



Telecom Public Notice CRTC 2008-15

Ottawa, 27 October 2008

Notice of consultation

Review of the regulatory requirements pertaining to the monitoring and reporting of certain data

Reference: 8663-C12-200814279

Introduction

1. In *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, P.C. 2006-1534, 14 December 2006 (the Policy Direction), the Governor in Council requires the Commission, among other things, to rely on market forces to the maximum extent feasible and when relying on regulation, use measures that interfere with market forces to the minimum extent necessary to meet the telecommunications policy objectives (the policy objectives) set out in section 7 of the *Telecommunications Act*. The Policy Direction also requires the Commission to ensure that non-economic measures are implemented, to the greatest extent possible, in a symmetrical and competitively neutral manner.
2. In Telecom Decision 2007-51, the Commission issued an action plan in which it indicated its intention to review existing regulatory measures in light of the Policy Direction. The action plan identified various obligations to track and report data as a matter to be reviewed.

Background

3. Through various decisions and orders, the Commission has directed telecommunications service providers (TSPs) to monitor and report either quarterly, semi-annually, or annually on certain matters. In the proceeding leading to Telecom Decision 2007-51, parties submitted, among other things, that reporting requirements regarding the following matters be reviewed: affordability; local pay telephone competition; modem hijacking; and 9-1-1 manual access to the Automatic Location Identification (ALI) database. These various reporting requirements are set out in a number of Commission documents, some of which are listed in the Appendix of this Public Notice.

Call for comments

4. The Commission therefore invites parties to comment, in light of the Policy Direction, on the continued appropriateness of the requirements relating to the monitoring and reporting of the matters mentioned in paragraph 3 above.
5. The Commission also invites parties to comment, in light of the Policy Direction, on the continued appropriateness of the regulatory requirements relating to the monitoring and reporting of any additional matters that have not been addressed above with the exception of

those pertaining to the collection of data for telecom fees and the Commission's annual monitoring report, and for quality of service results. Parties choosing to submit any comments on these additional requirements are to provide references to the associated Commission documents that set out the current regulatory requirement(s).

6. For each reporting requirement, parties should address the following issues in their initial comments, providing full supporting rationale and all evidence on which they rely, and structure their submissions according to the issues identified below:
 - (1) Can the purpose underlying the current reporting requirement be achieved through the reliance on market forces or is the current reporting requirement still necessary?
 - a) Identify the purpose of the reporting requirement and the policy objectives that are relevant to this purpose.
 - b) Can market forces be relied on to achieve the policy objectives? Why or why not? Identify the relevant market forces.
 - c) Identify and weigh the positive and negative consequences of (i) eliminating, and (ii) retaining, the current reporting requirement.
 - (2) Is the current reporting requirement efficient and proportionate to its purpose?
 - a) Identify the benefits and the costs of the current reporting requirement. Explain whether the benefits of the current reporting requirement outweigh the costs.
 - b) Identify any alternative regulatory measure that would be more efficient and proportionate. Explain why that measure would be more efficient and proportionate and how it would achieve the policy objectives.
 - (3) Does the current reporting requirement interfere with the operation of competitive market forces to the minimum extent necessary to meet the policy objectives? If not, how and to what extent does the current reporting requirement interfere with the operation of competitive market forces, including the associated impacts on service providers and customers?
 - (4) Is the current reporting requirement implemented in a symmetrical and competitively neutral manner? If not,
 - a) Identify aspects of the regulatory measure that are not symmetrical and/or competitively neutral.
 - b) Specify disadvantages faced by service providers impacted by the regulatory measure and quantify the disadvantages to the extent possible.

- c) Discuss the implications and feasibility of applying the regulatory measure in a symmetrical or competitively neutral manner to all TSPs as appropriate.
- d) Identify any possible alternative regulatory or non-regulatory measure and explain how that measure would achieve the policy objectives and comply with the Policy Direction.

Procedure

- 7. Parties interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the online form, or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2, or by faxing at: 819-994-0218 by **20 November 2008** (the registration date). Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
- 8. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
- 9. Any party who wishes merely to file written comments in this proceeding, without receiving copies of the various submissions, may do so by writing to the Commission by **27 November 2008** at the address or fax number noted above, or by filling out the online form.
- 10. All parties may file with the Commission, serving a copy on all other parties, comments with regard to the above-noted issues by **27 November 2008**.
- 11. All parties may file with the Commission, serving a copy on all other parties, reply comments by **11 December 2008**.
- 12. The Commission expects to issue a decision on the issues raised in this Public Notice within 120 days after the record closes.
- 13. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
- 14. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
- 15. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
- 16. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
- 17. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

18. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

Important notice

19. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email, or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
20. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
21. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
22. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

Location of CRTC offices

23. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours.

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West, Suite 504
Montréal, Quebec H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

Kensington Building
275 Portage Avenue, Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel.: 204-983-6306 – TDD: 204-983-8274
Fax: 204-983-6317

Cornwall Professional Building
2125 – 11th Avenue, Suite 103
Regina, Saskatchewan S4P 3X3
Tel.: 306-780-3422

10405 Jasper Avenue, Suite 520
Edmonton, Alberta T5J 3N4
Tel.: 780-495-3224

580 Hornby Street, Suite 530
Vancouver, British Columbia V6C 3B6
Tel.: 604-666-2111 – TDD: 604-666-0778
Fax: 604-666-8322

Secretary General

Related document

- *Action plan for the review of Commission regulatory measures in light of Order in Council P.C. 2006-1534, Telecom Decision CRTC 2007-51, 11 July 2007*

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>

Regulatory reporting requirements and associated Commission documents

The following list is not necessarily all inclusive. Unless otherwise noted below, the Commission's determinations in the various documents apply to Bell Aliant Regional Communications, Limited Partnership; Bell Canada; MTS Allstream Inc.; Northwestel Inc. (Northwestel); Saskatchewan Telecommunications (SaskTel); Télébec, Limited Partnership (Télébec); and TELUS Communications Company.

- Affordability**
- *Modification to the affordability monitoring program for residential telephone service in Canada*, Telecom Decision CRTC 2004-73, 9 November 2004 (not applicable to SaskTel or Télébec)
 - *Commission modifies reporting requirements for affordability*, Order CRTC 2000-393, 10 May 2000 (not applicable to SaskTel)
 - Telecom Order CRTC 97-1214, 29 August 1997 (not applicable to SaskTel or Télébec)
 - *Local service pricing options*, Telecom Decision CRTC 96-10, 15 November 1996, as amended by Telecom Decision CRTC 96-10-1, 29 November 1996 (not applicable to SaskTel or Télébec)
- Local Pay Telephone Competition**
- *Access to pay telephone service*, Telecom Decision CRTC 2004-47, 15 July 2004 (not applicable to Northwestel)
 - *Local pay telephone competition*, Telecom Decision CRTC 98-8, 30 June 1998 (not applicable to Northwestel or Télébec)
- Modem Hijacking**
- *Union des consommateurs, Public Interest Advocacy Centre and Option Consommateurs – Automatic dialers and modem hijacking*, Telecom Decision CRTC 2005-13, 9 March 2005 (not applicable to Northwestel)
- 9-1-1 Manual Access to the ALI Database**
- *Filing of reports on 9-1-1 manual access to the ALI database and on incumbents' service interruptions to competitors*, Telecom Circular CRTC 2005-5, 4 April 2005 (not applicable to Northwestel or Télébec)
 - *Provincial Enhanced 9-1-1 Service*, Telecom Decision CRTC 2003-20, 26 March 2003 (applicable only to SaskTel)

- *9-1-1 Service - Rates for Wireless Service Providers, Centrex Customers and Multi-Line Customers/Manual Access to the Automatic Location Identification Database, Telecom Decision CRTC 99-17, 29 October 1999 (not applicable to Northwestel, SaskTel, or Télébec)*