



Telecom Decision CRTC 2009-78

Ottawa, 18 February 2009

CRTC Interconnection Steering Committee – Non-consensus report on the necessity of a cable carrier technician visit for an installation or transfer to an independent Internet service provider

File number: 8621-C12-01/08

In this decision, the Commission approves one consensus item and resolves one non-consensus issue submitted by the CRTC Interconnection Steering Committee Network Working Group related to the necessity of a cable carrier technician visit for an installation or transfer to an independent Internet service provider.

Introduction

1. In *Elimination of the winback rules for Digital Subscriber Line Internet and higher speed access services*, Telecom Decision CRTC 2007-97, 5 October 2007, the Commission eliminated the winback rules for higher speed access services applicable to large cable carriers, and for digital subscriber line Internet services applicable to incumbent local exchange carriers.
2. In that decision, the Commission examined whether a visit by a cable carrier's technician to the end-user's premises is necessary for an installation or transfer to an independent Internet service provider (ISP), when that ISP is using the cable carrier's facilities. However, the Commission considered that this issue was of a technical nature and accordingly referred the matter to the CRTC Interconnection Steering Committee (CISC) Network Working Group (NTWG).
3. In response, the CISC NTWG filed non-consensus report NTRE045, *Necessity of Cable Carrier Installer/Technician Visit on An End-User Installation or Transfer to an Independent ISP*, dated 12 June 2008 (the Report). The Commission received submissions from Shaw Communications Inc., Quebecor Media Inc. on behalf of Videotron Ltd., Cogeco Cable Inc., and Rogers Communication Inc. (RCI) (collectively, the cable carriers); Cybersurf Corp. (Cybersurf); Xittel telecommunications inc. (Xittel); and the Coalition of Internet Service Providers (CISP). The Report and contributions to that report are available on the Commission's website at www.crtc.gc.ca under "CRTC Interconnection Steering Committee" and "CISC Site Map."
4. In the Report, the CISC NTWG indicated that Cybersurf's contribution to the Report listed various installation service scenarios. Based on Cybersurf's contribution, the parties reached the consensus that a cable carrier technician's visit to end-user premises is required in situations where an end-user without any other cable service at the premises wants high-speed Internet service from an independent ISP. The Commission therefore **approves** this consensus item.

5. However, the CISC NTWG indicated that the parties had not reached a consensus on the basic scenario in which an end-user does not have an active cable high-speed Internet service but subscribes to one or more other cable services, or on variations of that scenario. In the Report, such scenarios were referred to as “hot” new installations.

Do hot new installations require a cable carrier's technician visit to end-user premises when the independent ISP is using the cable carrier's facilities?

6. The cable carriers, with the exception of RCI, agreed that a technician visit is required for hot new installations. RCI indicated that it was willing to allow end-users a self-installation option for hot new installations. The company also indicated that a technician would only be dispatched at the ISP's request.
7. Cybersurf submitted that a technician visit is not required and that there should only be one when the ISP requests one. Cybersurf also submitted that hot new installations do not require cable carrier technician visits because most of the issues associated with service quality and network integrity could be dealt with remotely or from outside the premises. Cybersurf further submitted that only the replacement of drop wire reconnections should require a technician's visit. In its view, other services – such as testing radio frequency and signals, ensuring network integrity, and installing outlets and filters – could generally be done remotely or without the presence of a cable carrier's technician.
8. Cybersurf expressed concern that cable carriers benefited from mandatory technician visits at cost to ISPs. Cybersurf submitted that results from interviews with end-users indicate that there are no standard practices among the cable carriers, or even within individual companies, related to installations. The company also submitted that in many cases, the technicians examined non-Internet related services such as cable television or cable telephony. Cybersurf was of the view that this demonstrates that technician visits are not required and that as a consequence, cable carriers should bear the cost for technician visits related to network maintenance.
9. Cybersurf submitted that there is no evidence that an end-user attaching a cable-company-approved modem certified in accordance with the Data Over Cable Service Interface Specification to a hot outlet had caused any serious network issues. Cybersurf also submitted that there were many other unregulated cable network devices readily available on a retail basis that the end-user could install without the cable carriers' knowledge. It argued that these unregulated devices posed more risk to the integrity of the networks and presented more radio frequency issues than third-party Internet access (TPIA) cable-company-approved modem installations.
10. Finally, Cybersurf, Xittel, and CISP submitted that the new customer acquisition process would be greatly simplified and more economical if no technician visit were required.

Commission's analysis and determinations

11. The Commission notes that the cable carriers, with the exception of RCI, require that a technician be dispatched to perform certain checks and technical adjustments at end-user premises prior to installing modems for Internet access, whether the end-user is a customer of an independent ISP using a cable carrier's network or a cable carrier's own retail customer subscribing to an Internet access service.
12. The Commission notes that the cable carriers incur significant costs associated with the deployment of technicians for their own customers in the cases of hot new installations. Consequently, the Commission considers that the cable carriers have strong incentives to offer self-installation when they deem it possible. The Commission also considers that it is up to the cable carriers to determine whether or not self-installation by end-users should be allowed. The Commission further considers that the cable carriers must adopt symmetrical practices, meaning that whenever self-installation is offered for their own customers, it should also be offered for ISP customers using their networks.
13. The Commission notes that the tasks performed by the technicians may differ from one cable carrier to the other. However, the tasks are generally linked to the provision of the Internet service, including activities such as outlet installation, network signal testing at end-user premises, and existing drop wire reconnection.
14. The Commission notes that those tasks aim, among others things, to ensure that the end-user has the equipment required to support the TPIA service; that Internet signals can be received by the end-user; that the possibility of noise ingress, which can interfere with other signals on the node, is reduced; that there is no egress, which can interfere with other frequency ranges; and that there is network integrity.
15. The Commission considers that adding Internet can potentially lead to technical problems related to noise ingress and egress, which can affect the services of the other end-users on the node and adversely affect users of radio frequencies not related to the cable carriers' networks.
16. The Commission notes that the cable carriers currently consider that the tasks performed by their technicians are necessary to ensure network integrity. The Commission considers that cable carriers should not be prevented from undertaking the tasks they consider necessary to ensure the integrity of their networks.
17. Furthermore, the Commission notes that most of the necessary tasks listed above require the physical presence of a technician and must be performed inside end-user premises. Consequently, the Commission does not agree with Cybersurf's claim that most of these tasks can be performed remotely.
18. The Commission considers that the fact that most of the cable carriers deploy technicians for hot new installations in the same manner for both their own retail customers and ISP's end-users using a cable carrier's facilities demonstrates that the practice of deploying technicians is reasonable and competitively neutral aimed at ensuring the integrity of the cable carriers' networks.

19. The Commission acknowledges that technician visits add costs and that there is a burden on the customers because they must be on the premises during a visit. However, the Commission notes that the costs and the burden are the same for both the cable carriers' customers and the ISP's end-users.
20. Given the above, the Commission considers that the benefits of a technician visit outweigh the financial costs and the burden on the end-users.
21. The Commission notes that RCI's recently introduced self-installation option is available to its new Internet customers, provided that these customers currently subscribe to another RCI service using cable facilities. The Commission considers that while RCI's self-installation option may be appropriate for RCI, installation of Internet services may differ among the cable carriers due to their internal policies and the characteristics of their networks.
22. Nonetheless, the Commission encourages other cable carriers to offer, as RCI does, the self-installation option in the future.
23. The Commission notes that cable carriers' internal policies regarding the installation of Internet services could be modified in the future for reasons such as changes in technology.
24. The Commission considers that the application of the cable carriers' internal policies with respect to the deployment of a technician for TPIA hot new installations should be symmetrical, whether the end-users subscribe to the cable carriers' or the ISPs' services.
25. In light of the above, the Commission determines that for hot new installations,
 - if a cable carrier requires a technician visit for its own customers, it is at the cable carrier's discretion to require a technician visit to the end-user premises of an independent ISP customer when the ISP is using the cable carrier's TPIA service;
 - if a cable carrier does not require a technician visit for its own customers, it is at the ISP's discretion to request a technician visit to the end-user premises of an independent ISP customer when the ISP is using the cable carrier's TPIA service; and
 - whenever a cable carrier changes its internal policies such that a technician visit is no longer required under certain circumstances, the cable carrier is required to change the technician visit requirements for the independent ISP customers as well. The same standards and policies should apply for both the ISP's and the cable carrier's end-users.

Secretary General

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