



## Telecom Decision CRTC 2008-2

Ottawa, 23 January 2008

### **Yak Communications (Canada) Corp.'s request for a billing and collection service by Shaw Telecom Inc.**

Reference: 8661-Y6-200712101

*In this Decision, the Commission denies Yak Communications (Canada) Corporation's application.*

#### **Introduction**

1. On 22 August 2007, Yak Communications (Canada) Corporation (Yak) filed an application requesting that the Commission direct Shaw Telecom Inc. (Shaw) to implement its billing and collection service (BCS).
2. The Commission received comments from Shaw. The record of this proceeding closed with Yak's reply comments dated 1 October 2007. The public record of this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
3. The Commission has identified that the issue to be addressed in this Decision is whether the Commission should order Shaw to implement BCS on a priority basis.

#### **Positions of parties**

4. Yak submitted that it had inserted the following paragraph (section 4.8) in the draft billing and collection agreement (the Draft Agreement) provided by Shaw:

Pursuant to Biller's Tariff, Biller will provide or arrange Billing and Collection Service to the SP<sup>1</sup> by four calendar weeks from the date hereof, or such other date as may be mutually agreed to by the parties hereto, acting reasonably.

Yak provided Shaw with two signed copies of the Draft Agreement dated 16 April 2007.

5. Yak submitted that Shaw, on receiving the signed Draft Agreement, proposed to change the implementation timeline from four calendar weeks to at least three months, which Yak rejected as unacceptable.

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<sup>1</sup> SP = Service Provider

6. Yak indicated that in late April 2007, Shaw informed Yak by letter that it was not in a position to offer BCS nor to provide a specific implementation timeline for delivery of the service. Yak further indicated that on receiving Shaw's letter it notified Shaw that this left it no choice but to file a complaint with the Commission. According to Yak, on 29 July 2007, Shaw provided it with an executed copy of the billing and collection agreement (the Agreement) to which Shaw had unilaterally added Schedule 3, which indicated an estimated but significantly longer implementation timeline for BCS than that proposed by Yak in section 4.8 of the Agreement.
7. Yak submitted that pursuant to Telecom Decision 97-8 and the Commission's subsequent rulings, Shaw was in violation of its regulatory obligations by not having implemented BCS prior to the date of Yak's application.
8. Shaw concurred that on receiving the copies of the Agreement executed by Yak, its regulatory group proposed an implementation timeline of at least three months. Shaw submitted that the implementation timeline specified in Schedule 3 to the Agreement was added following a complete assessment of the requirements for implementing BCS by its Information Technology department.
9. Shaw submitted that its ability to provide BCS has been gated by two factors. First, Shaw's legacy billing platform was not capable of extracting call detail information and second, Shaw has been provisioning local service using a third-party platform. Shaw indicated that it was focused on the migration of its customers from the third-party platform to its new billing platform, which was a necessary step to implement BCS. Shaw submitted that the implementation timeline it provided Yak reflected these realities in implementing BCS on a priority basis.
10. Shaw submitted that until it implemented BCS on its billing platform, its customers would not be able to use dial-around services or collect calling services, which impedes its own ability to respond to customer demand. Shaw further submitted that it had no incentive to delay the implementation of BCS.
11. Shaw submitted that in full compliance with its regulatory obligations it had implemented equal access with Yak, and was now in the process of implementing BCS on a priority basis in accordance with its billing and collection services tariff (Shaw Tariff Item 305).
12. In its reply comments, Yak submitted that Shaw's proposed implementation timeline was unreasonable as many of the activities associated with implementing BCS could be completed at the same time as the activities associated with the implementation of Shaw's new billing platform.

### **Commission's analysis and determination**

13. The Commission notes that with the exception of the BCS implementation timeline, the Agreement between Yak and Shaw represents substantial agreement between the parties on implementing and executing BCS.
14. The Commission notes that Shaw has indicated that it is willing to implement BCS. The Commission expects Shaw to implement BCS on a priority basis.

15. In the Commission's view, the record of this proceeding does not indicate that Yak and Shaw have engaged in meaningful negotiations to arrive at an implementation plan for BCS. In the Commission's further view, it is likely that Yak and Shaw could arrive at a firm BCS implementation schedule, within the framework of the Agreement, by engaging in meaningful negotiations. The Commission encourages Shaw and Yak to engage in such negotiations.
16. The Commission notes that Shaw is also disadvantaged by the lack of BCS functionality. Therefore, the Commission considers that in not providing Yak with BCS by the time of this application, Shaw was not conferring an undue preference on itself and did not violate its regulatory obligations.
17. The Commission considers that any implementation schedule for implementing BCS, by Shaw, should ensure that Yak would have access to BCS at the same time that Shaw is able to offer its own customers services such as dial-around and collect calling services that require the same functionality as BCS.
18. Accordingly, the Commission **denies** Yak's application.

Secretary General

### **Related document**

- *Local Competition*, Telecom Decision CRTC 97-8, 1 May 1997

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*