



Telecom Notice of Consultation CRTC 2020-83

PDF version

Ottawa, 3 March 2020

Public record: 1011-NOC2020-0083

Show cause proceeding and call for comments – Distinction between residential and business wholesale high-speed access services

Deadline for submission of interventions: 2 April 2020

[\[Submit an intervention or view related documents\]](#)

The Commission invites interested parties to show cause why it is necessary for the wholesale high-speed access (HSA) service providers to differentiate between wholesale HSA services for residential end-users and those for business end-users within the aggregated and disaggregated wholesale HSA service regimes.

Introduction

1. The Commission regulates wholesale high-speed access (HSA) services provided by large telephone companies (also known as large incumbent local exchange carriers [ILECs]) and large cable carriers (collectively, the wholesale HSA service providers). Competitors¹ can use these services to provide their own retail Internet and other services.
2. Certain wholesale HSA service providers have various provisions and language in their respective tariff pages, as shown in the Appendix to this notice, that differentiate between residential and business wholesale HSA services.²
3. In Telecom Regulatory Policy 2010-632, the Commission determined that wholesale HSA service providers must provide these services to competitors at speeds that match all of the speed options the wholesale HSA service providers offer their retail Internet service customers (the speed-matching requirement).
4. In Telecom Decision 2013-73, the Commission noted that business and residential wholesale HSA services provide essentially the same functionality, use essentially the same network components, and typically have the same costs, and that any additional value associated with retail business Internet services is generally created at the retail level by the provider, for example, through additional features such as

¹ For the purposes of this notice, “competitors” refers to telecommunications services providers that may purchase the wholesale HSA service.

² The cable carriers refer to these services as third-party Internet access (TPIA) in their tariffs.

multiple addresses, business websites, customized email addresses, and technical support.

5. In that decision, the Commission also determined that the rates for business wholesale HSA services are to be the same as the rates for comparable residential wholesale HSA services.

Call for comments

6. In light of the above, the Commission initiates a proceeding and invites interested persons to show cause why the wholesale HSA service providers' tariff provisions that differentiate between wholesale HSA services for residential end-users and those for business end-users, through restricting availability or establishing any other limitations, are necessary.
7. In addition, the Commission seeks comment on the appropriateness of having an asymmetrical situation wherein several of the wholesale HSA service providers restrict the availability of their service speed options based on market segmentation, while others do not.³
8. The Commission also seeks responses to the following questions on the speed-matching requirement:
 - Provide your view, with supporting rationale, on whether or not the definition of speed matching should include a market segmentation restriction. That is, if a wholesale HSA service provider offers a retail residential or business service at a particular speed, should the corresponding wholesale service be restricted so that competitors can use the service only for the market segment in which the wholesale HSA service provider offers its retail service? Or, should competitors be allowed to offer either retail business or residential services, independent of the market segment in which the wholesale HSA service provider offers its retail service?
 - Would a competitor's ability to promote competition be hindered by limiting its exposure to a segmented portion of the retail market? Provide detailed rationale to support your position.
 - Comment on how your positions are consistent with the objectives of the *Telecommunications Act* as well as the 2006 Policy Direction⁴ and the 2019 Policy Direction.⁵

³ For example, if a wholesale HSA service provider offers an Internet service only to its retail residential end-users at a given speed, a competitor could offer retail services to either or both business and residential end-users at that speed.

⁴ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

Procedure

9. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at www.crtc.gc.ca, under "[Statutes and regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
10. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issue by **2 April 2020**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
11. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
12. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.
13. All parties may file replies to interventions with the Commission by **22 April 2020**.
14. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at www.crtc.gc.ca, for additional information that they may find useful when preparing their submissions.
15. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
16. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or

⁵ *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

read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

17. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax to
819-994-0218

18. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
19. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
20. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

21. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, fax, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.

22. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
23. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
24. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

25. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at www.crtc.gc.ca by using the public record number provided at the beginning of this notice or by visiting the "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
26. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782
Toll-free TTY: 1-877-909-2782

Secretary General

Related documents

- *Follow-up to Telecom Regulatory Policy 2015-326 – Implementation of a disaggregated wholesale high-speed access service, including over fibre-to-the-premises access facilities*, Telecom Decision CRTC 2016-379, 20 September 2016

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Canadian Network Operators Consortium Inc. – Application to review and vary Telecom Regulatory Policies 2011-703 and 2011-704*, Telecom Decision CRTC 2013-73, 21 February 2013
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy CRTC 2010-632, 30 August 2010

Appendix to Telecom Notice of Consultation CRTC 2020-83

Tariff provisions regarding residential versus business wholesale HSA services

Bell Canada

As part of the Commission's follow-up to Telecom Decision 2016-379, Bell Canada proposed to introduce two separate tariff items for its disaggregated HSA services (Bonded Access):

- Item 151.7.(a) of the company's Access Services Tariff includes the following provision: Bonded Access is provided only on a limited basis on residential accesses where suitable equipment and facilities exist.
- In Tariff Notice 7594, Bell Canada proposed to introduce, in Item 5440 of its General Tariff, Bonded Access for business accesses served via fibre to the node (FTTN) over Gateway Access Service (GAS)-FTTN and via Disaggregated Broadband Service over FTTN (disaggregated FTTN).

Videotron Ltd.

Item 200 – Third Party Internet Access of the company's General Tariff includes the following provisions:

1. Service description

This service is intended for Internet Service Providers and provides access to a high speed Internet Protocol ("IP") data link designed for a residential market using cable modem technology, enabling Internet Service Providers to deliver Internet Services to End-Users.

3. Terms and Conditions

b) TPIA services are designed to meet the needs of residential End-Users. The ISP may use TPIA services to serve non-residential End-Users, but will not receive TPIA services designed to meet the needs of non-residential End-Users. The ISP shall not use the TPIA services to provide services other than Internet Services or voice over Internet Protocol services.

Rogers Communications Canada Inc.

Part G – Tariff for Third Party Internet Access of the company's Access Services Tariff includes the following provision under Item 702 – Terms and Conditions, Section 8 – Restrictions on Use of Service:

8.4 TPIA service is configured and designed for the residential marketplace.

Cogeco Communications inc.

Item 101 – Description of Service, Section 1 – Description of Service of the company's TPIA Tariff includes the following provision:

- d) TPIA service is designed for the residential marketplace.