



## Telecom Order CRTC 2010-970

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Ottawa, 23 December 2010

### Shaw Cablesystems G.P. – Third-party Internet access rates

File numbers: Tariff Notices 9, 11, and 11A

#### Introduction

1. The Commission received applications from Shaw Cablesystems G.P. (Shaw), filed between 14 February 2007 and 24 November 2009, in which the company requested approval of proposed monthly rates for particular third-party Internet access (TPIA) service speeds.
2. In each of its applications, Shaw proposed new TPIA service speed tiers that matched the speed tiers available for retail Internet service offerings. Shaw proposed monthly rates for these new offerings based on preliminary cost data. Shaw submitted that it did not have sufficient usage data to allow development of detailed cost studies.
3. The Commission granted interim approval to the company's proposed monthly rates for TPIA service speeds.<sup>1</sup>
4. The public record of these proceedings is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings" or by using the file numbers provided above.

#### Parties' comments on Shaw's applications

5. The Commission received comments on Tariff Notice 9 from Cybersurf Corp. (Cybersurf). TekSavvy Solutions Inc. (TekSavvy) filed comments on Tariff Notices 11 and 11A.
6. Cybersurf requested that Shaw be required to submit a cost study for its proposed service, and that Shaw modify the wording in its tariff regarding its treatment of end-users that have been identified as excessive users. TekSavvy reserved the right to file an intervention when a cost study became available.

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<sup>1</sup> See Telecom Orders 2007-63 and 2009-792 for the interim approvals of Shaw's applications.

## Commission's analysis and determinations

7. The Commission notes that, in its tariff, Shaw references its Acceptable Use Policy regarding the data transfer limits for end-users of each of its TPIA service products. The referenced data transfer limits also apply to its retail Internet service products. The Commission considers that the reference serves as acceptable wording regarding equivalent treatment for end-users of Shaw's retail Internet service and end-users of Shaw's TPIA service.
8. With respect to Shaw's proposed monthly rates for different speed tiers, the Commission concluded in Telecom Regulatory Policy 2010-632 that cable carriers should modify their TPIA services to provide competitors with an increased level of aggregation. Accordingly, the Commission directed the cable carriers to file new rates for the revised TPIA services for all speeds, reflecting a new cost structure based on an increased level of aggregation for the service. The Commission notes that cost studies based on the new cost structure have been filed and will be used to assess the revised TPIA services going forward. Therefore, the Commission considers that it is not warranted to require TPIA cost studies for the new proposed TPIA service speed tiers based on the former cost structure.

## Conclusion

9. In light of the above, the Commission considers that it is appropriate to finalize the existing rates for Shaw's applications. Accordingly, the Commission **approves on a final basis** Shaw's applications.

Secretary General

## Related documents

- *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy CRTC 2010-632, 30 August 2010
- Telecom Order CRTC 2009-792, 18 December 2009
- Telecom Order CRTC 2007-63, 28 February 2007