



## Telecom Information Bulletin CRTC 2010-455

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### Approval processes for tariff applications and intercarrier agreements

*In this bulletin, the Commission summarizes the procedures that apply to the approval processes for tariff applications and intercarrier agreements.*

1. Over the years, the Commission has issued a number of decisions and information bulletins modifying the procedures that apply to the processing of tariff applications and intercarrier agreements. The Commission hereby provides a summary of its current procedures.

### Approval mechanism for retail and competitive local exchange carrier (CLEC) tariffs

#### Group A filings

2. In Telecom Decision 2008-74, the Commission determined, among other things, that it would forbear from approving Group A filings. Retail tariff filings qualify as Group A filings if the associated revisions are restricted to one or more of the following:
  - a) changes to previously approved rates for retail services 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 services:
    - 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; and/or
  - c) updates to tariff pages to incorporate forborne exchanges or routes, consistent with Commission forbearance decisions.

3. For each Group A filing, the applicant is required to
  - a) file public and, as required, confidential version(s) of both the prevailing and revised tariff pages with the Commission, on or before the effective date, using the current tariff notice numbering system, and
  - b) include in the covering letter
    - i) a description of, including the reasons for, the proposed tariff revision(s), and
    - ii) certification that the tariff revision(s) comply with the definition of Group A as defined above, identifying the specific regulatory measure(s) that apply.
4. Group A tariffs become effective on the filing date, or at a later date specified by the applicant.
5. The Commission may exercise its remedial powers to address any instances in which a retail tariff that is implemented does not meet all the conditions for forbearance. Moreover, where the Commission is assessing whether a particular tariff application filed under Group A appropriately meets the Group A criteria, a letter will be issued to inform the applicant as soon as possible.

### **Group B filings**

6. Group B filings consist of those retail tariff filings that do not belong to Group A and are not associated with service destandardization or withdrawal, and include all CLEC tariff filings. Filings that combine characteristics of Group A and Group B are to be filed as Group B filings.
7. For example, Group B filings include retail filings 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 *Telecommunications Act* (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.

8. Group B filings must be filed with the Commission at least 15 calendar days before the proposed effective date and must be made by filing the following documentation:
  - a) a tariff notice consecutively numbered, beginning at the number one;
  - b) a copy of the proposed new or amended tariff pages for which approval is sought;
  - c) a letter with a description of, including the reasons for, the proposed tariff revision(s), and with an indication that the tariff filing is a Group B filing; and
  - d) any supporting documentation required by the practice of the Commission.
9. Filings that combine characteristics of Group A and Group B must also include Group A certification as referenced in paragraph 3 above.
10. In the case of applications filed on an *ex parte* basis pursuant to subsection 61(3) of the Act, the applicant must explain the reasons for not placing the applications on the public record prior to interim disposition. These applications are to be placed on the public record either: 1) within two business days of the date of the Commission order granting interim approval; or 2) on or before the effective date of the revised tariff, whichever is later.
11. With respect to interim disposition of Group B filings, these filings are approved on an interim basis on the 15<sup>th</sup> calendar day after they are received, unless Commission staff issues a letter or interrogatories prior to the 15<sup>th</sup> calendar day indicating otherwise.
12. Interested parties may file interventions within 25 calendar days of the filing date of an application, and the applicant may file reply comments within 7 calendar days of the deadline for filing interventions. In the case of applications filed on an *ex parte* basis, parties may file interventions within 25 calendar days of the filing being placed on the public record.
13. With respect to final disposition of Group B filings, if no interventions are received, the proposed tariff revisions are approved on a final basis seven calendar days after the intervention period has passed, unless a Commission staff letter or a Commission order or decision was issued indicating otherwise.
14. In two letters dated 19 December 2008,<sup>1</sup> Commission staff clarified the process and the filing requirements set out in Telecom Decision 2008-74. Staff indicated that, subject to the conditions set out below, the Commission no longer issues orders or decisions disposing of Group B filings on either an interim or a final basis.

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<sup>1</sup> The reference subjects of these letters were “Process set out in Telecom Decision 2008-74” and “Additional information on the process set out in Telecom Decision 2008-74.”

15. For interim disposition of Group B filings, the Commission only issues orders or decisions
  - a) where a Commission staff letter or interrogatories were issued prior to the 15<sup>th</sup> calendar day after the application was received,
  - b) to dispose of tariff revisions filed on an *ex parte* basis, or
  - c) to dispose of tariff revisions where the applicant requested that interim approval be granted prior to 15 calendar days from the date of filing.
16. For final disposition of Group B filings, the Commission only issues orders or decisions
  - a) where it issued an order or decision to grant approval to tariff revisions on an interim basis,
  - b) where it received comments,
  - c) where a Commission staff letter or interrogatories were issued, or
  - d) where it approves with changes or denies approval of tariff revisions.

### **Competitor tariffs**

17. The following procedures apply to tariff applications for competitor services, other than those proposing to destandardize and/or withdraw a competitor service.
18. Tariff applications for competitor services must be filed with the Commission at least 30 calendar days before the proposed effective date and must be made by filing the following documentation:
  - a) a tariff notice consecutively numbered, beginning at the number one;
  - b) a copy of the proposed new or amended tariff pages for which approval is sought;
  - c) a letter explaining fully the reasons for the changes for which approval is sought; and
  - d) any supporting documentation required by the practice of the Commission.
19. 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.
20. The Commission may issue interrogatories regarding tariff applications for competitor services, and will specify the date by which it expects responses to the interrogatories depending on the complexity of the information sought.

21. The Commission will issue an order or a decision to dispose of each tariff application associated with competitor services.

**Applications for the destandardization and/or withdrawal of tariffed services**

22. In Telecom Decision 2008-22, the Commission modified the procedures for the disposition of applications for service destandardization and/or withdrawal. These applications must be filed with the Commission at least 45 business days before the proposed effective date and must be made by filing the following documentation:
  - a) a tariff notice consecutively numbered, beginning at the number one;
  - b) a copy of the proposed new or amended tariff pages for which approval is sought;
  - c) a letter explaining fully the reasons for the changes for which approval is sought; and
  - d) any supporting documentation required by the practice of the Commission.
23. Applications proposing service destandardization and/or withdrawal must also contain all the following information:
  - a) 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) type of destandardization, where applicable;
  - e) number of customers affected;
  - f) a copy of the notice to affected customers; and
  - g) any other information the applicant believes is relevant.
24. The applicant must provide a notice to each customer affected by its application to destandardize and/or withdraw a particular service. In that notice, the applicant must include items a) to d) 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 comments must be received by the Commission. The Commission encourages companies to identify any substitute services, where available, in this notification. The applicant should send the notices to affected customers on the date it files its application.

25. Interested parties may file interventions within 30 business days of the filing date of an application, and the applicant may file reply comments within 10 business days of the deadline for filing interventions.
26. The Commission will generally issue interrogatories, to the extent they are required, within 15 business days of the date of the application. Normally, the Commission expects responses to interrogatories to be provided within 5 to 10 business days of the date the interrogatories are sent, depending on the complexity of the information sought.
27. The Commission will issue an order or a decision to dispose of each application proposing the destandardization and/or withdrawal of a service. In cases where comments are received, the Commission intends to issue a final decision within 65 business days of the date of the application.
28. If there are no customers for a particular service, the Commission intends to grant interim approval within 10 business days of a complete application being filed, and to issue a final decision within 45 business days of the date of the application.

## **Intercarrier agreements**

### **Forborne and deemed approved intercarrier agreements**

29. In Telecom Decision 2007-129, the Commission forbore, to a specified extent, from approving certain intercarrier agreements. In particular, the Commission determined that master agreements for local interconnection (MALIs) and agreements for interconnection between local exchange carriers (LECs) and interexchange carriers (IXCs) (LEC-IXC agreements) that are identical to Commission-approved models, as well as transiting agreements where all the services are provided pursuant to tariffs, do not have to be filed for Commission approval.
30. It should be noted that, in regard to the above-noted agreements, prospective CLECs must provide the names of the parties and the date of execution of any standard form LEC-IXC agreement or MALI when they submit their attestation that they are eligible to register as CLECs. Existing LECs must provide this information on a quarterly basis within 14 days of the close of the quarter in question.
31. The Commission also determined in Telecom Decision 2007-129 that LECs must continue to file Carrier Services Group agreements, other transiting agreements, Schedule C to MALIs, and non-standard LEC-IXC agreements and MALIs within seven business days of their execution. These agreements are deemed to be approved upon filing, with the Commission reserving the power to amend, disallow, or suspend them back to the date of deemed approval, if necessary.

### **All other intercarrier agreements**

32. In Telecom Circular 2006-11, the Commission determined, among other things, that it would process applications for the approval of intercarrier agreements in accordance with the procedures established in Telecom Circular 2005-9.
33. Intercarrier agreements that are not subject to the forbearance granted in Telecom Decision 2007-129 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.
34. The Commission intends to grant approval within 10 business days of the filing date of the agreement and to issue a final decision within 45 business days of the filing date. Parties may file interventions within 25 calendar days of the filing date of the agreement, and the applicant may file reply comments within 7 calendar days of the deadline for filing interventions.
35. The Commission will issue an order or a decision to dispose of each application requesting approval of an intercarrier agreement.

### **Form and content of proposed tariff pages**

36. 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 notations that identify the specific tariff revisions. 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 effective date in the bottom right corner. Where the Commission issues a written determination on a filing, the order or decision number must be reflected at the bottom centre of the revised page, instead of the tariff notice number.

### **Filing of documents**

37. To the extent possible, all documents should be filed electronically via the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca). Applicants are to ensure that the filing date is identical to the date on the documents filed. In case of conflict, the filing date will prevail.

Secretary General

## Related documents

- *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
- *Mandatory customer contract renewal notification and requirements for service destandardization/withdrawal*, Telecom Decision CRTC 2008-22, 6 March 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
- *Service standards for the disposition of telecommunications applications*, Telecom Circular CRTC 2006-11, 7 December 2006
- *Finalization of the streamlined process for retail tariff filings*, Telecom Circular CRTC 2005-9, 1 November 2005