



Telecom Order CRTC 2021-182

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Ottawa, 27 May 2021

Public record: Tariff Notices 7616 and 7616A

Bell Canada – Amendment to Local Network Interconnection and Component Unbundling – Routing of CLEC 800/888 calls

The Commission **approves with changes, on a final basis**, Bell Canada’s application to amend its tariff pages with respect to the routing of competitive local exchange carrier 800/888 calls.

Background

1. In Telecom Decision 2019-390, the Commission directed Bell Canada, as a condition of providing its Routing of CLEC 800/888 Call service, to deploy one-way toll trunks to connect with Rogers Communications Canada Inc. (RCCI) switches in the Bell Canada operating territories where RCCI also provides service. These toll trunks were to be deployed to route RCCI-originating toll-free traffic to Bell Canada’s toll-free telephone number (TFTN) customers. The Commission also directed Bell Canada to file proposed revised tariff pages indicating that Bell Canada will receive RCCI-originating toll-free traffic destined for Bell Canada’s TFTN customers over the toll trunks deployed to RCCI’s switches.
2. Those directions were issued in response to an application filed by RCCI regarding the routing of toll-free traffic with Bell Canada. In 2018, RCCI launched its own toll-free database and began offering its Routing of 800/888 Calls service. This service enables RCCI to identify directly the toll-free carrier to which toll-free calls should be sent.

Application

3. The Commission received an application from Bell Canada, dated 20 July 2020 (Tariff Notice 7616), in which the company proposed to revise its Access Services Tariff– item 105 – Local Network Interconnection and Component Unbundling to reflect the Commission’s determinations in Telecom Decision 2019-390. Bell Canada subsequently filed an amendment on 31 July 2020 (Tariff Notice 7616A), in which it changed the effective date of the tariff to 17 August 2020, to coincide with the required installation date of the circuits set out in Telecom Decision 2020-226.
4. Bell Canada proposed the following wording for its tariff:

4(a)(2)b. The Company will receive Rogers Communications Canada Inc.’s (RCCI’s) originating toll-free traffic from RCCI’s retail end-users destined for the

Company's toll-free telephone number customers over one-way toll trunks deployed to RCCI's switches.

5. The Commission approved Bell Canada's application on an interim basis in Telecom Order 2020-244, in order to allow the determinations set out in Telecom Decision 2019-390 to be implemented while the Commission continued to consider the application.
6. The Commission received interventions from Distributel Communications Limited (Distributel); Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); RCCI; Shaw Telecom G.P. (Shaw); and TELUS Communications Inc. (TCI).

Issue

7. The Commission has identified the following issues to be addressed in this order:
 - Do Bell Canada's proposed tariff changes comply with the Commission's determinations in Telecom Decision 2019-390?
 - Should the tariff provisions be applied more broadly to toll-free traffic from other competitive local exchange carriers (CLECs)?

Do Bell Canada's proposed tariff changes comply with the Commission's determinations in Telecom Decision 2019-390?

Positions of parties

8. The interveners generally opposed the wording Bell Canada proposed in its application, submitting that it contradicts the objectives of Telecom Decision 2019-390 and of the 2006 Policy Direction¹ and the 2019 Policy Direction² (collectively, the Policy Directions) by limiting competition in the toll-free service market.
9. RCCI submitted that since it now has the same toll-free capabilities as Bell Canada, there are no regulatory principles that would permit Bell Canada to route traffic that originates from both its wholesale and retail customers to RCCI's TFTNs, while RCCI can only route calls that originate from its retail end-users to Bell Canada's toll-free numbers.
10. Distributel submitted that the phrase "RCCI-originating toll-free traffic" used in Telecom Decision 2019-390 cannot be interpreted as meaning toll-free traffic

¹ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

² *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

originated only by RCCI's retail end-users. Distributel argued that the Commission's direction clearly states that the purpose was for Bell Canada to receive all traffic originating from RCCI that is destined for Bell Canada's TFTN customers, and that had the Commission intended otherwise it would have explicitly said so.

11. RCCI submitted that the phrase "en provenance," used in the French version of Telecom Decisions 2019-390 and 2020-226, indicates traffic coming from RCCI's network and does not allow for a more restrictive interpretation.
12. Distributel and Videotron both argued that Bell Canada's proposed wording would prevent RCCI from offering alternative toll-free services (i.e. TFTN querying service and direct toll-switch interconnection), for which interveners have explicitly expressed interest.
13. Shaw submitted that the restriction proposed by Bell Canada is not justified. Shaw argued that the effort and resources expended by Bell Canada to terminate a toll-free call from RCCI over the new one-way trunks will be the same whether the call is from an end-user served by RCCI or by another local exchange carrier (LEC) to which RCCI provides its routing service.
14. Bell Canada disagreed with the interveners' positions, and submitted that its proposed wording is entirely consistent with the Commission's determinations.
15. Bell Canada argued that one-way toll trunks for the termination of toll-free traffic are intended to be bilateral arrangements between a LEC and an interexchange carrier (IXC) – in this case, Bell Canada and RCCI. Bell Canada submitted that the Commission explicitly noted that the one-way trunks are to be deployed for traffic that originates from RCCI, which Bell Canada argued can presumably only come from RCCI's end-users.
16. Bell Canada further argued that traffic that originates from another LEC and then transits through RCCI before being forwarded to an IXC would, by definition, be "transit" traffic as opposed to RCCI-originated traffic. Bell Canada submitted that the Commission did not allude to or include transit traffic from other LECs. Bell Canada argued that a modification to include transit traffic was out of scope of the proceeding and would be a highly inappropriate order.

Commission's analysis and determinations

17. In Telecom Decision 2019-390, the Commission considered that RCCI's acquisition of the ability to query a TFTN database directly to identify and route toll-free traffic originating within its network and destined for an IXC represented a material change

in circumstances that allowed for the establishment of other arrangements, as contemplated in Telecom Decision 97-8.³

18. The Commission further considered that the continued application of the policies regarding network interconnection and billing arrangements that existed between RCCI and Bell Canada would run contrary to paragraphs 7(c) and (f) of the *Telecommunications Act* (the Act), because those arrangements no longer served to enhance the efficiency and competitiveness of Canadian telecommunications, or to ensure that regulation was efficient and effective.⁴ Their continued application would also run contrary to the 2006 Policy Direction by unnecessarily maintaining a competitive advantage for Bell Canada.
19. The Commission indicated that the network interconnection arrangement and, by extension, the compensation arrangement, for routing toll-free traffic between the companies should be symmetrical, i.e. both parties should use the same type of trunk to receive and terminate toll-free traffic from the originating party.
20. The Commission considers that Bell Canada's use of the term "retail end-users," which was not included in the determinations set out in Telecom Decision 2019-390, unduly favours Bell Canada in the provision of TFTN database queries, restricts RCCI's ability to offer similar services to wholesale customers (i.e. CLECs and IXCs), and does not allow for the intended outcome of symmetry and competitive neutrality.
21. The Commission further considers that the originating point of the toll-free traffic is irrelevant and that the words "en provenance" used in the French version of Telecom Decisions 2019-390 and 2020-226, also align with its intended outcome of symmetry and competitive neutrality.
22. In light of the above, the Commission determines that the limitation to "retail end-users" in Bell Canada's tariff application is not appropriate.

³ In Telecom Decision 97-8, the Commission noted that routing toll-free traffic through an ILEC would continue in the absence of "other arrangements," without specifying what those would or could be.

⁴ The cited policy objectives of the Act are 7(c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications; and (f) to foster the increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective.

Should the tariff provisions be applied more broadly to toll-free traffic from other CLECs?

Positions of parties

23. RCCI argued that the CLECs' comments during the proceeding made it clear that other carriers wished to use RCCI's toll-free service offering, but that Bell Canada's proposed wording would restrict toll-free traffic to RCCI only.
24. This view was supported by Distributel and Videotron, which submitted that although only RCCI applied to the Commission for relief to date, Bell Canada's tariff should not be written so as to compel all CLECs in the same situation as RCCI to apply to the Commission before Bell Canada negotiates an arrangement in the spirit of symmetry.
25. TCI noted that in Telecom Order 2020-8, the Commission approved the terms and conditions of TCI's toll-free service offering. TCI submitted that because Bell Canada's proposed wording in this instance refers only to RCCI, that language could be interpreted in a manner that prevents Bell Canada from subscribing to TCI's service, thereby possibly causing a conflict between the TCI tariff and Bell Canada's tariff. TCI further argued that if Bell Canada's proposed wording is approved, no CLEC will have symmetry with Bell Canada except RCCI. TCI argued that Bell Canada's tariff should be amended to eliminate the limitations that arise from referring to the origins of the traffic.
26. In both of its replies, Bell Canada submitted that the assertion that the proposed tariff language should apply to any parties other than Bell Canada and RCCI should be dismissed. Bell Canada argued that the Commission did not extend the proceedings that led to either Telecom Decision 2019-390 or Telecom Decision 2020-226 to assess an industry-wide change in the framework applicable to the interconnection of LECs and IXCs generally, or to one-way toll trunks. Bell Canada argued that instead, the Commission specifically and explicitly chose to keep the proceeding as a bilateral issue between Bell Canada and RCCI by directing Bell Canada to file its revised tariff pages indicating that it would receive RCCI-originating toll-free traffic.

Commission's analysis and determination

27. In the proceeding that led to Telecom Decision 2019-390, RCCI's application was served on all incumbent local exchange carriers (ILECs), CLECs, wireless service providers, and IXCs, some of which intervened in that proceeding indicating the determinations should apply more generally. However, RCCI's specific request for relief was limited to Bell Canada.⁵

⁵ RCCI submitted in its application that "In order to stop the undue preference Bell Canada is providing itself, every LEC and IXC should be treated the same and interconnect similarly." However, this submission did not form part of the company's formal relief request.

28. While the Commission did not explicitly extend its determinations in that proceeding to toll-free traffic routing arrangements between all ILECs, CLECs, and other IXCs, it did find that the ability to directly query a TFTN database to identify and route toll-free traffic represented a material change in circumstances. Moreover, this issue was again raised in the context of the current proceeding, in which interveners continue to request that the determinations apply more broadly to the industry.
29. The Commission is of the view that applying the provision more broadly to LECs that have the ability to query all toll-free calls in order to provide the proper Carrier Identification Code and the terminating 10-digit number, and to route the toll-free call directly to the proper IXCs, would provide clarity and reduce the risk of further disputes and similar applications in the future. Further, such an approach would reduce the regulatory burden for both the Commission and the industry.
30. The Commission considers that Bell Canada's application to implement the determinations of Telecom Decision 2019-390 initiated a proceeding that permitted interveners to comment on the proposed tariff language, including the issue of whether the proposed wording was too restrictive and should be broadened. All interveners proposed alternative language for the tariff provisions.
31. Bell Canada received all of the interventions and had the opportunity to respond on the record to the issue around the tariff language. Exceptionally, Bell Canada was permitted to submit a second reply on the record of this proceeding in the interest of fairness, though procedural rules typically only allow a single reply. The Commission is therefore of the view that the procedural and fairness requirements associated with this proceeding were fulfilled.
32. Accordingly, the Commission considers that the tariff provisions set out in Tariff Notices 7616 and 7616A should apply more broadly to other LECs that have the ability to route toll-free calls directly to the proper IXC.

Conclusion

33. In light of all of the above, the Commission **approves** Bell Canada's Tariff Notices 7616 and 7616A with the following change, shown in bold:

4(a)(2)b. The Company will receive toll-free traffic **regardless of its origin** destined for the Company's toll-free telephone number customers over one-way toll trunks deployed to a CLEC's network(s).

34. Bell Canada is to issue revised tariff pages reflecting the above wording within **10 days** of the date of this order.⁶

⁶ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

Policy Directions

35. The 2019 Policy Direction states that the Commission should consider how its decisions can promote competition, affordability, consumer interests, and innovation.
36. The Commission has reviewed the application in light of the 2019 Policy Direction and has considered its aspects to the extent necessary, using measures that are efficient and proportionate to their purpose. The Commission considers that approval of this application is compliant with the 2019 Policy Direction, since it will (i) reflect the Commission's directives in Telecom Decision 2020-226 for the routing of CLEC 800/888 calls, and (ii) enhance the efficiency and competitiveness of, and ensure that regulatory measures relating to, network interconnection arrangements promote competitive neutrality.
37. Further, in compliance with subparagraph 1(b)(i) of the 2006 Policy Direction, approval of this application advances paragraph 7(f) of the Act.

Secretary General

Related documents

- Telecom Order CRTC 2020-244, 6 August 2020
- *Bell Canada – Application to review and vary and stay Telecom Decision 2019-390 regarding the routing of toll-free traffic destined for the company's toll-free telephone number customers*, Telecom Decision CRTC 2020-226, 15 July 2020
- Telecom Order CRTC 2020-8, 20 January 2020
- *Rogers Communications Canada Inc. – Application regarding routing of the company's toll-free traffic destined for Bell Canada's toll-free telephone number customers*, Telecom Decision CRTC 2019-390, 2 December 2019
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997