



## Telecom Decision CRTC 2008-111

Ottawa, 26 November 2008

### **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 216 additional routes.*

#### **Introduction**

1. In Telecom Order 99-434, the Commission directed the competitors of several incumbent local exchange carriers (ILECs) to file a semi-annual report identifying the interexchange private line (IXPL) routes on which they provided or offered 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.<sup>1</sup>
2. 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. The reports are due on 1 April and 1 October of each year.
3. The Commission received October 2008 filings from the following competitors: Atria Networks LP; Axia SuperNet Ltd.; Bell Canada on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), and NorthernTel, Limited Partnership; Bragg Communications Inc. on behalf of EastLink, Persona Communications Corp., Delta Cable, and Amtelecom Telco GP Inc.; Greater Sudbury Telecommunications Inc. operating as Agilis Networks; Hydro One Telecom Inc.; Kenora Municipal Telephone System; Manitoba Hydro; MTS Allstream Inc. (MTS Allstream); O.N.Tel Inc. carrying on business as Ontera; Rogers Communications Inc.; Saskatchewan Telecommunications (SaskTel); Shaw Business Solutions Inc.; TELUS Communications Company (TCC); and Videotron Ltd.

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

4. The Commission established a framework for considering whether to forbear from regulation in Telecom Decision 94-19.
5. 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 regulating the IXPL services provided by the former Stentor-member companies on certain routes. The Commission expanded the scope of forbearance for forborne IXPL services provided by TCC in Telecom Decision 2003-77 and

<sup>1</sup> In Telecom Order 99-905, the Commission extended the IXPL forbearance process of Telecom Order 99-434 to Québec-Téléphone, now part of TELUS Communications Company, and to Télébec ltée, now Télébec, Limited Partnership.

for those provided by Bell Canada, Aliant Telecom Inc. (now part of Bell Aliant), MTS Allstream, and SaskTel in Telecom Decision 2004-80.

6. The Commission has reviewed the competitors' reports filed pursuant to Telecom Order 99-434 and finds that one or more competitors met the above-noted forbearance criterion for 216 additional routes, which are in territories served by Bell Aliant, Bell Canada, MTS Allstream, and/or TCC. The Commission notes that these additional routes are listed in the Appendix.
7. 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 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.
8. 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 Decision, it is appropriate to refrain from regulating the IXPL services provided on these routes.
9. 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 Decision, is unlikely to unduly impair the continuance of a competitive market for these services.
10. 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 as noted, 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 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 in this Decision;
  - section 29; and
  - section 31.

11. 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**

- *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
- *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
- Telecom Order CRTC 99-905, 17 September 1999
- *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
- *Stentor Resource Centre Inc. – Forbearance from regulation of interexchange private line services*, Telecom Decision CRTC 97-20, 18 December 1997
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994

*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>*

*Additional IXPL routes that qualify for forbearance  
based on the October 2008 reports from competitors, pursuant to Telecom Order 99-434*

	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
1	Bell Aliant	Freshwater NL	Halifax NS	Bell Aliant
2	Bell Aliant	La Pocatière QC	Toronto ON	Bell Canada
3	Bell Aliant	Ajax/Pickering ON	Oshawa ON	Bell Canada
4	Bell Canada	Chelsea QC	Toronto ON	Bell Canada
5	Bell Canada	Clarkson ON	Kitchener ON	Bell Canada
6	Bell Canada	Clarkson ON	Montreal QC	Bell Canada
7	Bell Canada	Cornwall ON	Ottawa ON	Bell Canada
8	Bell Canada	Georgetown ON	Toronto ON	Bell Canada
9	Bell Canada	Kanata ON	Kingston ON	Bell Canada
10	Bell Canada	North Bay ON	Peterborough ON	Bell Canada
11	Bell Canada	Orillia ON	Peterborough ON	Bell Canada
12	Bell Canada	Parry Sound ON	Sudbury ON	Bell Canada
13	Bell Canada	Peterborough ON	Sudbury ON	Bell Canada
14	Bell Canada	Thornhill ON	Toronto ON	Bell Canada
15	MTS Allstream	Brandon AB	Winnipeg AB	MTS Allstream
16	MTS Allstream	Gillam AB	Winnipeg AB	MTS Allstream
17	MTS Allstream	Winkler AB	Winnipeg AB	MTS Allstream
18	TCC	Abbotsford BC	Canmore AB	TCC
19	TCC	Abbotsford BC	Quesnel BC	TCC
20	TCC	Abbotsford BC	Williams Lake BC	TCC
21	TCC	Airdrie AB	Canmore AB	TCC
22	TCC	Airdrie AB	Quesnel BC	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
23	TCC	Airdrie AB	Williams Lake BC	TCC
24	TCC	Baie-Comeau QC	Canmore AB	TCC
25	TCC	Baie-Comeau QC	Quesnel BC	TCC
26	TCC	Baie-Comeau QC	Williams Lake BC	TCC
27	TCC	Beaver Lodge AB	Edmonton AB	TCC
28	TCC	Bonaventure QC	Canmore AB	TCC
29	TCC	Bonaventure QC	Quesnel BC	TCC
30	TCC	Bonaventure QC	Williams Lake BC	TCC
31	TCC	Bonnyville AB	Canmore AB	TCC
32	TCC	Bonnyville AB	Quesnel BC	TCC
33	TCC	Bonnyville AB	Williams Lake BC	TCC
34	TCC	Brooks AB	Canmore AB	TCC
35	TCC	Brooks AB	Quesnel BC	TCC
36	TCC	Brooks AB	Williams Lake BC	TCC
37	TCC	Calgary AB	Calmar AB	TCC
38	TCC	Calgary AB	Canmore AB	TCC
39	TCC	Calgary AB	Quesnel BC	TCC
40	TCC	Calgary AB	Williams Lake BC	TCC
41	TCC	Camrose AB	Canmore AB	TCC
42	TCC	Camrose AB	Quesnel BC	TCC
43	TCC	Camrose AB	Williams Lake BC	TCC
44	TCC	Canmore AB	Quesnel BC	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
45	TCC	Canmore AB	Williams Lake BC	TCC
46	TCC	Chilliwack BC	Canmore AB	TCC
47	TCC	Chilliwack BC	Quesnel BC	TCC
48	TCC	Chilliwack BC	Williams Lake BC	TCC
49	TCC	Cold Lake AB	Canmore AB	TCC
50	TCC	Cold Lake AB	Quesnel BC	TCC
51	TCC	Cold Lake AB	Williams Lake BC	TCC
52	TCC	Courtenay BC	Canmore AB	TCC
53	TCC	Courtenay BC	Quesnel BC	TCC
54	TCC	Courtenay BC	Williams Lake BC	TCC
55	TCC	Donnacona QC	Canmore AB	TCC
56	TCC	Donnacona QC	Quesnel BC	TCC
57	TCC	Donnacona QC	Williams Lake BC	TCC
58	TCC	Drumheller AB	Canmore AB	TCC
59	TCC	Drumheller AB	Quesnel BC	TCC
60	TCC	Drumheller AB	Williams Lake BC	TCC
61	TCC	Duncan BC	Canmore AB	TCC
62	TCC	Duncan BC	Quesnel BC	TCC
63	TCC	Duncan BC	Williams Lake BC	TCC
64	TCC	Edmonton AB	Canmore AB	TCC
65	TCC	Edmonton AB	Quesnel BC	TCC
66	TCC	Edmonton AB	St. Paul AB	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
67	TCC	Edmonton AB	Williams Lake BC	TCC
68	TCC	Fort St. John BC	Canmore AB	TCC
69	TCC	Fort St. John BC	Quesnel BC	TCC
70	TCC	Fort St. John BC	Williams Lake BC	TCC
71	TCC	Fort McMurray AB	Canmore AB	TCC
72	TCC	Fort McMurray AB	Quesnel BC	TCC
73	TCC	Fort McMurray AB	Williams Lake BC	TCC
74	TCC	Gaspé QC	Canmore AB	TCC
75	TCC	Gaspé QC	Quesnel BC	TCC
76	TCC	Gaspé QC	Williams Lake BC	TCC
77	TCC	Grande Prairie AB	Canmore AB	TCC
78	TCC	Grande Prairie AB	Quesnel BC	TCC
79	TCC	Grande Prairie AB	Sexsmith AB	TCC
80	TCC	Grande Prairie AB	Williams Lake BC	TCC
81	TCC	Hauterive QC	Canmore AB	TCC
82	TCC	Hauterive QC	Quesnel BC	TCC
83	TCC	Hauterive QC	Williams Lake BC	TCC
84	TCC	High River AB	Canmore AB	TCC
85	TCC	High River AB	Quesnel BC	TCC
86	TCC	High River AB	Williams Lake BC	TCC
87	TCC	Kamloops BC	Canmore AB	TCC
88	TCC	Kamloops BC	Quesnel BC	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
89	TCC	Kamloops BC	Williams Lake BC	TCC
90	TCC	Kelowna BC	Canmore AB	TCC
91	TCC	Kelowna BC	Quesnel BC	TCC
92	TCC	Kelowna BC	Williams Lake BC	TCC
93	TCC	Lacombe AB	Canmore AB	TCC
94	TCC	Lacombe AB	Quesnel BC	TCC
95	TCC	Lacombe AB	Williams Lake BC	TCC
96	TCC	Leduc AB	Canmore AB	TCC
97	TCC	Leduc AB	Quesnel BC	TCC
98	TCC	Leduc AB	Williams Lake BC	TCC
99	TCC	Lethbridge AB	Canmore AB	TCC
100	TCC	Lethbridge AB	Quesnel BC	TCC
101	TCC	Lethbridge AB	Williams Lake BC	TCC
102	TCC	Lloydminster AB	Canmore AB	TCC
103	TCC	Lloydminster AB	Quesnel BC	TCC
104	TCC	Lloydminster AB	Williams Lake BC	TCC
105	TCC	Matane QC	Canmore AB	TCC
106	TCC	Matane QC	Quesnel BC	TCC
107	TCC	Matane QC	Williams Lake BC	TCC
108	TCC	Medicine Hat AB	Canmore AB	TCC
109	TCC	Medicine Hat AB	Quesnel BC	TCC
110	TCC	Medicine Hat AB	Williams Lake BC	TCC



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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
111	TCC	Montmagny QC	Canmore AB	TCC
112	TCC	Montmagny QC	Quesnel BC	TCC
113	TCC	Montmagny QC	Williams Lake BC	TCC
114	TCC	Nanaimo BC	Canmore AB	TCC
115	TCC	Nanaimo BC	Quesnel BC	TCC
116	TCC	Nanaimo BC	Williams Lake BC	TCC
117	TCC	New Westminster BC	Canmore AB	TCC
118	TCC	New Westminster BC	Quesnel BC	TCC
119	TCC	New Westminster BC	Williams Lake BC	TCC
120	TCC	Newton BC	Canmore AB	TCC
121	TCC	Newton BC	Quesnel BC	TCC
122	TCC	Newton BC	Williams Lake BC	TCC
123	TCC	Parksville BC	Canmore AB	TCC
124	TCC	Parksville BC	Quesnel BC	TCC
125	TCC	Parksville BC	Williams Lake BC	TCC
126	TCC	Penticton BC	Canmore AB	TCC
127	TCC	Penticton BC	Quesnel BC	TCC
128	TCC	Penticton BC	Williams Lake BC	TCC
129	TCC	Prince George BC	Canmore AB	TCC
130	TCC	Prince George BC	Quesnel BC	TCC
131	TCC	Prince George BC	Williams Lake BC	TCC
132	TCC	Quesnel BC	Canmore AB	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
133	TCC	Quesnel BC	Williams Lake BC	TCC
134	TCC	Red Deer AB	Canmore AB	TCC
135	TCC	Red Deer AB	Quesnel BC	TCC
136	TCC	Red Deer AB	Williams Lake BC	TCC
137	TCC	Richmond BC	Canmore AB	TCC
138	TCC	Richmond BC	Quesnel BC	TCC
139	TCC	Richmond BC	Williams Lake BC	TCC
140	TCC	Rimouski QC	Canmore AB	TCC
141	TCC	Rimouski QC	Quesnel BC	TCC
142	TCC	Rimouski QC	Williams Lake BC	TCC
143	TCC	Saanich BC	Canmore AB	TCC
144	TCC	Saanich BC	Quesnel BC	TCC
145	TCC	Saanich BC	Williams Lake BC	TCC
146	TCC	Sept-Îles QC	Canmore AB	TCC
147	TCC	Sept-Îles QC	Quesnel BC	TCC
148	TCC	Sept-Îles QC	Williams Lake BC	TCC
149	TCC	Sherwood Park AB	Canmore AB	TCC
150	TCC	Sherwood Park AB	Quesnel BC	TCC
151	TCC	Sherwood Park AB	Williams Lake BC	TCC
152	TCC	Sooke BC	Canmore AB	TCC
153	TCC	Sooke BC	Quesnel BC	TCC
154	TCC	Sooke BC	Williams Lake 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>
155	TCC	Spruce Grove AB	Canmore AB	TCC
156	TCC	Spruce Grove AB	Quesnel BC	TCC
157	TCC	Spruce Grove AB	Williams Lake BC	TCC
158	TCC	Squamish BC	Canmore AB	TCC
159	TCC	Squamish BC	Quesnel BC	TCC
160	TCC	Squamish BC	Williams Lake BC	TCC
161	TCC	St. Albert AB	Canmore AB	TCC
162	TCC	St. Albert AB	Quesnel BC	TCC
163	TCC	St. Albert AB	Williams Lake BC	TCC
164	TCC	Saint-Augustin-de-Desmaures QC	Canmore AB	TCC
165	TCC	Saint-Augustin-de-Desmaures QC	Quesnel BC	TCC
166	TCC	Saint-Augustin-de-Desmaures QC	Williams Lake BC	TCC
167	TCC	Saint-Georges de Beauce QC	Canmore AB	TCC
168	TCC	Saint-Georges de Beauce QC	Quesnel BC	TCC
169	TCC	Saint-Georges de Beauce QC	Williams Lake BC	TCC
170	TCC	Saint-Henri-de-Lévis QC	Canmore AB	TCC
171	TCC	Saint-Henri-de-Lévis QC	Quesnel BC	TCC
172	TCC	Saint-Henri-de-Lévis QC	Williams Lake BC	TCC
173	TCC	Sainte-Anne-des-Monts QC	Canmore AB	TCC
174	TCC	Sainte-Anne-des-Monts QC	Quesnel BC	TCC
175	TCC	Sainte-Anne-des-Monts QC	Williams Lake BC	TCC
176	TCC	Sainte-Marie de Beauce QC	Canmore AB	TCC

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	<i>ILEC A</i>	<i>Exchange A</i>	<i>Exchange B</i>	<i>ILEC B</i>
177	TCC	Sainte-Marie de Beauce QC	Quesnel BC	TCC
178	TCC	Sainte-Marie de Beauce QC	Williams Lake BC	TCC
179	TCC	Stony Plain AB	Canmore AB	TCC
180	TCC	Stony Plain AB	Quesnel BC	TCC
181	TCC	Stony Plain AB	Williams Lake BC	TCC
182	TCC	Strathmore AB	Canmore AB	TCC
183	TCC	Strathmore AB	Quesnel BC	TCC
184	TCC	Strathmore AB	Williams Lake BC	TCC
185	TCC	Vancouver BC	Canmore AB	TCC
186	TCC	Vancouver BC	Quesnel BC	TCC
187	TCC	Vancouver BC	Williams Lake BC	TCC
188	TCC	Vegreville AB	Canmore AB	TCC
189	TCC	Vegreville AB	Quesnel BC	TCC
190	TCC	Vegreville AB	Williams Lake BC	TCC
191	TCC	Vermilion AB	Canmore AB	TCC
192	TCC	Vermilion AB	Quesnel BC	TCC
193	TCC	Vermilion AB	Williams Lake BC	TCC
194	TCC	Vernon BC	Canmore AB	TCC
195	TCC	Vernon BC	Quesnel BC	TCC
196	TCC	Vernon BC	Williams Lake BC	TCC
197	TCC	Victoria BC	Canmore AB	TCC
198	TCC	Victoria BC	Quesnel BC	TCC

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based on the October 2008 reports from competitors, pursuant to Telecom Order 99-434*

	<i><b>ILEC A</b></i>	<i><b>Exchange A</b></i>	<i><b>Exchange B</b></i>	<i><b>ILEC B</b></i>
199	TCC	Victoria BC	Williams Lake BC	TCC
200	TCC	Wetaskiwin AB	Canmore AB	TCC
201	TCC	Wetaskiwin AB	Quesnel BC	TCC
202	TCC	Wetaskiwin AB	Williams Lake BC	TCC
203	TCC	Whistler BC	Canmore AB	TCC
204	TCC	Whistler BC	Quesnel BC	TCC
205	TCC	Whistler BC	Williams Lake BC	TCC
206	TCC	Whitecourt AB	Canmore AB	TCC
207	TCC	Whitecourt AB	Quesnel BC	TCC
208	TCC	Whitecourt AB	Williams Lake BC	TCC
209	TCC	Williams Lake BC	Canmore AB	TCC
210	TCC	Williams Lake BC	Quesnel BC	TCC
211		Buffalo NY	Kanata-Stittsville ON	Bell Canada
212		Buffalo NY	Kitchener ON	Bell Canada
213		Buffalo NY	Montréal QC	Bell Canada
214		Buffalo NY	Ottawa ON	Bell Canada
215		Buffalo NY	Unionville ON	Bell Canada
216		Seattle WA	Victoria BC	TCC