



Telecom Order CRTC 2021-161

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Ottawa, 5 May 2021

Public record: Tariff Notice 68

Rogers Communications Canada Inc. – New point of interconnection locations

Application

1. The Commission received an application from Rogers Communications Canada Inc. (RCCI), tariff notice 68 (TN 68), dated 14 October 2020, in which the company proposed the addition of four new disaggregated point of interconnection (POI) locations to its third-party Internet access (TPIA) network in Ontario, bringing the total number of head-ends from 37 to 41. RCCI proposed to add the following head-end locations to its tariff: St. Thomas, Kincardine, Owen Sound, and Port Perry. Aggregated TPIA service would remain accessible through a single POI location that would be connected to those four additional service area locations.
2. RCCI noted that new service area locations are occasionally added for various business reasons, which include network redundancy, demand forecasts, and network expansion. RCCI explained that establishing new head-ends provides network resiliency and redundancy, and reduces the risk of service disruptions to end-users.
3. RCCI submitted that its existing cost study¹ proposed a network configuration which did not consider the proposed POI locations and therefore did not cover the associated costs. RCCI submitted that it would not seek to recover the costs for the additional POI locations for the period of time between their installation and the eventual submission of an updated cost study. RCCI indicated that an updated cost study will be submitted at a more appropriate time, given the ongoing proceedings related to wholesale disaggregated high-speed access initiated by Telecom Notice of Consultation 2020-131 and Telecom Notice of Consultation 2020-187.

Positions of Parties

4. The Commission received an intervention from Execulink Telecom Inc. (Execulink), dated 18 November 2020, in which the company objected to RCCI's proposed POI locations. Execulink submitted that there is no evidence on record that demonstrates that RCCI's network currently lacks resiliency or redundancy, and that the introduction of new POIs would be premature.

¹ Filed in accordance with Telecom Decision 2016-379

5. Execulink added that the proposed POI locations would make it necessary for competitors to connect to additional POIs, which would have a considerable financial impact. Execulink requested that the Commission either deny TN 68 or order RCCI to provide transport from original POI locations to new POI locations at no cost to competitors.
6. In its reply, RCCI submitted that, because there are currently no customers for its disaggregated TPIA network, the introduction of new POIs would have no negative impact on existing resellers.
7. RCCI noted that it had provided the reasons and evidence that justify the new POI locations in confidence to the Commission. However, the company submitted that according to Telecom Order 2018-176, additional information sought by a competitor, such as the reasons that RCCI's existing POI locations are no longer suitable, is beyond the scope of information required to be filed with a tariff application. RCCI submitted that Execulink should voice its opinions regarding disaggregated network configurations within the framework of the proceeding initiated by Telecom Notice of Consultation 2020-187.

Commission's analysis and determinations

8. In Telecom Information Bulletin 2010-455-1 (the Bulletin), the Commission established the process and requirements for competitor tariff applications. In particular, the Bulletin requires a brief description explaining the exact service or equipment in question, and does not require an applicant to provide any additional justification. RCCI's description of its proposed POIs is consistent with this requirement.
9. With respect to Execulink's concerns regarding RCCI's justification of the introduction of new POI locations, the Commission considers that RCCI's decision to introduce new head-ends was made for various technical, operational, and business reasons, which are sensitive and have been submitted in confidence.
10. Furthermore, the Commission considers that, in view of ongoing proceedings regarding disaggregated wholesale high-speed access services, in particular Telecom Notice of Consultation 2020-187, it would be premature to require RCCI to file a new cost study that includes the new POI locations.
11. In light of the above, the Commission determines that RCCI has provided sufficient information in support of its application and is in compliance with the requirements set out in the Bulletin for such applications. The Commission therefore **approves on a final basis** the new disaggregated POIs proposed in RCCI's TN 68 application. The other elements of RCCI's TPIA tariff, such as the rates, terms, and conditions of the TPIA service, are currently interim pending the outcome of the proceeding initiated by Telecom Notice of Consultation 2020-187 and will remain so at this time.

Policy Direction

12. In accordance with subparagraph 1(b)(i) of the 2006 Policy Direction,² the Commission considers that the approval of this application will advance the policy objective set out in paragraph 7(f) of the *Telecommunications Act*, which is to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective. Specifically, allowing RCCI to introduce four new POIs will allow market forces to respond to increased demand within an efficient regulatory framework that does not impair or otherwise delay network deployment of competitive TPIA service.
13. In accordance with the 2019 Policy Direction,³ the Commission considers that this order can promote competition, affordability, consumer interests, and innovation. Specifically, the approval of this application, which allows an increase in the number of POI locations, is compliant with the 2019 Policy Direction because, by providing network resiliency and redundancy and reducing risks to end-users of service disruption in case of a network outage, it will ensure that affordable access to high-quality telecommunications services is available in more regions of Canada.

Secretary General

Related documents

- *Call for comments – Appropriate network configuration for disaggregated wholesale high-speed access services*, Telecom Notice of Consultation, CRTC 2020-187, 11 June 2020, as amended by Telecom Notice of Consultation CRTC 2020-187-1, 22 July 2020
- *Call for comments – Review of the approach to rate setting for wholesale telecommunications services*, Telecom Notice of Consultation CRTC 2020-131, 24 April 2020
- *Rogers Communications Canada, Inc. – New point of interconnection location in Argentina, Ontario*, Telecom Order CRTC 2018-176, 18 May 2018
- *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
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455-1, 19 February 2016

² *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

³ *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