



## Telecom Order CRTC 2006-126

Ottawa, 30 May 2006

### **Bell Canada – Interconnection agreement between BCE Nexxia Inc. and Northern Telephone Limited**

Reference: 8340-B23-200303769

#### **Introduction**

1. On 17 March 2003, Bell Canada filed an application with the Commission for approval of an agreement between BCE Nexxia Inc. (Nexxia) and Northern Telephone Limited (NTL) (the Agreement), pursuant to section 29 of the *Telecommunications Act* (the Act).
2. The Agreement provides for the interconnection of Nexxia's and NTL's networks to enable Nexxia and NTL to deliver broadband services through the provision of Asynchronous Transfer Mode (ATM) terminating services, using each other's networks on a reciprocal basis. Included in the Agreement is Nexxia's provision of forborne Frame Relay terminating services to NTL.
3. The Commission notes that Bell Canada filed the entire agreement in confidence and did not provide an abridged version of the document for public record.
4. On 2 February 2006, Bell Canada filed a letter noting that on 1 April 2003, Nexxia was fully amalgamated into Bell Canada and that, as a result, Bell Canada assumed Nexxia's rights and obligations for the Agreement.
5. On 7 March 2006, NorthernTel Limited Partnership (NorthernTel) submitted a letter noting that the Commission, in *NorthernTel Limited Partnership – Corporate name change*, Telecom Order CRTC 2003-73, 13 February 2003, approved the change of name of the company from Northern Telephone Limited to NorthernTel Limited Partnership. NorthernTel submitted that the corporate name change did not relieve the company of its rights and obligations under the Agreement with Nexxia.
6. The Commission received no comments with respect to this application.

#### **Regulatory framework**

7. Subsection 25(1) of the Act reads as follows:

No Canadian carrier shall provide a telecommunications service except in accordance with a tariff filed with and approved by the Commission that specifies the rate or the maximum or minimum rate, or both, to be charged for the service.

8. Section 29 of the Act provides that:

No Canadian carrier shall, without the prior approval of the Commission, give effect to any agreement or arrangement, whether oral or written, with another telecommunications common carrier respecting

(a) the interchange of telecommunications by means of their telecommunications facilities;

(b) the management or operation of either or both of their facilities or any other facilities with which either or both are connected; or

(c) the apportionment of rates or revenues between the carriers.

**Commission's analysis and determination**

9. The Commission notes that under this Agreement, Bell Canada and NorthernTel are providing ATM termination services to each other for the delivery of broadband services and that Bell Canada is providing Frame Relay terminating services to NorthernTel. In the Commission's view, this Agreement clearly involves the interchange of telecommunications by means of interconnecting telecommunications facilities, as well as the joint management and operation of facilities.
10. Accordingly, the Commission considers that the Agreement falls within the scope of section 29 of the Act because its essence is the interconnection of two carrier networks rather than the provision of discrete telecommunications services, which are subject to tariff under section 25 of the Act.
11. The Commission **approves** Bell Canada's interconnection agreement with NorthernTel and directs that where the Agreement makes reference to a tariffed service, the current tariff rates are to be applied.

Secretary General

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