



Telecom Order CRTC 2006-123

Ottawa, 25 May 2006

TELUS Communications Company

Reference: Tariff Notice 169

Competitor Digital Network Services – Follow-up to Telecom Decision CRTC 2005-6

Background

1. In paragraphs 380 and 381 of *Competitor Digital Network Services*, Telecom Decision CRTC 2005-6, 3 February 2005 (Decision 2005-6), the Commission requested each incumbent local exchange carrier (ILEC) to identify the following for each fibre-based Competitor Digital Network (CDN) Access service: protection status, whether included or excluded; the availability of protection upgrades; interface redundancy, whether standard or optional; the required number of optical ports and the number of customer interface ports for central office (CO) and customer premises (CP) equipment, and the number of fibre strands required for interconnection; and identification and description of all other service options and their rates. The Commission further directed each ILEC to file, for approval, the rates, terms, and conditions for any additional protection or improvement of restoration time guarantees that it intends to provide, along with supporting cost studies for each additional proposed rate element.

Application

2. The Commission received an application by TELUS Communications Company (TCC),¹ dated 21 March 2005, which proposed to revise TCC's Carrier Access Tariff, item 225, Competitor Digital Network Access (CDN Access), to rename its fibre-based OC-3 and OC-12 CDN Access services to OC-n CDN Access Linear Unprotected service, and provided in the tariff certain information requested by the Commission in Decision 2005-6. The proposed revision clarified that under OC-n CDN Access Linear Unprotected service, TCC would provide fibre-based OC-3 and OC-12 access without access protection or interface redundancy and that no protection upgrade was available. TCC also proposed to include in the service description the number of optical ports and number of fibre strands associated with the service.
3. The Commission granted interim approval to Tariff Notice 169 in Telecom Order CRTC 2005-124, 4 April 2005.
4. Comments were received from Rogers Wireless Inc. (RWI) on 13 April 2005. Reply comments were received from TCC on 29 April 2005.

Positions of parties

5. RWI submitted that TCC provided an optional protection service with its Digital Network Access (DNA) OC-3 and OC-12 Access service, but that a comparable service was not available under the CDN Access service tariffs. RWI requested that TCC make available,

¹ Effective 1 March 2006, TELUS Communications Inc. assigned and transferred all of its assets and liabilities, including all of its service contracts, to TELUS Communications Company.

as an optional service, a protection service to be provided in association with TCC's OC-3 and OC-12 fibre-based CDN Access services. In further support of its request, RWI submitted that in the retail National Services Tariff, for Bell Canada only, protection was available at the retail monthly rate of \$150.00 per DNA OC-3 and OC-12 Access service.

6. TCC argued that in paragraphs 380 and 381 of Decision 2005-6, the Commission directed the ILECs to provide additional protection or improvement of restoration time guarantees that they intended to provide, but did not require that a protection service be made available to competitors for fibre-based OC-3 and OC-12 CDN Access services.
7. TCC submitted that it had complied with the Commission's direction to provide the information sought in paragraphs 380 and 381 of Decision 2005-6. TCC submitted that RWI's request was unfounded and should be denied.

Commission's analysis and determinations

8. The Commission notes that in paragraphs 380 and 381 of Decision 2005-6, it requested that the ILECs provide certain information with regard to their fibre-based OC-3 and OC-12 CDN Access services. The Commission further notes that in response to these directives, TCC indicated that it does not intend to provide protection service for its fibre-based CDN Access services.
9. With respect to RWI's understanding that Bell Canada was providing service protection for its DNA OC-3 and OC-12 Access service at a monthly rate of \$150.00 per access, the Commission has reviewed Bell Canada's tariff pages. The Commission notes that National Services Tariff, item 301.3, Digital Network Access (DNA), Section (e) 2, Note 2, states that protection service associated with the DNA OC-3 and OC-12 Access services provides duplicate connections on the customer premises between Bell Canada's equipment and the end-customer's equipment for a monthly rate of \$150.00 per access.
10. The Commission is of the view that a protection service for a fibre-based OC-3 and OC-12 CDN Access service would involve the provision of additional facilities between the CO and Bell Canada's equipment at the CP. The Commission considers this type of protection to be very different from the protection available under National Services Tariff, item 301.3, Digital Network Access (DNA), Section (e) 2.
11. The Commission is of the view that TCC has complied with the Commission's directives in paragraphs 380 and 381 of Decision 2005-6 and that the explanations provided by TCC in this case are reasonable.
12. In light of the above, the Commission **approves on a final basis** the application by TCC.

Secretary General

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