



## Telecom Decision CRTC 2007-57

Ottawa, 25 July 2007

### **Forbearance from the regulation of high capacity/digital data services interexchange private line services on certain additional routes**

Reference: 8638-S1-01/98

*In this Decision, the Commission forbears, with some conditions, from regulating high capacity/digital data services interexchange private line services on the additional routes on which the competitors of several incumbent local exchange carriers now offer or provide such services at DS-3 or greater bandwidth.*

1. In Telecom Order 99-434, the Commission directed the competitors of several incumbent local exchange carriers (ILECs) that provided telecommunications services to file a semi-annual report, on 1 April and 1 October of each year. In the report, the competitors were to identify the interexchange private line (IXPL) routes on which they provided or offered to provide high capacity/digital data services IXPL services (IXPL services) to at least one customer, at the equivalent of DS-3 or greater bandwidth, using terrestrial facilities from a company other than the ILEC or an affiliate of the ILEC. The Commission stated that, upon being satisfied that one or more competitors met this criterion, it would proceed to forbear from the regulation of IXPL services on those particular routes without further process, given that the evidence on which the forbearance determination would be made stemmed from the competitors.
2. The Commission received April 2007 filings from the following competitors: Axia SuperNet Ltd.; Bell Canada on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) and NorthernTel, Limited Partnership (collectively, Bell Canada et al.); Bragg Communications Inc. carrying on business as EastLink; Greater Sudbury Telecommunications Inc.; Hydro One Telecom Inc.; Manitoba Hydro; MTS Allstream Inc. (MTS Allstream); Ontera; Rogers Cable Communications Inc.; Saskatchewan Telecommunications (SaskTel); SCBN Telecommunications Inc.; Shaw Cable Systems G.P.; TELUS Communications Company (TCC); and Quebecor Média inc. for Vidéotron Itée.

### **Background**

3. The Commission established a framework for considering whether to forbear from regulation in Telecom Decision 94-19.
4. In Telecom Decision 97-20, pursuant to section 34 of the *Telecommunications Act* (the Act) and in accordance with the framework set out in Telecom Decision 94-19, the Commission forbore in large part from the regulation of the IXPL services provided by the former Stentor-member companies on certain routes.

5. With respect to the scope of forbearance, in Telecom Decision 97-20 the Commission forbore from the exercise of its powers and the performance of its duties under sections 25 and 31, and subsections 27(1), 27(2), 27(4), 27(5), and 27(6) of the Act. In that Telecom Decision, the Commission found it appropriate to impose conditions pursuant to section 24 of the Act with respect to the protection of customer confidential information, as the ILECs' Terms of Service, which protect customer confidentiality in relation to regulated services, did not apply to forborne services. In addition, the Commission retained its powers pursuant to section 24 of the Act to impose future conditions on the forborne services provided by the ILECs, where circumstances warrant.
6. In Telecom Order 99-905, the Commission extended the IXPL forbearance process of Telecom Order 99-434 to Québec-Téléphone, now part of TCC, and Télébec ltée, now Télébec, Limited Partnership. In Telecom Order 99-905, the Commission also determined that the scope of forbearance would be the same as in Telecom Decision 97-20.
7. Subsequent to Telecom Decision 97-20, the Commission forbore from section 29 of the Act in relation to forborne IXPL services provided by TCC in Telecom Decision 2003-77, and in relation to forborne IXPL services provided by Bell Canada, Aliant Telecom Inc. (now part of Bell Aliant), MTS Allstream, and SaskTel in Telecom Decision 2004-80.

### **Commission's analysis and determinations**

8. The Commission has reviewed the competitors' reports filed pursuant to Telecom Order 99-434.
9. Pursuant to subsection 34(1) of the Act, the Commission finds, as a question of fact, that to refrain from the exercise of its powers and the performance of its duties to the extent set out in this Telecom Decision with respect to the regulation of the IXPL services on the routes listed in the Appendix is consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
10. Pursuant to subsection 34(2) of the Act, the Commission also finds, as a question of fact, that the IXPL services on the routes listed in the Appendix are subject to a level of competition sufficient to protect the interests of users and that, to the extent set out in this Telecom Decision, it is appropriate to refrain from regulating the IXPL services provided on these routes.
11. Pursuant to subsection 34(3) of the Act, the Commission finds, as a question of fact, that refraining from regulating the IXPL services on the routes listed in the Appendix, to the extent set out in this Telecom Decision, is unlikely to unduly impair the continuance of a competitive market for these services.
12. In light of the above and pursuant to subsection 34(4) of the Act, the Commission declares that the following sections of the Act, with some exceptions, do not apply to the affected ILECs' IXPL services on the routes identified in the Appendix:

- section 24, except that the Commission directs the ILECs, whose territories include one or more of the IXPL routes listed in the Appendix (the affected ILECs), to incorporate where appropriate, on a going-forward basis, the existing conditions regarding the disclosure of confidential customer information to third parties into all contracts and any other arrangements for the provision of the IXPL services forborne from regulation in this Decision. The Commission considers that it is also appropriate to retain sufficient powers under section 24 of the Act to specify possible future conditions upon the forborne services provided by the affected ILECs, where circumstances so warrant;
- section 25;
- section 27, except with respect to subsection 27(3) of the Act in relation to compliance with powers and duties not forborne from exercising in this Decision;
- section 29; and
- section 31.

#### **Tariff filings**

13. The Commission directs the affected ILECs to issue, within 45 days, tariff pages removing the tariffs for the IXPL services on the routes identified in the Appendix, effective on the date of issuance of the tariff pages.

Secretary General

#### **Related documents**

- *Follow-up Proceeding to Telecom Decision CRTC 97-20: Establishment of criterion and process for considering further forbearance for High Capacity/DDS interexchange private line services*, Telecom Order CRTC 99-434, 12 May 1999
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994
- *Stentor Resource Centre Inc. – Forbearance from regulation of interexchange private line services*, Telecom Decision CRTC 97-20, 18 December 1997

- Telecom Order CRTC 99-905, 17 September 1999
- *TELUS' application for forbearance from section 29 of the Telecommunications Act with respect to forborne interexchange private line and long distance services*, Telecom Decision CRTC 2003-77, 19 November 2003
- *Aliant Telecom, Bell Canada, MTS Allstream and SaskTel – Forbearance from section 29 of the Act for agreements related to forborne domestic toll services and forborne interexchange private line services*, Telecom Decision CRTC 2004-80, 9 December 2004

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

*New IXPL routes that qualify for forbearance based on the April 2007 reports from competitors pursuant to Telecom Order 99-434*

	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
1	Bell Aliant	Alma QC	Chicoutimi QC	Bell Aliant
2	Bell Aliant	Saint-Félicien QC	Sainte-Marie-de-Beauce QC	TCC
3	Bell Canada	Chatham ON	Sarnia ON	Bell Canada
4	Bell Canada	Granby QC	Sainte-Marie-de-Beauce QC	TCC
5	Bell Canada	Sarnia ON	Windsor ON	Bell Canada
6	Bell Canada	Sorel QC	Ste-Marie-de-Beauce QC	TCC
7	Bell Canada	Toronto ON	Ajax-Pickering ON	Bell Canada
8	MTS Allstream	Arborg MB	Eriksdale MB	MTS Allstream
9	MTS Allstream	Arborg MB	Winnipeg MB	MTS Allstream
10	MTS Allstream	Ashern MB	Dauphin MB	MTS Allstream
11	MTS Allstream	Ashern MB	Eriksdale MB	MTS Allstream
12	MTS Allstream	Ashern MB	Grand Rapids MB	MTS Allstream
13	MTS Allstream	Brandon MB	Minnedosa MB	MTS Allstream
14	MTS Allstream	Brandon MB	Selkirk MB	MTS Allstream
15	MTS Allstream	Carberry MB	Portage la Prairie MB	MTS Allstream
16	MTS Allstream	Gillam MB	Split Lake MB	MTS Allstream
17	MTS Allstream	Gillam MB	Thompson MB	MTS Allstream
18	MTS Allstream	Grand Rapids MB	Thompson MB	MTS Allstream
19	MTS Allstream	Lac du Bonnet MB	Winnipeg MB	MTS Allstream
20	MTS Allstream	Letellier MB	Swan Lake MB	MTS Allstream
21	MTS Allstream	Letellier MB	Winnipeg MB	MTS Allstream
22	MTS Allstream	Minnedosa MB	Neepawa MB	MTS Allstream

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
23	MTS Allstream	Pine Falls MB	Winnipeg MB	MTS Allstream
24	MTS Allstream	Portage la Prairie MB	Winnipeg MB	MTS Allstream
25	MTS Allstream	Split Lake MB	Thompson MB	MTS Allstream
26	MTS Allstream	Ste. Anne MB	Winnipeg MB	MTS Allstream
27	MTS Allstream	Steinbach MB	Winnipeg MB	MTS Allstream
28	TCC	Abbotsford BC	Squamish BC	TCC
29	TCC	Abbotsford BC	Whistler BC	TCC
30	TCC	Airdrie AB	Squamish BC	TCC
31	TCC	Airdrie AB	Whistler BC	TCC
32	TCC	Baie-Comeau QC	Squamish BC	TCC
33	TCC	Baie-Comeau QC	Whistler BC	TCC
34	TCC	Bonaventure QC	Squamish BC	TCC
35	TCC	Bonaventure QC	Whistler BC	TCC
36	TCC	Bonnyville AB	Squamish BC	TCC
37	TCC	Bonnyville AB	Whistler BC	TCC
38	TCC	Brooks AB	Squamish BC	TCC
39	TCC	Brooks AB	Whistler BC	TCC
40	TCC	Calgary AB	Squamish BC	TCC
41	TCC	Calgary AB	Whistler BC	TCC
42	TCC	Camrose AB	Squamish BC	TCC
43	TCC	Camrose AB	Whistler BC	TCC
44	TCC	Chilliwack BC	Squamish BC	TCC

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	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
45	TCC	Chilliwack BC	Whistler BC	TCC
46	TCC	Cold Lake AB	Squamish BC	TCC
47	TCC	Cold Lake AB	Whistler BC	TCC
48	TCC	Courtenay BC	Squamish BC	TCC
49	TCC	Courtenay BC	Whistler BC	TCC
50	TCC	Donnacona QC	Squamish BC	TCC
51	TCC	Donnacona QC	Whistler BC	TCC
52	TCC	Drumheller AB	Squamish BC	TCC
53	TCC	Drumheller AB	Whistler BC	TCC
54	TCC	Duncan BC	Squamish BC	TCC
55	TCC	Duncan BC	Whistler BC	TCC
56	TCC	Edmonton AB	Squamish BC	TCC
57	TCC	Edmonton AB	Whistler BC	TCC
58	TCC	Fort McMurray AB	Squamish BC	TCC
59	TCC	Fort McMurray AB	Whistler BC	TCC
60	TCC	Fort St. John BC	Squamish BC	TCC
61	TCC	Fort St. John BC	Whistler BC	TCC
62	TCC	Gaspé QC	Squamish BC	TCC
63	TCC	Gaspé QC	Whistler BC	TCC
64	TCC	Grande Prairie AB	Squamish BC	TCC
65	TCC	Grande Prairie AB	Whistler BC	TCC
66	TCC	Hauterive QC	Squamish BC	TCC

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	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
67	TCC	Hauterive QC	Whistler BC	TCC
68	TCC	High River AB	Squamish BC	TCC
69	TCC	High River AB	Whistler BC	TCC
70	TCC	Kamloops BC	Squamish BC	TCC
71	TCC	Kamloops BC	Whistler BC	TCC
72	TCC	Kelowna BC	Squamish BC	TCC
73	TCC	Kelowna BC	Whistler BC	TCC
74	TCC	Lacombe AB	Squamish BC	TCC
75	TCC	Lacombe AB	Whistler BC	TCC
76	TCC	Leduc AB	Squamish BC	TCC
77	TCC	Leduc AB	Whistler BC	TCC
78	TCC	Lethbridge AB	Squamish BC	TCC
79	TCC	Lethbridge AB	Whistler BC	TCC
80	TCC	Lloydminster AB	Squamish BC	TCC
81	TCC	Lloydminster AB	Whistler BC	TCC
82	TCC	Matane QC	Squamish BC	TCC
83	TCC	Matane QC	Whistler BC	TCC
84	TCC	Medicine Hat AB	Squamish BC	TCC
85	TCC	Medicine Hat AB	Whistler BC	TCC
86	TCC	Montmagny QC	Squamish BC	TCC
87	TCC	Montmagny QC	Whistler BC	TCC
88	TCC	Morinville AB	St. Albert AB	TCC



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	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
89	TCC	Nanaimo BC	Squamish BC	TCC
90	TCC	Nanaimo BC	Whistler BC	TCC
91	TCC	New Westminster BC	Squamish BC	TCC
92	TCC	New Westminster BC	Whistler BC	TCC
93	TCC	Newton BC	Squamish BC	TCC
94	TCC	Newton BC	Whistler BC	TCC
95	TCC	Parksville BC	Squamish BC	TCC
96	TCC	Parksville BC	Whistler BC	TCC
97	TCC	Penticton BC	Squamish BC	TCC
98	TCC	Penticton BC	Whistler BC	TCC
99	TCC	Prince George BC	Squamish BC	TCC
100	TCC	Prince George BC	Whistler BC	TCC
101	TCC	Red Deer AB	Squamish BC	TCC
102	TCC	Red Deer AB	Whistler BC	TCC
103	TCC	Richmond BC	Squamish BC	TCC
104	TCC	Richmond BC	Whistler BC	TCC
105	TCC	Rimouski QC	Squamish BC	TCC
106	TCC	Rimouski QC	Whistler BC	TCC
107	TCC	Saanich BC	Squamish BC	TCC
108	TCC	Saanich BC	Whistler BC	TCC
109	TCC	Sept-Îles QC	Squamish BC	TCC
110	TCC	Sept-Îles QC	Whistler BC	TCC

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	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
111	TCC	Sherwood Park AB	Squamish BC	TCC
112	TCC	Sherwood Park AB	Whistler BC	TCC
113	TCC	Sooke BC	Squamish BC	TCC
114	TCC	Sooke BC	Whistler BC	TCC
115	TCC	Spruce Grove AB	Squamish BC	TCC
116	TCC	Spruce Grove AB	Whistler BC	TCC
117	TCC	Squamish BC	St. Albert AB	TCC
118	TCC	Squamish BC	St-Augustin-de-Desmaures QC	TCC
119	TCC	Squamish BC	Sainte-Marie-de-Beauce	TCC
120	TCC	Squamish BC	Saint-Georges-de-Beauce QC	TCC
121	TCC	Squamish BC	Saint-Henri-de-Lévis QC	TCC
122	TCC	Squamish BC	Stony Plain AB	TCC
123	TCC	Squamish BC	Strathmore AB	TCC
124	TCC	Squamish BC	Vancouver BC	TCC
125	TCC	Squamish BC	Vegreville AB	TCC
126	TCC	Squamish BC	Vermilion AB	TCC
127	TCC	Squamish BC	Vernon BC	TCC
128	TCC	Squamish BC	Victoria BC	TCC
129	TCC	Squamish BC	Wetaskiwin AB	TCC
130	TCC	Squamish BC	Whistler BC	TCC
131	TCC	Squamish BC	Whitecourt AB	TCC
132	TCC	St. Albert AB	Whistler BC	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
133	TCC	Saint-Augustin-de-Desmaures QC	Whistler BC	TCC
134	TCC	Sainte-Marie-de-Beauce QC	Whistler BC	TCC
135	TCC	Saint-Georges-de-Beauce QC	Whistler BC	TCC
136	TCC	Saint-Henri-de-Lévis QC	Whistler BC	TCC
137	TCC	Stony Plain AB	Whistler BC	TCC
138	TCC	Strathmore AB	Whistler BC	TCC
139	TCC	Vegreville AB	Whistler BC	TCC
140	TCC	Vermilion AB	Whistler BC	TCC
141	TCC	Vernon BC	Whistler BC	TCC
142	TCC	Victoria BC	Whistler BC	TCC
143	TCC	Wetaskiwin BC	Whistler BC	TCC
144	TCC	Whistler BC	Whitecourt AB	TCC