



## **Telecom Order CRTC 2006-255**

Ottawa, 2 October 2006

### **Bell Aliant Regional Communications, Limited Partnership**

Reference: Tariff Notices 24 and 24A

#### **Gateway Access Service**

##### **The application**

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) dated 26 July 2006, as amended on 6 September 2006, which proposed to revise General Tariff item 5410, Gateway Access Service (GAS), to upgrade a number of the transmission speeds without rate changes. Bell Aliant's GAS is a broadband access service based on asymmetric digital subscriber line (ADSL) technology that enables competitors to establish a high-speed dedicated channel between an end-user's premises and a Bell Aliant wire centre.
2. Bell Aliant proposed that new generic names, GAS Access Lite – Residence, GAS Access Lite – Business, GAS Access Basic – Residence, and GAS Access Basic – Business, be used for the access services and that references to the transmission speeds associated with these access services be removed from its tariff. Transmission speeds would be upgraded from 3 megabits per second (Mbps) to 5 Mbps for GAS Access Basic – Residence service, from 256 kilobits per second (Kbps) to 512 Kbps for GAS Access Lite – Business service, and from 3 Mbps to 6 Mbps for GAS Access Basic – Business service. No transmission speed upgrade was proposed for the 256 Kbps GAS Access Lite – Residence service.

##### **Process**

3. The Commission received comments from MTS Allstream Inc. (MTS Allstream) dated 25 August 2006 and reply comments from Bell Aliant dated 5 September 2006.

##### **Positions of parties**

4. MTS Allstream requested that:
  - the download speeds of Bell Aliant's GAS continue to be published in its tariff to provide assurance of the transmission speeds available;
  - Bell Aliant provide the time frames and roll-out schedules for the line speed upgrades contemplated in its application;
  - the proposed rates for the Bell Aliant service include mark-ups of no more than 15 percent; and
  - all rate differentials for business/residence customers, transmission speed, length of contract term, and the number of ADSL accesses be eliminated in favour of a single rate for the service.

*Bell Aliant's reply*

5. Bell Aliant submitted that eliminating the transmission speed references in its tariff would allow it to quickly make changes to speeds in the future without requiring changes to its GAS tariff. The company noted that in *Bell Canada – KeyPak*, Telecom Order CRTC 2004-75, 11 March 2004, the Commission had approved a similar approach for KeyPak, a retail service.
6. With respect to the service upgrade implementation dates, Bell Aliant submitted that it had already informed its customers in writing that the speed upgrades would be complete by 31 October 2006. The company indicated that its standard practice was to advise its customers when changes to transmission speed and price could be expected. Bell Aliant suggested that its customers should contact the company should they have specific questions about how the upgrades affected them. The company noted that it provided a weekly report to Internet service providers advising them when digital subscriber line access multiplexer equipment was being provisioned in new areas to offer ADSL services, and that it made its ADSL access services available to both retail and wholesale customers when the equipment was turned up for service.
7. With respect to the request to establish a single rate for the GAS service with a mark-up of 15 percent above the costs, Bell Aliant submitted that these requests were beyond the scope of its application and that these aspects of its tariff had already been addressed when Bell Canada received final approval in *Bell Canada – Gateway Access Service and High Speed Access Service*, Telecom Order CRTC 2005-62, 17 February 2005.

**Commission's analysis and determinations**

8. The Commission notes that MTS Allstream has requested that the Commission set a single rate for Bell Aliant's GAS service with a mark-up of 15 percent above the costs. The Commission concludes that these issues will not be dealt with in this interim order, but rather in the final disposition of this application.

*Publication of speeds for GAS access services*

9. The Commission notes that the existing GAS tariff specifies the maximum downstream and upstream transmission speeds available under GAS. The Commission considers that such information regarding the transmission speeds available for GAS service is important to competitors, who rely upon the availability of the advertised speeds to ensure that the GAS service meets their requirements. The Commission also considers that, given the sensitivity of competitors' business plans to speed availability, the tariff publication of such data with respect to competitor services is more critical than it is with respect to retail services such as KeyPak.
10. The Commission further considers that approval of the tariff as proposed by Bell Aliant will offer no recourse pursuant to the company's tariffs, should service complaints arise if Bell Aliant does not deliver the proposed speeds.
11. In light of the above, the Commission considers that Bell Aliant should be required to publish in its tariff the maximum transmission speeds available for each of the GAS access services available as part of its GAS tariff.

*Timing of service upgrades*

12. The Commission notes that Bell Aliant has indicated that it will complete all the service upgrades by 31 October 2006, and that it has in place processes to advise customers of upcoming changes to services. Accordingly, the Commission considers that Bell Aliant has adequately addressed the concerns of MTS Allstream with respect to the timing of service upgrades.

**Conclusions**

13. In light of the foregoing, the Commission **approves on an interim basis**, with the changes noted below, Bell Aliant's proposed tariff revisions effective the date of this Order.
14. The Commission directs Bell Aliant to issue tariff pages, within 10 days of the date of this Order, modified to include the maximum downstream and upstream transmission speeds associated with each of the GAS access services available as part of its GAS tariff.

Secretary General

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