



Telecom Order CRTC 2022-200

PDF version

Ottawa, 1 August 2022

Public record: Tariff Notice 61A

Cogeco Communications Inc. on behalf of its subsidiary Cogeco Connexion Inc. – Increased upload speeds for third-party Internet access services

Application

1. The Commission received Tariff Notice (TN) 61A from Cogeco Communications Inc. on behalf of its subsidiary Cogeco Connexion Inc. (Cogeco), dated 16 December 2021. In TN 61A, Cogeco proposed to increase upload speeds from 10 megabits per second (Mbps) to 30 Mbps for several of its 180 Mbps downstream services through points of interconnection in Cogeco’s serving areas where an equivalent upload speed is offered on a retail basis. These services include:
 - Aggregated Third Party Internet Access (TPIA) service - 180 Mbps downstream and 30 Mbps upstream
 - Disaggregated TPIA service over DOCSIS [Data over Cable Service Interface Specification]-HFC [hybrid-fibre coaxial] - 180 Mbps downstream and 30 Mbps upstream
 - Disaggregated TPIA service over DOCSIS-RFoG [radio frequency over glass] - 180 Mbps downstream and 30 Mbps upstream
2. Cogeco submitted that the increase in upload speed for these services would meet the speed-matching requirement and would be consistent with the Commission’s determinations in Telecom Regulatory Policy 2015-326.
3. The Commission did not receive any interventions regarding TN 61A.

Commission’s analysis

4. In Telecom Regulatory Policy 2010-632, the Commission affirmed that cable carriers must provide any wholesale high-speed access services to competitors at speeds that match all of the speed options the cable carriers offer their retail Internet service customers (speed-matching requirement). Furthermore, in Telecom Regulatory Policy 2015-326, the Commission directed cable carriers to begin implementing disaggregated wholesale high-speed access services, including services over fibre-access facilities.

5. The Commission considers that Cogeco's proposal is in compliance with the speed-matching requirement, and with the determinations set out in Telecom Regulatory Policy 2015-326 requiring cable carriers to begin implementing disaggregated wholesale high-speed access services over fibre access facilities.
6. The Commission notes that in Telecom Decision 2021-181, it approved, on a final basis, a rate of \$51.25 for Cogeco's aggregated TPIA service at Speed Band 6 (121 to 250 Mbps downstream). The Commission also notes that in Telecom Order 2017-312, it approved, on an interim basis, a rate of \$61.41 for Cogeco's disaggregated DOCSIS-HFC service, and a rate of \$72.28 for Cogeco's disaggregated DOCSIS-RFoG/FTTH [fibre-to-the-home] service.
7. While Cogeco did not submit a cost study with its tariff application, the company did not propose any rate changes, and the proposed increased upload speeds fall within its existing speed bands. Accordingly, the Commission considers that Cogeco's proposal is in compliance with previous Commission determinations.

Conclusion

8. In light of all of the above, the Commission
 - **approves, on a final basis**, the increased upload speed for Cogeco's aggregated TPIA service at the monthly access rate of \$51.25;
 - **approves, on an interim basis**, the increased upload speed for Cogeco's disaggregated DOCSIS-HFC service at the monthly access rate of \$61.41; and
 - **approves, on an interim basis**, the increased upload speed for Cogeco's disaggregated DOCSIS-RFoG/FTTH service at the monthly access rate of \$72.28.

Policy Directions

9. The 2019 Policy Direction¹ states that the Commission should consider how its decisions can promote competition, affordability, consumer interests, and innovation.
10. The Commission has reviewed Cogeco's 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 access to faster upload speeds via TPIA at the same access rates for Cogeco's 180 Mbps downstream speed tiers will encourage competition; foster affordability at the highest

¹ *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*

upstream rate; ensure affordable access to high-quality telecommunications services in more regions of Canada; and reduce barriers to entry into the market at these speeds for telecommunications service providers.

11. Further, in compliance with subparagraph 1(b)(i) of the 2006 Policy Direction,² approval of this application advances paragraphs 7(b), (c), and (f) of the *Telecommunications Act*.³ Namely, increasing the upload speed for Cogeco's 180 Mbps downstream speed tiers from 10 Mbps to 30 Mbps will enhance access to reliable and affordable telecommunications services of high quality in Canada; enhance the efficiency and competitiveness of Canadian telecommunications; and foster increased reliance on market forces for the provision of telecommunications services, ensuring that regulation, where required, is efficient and effective.

Secretary General

Related documents

- *Requests to review and vary Telecom Order 2019-288 regarding final rates for aggregated wholesale high-speed access service*, Telecom Decision CRTC 2021-181, 27 May 2021
- *Interim rates for disaggregated wholesale high-speed access services in Ontario and Quebec*, Telecom Order CRTC 2017-312, 29 August 2017; as amended by Telecom Order CRTC 2017-312-1, 12 September 2017
- *Review of wholesale wireline services and associated policies*, Telecom Regulatory Policy CRTC 2015-326, 22 July 2015; as amended by Telecom Regulatory Policy CRTC 2015-326-1, 9 October 2015
- *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy CRTC 2010-632, 30 August 2010

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

³ The cited policy objectives are: 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; 7(c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications; and 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective.