Telecom Decision CRTC 2020-408

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Implementation of a new competitor quality of service regime

The Commission sets out its new competitor quality of service (Q of S) regime focused on the provision of wholesale high-speed access (HSA) services.

To that end, the Commission ***approves*** *the consensus items as proposed by the CRTC Interconnection Steering Committee (CISC) Business Process Working Group's non-consensus report on competitor Q of S indicators, except for Business Rule #21, which requires a modification to be consistent with another Commission determination in this decision. In addition, the Commission determines that it is appropriate to modify the consensus business rules related to geographical distinctions such that data will be reported on at the provincial level.*

For non-consensus items, the Commission has made its determinations with a view to promoting competition and consumer interests, while also balancing the regulatory burden on wholesale HSA service providers.

The Commission requests that CISC modify the business rules to reflect the determinations in this decision. Once finalized, CISC guidelines and other similar documents, such as the approved competitor Q of S business rules, are generally posted on the CISC section of the Commission's website.

Wholesale HSA service providers will have ***12 months*** *from the date of this decision to implement the required changes. The Commission expects wholesale HSA service providers to begin collecting data as of the beginning of the first month following the date on which the changes are implemented, and to submit their first reports to the Commission and the applicable competitors within* ***30 days*** *after the last day of the applicable calendar quarter.*

Background

1. In Telecom Regulatory Policy 2018-123, the Commission shifted its competitor quality of service (Q of S) regime to wholesale services that support retail services such as broadband Internet, and away from those that support legacy voice services. As such, the Commission determined that there should be a new competitor Q of S regime for the aggregated and disaggregated wholesale high-speed access (HSA)

services[1] provided by the large incumbent local exchange carriers (ILECs)[2] and large cable carriers[3] (collectively, the wholesale HSA service providers) to competitors.

2. The Commission considered that the implementation of the new competitor Q of S regime would enable the Commission and competitors to monitor the level of service that the wholesale HSA service providers are delivering and to measure these results against defined and standardized indicators. The Commission stated that the primary purpose of the regime is to ensure that competitors receive a level of service that enables them to compete effectively and to provide service to their end-users efficiently.

3. The Commission determined that the new competitor Q of S regime should primarily target aspects that have the greatest effect on competitors' retail services, namely wholesale processes associated with installations and repairs. Accordingly, the Commission directed the wholesale HSA service providers to provide information about installation and repair appointments met, and average timelines for installation and repair appointments, on a company-wide and a competitor-specific basis.

4. Further, the Commission determined that the CRTC Interconnection Steering Committee (CISC) would be best suited to finalize details of the indicators and timelines. The Commission therefore requested that CISC propose business rules and minimum targets for the indicators, and provide recommendations about implementation timelines in order to implement the new competitor Q of S regime.

5. The CISC Business Process Working Group (BPWG) created Task Identification Form (TIF) 102 to address the Commission's requests.[4] At its 16 April 2020 meeting, CISC approved non-consensus report *Competitor Quality of Service Regime*, 5 February 2020 (BPRE102a) [the report], which was the result of the TIF 102 process.

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[1] The wholesale HSA service providers provide competitors with access to end-users through their HSA facilities. Through these services, competitors offer a variety of services, including retail Internet access, voice over Internet Protocol (VoIP), and Internet Protocol television (IPTV).

[2] In this context, "large ILECs" refers to Bell Canada; Bell MTS, a division of Bell Canada; Saskatchewan Telecommunications; Télébec, Société en commandite; and TELUS Communications Inc.

[3] In this context, "large cable carriers" refers to Bragg Communications Incorporated, carrying on business as Eastlink; Cogeco Communications inc.; Videotron Ltd.; Rogers Communications Canada Inc.; and Shaw Cablesystems G.P.

[4] The BPWG for this process included representatives from the wholesale HSA service providers, as well as from the following competitors and competitor organizations: Allstream Inc., the Canadian Network Operators Consortium Inc., Distributel Communications Limited, Fibernetics Corporation, Iristel Inc., Primus Telecommunications Canada Inc., and TekSavvy Solutions Inc.

The report

6. Pursuant to the Commission's direction in Telecom Regulatory Policy 2018-123, the following four indicators were considered in the report:

- Indicator 1.1 – Wholesale HSA Installation Appointments Met
- Indicator 1.2 – Wholesale HSA Repair Appointments Met
- Indicator 2.1 – Wholesale HSA Installation Intervals
- Indicator 2.2 – Wholesale HSA Repair Intervals

7. The BPWG came to consensus on 25 out of 35 business rules and requested that the Commission approve those consensus items. The BPWG also requested that the Commission provide rulings regarding the non-consensus items, which collectively covered the following matters:

- whether the Wholesale HSA Installation Appointments Met indicator should take into account whether an installation was completed;
- how rebooked installation and repair appointments should be treated;
- how results should be reported for installation and repair appointments excluded for *force majeure* reasons;
- whether excluded appointments should be measured in the installation and repair appointment intervals;
- whether intervals should be calculated for all installation and repair appointments at the time of booking, including those that are rebooked before they occur; and
- whether Bell Canada should be permitted to start a repair appointment interval when it is determined that a truck roll is necessary, versus when the trouble is reported.

Issues

8. The Commission has identified the following issues to be addressed in this decision:

- How should the competitor Q of S indicators be defined?
- Should the competitor Q of S indicators be comparable across the wholesale HSA service providers?
- When and how should the wholesale HSA service providers report their competitor Q of S results?

How should the competitor Q of S indicators be defined?

9. The report included summary tables that described each proposed indicator, as well as the associated business rules. The details of the proposed consensus and non-consensus items can be found in the report, which is available on the Commission's website.[5]

10. The specific business rules for each indicator are addressed below, with analysis provided where consensus recommendations were not consistent with the Commission's directions in Telecom Regulatory Policy 2018-123, and where a consensus was not reached.

Indicator 1.1 – Wholesale HSA Installation Appointments Met

11. The BPWG participants agreed on the reporting period (one month, reported quarterly), reporting comparisons (competitor aggregated and individual competitor), geographical basis (company-wide with geographic distinction, if needed), product reporting (tariffed aggregated and disaggregated HSA services), standard (90%), and a number of business rules for this indicator. They did not agree, however, on the definitions for the indicators, the formula for calculating results, and several business rules.

Consensus items

12. The BPWG reached consensus on business rules #1 to #9 and requested that the Commission approve them.[6]

13. The Commission finds that the consensus items for indicator 1.1 are consistent with the determinations set out in Telecom Regulatory Policy 2018-123 and previous Commission determinations, except for Business Rule #2 and Business Rule #9, which are discussed below.

Business Rule #2 – Whether results should include transferring an end-user's service on the same wholesale HSA service provider's network

14. The consensus reached for Business Rule #2 indicated that transferring an end-user's service from one competitor to another on the same wholesale HSA service provider's network, or from a wholesale HSA service provider to a competitor, are not specifically included in the results because these types of orders are treated separately as installations and disconnections.

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[5] The non-consensus report can be found in the "Reports" section of the BPWG page, which is available in the CISC section of the Commission's website at www.crtc.gc.ca.

[6] The proposed consensus business rules are set out in Appendix 1 to this decision.

15. In Telecom Regulatory Policy 2018-123, however, the Commission stated that "activation includes transferring an end-user's service from one competitor to another on the same wholesale HSA service provider's network, or from a wholesale HSA service provider to a competitor on its network."

16. The Commission recognizes the additional administrative processes associated with handling these types of orders and, therefore, considers that it would be appropriate to accept Business Rule #2 as proposed – that is, to exclude the transfer of an end-user's service from one competitor to another on the same wholesale HSA service provider's network, or from a wholesale HSA service provider to a competitor on the wholesale HSA service provider's network.

Business Rule #9 – Whether results should be reported with geographical distinctions

17. The consensus reached for Business Rule #9 indicated that reporting competitor Q of S results with geographical distinctions would be acceptable, if needed, because more granularity in the reported data may be desirable in some cases. Examples included reporting where a tariff applies, or other geographical distinctions such as metro, urban, or deep rural/far north.

18. In Telecom Regulatory Policy 2018-123, however, the Commission noted that indicators for measuring installation and repair appointments met would not be affected by factors that influence service delivery times, such as geography.

19. The Commission considers that including geographical distinctions would allow for more specific information about where issues tend to occur and that it would be reasonable to allow wholesale HSA providers to report results at a more granular level. In order to have some consistency in reporting, however, the Commission considers that wholesale HSA service providers should begin to report data, at a minimum, on a provincial basis.

Non-consensus items

Business Rule #10 – Whether the Wholesale HSA Installation Appointments Met indicator should take into account whether an installation was completed

20. The wholesale HSA service providers submitted that indicator 1.1 should measure whether an installation appointment was met, while the competitors submitted that the indicator should also measure whether the installation appointment was completed.[7]

21. In the Commission's view, end-users would more likely consider an appointment met when the installation work has been completed. The Commission considers that accounting for completion of the appointment would promote competition and

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[7] The competitors submitted that the installation would be completed when the end-customer has radio frequency signal at their service address (for cable) or when wholesale HSA service is activated at the service demarcation point (for digital subscriber line [DSL]/fibre).

consumer interests, consistent with the 2019 Policy Direction,[8] because it would further encourage wholesale HSA service providers to minimize the number of visits to an end-user to complete an installation, thus reducing inconvenience for the end-user and, in the process, reducing the risk of frustration with their own retail service provider.

Business Rule #11 – How rebooked installation appointments should be treated

22. The competitors submitted that all rebooked appointments – defined as appointments that are cancelled and then rescheduled before their scheduled date – should be tagged with a reason for rebooking and have their own treatment based on the reason for rebooking or who rebooks the appointment. For example, they submitted that appointments rescheduled at the request of the wholesale HSA service provider should be treated as missed appointments, while those rescheduled at the request of the competitor should be excluded and tagged as “Competitor Reschedule.” They also submitted that appointments for which the technician arrives at the appointed time but alleges that no appointed local contact (ALC) is present to provide access to the premises should be excluded and tagged as “Claimed No-ALC.”

23. The wholesale HSA service providers proposed that all rebooked appointments be excluded. They opposed the tracking and reporting of any related data given the resources required to develop the systems and processes for tracking the information.

24. The Commission considers that treating appointments rescheduled at the request of the wholesale HSA service provider as missed would promote competition and consumer interests, consistent with the 2019 Policy Direction, because it would encourage such providers to minimize inconvenience to end-users and competitors by meeting as many scheduled appointments as possible.

25. The Commission considers that it would be acceptable to exclude appointments that are rescheduled at the request of the competitor, or in the case of incomplete or incorrect address or contact information, because these changes are not within the control of the wholesale HSA service provider. Although the wholesale HSA service providers requested that exceptions be made for installations that could not be completed due to certain issues determined during the installation, the Commission considers that such situations do not fall under the report’s definition of rebooked appointments.

26. While situations where a wholesale HSA service provider’s technician has claimed that no ALC was present at the appointed time do not technically fall under the report’s definition of “rebooked appointments,” the Commission considers that since such situations may have a significant negative effect on both competitors and their end-users, as well as on wholesale HSA service providers, it would be appropriate to

[8] *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation,* SOR/2019-227, 17 June 2019

exclude and tag them as "Claimed No-ALC." This is a reasonable and administratively simple compromise that will enable competitors to follow up when they have concerns without significantly affecting the wholesale HSA service providers' competitor Q of S results.

27. Except for appointments tagged as "Claimed No-ALC" for the reasons explained above, the Commission considers that tagging excluded installation appointments would create an unnecessary administrative burden for the wholesale HSA service providers, and should not be required.

Business Rule #12 – How results should be reported for installation appointments excluded for **force majeure** *reasons*

28. Participants agreed that installation appointments affected by *force majeure,* as defined in section 2.1 of the report,[9] would be excluded from indicator 1.1. However, they did not agree on how the results should be reported.

29. Given that the new competitor Q of S regime is meant to monitor the provision of wholesale HSA services, and given that it would be reasonable for the wholesale HSA service providers to account for excluded appointments, the Commission considers that the wholesale HSA service providers should track data on exclusions due to *force majeure* in a manner that is verifiable. Further, it would be appropriate for those providers to retain the supporting records for a period of one year, in the event that the adjusted results are questioned by a wholesale HSA service customer or the Commission. The Commission considers that this would provide sufficient time for any potential issues to be raised regarding *force majeure* concerns.

Conclusion

30. In light of the above, the Commission

- finds that it is appropriate to exclude from indicator 1.1 the transfer of an end-user's service from one competitor to another on the same wholesale HSA service provider's network, or from a wholesale HSA service provider to a competitor on the wholesale HSA service provider's network;
- **approves** business rules #1 to #8 as proposed;
- finds that it is appropriate to modify Business Rule #9 such that data will be reported at the provincial level, and requests that the BPWG modify Business Rule #9 to reflect this finding;
- determines that

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[9] Section 2.1 of the report describes how *force majeure* events were dealt with in the previous competitor Q of S regime and lists examples of exceptional events beyond the reasonable control of the wholesale HSA service providers, such as war, invasion, insurrection, or demonstrations, or events that are a result of decisions by civilian or military authorities, fire, floods, blizzards, strikes, etc.

  - indicator 1.1 will take into account whether an installation appointment was completed; as noted in Telecom Regulatory Policy 2018-123, indicator 1.1 is to include installations that are completed both remotely and on-site;
  - installation appointments that are rescheduled at the request of the wholesale HSA service provider will be considered as missed;
  - installation appointments that are rescheduled at the request of the competitor will be excluded;
  - appointments that are not completed due to (i) an incomplete or incorrect service address, or (ii) incorrect on-site contact information will be excluded; and
  - installation appointments for which the technician arrived at the appointed time, but where the wholesale HSA service end-user or ALC was not present or ready at the appointed/confirmed time, will be excluded and tagged as "Claimed No-ALC";

- **directs** the wholesale HSA service providers to track and report results for installation appointments with and without adjustments for *force majeure* events,[10] and retain the supporting records for a period of one year starting from the date on which the data is ultimately reported; and

- **directs** the wholesale HSA service providers to report data related to installation appointments consistent with these determinations.

Indicator 1.2 – Wholesale HSA Repair Appointments Met

31. The BPWG participants agreed on the definition, reporting period, reporting comparisons, geographical basis, formula, product reporting, standard, and most of the business rules for this indicator. However, they did not agree on two of the proposed business rules.

Consensus items

32. The BPWG reached consensus on business rules #13 to #18 and requested that the Commission approve them.

33. The Commission finds that the consensus items for indicator 1.2 are consistent with Telecom Regulatory Policy 2018-123, previous Commission determinations, and the determinations above, except for Business Rule #13 and Business Rule #18, which are discussed below.

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[10] For installations that were not completed due to no ALC being present, the wholesale HSA service providers should submit the number of installation appointments that were met, that is, excluding installations not completed due to *force majeure*. Details about the *force majeure* issue(s) should be specified separately.

Business Rule #13 – Whether results should reflect whether a repair appointment was fully completed

34. The consensus reached for Business Rule #13 indicates that repair appointments are considered met when the technician shows up within the scheduled time window, unless the technician and the ALC agree to initiate the appointment earlier than the scheduled time window.

35. The Commission notes that this business rule reflects only whether a technician arrived at the scheduled appointment, and not whether the repair was completed; therefore, it does not mirror the Commission's determinations for indicator 1.1. However, the Commission considers that since there can be a wide variety of causes for a service issue, and troubleshooting and completing repair appointments can be more complex than installation appointments, there may be greater variability and risk for repair appointments than for installation appointments. Further, there may be a greater degree of customer consent involved in declaring a repair appointment to be complete. As a result, it is reasonable that indicator 1.2, as proposed, does not take into account whether the repair appointment has been completed.

Business Rule #18 – Whether results should be reported with geographical distinctions

36. Similar to Business Rule #9, the consensus reached for Business Rule #18 indicated that reporting competitor Q of S results with geographical distinctions would be acceptable, if needed.

37. The Commission considers that it would be appropriate to apply the same geographical distinction for repair appointments as for installation appointments. Therefore, the wholesale HSA service providers should begin to report data, at a minimum, on a provincial basis.

Non-consensus items

Business Rule #19 – How rebooked repair appointments should be treated

38. Participants did not agree on how rebooked repair appointments should be treated, and applied to Business Rule #19 the same arguments they did for Business Rule #11, which addresses rebooked installation appointments. The Commission considers that it would be appropriate for rebooked repair appointments to be treated in the same way as rebooked installation appointments.

Business Rule #20 – How results should be reported for repair appointments excluded for* force majeure *reasons

39. Participants did not agree on how results should be reported for repair appointments that are excluded for *force majeure* reasons, and applied to Business Rule #20 the same arguments they did for Business Rule #12, which addresses installation appointments that are excluded for *force majeure* reasons. The Commission considers that it would be appropriate for results to be reported in the same way for

both installation and repair appointments that are excluded for *force majeure* reasons.

Conclusion

40. In light of the above, the Commission

- **approves** business rules #13 to #17;
- determines that it is appropriate to modify Business Rule #18 such that data will be reported at the provincial level, and requests that CISC modify Business Rule #18 to reflect this finding;
- **directs** the wholesale HSA service providers to report data related to repair appointments in a manner that is consistent with these determinations. Repair appointments rescheduled at the request of the wholesale HSA service provider will be considered as missed;
- determines that
    - repair appointments rescheduled at the request of the competitor will be excluded;
    - repair appointments rescheduled due to an incomplete or incorrect service address or incorrect on-site contact information will be excluded;
    - repair appointments for which the technician arrived at the appointed time but for which the wholesale HSA service end-user or ALC was not present or ready at the appointed/confirmed time will be excluded and tagged as “Claimed No-ALC”; and
    - it would be appropriate for the wholesale HSA service providers to track and report results for repair appointments with and without adjustment for *force majeure* events, and retain the supporting records for a period of one year, starting from the date on which the data is ultimately reported; and
- **directs** wholesale HSA service providers to report data related to repair appointments in a manner that is consistent with these determinations.

Indicator 2.1 – Wholesale HSA Installation Intervals

41. The BPWG participants agreed on the reporting period, unit of measure (calendar days), reporting comparisons, geographical basis, formula, product reporting, and that no standard would be established. They also agreed on five business rules for this indicator. They did not agree, however, on the definition for the indicator and two business rules.

Consensus items

42. The BPWG reached consensus on business rules #21 to #25 and requested that the Commission approve them.

43. The Commission finds that business rules #23 and #25 are consistent with Telecom Regulatory Policy 2018-123, previous Commission determinations, and the determinations above. Business rules #21, #22, and #24 are addressed below.

Business Rule #21 – Whether an interval should be reported for excluded appointments

44. The consensus reached for Business Rule #21 indicates that the interval is calculated from the date a complete and accurate installation request is submitted to the scheduled appointment date, based on the outcome of the appointment, or result, for indicator 1.1.

45. However, for indicator 1.1, the Commission determined that "appointments met" refers to completed installations. For consistency, the interval reflected in indicator 2.1 should cover the time between when the installation appointment is confirmed and when the installation is completed. The Commission considers that this approach will promote competition and consumer interests, consistent with the 2019 Policy Direction.

Business Rule #22 – Whether there should be a reporting standard for this indicator

46. The consensus reached for Business Rule #22 indicates that there should be no reporting standard for service intervals in indicator 2.1.

47. In Telecom Regulatory Policy 2018-123, the Commission requested that CISC "explore the development of, and propose, interval targets for the average timelines for wholesale HSA installation and repair appointments."

48. The Commission notes that the participants have explored the development of standards and concluded that it is not possible to propose targets for indicator 2.1 at this time. The Commission therefore considers it acceptable not to include targets for that indicator at this time.

Business Rule #24 – Whether results should be reported with geographical distinctions

49. Similar to previously discussed business rules, the consensus reached for Business Rule #24 indicates that reporting competitor Q of S results with geographical distinctions would be acceptable, if needed.

50. The Commission considers that it would be appropriate to apply the same geographical distinction for indicator 2.1 as for indicator 1.1 and, therefore, that wholesale HSA service providers should begin to report data, at a minimum, on a provincial basis.

Non-consensus items

Business Rule #26 – Whether the results should measure all appointments, regardless of the outcome (appointments met, missed, or excluded)

51. The competitors proposed that indicator 2.1 measure scheduled service intervals for all appointments at the time of booking, regardless of the outcome for indicator 1.1 – that is, whether the appointment is met, missed, or excluded. The wholesale HSA service providers proposed that indicator 2.1 measure intervals only for the installation appointments that were included in indicator 1.1.

52. The Commission considers that the only substantive difference between the competitors' and the wholesale HSA service providers' positions is that, in addition to measuring the intervals for met and missed installation appointments, the competitors proposed that the wholesale HSA service providers track intervals for installation appointments that were excluded from indicator 1.1.

53. The Commission considers that, in general, installation appointments that have been excluded from indicator 1.1 are not reflective of the competitor Q of S being provided and, therefore, it would not be appropriate to require the wholesale HSA service providers to report interval data for those appointments.

Business Rule #27 – Whether intervals should be calculated for all installation and repair appointments at the time of booking, including those that are rebooked before they occur

54. The competitors proposed to begin measuring scheduled service intervals at the time of booking. In their view, a scheduled service interval should be reported for both the original and the rebooked orders. The wholesale HSA service providers submitted that a rescheduled appointment's interval should begin when the new appointment request is submitted. They argued that measuring intervals for appointments that did not occur would require them to track additional information and update their information technology (IT) systems, representing significant effort, and would increase implementation timelines.

55. For Business Rule #11, the Commission determined that all rebooked installation appointments, except for those rescheduled at the request of the wholesale HSA service provider, would be excluded from indicator 1.1. Consistent with its determination for Business Rule #26, the Commission considers that it would not be appropriate to require the wholesale HSA service providers to report interval data for appointments that were excluded.

56. However, given that the Commission has determined that installation appointments rescheduled at the wholesale HSA providers' request will be considered as missed, and that rescheduling appointments inconveniences end-users and may cause frustration with their retail service providers, the Commission considers it appropriate for the wholesale HSA service providers to track and report interval data for both the original missed and the rebooked appointments.

Conclusion

57. In light of the above, the Commission

- **approves** business rules #22, #23, and #25;
- determines that
  - it is appropriate to modify Business Rule #21 such that indicator 2.1 will cover the time between when the installation appointment is confirmed and when the installation is completed; and
  - it is appropriate to modify Business Rule #24 such that data will be reported at the provincial level;
- requests that CISC modify Business Rule #21 and Business Rule #24 to reflect the above-noted findings;
- determines that
  - indicator 2.1 will measure the average time interval (in calendar days) between when the installation appointment is confirmed and when the installation is ultimately completed, and only for installation appointments that are included in indicator 1.1; and
  - indicator 2.1 will measure both of the following, separately: (i) the interval (in calendar days) between the date on which the original installation appointment is confirmed and the date on which the appointment is rescheduled at the wholesale HSA provider's request, and (ii) the interval (in calendar days) between the date on which the installation appointment date is rescheduled and the date on which the installation is ultimately completed, for installation appointments that are included in indicator 1.1; and
- **directs** the wholesale HSA service providers to report data related to installation appointments in a manner that is consistent with this determination.

Indicator 2.2 – Wholesale HSA Repair Intervals

58. The BPWG participants agreed on the reporting period, unit of measure, reporting comparisons, geographical basis, formula, and product reporting, and that no standard would be established. They also agreed on five business rules for this indicator. They did not agree, however, on the definition for the indicator and two business rules.

Consensus items

59. The BPWG reached consensus on business rules #28 to #32 and requested that the Commission approve them.

60. The Commission finds that business rules #29, #30, and #32 are consistent with Telecom Regulatory Policy 2018-123, previous Commission determinations, and the determinations above. Business rules #28 and #31 are discussed below.

Business Rule #28 – Whether the interval for the indicator should be calculated from the date on which a complete and accurate repair request is submitted to the scheduled appointment date, or to the date upon which the repair is completed

61. The consensus reached for Business Rule #28 indicates that the interval for indicator 2.2 should be calculated from the date on which a complete and accurate repair request is submitted to the scheduled appointment date, and that the categorization should be applied based on the outcome of the appointment (the result from indicator 1.2).

62. Although this approach does not mirror the Commission's determination for indicator 2.1 above, which takes into account whether the installation was completed, the Commission considers that it is more important that Business Rule #28 align with indicator 1.2 since both deal with repair appointments. Given that Business Rule #28 is consistent with Telecom Regulatory Policy 2018-123 and the determinations above for indicator 1.2, the Commission considers that Business Rule #28 should be approved as proposed.

Business Rule #31 – Whether competitor Q of S results should be reported with geographical distinctions

63. Similar to the earlier business rules, the consensus reached for Business Rule #31 indicates that reporting competitor Q of S results with geographical distinctions would be acceptable, if needed.

64. The Commission considers that it would be appropriate to apply the same geographical distinction for indicator 2.2 as for indicator 1.2 and, therefore, that the wholesale HSA service providers should begin to report data, at a minimum, on a provincial basis.

Non-consensus items

Business Rule #33 – Whether an interval should be measured for repair appointments that were excluded in indicator 1.2

65. Participants did not agree about whether excluded appointments should be measured in the repair appointment interval, and applied to Business Rule #33 the same arguments they did for Business Rule #26.

66. Consistent with its determination for Business Rule #26, the Commission considers that it would be appropriate for indicator 2.2 to measure the average time interval only for repair appointments that are included in indicator 1.2.

Business Rule #34 – How rebooked appointments should be treated

67. Participants did not agree about whether intervals should be calculated for all repair appointments at the time the appointment is confirmed, including those that are rebooked before they occur. They applied to Business Rule #34 the same arguments they did for Business Rule #27.

68. Consistent with its determination for Business Rule #27, the Commission considers that it would be appropriate for wholesale HSA service providers to measure the average interval (in calendar days) for both the original missed repair appointment and the rebooked appointment.

Business Rule #35 – Whether Bell Canada should be permitted to start measuring a repair appointment interval when it is determined that a truck roll is necessary versus when the trouble is reported

69. Bell Canada noted that participants had agreed that the interval for indicator 2.2 is calculated from the time when the repair appointment is confirmed to the scheduled appointment date. It submitted, however, that its process for handling repair requests differs from that of the other wholesale HSA service providers, and that the start of the interval for Bell Canada should be the time when it is determined that a technician visit (i.e. a truck roll) is necessary.

70. Bell Canada expressed concern that by measuring the repair interval from the time a trouble is reported, process differences among wholesale HSA service providers would create a situation in which Bell Canada's average repair interval might be higher than those of other providers. The company proposed to calculate its repair intervals from the time it determined a technician visit is required, rather than from the time when the repair is requested.

71. The competitors submitted that a unique indicator structure for Bell Canada would unnecessarily complicate the competitor Q of S indicator structure and that the company should calculate intervals from the time a complete and accurate repair request is submitted. In their view, Bell Canada's concern could be raised in a future proceeding related to the interpretation of the competitor Q of S data.

72. The Commission considers that a unique indicator structure for Bell Canada would add complexity to the reporting process. Given that the competitor Q of S regime is simply intended to monitor the market for wholesale HSA services, the Commission considers that it is not necessary, at this time, for a unique indicator structure to be established for Bell Canada to measure repair intervals.

Conclusion

73. In light of the above, the Commission

- **approves** business rules #28 to #30, and #32;
- requests that CISC modify Business Rule #31 such that data will be reported at the provincial level;

- determines that
  - indicator 2.2 will measure the average time interval only for repair appointments that are included in indicator 1.2; and
  - the wholesale HSA service providers will measure the average interval (in calendar days) for both the original missed repair appointment and the rebooked appointment;
- **directs** wholesale the HSA service providers to report data related to repair appointments in a manner that is consistent with these determinations;
- determines that Bell Canada is to calculate its repair intervals beginning at the time when a complete and accurate repair request is submitted, consistent with the manner in which the other wholesale HSA service providers report their data; and
- **directs** Bell Canada to report data related to repair appointment intervals in a manner that is consistent with this determination.

Summary

74. The Commission has requested that CISC modify a number of business rules – that is, consensus business rules #9, #18, #21, #24, and #31, as well as non-consensus business rules #10, #11, #12, #19, #20, #26, #27, #33, #34, and #35 – to reflect the determinations in this decision. Once finalized, CISC guidelines and other similar documents, such as the approved competitor Q of S business rules, are generally posted on the CISC section of the Commission's website.

75. The Commission considers that, subject to the modifications identified above, the resulting final indicators (as summarized in Appendix 2 to this decision) and business rules will provide a reasonable balance between promoting competition and affordability in the market for wholesale HSA services and minimizing the administrative burden on wholesale HSA service providers.

Should the indicators be comparable across the wholesale HSA service providers?

76. In Telecom Regulatory Policy 2018-123, the Commission stated that a competitor Q of S regime for wholesale HSA services would permit comparisons among the wholesale HSA service providers and would allow for tracking over time, which would help to identify any negative patterns in competitor Q of S results and enable regulatory intervention, as appropriate.

77. The BPWG noted in the report that the wholesale HSA service providers offer wholesale network access using different network technologies, IT systems, and business support processes, and that they operate within different geographic areas, and under different municipal and provincial statutes. It submitted that these differences would be reflected within the collected data and, as such, the indicators are not meant to be comparable across providers.

Commission’s analysis and determinations

78. While the Commission intended for the data gathered to allow for comparisons of results across the wholesale HSA service providers, the Commission acknowledges that operational differences could be reflected in the providers’ results. However, given that the new competitor Q of S regime is being established with this decision, the Commission considers that it would be premature for it to make a finding that the results could not be used for comparisons among the providers.

79. Accordingly, the Commission determines that the matter of whether indicators should be comparable across the wholesale HSA service providers could be addressed at a future time.

When and how should the wholesale HSA service providers report their competitor Q of S results?

Positions of parties

80. The wholesale HSA service providers estimated that they would need 18 to 24 months to enable the systems, processes, and training required to implement competitor Q of S reporting in the manner that they proposed in the report, due to the complexity and significant changes they would be required to make to the wholesale HSA service program. They also submitted that they might need to reassess their timelines if the Commission were to implement competitor Q of S reporting in a manner closer to what the competitors had proposed.

81. The competitors expressed concern about the length of the wholesale HSA providers’ proposed timelines and submitted that the Commission must ensure that the competitive benefits of the competitor Q of S regime are realized as soon as possible, for the ultimate benefit of Canadian consumers. In their view, a six-month timeline for implementation would be reasonable, consistent with the Commission’s direction in Telecom Regulatory Policy 2019-269 regarding implementation of the Internet Code, which required the wholesale HSA service providers to make significant changes to retail-facing processes and systems within six months of the date of that decision.

Commission’s analysis and determinations

82. While the Commission considers it important for the wholesale HSA service providers to begin reporting their competitor Q of S results as soon as possible in order to promote competition and consumer interests, it is also important that they have sufficient time to develop the necessary systems and processes to provide the required reports. The Commission considers that 12 months would be a reasonable time frame – in particular since the providers have had two years’ notice that they would need to report on these indicators.

83. In Telecom Regulatory Policy 2018-123, the Commission directed the wholesale HSA service providers to report competitor-specific and company-wide competitor Q of S results for each indicator on a quarterly basis for each month in that quarter, within 30 days of the last day of the applicable quarter.

84. In light of the above, the Commission **directs** the wholesale HSA service providers to implement the required changes within 12 months of the date of this decision.

85. The Commission expects the wholesale HSA service providers to begin collecting data as of the beginning of the first month following the date on which the changes are implemented, and to submit their first reports to the Commission and applicable competitors within **30 days** of the last day of the applicable calendar quarter.

86. Under the previous competitor Q of S regime, the large ILECs submitted their respective quarterly reports in Excel spreadsheet format. The Commission and competitors received confidential versions of the spreadsheets and abridged versions were posted on the Commission's website. The Commission considers that the format of these reports made it difficult to easily compile and compare results.

87. For competitor Q of S reports related to wholesale HSA services, the Commission intends to collect the required data via the Commission's data collection system (DCS), which should lessen the collective administrative burden and will allow for a greater degree of transparency for those who wish to review and compare results.[11]

Policy Directions

88. The 2006 Policy Direction[12] states that the Commission, in exercising its powers and performing its duties under the *Telecommunications Act* (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 2006 Policy Direction.

89. The Commission considers that its determinations regarding the proposed business rules for the competitor Q of S indicators are consistent with subparagraph 1(a)(ii) of the 2006 Policy Direction because the resulting measures are efficient and proportionate to their purpose, and will minimally interfere with market forces. The Commission also considers that its determinations are consistent with subparagraph 1(b)(iii) of the 2006 Policy Direction because the resulting measures will be, to the greatest extent possible, implemented in a symmetrical and competitively neutral manner. The Commission further considers that the proposed reporting format is consistent with subparagraph 1(b)(iv) because it will implement a new, streamlined reporting process.

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[11] A separate letter is being issued in conjunction with the publication of this decision inviting comments on the reporting format before it is finalized.

[12] *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

90. The 2019 Policy Direction, which complements the 2006 Policy Direction, states that the Commission should consider how its decisions can promote competition, affordability, consumer interests, and innovation.

91. The Commission considers that its determinations regarding the proposed business rules, once implemented in the competitor Q of S regime for wholesale HSA services, will ultimately help meet the following principles set out in the 2019 Policy Direction:

- encourage all forms of competition and investment, consistent with subparagraph 1(a)(i);
- foster affordability and lower prices, particularly when telecommunications service providers (TSPs) exercise market power, consistent with subparagraph 1(a)(ii);
- ensure that affordable access to high-quality telecommunications services is available in all regions of Canada, including rural areas, consistent with subparagraph 1(a)(iii);
- enhance and protect the rights of consumers in their relationships with TSPs, including rights related to accessibility, consistent with subparagraph 1(a)(iv); and
- reduce barriers to entry into the market and to competition for TSPs that are new, regional, or smaller than the incumbent national service providers, consistent with subparagraph 1(a)(v).

Secretary General

Related documents

- *The Internet Code*, Telecom Regulatory Policy CRTC 2019-269, 31 July 2019
- *Review of the competitor quality of service regime*, Telecom Regulatory Policy CRTC 2018-123, 13 April 2018
- *TELUS Communications Company – Application to exclude competition-related quality of service indicator 2.10 results from the rate rebate plan for competitors for September 2014*, Telecom Decision CRTC 2015-183, 7 May 2015
- *CISC Business Process Working Group – Non-consensus reports BPRE064b and BPRE064c to revise certain competitor quality of service indicator business rules per Telecom Decision 2006-59*, Telecom Decision CRTC 2007-126, 7 December 2007
- *Retail quality of service rate adjustment plan and competitor quality of service rate rebate plan – Adverse events*, Telecom Decision CRTC 2007-102, 31 October 2007
- *Finalization of quality of service rate rebate plan for competitors*, Telecom Decision CRTC 2005-20, 31 March 2005

Appendix 1 to Telecom Decision CRTC 2020-408

Proposed consensus business rules by indicator

Indicator 1.1

Business Rule #1:

All eligible installation requests from a wholesale HSA customer, including requests that do not require a technician visit, with an appointment confirmed by the wholesale HSA service provider:

- new HSA service orders
- change orders for existing HSA service (e.g., speed change)
- move orders
- expedited orders (mutually agreed)

Business Rule #2:

Transferring an end-user’s service from one competitor to another on the same wholesale HSA service provider’s network, or from a wholesale HSA service provider to a competitor, are not specifically included in the results because these types of orders are treated separately as installations and disconnections.

Business Rule #3:

Confirmed due dates are provided when the Competitor has submitted a complete order to the wholesale HSA service provider.

Business Rule #4:

Installation appointments begin when the technician shows up within the scheduled time window or when the technician and the appointed local contact (“ALC”) agree to initiate the appointment earlier than the scheduled time window.

Business Rule #5:

N-1 rule applies. Within a given reporting period, should a competitor’s number of eligible installations quantity be less than 20 (i.e., between 1 and 19), a single missed installation appointment may be removed if by doing so, the result changes from a miss of the standard to a meet of the standard.

Business Rule #6:

Results are reported in the month of the confirmed appointment due date. There will be appointments that will be reported in a month that is not the same as the month when the appointment was made.

Business Rule #7:

Installations associated with mutually agreed to projects or mass end-user transfers are excluded.

Business Rule #8:

Off-tariff arrangements that deal specifically with the exclusion of CQoS [competitor quality of service] measurements are acceptable as these are agreed upon by each party. CQoS results will be excluded pursuant to the terms of off-tariff agreement.

Business Rule #9:

Reporting CQoS with geographical distinction is acceptable if needed. Competitors do not oppose reporting with a geographic distinction as reporting on more granular level may be desirable in some cases. Geographical distinction includes for example, reporting based on where the tariff applies given there are different support systems and processes that apply per tariffed region (e.g., Ontario/Quebec may be separate from Manitoba and Atlantic regions). Geographical distinction could also include a distinction between metro, urban, deep rural/far north.

Indicator 1.2

Business Rule #13:

This indicator simply measures whether the repair appointment was met or not. Repair appointments are considered met when the technician shows up within the scheduled time window, unless the technician and the ALC agree to initiate the appointment earlier than the scheduled time window.

Business Rule #14:

All eligible booked/confirmed repair appointments requiring a technician dispatch which have been communicated to the wholesale HSA service customer.

Business Rule #15:

N-1 rule applies. Within a given reporting period, should a competitor’s number of eligible repair appointments be less than 20 (i.e., between 1 and 19), a single missed repair appointment may be removed if by doing so, the result changes from a miss of the standard to a meet of the standard.

Business Rule #16:

Results are reported in the month of the appointment due date. There will be appointments that will be reported in a month that is not the same as the month when the appointment was made.

Business Rule #17:

Off-tariff arrangements that deal specifically with the exclusion of CQoS measurements are acceptable as these are agreed upon by each party. CQoS results will be excluded pursuant to the terms of off-tariff agreement.

Business Rule #18*:*

Reporting CQoS with geographical distinction is acceptable if needed. Competitors do not oppose reporting with a geographic distinction as reporting on more granular level may be desirable in some cases. Geographical distinction includes for example, reporting based on where the tariff applies given there are different support systems and processes that apply per tariffed region (e.g., Ontario/Quebec may be separate from Manitoba and Atlantic regions). Geographical distinction could also include a distinction between metro, urban, deep rural/far north.

Indicator 2.1

Business Rule #21:

The interval for indicator 2.1 is calculated from the date a complete and accurate installation request is submitted to the scheduled appointment date. The categorization is applied based on the outcome of the appointment (result from Indicator 1.1). As explained in Non-consensus Business Rule #26, Wholesale service providers and competitors agree that an interval should be measured for met and missed appointments but disagree on whether an interval should be reported for excluded appointments.

Business Rule #22:

No reporting standard is proposed.

Competitors' preference would be to include a standard consisting of a competitively meaningful target for scheduled installations. A competitively meaningful standard that can allow the Commission to determine whether installation appointments are scheduled on a discriminatory basis must necessarily be informed by a wholesale HSA service provider's retail scheduling performance plus a small allowance for reasonable wholesale provisioning delays. To competitors' knowledge, no other standard can serve as an appropriate benchmark for detecting discriminatory wholesale quality of service levels. Competitors acknowledge that the Commission has confirmed in Decision CRTC 2019-286 that TRP [Telecom Regulatory Policy] CRTC 2018-123 does not establish a requirement for retail QoS indicators. Competitors respect the Commission's clarification on this matter. It is competitors' understanding that wholesale HSA service providers are not prepared to produce aggregated retail data in the context of this working group in order to establish a standard for indicator 2.1. In these circumstances, competitors conclude there is no opportunity to establish a competitively relevant standard. Therefore, no standard is proposed. Competitors are hopeful that indicator 2.1 will nevertheless allow competitors to collect data that can be used to track installation scheduling trends that can reveal discriminatory quality of service levels. As proposed by competitors, Indicator 1.1 will produce three baskets of results: (1) met appointments; (2) missed appointments; and (3) excluded appointments (including “Competitor Rescheduled” and “No-ALC Present”). Indicator 2.1 will measure and report scheduling intervals for each of these baskets of results separately. Reporting results in this manner will add granularity to the data and will allow competitors and the Commission to interpret results more meaningfully.

Wholesale HSA service providers explained in the proceeding that led to [TRP] 2018-123 why wholesale and retail intervals are not comparable and therefore developing a standard for wholesale HSA based on retail intervals is inappropriate but also not feasible. As for wholesale installation intervals, since these are not measured at the moment and there exist vast size differences between competitors, the end-user preferences towards weekends, evenings and alignment with termination of service with their previous service provider, this means that there is simply not enough data to propose a meaningful standard. Wholesale HSA service providers believe that providing intervals for both met appointments and missed appointments this will strike a balance in the absence of a standard target interval.

Business Rule #23:

Measure the interval in calendar days (as opposed to legacy CQoS which were measured in business days). The number of days is counted based on when the order is received. All calendar days are counted (i.e., no exceptions are made for weekends, statutory holidays, etc.). The day when the order is received (Day Zero), is calculated the same way as for legacy CQoS, see section 2.2 for more information on this precedent.

Business Rule #24:

Reporting CQoS with geographical distinction is acceptable if needed. Competitors do not oppose reporting with a geographic distinction as reporting on more granular level may be desirable in some cases. Geographical distinction includes for example, reporting based on where the tariff applies given there are different support systems and processes that apply per tariffed region (e.g., Ontario/Quebec may be separate from Manitoba and Atlantic regions). Geographical distinction could also include a distinction between metro, urban, deep rural/far north.

Business Rule #25:

Results are reported in the month of the confirmed appointment due date. There will be appointments that will be reported in a month that is not the same as the month when the appointment was made.

Indicator 2.2

Business Rule #28:

The interval for indicator 2.2 is calculated from the date a complete and accurate repair request is submitted to the scheduled appointment date. The categorization is applied based on the outcome of the appointment (result from Indicator 1.2). As explained in Non-consensus Business Rule #33, Wholesale HSA service providers and competitors agree that an interval should be measured for met and missed appointments but disagree on whether an interval should be reported for excluded appointments.

Business Rule #29:

No reporting standard is proposed.

Competitors' preference would be to include a standard consisting of a competitively meaningful target for scheduled installations. A competitively meaningful standard that can allow the Commission to determine whether installation appointments are scheduled on a discriminatory basis must necessarily be informed by a wholesale HSA service provider's retail scheduling performance plus a small allowance for reasonable wholesale provisioning delays. To competitors' knowledge, no other standard can serve as an appropriate benchmark for detecting discriminatory wholesale quality of service levels. Competitors acknowledge that the Commission has confirmed in Decision CRTC 2019-286 that TRP CRTC 2018-123 does not establish a requirement for retail QoS indicators. Competitors respect the Commission's clarification on this matter. It is competitors' understanding that wholesale HSA service providers are not prepared to produce aggregated retail data in the context of this working group in order to establish a standard for indicator 2.2. In these circumstances, competitors conclude there is no opportunity to establish a competitively relevant standard. Therefore, no standard is proposed. Competitors are hopeful that indicator 2.2 will nevertheless allow competitors to collect data that can be used to track installation scheduling trends that can reveal discriminatory quality of service levels. As proposed by competitors, Indicator 1.1 will produce three baskets of results: (1) met appointments; (2) missed appointments; and (3) excluded appointments (including "Competitor Rescheduled" and "No-ALC Present"). Indicator 2.1 will measure and report scheduling intervals for each of these baskets of results separately. Reporting results in this manner will add granularity to the data and will allow competitors and the Commission to interpret results more meaningfully.

Wholesale HSA service providers explained in the proceeding that led to [TRP] 2018-123 why wholesale and retail intervals are not comparable and therefore developing a standard for wholesale HSA based on retail intervals is inappropriate but also not feasible. As for wholesale repair intervals, since these are not measured at the moment and there exist vast size differences between competitors, the end-user preferences towards weekends, evenings and alignment with termination of service with their previous service provider, this means that there is simply not enough data to propose a meaningful standard. Wholesale HSA service providers believe that providing intervals for both met appointments and missed appointments this will strike a balance in the absence of a standard target interval.

Business Rule #30:

Measure the interval in calendar days (as opposed to legacy CQoS which were measured in business days). The number of days is counted based on when the order is received. All calendar days are counted (i.e., no exceptions are made for weekends, statutory holidays, etc.). The day when the order is received (Day Zero), is calculated the same way as for legacy CQoS, see section 2.2 for more information on this precedent.

Business Rule #31:

Reporting CQoS with geographical distinction is acceptable if needed. Competitors do not oppose reporting with a geographic distinction as reporting on more granular level may be desirable in some cases. Geographical distinction includes for example, reporting based on where the tariff applies given there are different support systems and processes that apply per tariffed region (e.g., Ontario/Quebec may be separate from Manitoba and Atlantic regions). Geographical distinction could also include a distinction between metro, urban, deep rural/far north.

Business Rule #32:

Results are reported in the month of the confirmed appointment due date. There will be appointments that will be reported in a month that is not the same as the month when the appointment was made.

Appendix 2 to Telecom Decision CRTC-408

Summaries for competitor Q of S indicators (revised to reflect determinations in this decision)

Indicator 1.1

Definition: The total number of completed installations with the percentage of those met relative to the total confirmed appointments of competitors[13] (excepting exclusions). For clarity, all orders with installation activity (Change, New, and Transfer order types) which were assigned a due date by the wholesale HSA service provider during the reporting period.

Reporting Period: One month, reported quarterly

Reporting Comparisons: Competitor aggregated and Individual Competitor

Geographical Basis: By province

Formula: [(Total Number of Confirmed installation appointments completed in the reporting period) ÷ (Total Number of Confirmed installation appointments Booked in the Reporting Period)] x 100

Product Reporting: Tariffed Aggregated and Disaggregated High-Speed Access Services

Standard: 90%

Indicator 1.2

Definition: The total number of confirmed repair appointments with the percentage of those met relative to the total confirmed appointments (excepting exclusions). For clarity, only repair appointments which require a technician dispatch are considered.

Reporting Period: One month, reported quarterly

Reporting Comparisons: Competitor aggregated and Individual Competitor

Geographical Basis: By province

Formula: [(Total Number of Confirmed repair appointments Met in the reporting period) ÷ (Total Number of Confirmed repair appointments Booked in the Reporting Period)] x 100

Product Reporting: Tariffed Aggregated and Disaggregated High-Speed Access Services

Standard: 90%

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[13] While the report referred to “qualified competitors,” it did not define what constitutes a “qualified” competitor. As a result, the term has been deleted from the definition.

Indicator 2.1

Definition: The average interval (in calendar days) between the date the installation appointment is confirmed and the date the installation is completed. Scheduling intervals for **met and missed** installation appointments are reported separately.

Reporting Period: One month, reported quarterly

Unit of Measure: Average calendar days

Reporting Comparisons: Competitor aggregate and Individual Competitor

Geographical Basis: By province

Formula: Σ[(Date of Scheduled Installation Appointment) – (Date Installation Appointment is Confirmed)]/ Total Number of installation appointments scheduled in the reporting period

Explanation: The average installation interval is derived by dividing the sum of installation appointment intervals for all orders in days by the total number of installations scheduled to be completed in the reporting period.

Product Reporting: Tariffed Aggregated and Disaggregated High-Speed Access Services

Standard: No standard

Indicator 2.2

Definition: The average interval (in calendar days) between the date a complete and accurate repair request is submitted and the date of the scheduled repair appointment. Scheduling intervals for **met and missed** repair appointments are reported separately.

Reporting Period: One month, reported quarterly

Unit of Measure: Average calendar days

Reporting Comparisons: Competitor aggregate and Individual Competitor

Geographical Basis: By province

Formula: Σ[(Date of Scheduled Repair Appointment) **–** (Date of Repair Request)]/ Total Number of repair appointments scheduled in the reporting period

Explanation: The average repair interval is derived by dividing the sum of repair intervals for all orders in days by the total number of repairs scheduled to be completed in the reporting period.

Product Reporting: Tariffed Aggregated and Disaggregated High-Speed Access Services

Standard: No standard