



Telecom Order CRTC 2015-112

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Ottawa, 30 March 2015

File numbers: Bell Canada Tariff Notice 933 (NST), DMTS Tariff Notice 64, NorthernTel Tariff Notice 380, Northwestel Tariff Notice 920, TCC Tariff Notice 474, TCC Tariff Notice 603 (TCQ), and Télébec Tariff Notice 473

Revised support structure tariffs and proposed notification requirements for strand equipment

Introduction

1. Incumbent local exchange carriers (ILECs) in Canada provide access to company-owned or -controlled telecommunications support structures such as poles, strand,¹ and conduit.
2. In Telecom Decision 2014-77, the Commission determined that licensees² are not required to obtain permits from TELUS Communications Company (TCC) for strand equipment³ inserted into licensee cabling that is attached to TCC's strand. In Telecom Decision 2014-389, the Commission extended this determination to all ILECs that provide support structure services, and directed them to file revised tariff pages stating that strand equipment does not require a permit.
3. Pursuant to this directive, the Commission received tariff applications from Bell Canada on behalf of itself and Bell Aliant Regional Communications, Limited Partnership (collectively, the Bell companies); DMTS; NorthernTel, Limited Partnership (NorthernTel); Northwestel Inc. (Northwestel); TELUS Communications Company (TCC); TCC for its operating territory in Quebec (TCQ); and Télébec, Limited Partnership (Télébec).
4. In their applications, the Bell companies, DMTS, NorthernTel, Northwestel, TCC Quebec, and Télébec (referred to hereafter as "the ILECs") also proposed a notification process that would require licensees to notify them within 30 days of placing strand equipment on their support structures.

¹ Strands are steel wires that support cables between two poles.

² A licensee is a terrestrial broadcasting distribution undertaking duly licensed or exempted by the Commission or a Canadian carrier, as defined in the *Telecommunications Act*, that has been granted licence pursuant to the terms and conditions of the support structure tariffs.

³ For the purpose of this decision, "strand equipment" refers to communications-related equipment inserted into licensee cabling located on an ILEC's strand.

5. The Commission received joint interventions from Bragg Communications Incorporated, operating as Eastlink (Eastlink); Cogeco Cable Inc.; Quebecor Media Inc., on behalf of its affiliate Videotron G.P.; and Rogers Communications Inc. (collectively, the Cable carriers); as well as from Shaw Cablesystems G.P. and Shaw Communications Inc. (collectively, Shaw). Eastlink also filed an individual intervention on TCC's application. The public records of these proceedings are available on the Commission's website at www.crtc.gc.ca or by using the file numbers provided above.⁴

Is the proposed notification process appropriate?

6. The ILECs submitted that notification of strand equipment placed on their support structures is necessary to
 - effectively manage capacity on their support structures,
 - ensure that safety and construction standards are met and evolve with the changing requirements of new equipment (e.g. radio-frequency-emitting equipment, which is now being installed on a more frequent basis, requires an appropriate distance from other devices), and
 - make them aware of what types of equipment are in place, to ensure proper training for handling equipment that requires specific operational and technical considerations.
7. The ILECs further submitted that the proposed notification requirement is similar to the notification currently required for the placement of subscriber drop wires and ensures that the party being notified is aware of the activity.
8. The Cable carriers and Shaw responded that notification is not necessary because ILECs have been able to manage their support structures without such a requirement. Further, they submitted that there is already a robust enforcement regime in place to ensure compliance with construction standards.
9. Shaw submitted that the Bell companies and TCC are well aware of technological trends from a variety of sources (e.g., from ongoing inspections for conformance with their construction standards) and are therefore able to keep construction standards current.
10. Further, Shaw, supported by the Cable carriers, submitted that the Commission gave consideration to safety concerns regarding radio-frequency-emitting equipment in Telecom Decision 2014-77.

⁴ The public records closed on the following days: Bell Canada Tariff Notice 933 – 26 September 2014, DMTS Tariff Notice 64 – 12 November 2014, NorthernTel Tariff Notice 380 – 12 November 2014, Northwestel Tariff Notice 920 – 29 September 2014, TCC Tariff Notice 474 – 19 September 2014, TCQ Tariff Notice 603 – 19 September 2014, and Télébec Tariff Notice 473 – 26 September 2014.

11. With regard to the subscriber drop wire notification requirement, Eastlink and Shaw submitted that such wires are subject to a monthly charge, while strand equipment is not. Therefore, it is essential that the ILECs be notified of any new drop wire installation so that they may charge the monthly rate to the licensees, whereas notification is not necessary for strand equipment since there are no related charges.

Commission's analysis and determinations

12. Historically, the ILECs have not taken measures to ensure that licensees inform them of the placement of strand equipment. The Commission considers that there is no evidence showing that the ILECs have been unable to manage support structure use absent notification about the placement of strand equipment by licensees.
13. Regarding construction standards, the ILECs' tariffs contain a comprehensive regime to ensure compliance with the relevant standards. Given ongoing inspections and work on their own support structures, the Commission considers that the ILECs are aware of the new technologies used by the licensees and are able to include in their construction standards an obligation to comply with various safety and technical standards.
14. The Commission noted in Telecom Decision 2014-77 that equipment-related safety standards are established by the appropriate governmental bodies and, therefore, the manufacture of devices such as radio-frequency-emitting equipment must comply with all applicable standards and safety codes.
15. The Commission considers that the ILECs are using the same arguments to justify the notification process as they used when supporting the need for a permit requirement in the proceedings leading to Telecom Decisions 2014-77 and 2014-389. The Commission considers that its rationale for removing the permit requirement in those decisions applies to the proposed notification requirement: a permit requirement is not needed to manage support structure capacity and ensure compliance with construction standards, and its administration would be overly burdensome.
16. In light of the above, the Commission **approves with changes** the above-noted applications. Specifically, the ILECs are to delete from their tariff pages the requirement for licensees to notify the ILECs within 30 days of placing strand equipment on the ILECs' support structures. The Commission **directs** the ILECs to issue⁵ revised tariff pages reflecting the Commission's determination within **10 days** of the date of this order.

Secretary General

⁵ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

Related documents

- *Follow-up to Telecom Decision 2014-77 – Show cause regarding permit requirements for strand equipment*, Telecom Decision CRTC 2014-389, 24 July 2014
- *Shaw Communications Inc. – Application concerning the administration of TELUS Communications Company's tariff for support structure service*, Telecom Decision CRTC 2014-77, 20 February 2014