



Telecom Information Bulletin CRTC 2010-455-1

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Approval processes for tariff applications and intercarrier agreements

Introduction

1. Pursuant to the *Telecommunications Act* (the Act), Canadian carriers are required to file tariffs for the telecommunications services they offer, as well as their agreements with other Canadian carriers, for the Commission's approval.¹ The Commission has forborne from requiring that tariffs and intercarrier agreements be filed for approval in cases where, among other things, such forbearance would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
2. Over the years, the Commission has issued a number of decisions establishing and modifying the procedures that apply to the processing of tariff applications and intercarrier agreements. In this information bulletin, the Commission summarizes the amended procedures that will apply to the filing and approval processes for tariff applications and intercarrier agreements going forward. These procedures reflect, among other things, the Commission's determinations set out in Telecom Decision 2016-65. This information bulletin replaces Telecom Information Bulletin 2010-455. Accordingly, the reference to "Telecom Information Bulletin CRTC 2010-455, as amended from time to time" in subsection 59(1) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) is to be read as a reference to the present document.²

¹ According to subsection 25(1) of the Act, no Canadian carrier shall provide a telecommunications service except in accordance with a tariff filed with and approved by the Commission that specifies the rate or the maximum or minimum rate, or both, to be charged for the service. Section 29 of the Act states that no Canadian carrier shall, without the prior approval of the Commission, give effect to any agreement or arrangement, whether oral or written, with another telecommunications common carrier respecting (a) the interchange of telecommunications by means of their telecommunications facilities; (b) the management or operation of either or both of their facilities or any other facilities with which either or both are connected; or (c) the apportionment of rates or revenues between the carriers.

² Subsection 59(1) of the Rules of Procedure states that an application to the Commission for the approval of a new or amended tariff under section 25 of the Act or for the approval of an agreement between carriers referred to in section 29 of that Act is subject to the procedural requirements established by the Commission in Telecom Information Bulletin CRTC 2010-455, as amended from time to time.

Approval mechanism for local exchange carrier (LEC) and competitive local exchange carrier (CLEC) tariffs³

Group A applications

3. In Telecom Decision 2008-74, the Commission determined, among other things, that it would forbear from approving Group A applications and set out the criteria for qualifying applications. In Telecom Decision 2016-65, the Commission expanded the criteria, thereby forbearing from the approval of additional types of applications.
4. Tariff applications qualify as Group A applications if the associated revisions are restricted to one or more of the following:
 - (a) changes to previously approved rates for retail services in cases where the revised rates meet the Commission's price cap or price regulation rules and the price floor test, as applicable;
 - (b) the following housekeeping changes to existing tariffs for retail or wholesale services, as applicable:
 - i) corrections of typographical errors or administrative errors on approved tariff pages;
 - ii) updates to approved tariff pages to correct cross-references or to remove an expired promotion or special facilities tariff; and
 - iii) updates to approved tariff pages to reflect changes to corporate or service names or titles;
 - (c) updates to tariff pages to incorporate forborne exchanges or routes, consistent with Commission forbearance decisions;
 - (d) updates to CLEC tariffs that are consistent with the most current approved version of the CLEC Model Tariff found in the CRTC Interconnection Steering Committee (CISC) section of the Commission's website;
 - (e) updates to any tariff to reflect numbering plan area code changes;
 - (f) revisions to tariff pages in any tariff that do not include any changes to rates, terms, or conditions of a service or feature; and/or
 - (g) revisions to tables of contents, indexes, and check pages (a list of pages and revisions in the tariff) in any tariff, if filed independently of other non-Group A tariff changes.

³ Incumbent LEC (ILEC) tariffs include tariffs for both retail and wholesale services. CLEC tariffs concern the provision of services, facilities, and interconnection arrangements by CLECs to other telecommunications service providers.

5. For filing requirements, see the “Form and content of tariff applications” section below.
6. The Commission may exercise its remedial powers to address any instances where either retail or wholesale services tariffs that have been filed as Group A applications and implemented do not meet all the conditions for forbearance. Moreover, when the Commission is assessing whether a particular tariff application filed under Group A meets the Group A criteria, a letter will be issued to inform the applicant as soon as possible.

Group B applications

7. Group B applications consist of retail and CLEC tariff applications that do not belong to Group A, and are not associated with service destandardization and/or withdrawal. Applications that combine characteristics of Group A and Group B are to be filed as Group B applications.
8. For example, Group B applications include retail and CLEC tariff applications that propose or include
 - (a) the introduction of a new service or rate element;
 - (b) changes to the terms and/or conditions of a tariff;
 - (c) changes to frozen rates;
 - (d) rates that do not comply with the Group A criteria;
 - (e) a request for ratification of rates charged otherwise than in accordance with an approved tariff, pursuant to subsection 25(4) of the Act;
 - (f) promotions that do not meet the criteria established in Telecom Decision 2008-41; and
 - (g) changes that will result in policy revisions.
9. For filing requirements, see the “Form and content of tariff applications” section below.
10. With respect to the interim disposition of Group B applications, these applications are approved on an interim basis on the 15th calendar day⁴ after they are received, unless Commission staff issues a letter or interrogatories prior to the 15th calendar day indicating otherwise. When the Commission approves a Group B application on an interim basis, it will generally issue a streamlined order to this effect.

⁴ Pursuant to section 12 of the Rules of Procedure, the holiday period beginning on 21 December in one year and ending on 7 January in the following year is excluded when calculating a time period set out in this bulletin.

11. Interested parties may file interventions within 30 calendar days of the filing date of an application, and the applicant may file reply comments within 10 calendar days of the deadline for filing interventions. In the case of *ex parte* applications filed pursuant to subsection 61(3) of the Act, parties may file interventions within 30 calendar days of the date of the application being placed on the public record.
12. With respect to the final disposition of Group B applications, if no interventions are received, the proposed tariff revisions are approved on a final basis 10 calendar days after the intervention period has passed, unless a Commission staff letter or a Commission order or decision was issued indicating otherwise.
13. The Commission will issue an order or a decision to dispose of each tariff application associated with Group B applications on a final basis. To approve an application on which no interventions were received, or on which interventions were received that uniformly support the application, the Commission will generally issue a streamlined order. To dispose of an application on which interventions were received that do not support the application, or in cases where the Commission approves an application in part or denies the entire application, the Commission will generally issue a more detailed, non-streamlined order or decision.

Competitor tariff applications

14. The following procedures apply to tariff applications for competitor services that do not belong to Group A, other than those proposing to destandardize and/or withdraw a competitor service.
15. For filing requirements, see the “Form and content of tariff applications” section below.
16. Interested parties may file interventions within 30 calendar days of the filing date of an application, and the applicant may file reply comments within 10 calendar days of the deadline for filing interventions.
17. The Commission or its staff may issue a request for information regarding tariff applications for competitor services, and will specify the date by which it expects to receive responses to the request, depending on the complexity of the information sought.
18. The Commission will issue an order or a decision to dispose of each tariff application associated with competitor services that does not belong to Group A.

Applications for the destandardization and/or withdrawal of tariffed services

19. For filing requirements, see the “Form and content of tariff applications” section below.

20. Interested parties may file interventions within 45 calendar days of the filing date of an application, and the applicant may file reply comments within 10 calendar days of the deadline for filing interventions.
21. The Commission or its staff will generally issue requests for information, to the extent they are required, within 21 calendar days of the date of the application. Normally, the Commission expects responses to requests for information to be provided within 7 to 15 calendar days of the date on which the request for information is sent, depending on the complexity of the information sought. The precise date by which responses are required will generally be set out in the request.
22. The Commission will issue an order or a decision to dispose of each application that proposes the destandardization and/or withdrawal of a service. In cases where comments are received, the Commission intends to issue a final decision within 90 calendar days of the date of the application.
23. If there are no customers for a particular service, the Commission intends to grant interim approval within 15 calendar days of the date of a complete application being filed, and to issue a final decision within 60 calendar days⁵ of the date of the application.

Form and content of tariff applications

All tariff applications

24. Each tariff application must be consecutively numbered, beginning with number one.
25. The cover letter is to include a clear and brief description of the application in the subject line – preferably in the range of five to seven words – explaining the exact service or equipment in question. Among other things, this concise description will help profile the essence of the application on the Commission’s website. In cases where there are multiple tariff items, the applicant may refer to the most significant item and add “and other items.” For consistency, this subject line should also be included in the accompanying electronic submission form. The cover letter should also include the reason(s) for the proposed tariff revision(s) for which approval is sought.
26. Any proposed new or amended tariff pages must be filed in the form in which they are to be issued, except that the words “PROPOSED TARIFF PAGE” must appear in red at the top of each page. All revised tariff pages must also be marked with

⁵ The Commission will continue to respect the provisions set out in section 26 of the Act, which specify that within 45 business days after a tariff is filed by a Canadian carrier, the Commission shall approve the tariff or require that a substitute tariff be submitted, disallow the tariff, or make public reasons why the Commission has not done so and specify the period of time within which it intends to do so.

reference marks that identify the specific tariff revisions.⁶ Moreover, every page of the tariff must show the filing date in the bottom left corner, the tariff notice number at the bottom centre, and the proposed effective date in the bottom right corner. In cases where the Commission issues an order or a decision regarding a tariff application, the order or decision number must replace the tariff notice number at the bottom centre of the revised page, as well as the effective date specified by the Commission, if different from the proposed effective date.

27. Applicants are to file both the existing and proposed new or revised tariff pages.
28. Applicants may submit either complete tariff items or the individual tariff pages for approval. If complete tariff items are filed, the applicant must clearly indicate all changes in the cover letter and the proposed tariff pages.
29. In cases where tariff pages contain confidential information, the applicant is expected to submit complete versions of both the confidential and abridged tariff pages. That is, confidential versions should include all information on all applicable tariff pages, and abridged versions should mirror the confidential versions, except that the abridged versions are to contain an indication that confidential information is omitted.⁷
30. Unless otherwise directed, applicants are to issue revised tariff pages within 10 calendar days of the interim and/or final approval date of the application.

Group A applications

31. Group A applicants are required to include in the cover letter certification that the tariff revision(s) comply with the definition of Group A above, identifying the specific regulatory measure(s) that apply.
32. Group A applications must be filed with the Commission, for the public record, on or before the effective date specified by the applicant.

Group B applications

33. Group B applications must be filed with the Commission at least 15 calendar days before the proposed effective date. The applicant is also required to (i) indicate in the cover letter that the tariff filing is a Group B filing, and (ii) include any supporting documentation required by the Commission.

⁶ For ILECs, these reference marks are set out in section 10 of the *CRTC Tariff Regulations*, SOR/79-555. For CLECs, they are set out in the CLEC Model Tariff.

⁷ The Commission has provided general guidance regarding the format for the filing of confidential information, and the manner in which this information is to be omitted from abridged documents, in *Broadcasting and Telecom Information Bulletin* 2010-961.

34. Filings that combine characteristics of Group A and Group B must also include Group A certification to the applicable extent.
35. In the case of *ex parte* applications filed pursuant to subsection 61(3) of the Act, the applicant must explain the reasons for not wanting the application to be placed on the public record prior to interim disposition. These applications will generally be placed on the public record either (i) within two business days of the date of the Commission order granting interim approval, or (ii) on or before the effective date of the revised tariff, whichever is later.

Competitor tariff applications

36. Tariff applications for competitor services must be filed with the Commission at least 30 calendar days before the proposed effective date, and the applicant is required to include in the cover letter any supporting documentation required by the Commission.

Destandardization and/or withdrawal applications

37. Applications to destandardize and/or withdraw a service must be filed with the Commission at least 60 calendar days before the proposed effective date, and the applicant is required to include in the cover letter any supporting documentation required by the Commission.
38. Destandardization and/or withdrawal applications must contain all of the following information:
 - (a) a description of the service proposed to be destandardized and/or withdrawn;
 - (b) proposed date for the destandardization and/or withdrawal;
 - (c) rationale for the destandardization and/or withdrawal;
 - (d) the type of destandardization, where applicable;
 - (e) the number of customers affected;
 - (f) a copy of the notice to affected customers; and
 - (g) any other information the applicant believes is relevant.
39. The applicant must provide a notice to each customer affected by its application to destandardize and/or withdraw a particular service. In the notice, the applicant must include items (a) to (d) of paragraph 38 above, as well as clear and detailed information about how an affected customer can participate in the Commission's process, including the date by which interventions must be received by the Commission. The Commission encourages companies to identify any substitute services, where available, in the notice. The applicant should send the notices to

affected customers on the date it files its application, and may do so by email in cases where the customer has indicated a preference to receive correspondence by email.

Approval mechanism for intercarrier agreements and PIC/CARE handbooks

MALIs and Schedule Cs to MALIs; IP Interconnection Architecture, LEC-IXC, BLIF, Carrier Services Group, and certain transiting agreements; and PIC/CARE handbooks

40. In Telecom Decisions 2007-129 and 2016-65, the Commission forbore, to a specified extent, from approving certain intercarrier agreements and Primary Interexchange Carrier/Customer Account Record Exchange (PIC/CARE) handbooks. In particular, the Commission has determined that the following do not have to be filed for Commission approval, or, unless specifically requested by the Commission, for information, if they are identical to Commission-approved models:

- master agreements for local interconnection (MALIs) and Special MALIs;⁸
- agreements for interconnection between LECs and interexchange carriers (IXCs) [LEC-IXC agreements];
- Basic Listing Interchange File (BLIF) agreements;
- PIC/CARE handbooks; and
- transiting agreements, if all the services in question are provided pursuant to approved tariffs.

41. Prospective CLECs must provide the type of agreement, the names of the parties, and the date of execution of any standard-form LEC-IXC agreement, MALI, Special MALI, BLIF agreement, or PIC/CARE handbook when they submit their attestation that they are eligible to register as CLECs.

42. LECs must file the following within 10 calendar days of execution:

- Schedule Cs to MALIs and Internet Protocol (IP) Interconnection Architecture agreements;
- non-standard LEC-IXC agreements, MALIs and Special MALIs, BLIF agreements, and PIC/CARE handbooks;
- Carrier Services Group agreements; and

⁸ A Special MALI is a MALI that takes into consideration the relationship between two LECs in cases where one or both of those LECs obtains access to the public switched telephone network via another party. In Telecom Decision 2011-574, the Commission determined that, in circumstances where a Special MALI is appropriate, a Special MALI will be considered equivalent to a regular MALI.

- transiting agreements in cases where not all services being used are provided pursuant to the approved tariffs of the ILEC in question.

These documents are to be filed for information only.

9-1-1 agreements

43. In Telecom Decision 2016-65, the Commission determined that in cases where a new 9-1-1 agreement is consistent with the most recently approved version for the ILEC in question, the new agreement does not have to be filed, and the agreement is forborne from requiring Commission approval. However, the existence of the agreement must be referenced in CLEC notification letters.⁹
44. If a new 9-1-1 agreement is not consistent with the most recently approved version for the specific ILEC in question, the 9-1-1 agreement is to be filed for Commission approval.
45. If a 9-1-1 agreement has not previously been approved for a small ILEC, the small ILEC must file its first 9-1-1 agreement for Commission approval. However, the small ILEC may submit for approval an agreement that is consistent with the most recently approved agreement for an ILEC in an adjacent territory.

Message relay service (MRS) and IP Relay service agreements

46. MRS and IP Relay service agreements that are consistent with the most recently approved agreement for the ILEC in question are forborne from requiring approval and do not need to be filed with the Commission.
47. Small ILECs without a previously approved MRS or IP Relay service agreement that sign such an agreement consistent with the most recently approved agreement for another ILEC in an adjacent territory do not need to seek approval from or file the agreement with the Commission.
48. Any MRS or IP Relay service agreement that is not consistent with an approved agreement as described is forborne from approval on the condition that the agreement is filed for information.

Condition of forbearance

49. In cases where the Commission has forborne from requiring that an intercarrier agreement be approved by and filed with the Commission, it is a condition of forbearance that a carrier file the agreement for information upon the Commission's request.

⁹ These letters notify the Commission that the relevant CLEC obligations have been met prior to CLECs offering local services in additional exchanges. See the Appendix to Telecom Decision 2012-396 for the requirements to be included in a CLEC notification letter.

50. In all cases, the Commission retains its powers under subsections 27(2), (3), and (4) of the Act in respect of the telecommunications services provided pursuant to intercarrier agreements to ensure that there is no unjust discrimination or undue preference in the provision of a service.

Inter-carrier agreements not subject to forbearance

51. Inter-carrier agreements that are not subject to forbearance as described above must be filed with the Commission for approval pursuant to section 29 of the Act and must be accompanied by a letter explaining the nature of the agreement for which approval is sought.
52. The cover letter is to include a clear and brief description of the application in the subject line – preferably in the range of five to seven words. For consistency, this subject line should also be included in the accompanying electronic submission form.
53. The Commission intends to grant interim approval within 15 calendar days of the filing date of the agreement and to issue a final decision within 60 calendar days of the filing date. Parties may file interventions within 30 calendar days of the filing date of the agreement, and the applicant may file reply comments within 10 calendar days of the deadline for filing interventions.
54. The Commission will issue an order or a decision to dispose of each application requesting approval of an inter-carrier agreement that has not been forborne from approval.

Filing of documents

55. To the extent possible, all documents should be filed electronically via the Commission's website at www.crtc.gc.ca. Applicants are to ensure that the filing date is identical to the date on the documents filed. In cases of conflict, the filing date will prevail.

Secretary General

Related documents

- *Tariff application and inter-carrier agreement approval processes*, Telecom Decision CRTC 2016-65, 19 February 2016
- *Notification requirements for competitive local exchange carriers seeking to offer local services in new exchanges, and filing of documents*, Telecom Decision CRTC 2012-396, 20 July 2012
- *CISC Business Process Working Group – Consensus report BPRE070a regarding Type III and Type IV CLEC agreement requirements*, Telecom Decision CRTC 2011-574, 8 September 2011

- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010, as amended by Broadcasting and Telecom Information Bulletin CRTC 2010-961-1, 26 October 2012
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455, 5 July 2010
- *Approval mechanisms for retail and CLEC tariffs*, Telecom Decision CRTC 2008-74, 21 August 2008
- *Forbearance from the regulation of promotions for retail residential and business local wireline services*, Telecom Decision CRTC 2008-41, 22 May 2008
- *Forbearance with respect to certain inter-carrier agreements filed pursuant to section 29 of the Telecommunications Act*, Telecom Decision CRTC 2007-129, 14 December 2007