that the unreported attachment charge should contain wording to address the Cable carriers' concerns regarding the accuracy of the ILECs' records. Therefore, the Commission finds the Cable carriers' proposed wording appropriate.
40. In light of the above, the Commission **approves** the introduction of the unreported attachment charge, as modified above, in Bell Canada NST item 901.5(a)(2) and Télébec GT article 10.3.5(1)(a)(ii). The unreported attachment charge, with modifications (in bold), is set out below.

Bell Canada NST item 901.5(a)(2):

Unreported Attachment to a service pole

An unreported attachment charge shall apply where a Licensee has installed a Subscriber Drop Wire **on a service pole** without notifying the Company. Consistent with the terms and conditions specified in Item 901.4(o), the Unreported Attachment charge will only apply subsequent to the census of service poles in a specific area **or subsequent to notification of service pole use in a specific area by Licensee itself**. Areas that have been censused appear below. Where the Company has acquired ownership of a Support Structure to which the Licensee has an existing subscriber drop wire, the unreported attachment charge does not apply; however, a monthly rental will be charged from the effective date of the change of ownership.

The unreported attachment charge does not apply where the Licensee can substantiate that the existing or prior owner was notified of the subscriber drop wire, a monthly rental has been applied with respect to the service pole, the subscriber drop wire was installed prior to the date of a census, or the subscriber drop wire is the subject of a negotiated agreement.

Unreported Attachment per rental unit \$100.00

Télébec GT article 10.3.5(1)(a)(ii):

Installation non déclarée à un poteau de service

Des frais d'installation non déclarée s'appliquent lorsqu'un Titulaire a installé un Branchement d'abonné **sur un poteau de service** sans en aviser la Compagnie. Conformément aux dispositions de l'article 10.3.4(15), les frais d'installation non déclarée ne s'appliqueront qu'à la suite du recensement des poteaux de service dans une zone donnée **ou postérieurement à la notification par le titulaire-**

même de l'utilisation de poteaux de services dans une zone donnée. Les zones recensées figurent plus bas. Lorsque la Compagnie fait l'acquisition d'une Structure de soutènement sur laquelle le Titulaire a déjà installé un Branchement d'abonné, aucuns frais d'installation non déclarée ne s'appliquent. Dans ce cas toutefois, des frais mensuels de location s'appliquent à compter de la date d'entrée en vigueur du changement de propriétaire.

Les frais d'installation non déclarée ne s'appliquent pas lorsque le Titulaire peut prouver que le propriétaire actuel ou antérieur a été avisé du branchement d'abonné, que des frais mensuels de location ont été acquittés pour l'installation en question, que le branchement d'abonné a été installé avant la date de recensement ou que le branchement d'abonné fait l'objet d'un accord négocié.

Frais d'installation non déclarée par unité de location

100,00\$

III. Should the Commission approve a one-time charge for the partial recovery of costs for a pole census?

41. Bell Canada et al. submitted that prior to the issuance of Telecom Decision 2011-406, licensees were not required to pay for the use of service poles and that as a result, neither the companies nor the licensees had the incentive to maintain records of subscriber drop wires on service poles.
42. Bell Canada et al. submitted that, as a result of this lack of self-reporting and the absence of billing information, it was necessary to conduct censuses of their service poles in order to correctly bill the appropriate licensees. Accordingly, Bell Canada et al. proposed to introduce a one-time charge for the partial recovery of costs for a pole census.
43. Bell Canada et al. proposed that, rather than conduct a typical Phase II cost study that would capture all the costs causal to undertaking a census, they recover only the expenses paid to the third-party contractors that performed the censuses on their behalf. Bell Canada et al. added that other costs incurred by the companies to conduct these censuses should be excluded, and no markup be applied to the third-party costs.
44. Bell Canada et al. proposed to prorate the total census expenses to establish the service pole census costs. These costs would then be equally divided among all the attachers to the service poles, that is, both the companies and licensees. They further proposed that the resulting cost would be multiplied by the number of service poles to which a licensee is attached and charged on a one-time basis upon completion of the census.

45. Bell Canada et al. stated that they had engaged experienced third-party contractors to conduct a census of all poles in the Atlantic provinces. As a result of that census and using the above-noted method, Bell Canada et al. proposed a one-time charge of \$4.77⁹ per service pole to apply in Bell Aliant's territory in the Atlantic provinces.
46. Bell Canada et al. also proposed that licensees be provided the location of the service poles found to be attached in order to verify the validity of the charges, should they choose to do so.
47. The Cable carriers and MTS Allstream were opposed to this proposed one-time charge.
48. The Cable carriers argued that they require detailed census results and that even with full disclosure of the results, they and other licensees will effectively be required to verify, at their own cost, the results of the census in the Atlantic provinces and invoiced amounts, possibly requiring them to conduct a duplicate census.
49. The Cable carriers submitted that the Atlantic census and any other censuses conducted by Bell Canada et al. have provided or will provide enormous value to Bell Canada et al. that has nothing to do with billing for service poles. Further, they submitted that the vast majority of information collected in the census is clearly not required to identify licensee attachments to service poles.
50. The Cable carriers further submitted that Bell Canada et al. should bear the full census costs for all service poles that have only a Bell Canada et al. attachment.
51. The Cable carriers requested that Bell Canada et al. be directed to notify licensees if they intend to conduct a pole census at least 90 days in advance to provide licensees with an opportunity to participate. They submitted that this would result in a fairer, less costly, and more efficient census process; would ensure more accurate results; and would generate consistent attachment records for both Bell Canada et al. and licensees.
52. MTS Allstream submitted that Bell Canada et al.'s census is not causal to licensees that have identified their use of service poles and that those licensees should therefore not be responsible for covering the cost of the census.
53. MTS Allstream further submitted that, whether or not licensees choose to participate in Bell Canada et al.'s pole censuses, their financial contributions should be limited to the related costs of their own resources that participate in any such census and/or to the costs of verifying the census results, where necessary, to ensure accuracy in reporting.

⁹ The amount of the proposed one-time charge per service pole in the original tariff filing was revised to \$4.77 in an interrogatory response.

54. In reply, Bell Canada et al. submitted that, while the censuses yielded some results that were not related to service pole use by third parties, the impetus for the censuses was entirely a result of third-party attachments for billing purposes, and service pole use in particular.
55. With respect to the Cable carriers' submission that licensees should not bear any of the costs associated with a census of service poles that have only a Bell Canada et al. attachment, Bell Canada et al. noted that it is not possible to know which service poles are used by a licensee without conducting a census of all service poles. They submitted that their proposed methodology shares the expenses paid out to third-party contractors based on licensees' proportionate usage of service poles. Bell Canada et al. submitted that if they were to request auditors to charge only based on poles where a third-party attachment was found, the audit rate per pole would be much higher.
56. Bell Canada et al. submitted that a licensee that has identified all its attachments and service pole use in a given area would not be required to share census costs.
57. Bell Canada et al. also submitted that it is not necessary for licensees to participate directly in the census, provided that the auditors are at arm's length and are chosen pursuant to a request for proposal (RFP) process, and licensees are given an opportunity to review the results with the companies. They were concerned that direct participation of licensees in the census process could introduce delays and complications in an already lengthy process, particularly when there may be several licensees in a census area. Bell Canada et al. stated that if licensee participation could be achieved efficiently and without introducing delays, they would not be averse to it.

Commission's analysis and determinations

58. The Commission notes that despite its determinations in Telecom Decision 2011-406, Bell Canada et al. still do not have the records they require, due to the lack of self-reporting by licensees and the absence of information on the use of service poles by licensees. The Commission considers that, other than self-reporting by licensees or negotiated agreements, a census is the only method to determine the number of service poles used by licensees. Further, the Commission considers that a third-party census benefits both licensees and Bell Canada et al., as it provides detailed and accurate records of the use of service poles.
59. The Commission notes that in Telecom Decision 2010-900, it considered that the support structure service tariff provided an opportunity to address the recovery of non-recurring audit costs.
60. In light of the above, the Commission considers that Bell Canada et al.'s proposal to recover a portion of the costs of the census as a one-time charge through the support structure service tariff is appropriate.

61. With respect to the amount of the one-time charge per service pole, the Commission notes that section 27 of the Act provides that the Commission may adopt any method or technique that it considers appropriate to determine whether a rate is just and reasonable. The Commission considers Bell Canada et al.'s method of calculating the one-time charge, as described in paragraphs 43 and 44, to be appropriate.
62. With respect to the proposal to introduce a one-time charge of \$4.77 per service pole for Bell Aliant in the Atlantic provinces, the Commission notes that Bell Canada et al. applied the method described in paragraphs 43 and 44. Therefore, for the census conducted in the Atlantic provinces, the Commission finds a one-time charge of \$4.77 per service pole for the shared cost of the service pole census to be just and reasonable.
63. The Commission notes that licensees will be provided with all service pole attachment information in order to verify the census results. The Commission considers that licensees that have self-reported should not be required to pay the one-time charge for the census costs with respect to the service poles they have reported.
64. Accordingly, the Commission **approves** the revisions for the recovery of a portion of the costs of a census as a one-time charge and the method to calculate the one-time charge in Bell Canada NST item 901.5(a)(3) and Télébec GT article 10.3.5(1)(a)(iii), as well as the one-time charge of \$4.77 per service pole for the cost of the service pole census in Bell Canada NST item 901.5(a)(3) for Bell Aliant in the Atlantic provinces. Licensees will not be required to pay the one-time charge for the service poles they have reported.
65. With regard to future censuses, the Commission directs Bell Canada et al. to notify licensees of a census at the time that Bell Canada et al. issue an RFP.

IV. Should the Commission allow updates to the tariffs for the recovery of future census costs through the issuance of revised tariff pages?

66. Bell Canada et al. stated that they intend to conduct censuses of service poles in their territories on an area-specific basis. They stated that with respect to future censuses conducted in other regions of their operating territories, they would include in their support structure service tariffs a list of the areas where a census has been conducted, and the cost of the census per service pole would be established using the same methodology as used in the census in the Atlantic provinces. They proposed to update this list by issuing tariff pages in accordance with the Group A filing rules found in Telecom Information Bulletin 2010-455, rather than seeking Commission approval for proposed tariff pages.
67. The Cable carriers opposed Bell Canada et al.'s proposal. They submitted that the Group A filing rules do not apply to competitor services.

Commission's analysis and determinations

68. The Commission notes that retail tariff filings qualify as Group A filings only if the associated revisions are restricted to one or more of the criteria set out in Telecom Information Bulletin 2010-455. The Commission further notes that support structure services are wholesale services and, therefore, revisions to these tariffs do not qualify under the Group A filing rules.
69. Accordingly, the Commission **denies** Bell Canada et al.'s proposal to update the list of areas where a census has been conducted and the cost per service pole by issuing revised tariff pages. The Commission directs that any revisions to the support structure service tariffs be filed as competitor tariff applications, in accordance with Telecom Information Bulletin 2010-455.

V. Should the Commission approve other proposed tariff revisions?

70. Bell Canada et al. proposed several other tariff revisions.

Commission's analysis and determinations

71. The Commission notes that some of the revisions are minor and were not opposed by parties, while other revisions were resolved between the parties through the course of the proceeding. The Commission considers the following proposals to be reasonable, and therefore **approves** them:
- the removal of the sunset clause from the unauthorized attachment charge section of the support structure service tariffs, and
 - the amendments in Télébec Tariff Notices 451A and 452A to correct references to Bell Canada NST Item 901.
72. The Commission **denies** the proposal to amend the unauthorized attachment charge section of the support structure service tariffs to delete the exemption for subscriber drop wires.
73. Further, the Commission considers that Bell Canada et al.'s proposal to exempt subscriber drop wires from the application requirement because it clarifies that the placement of such wires is not subject to the application requirement for a permit, should also be added to Télébec GT article 10.3.4(1). The Commission therefore directs Bell Canada et al. to modify the second sentence of Bell Canada NST item 901.4(a) and Télébec GT article 10.3.4(1) as shown below (changes are in bold):
- Bell Canada:

Applications are not required for **subscriber drop wires, nor for** repair or routine maintenance work on the Licensee's Facilities, which will not affect location and/or consume additional capacity on or in the Support Structure.

- Télébec:

Aucune demande n'est nécessaire pour **un branchement d'abonné, ni** dans les cas de travaux de réparation ou d'entretien exécutés sur les installations du titulaire, ne touchant pas l'emplacement et n'entraînant aucune utilisation supplémentaire de la capacité sur ou dans la structure de soutènement.

Policy Direction

74. The Policy Direction¹⁰ states that the Commission, in exercising its powers and performing its duties under the Act, shall implement the policy objectives set out in section 7 of the Act, in accordance with paragraphs 1(a), (b), and (c) of the Policy Direction.
75. The Commission considers that the determinations in this order are consistent with the Policy Direction and advance the policy objectives set out in paragraphs 7(a), (b), (c), (f), and (h) of the Act.¹¹
76. The Commission considers that alternate methods to implement the monthly charges for the use of service poles, the introduction of the unreported attachment charge, and the recovery of a portion of the costs of a census as a one-time charge are regulatory measures that are consistent with subparagraphs 1(a)(ii) and 1(b)(ii) of the Policy Direction. More specifically, they are (a) efficient and proportionate to their purpose and interfere with competitive market forces to the minimum extent necessary to meet the policy objectives noted above, and (b) neither deter economically efficient competitive entry into the market nor promote economically inefficient entry. Further, the Commission considers that, consistent with subparagraph 1(b)(iv) of the Policy Direction, the measures ensure that the support structure regime is technologically and competitively neutral to the greatest extent possible.

¹⁰ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006

¹¹ The cited policy objectives of the Act are

- 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
- 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
- 7(c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
- 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective; and
- 7(h) to respond to the economic and social requirements of users of telecommunications services.

Direction

77. Bell Canada et al. are to issue revised tariff pages for their respective support structure service tariffs reflecting the determinations herein within 10 days of the date of this order.

Secretary General

Related documents

- *Bell Canada and Télébec, Limited Partnership – Changes to Support structure service tariffs*, Telecom Order CRTC 2012-139, 7 March 2012
- *Follow-up to Telecom Decision 2010-900 – Service pole rate and markup issues*, Telecom Decision CRTC 2011-406, 4 July 2011
- *Review of the large incumbent local exchange carriers' support structure service rates*, Telecom Decision CRTC 2010-900, 2 December 2010, as amended by Telecom Decision CRTC 2010-900-1, 9 December 2010
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455, 5 July 2010