



Telecom Notice of Consultation CRTC 2011-348-4

PDF version

Additional references: Telecom Notices of Consultation 2011-348, 2011-348-1, 2011-348-2, and 2011-348-3

Ottawa, 30 July 2012

Call for comments

Review of regulatory framework for the small incumbent local exchange carriers and related matters

File number: 8663-C12-201108754

Changes to procedure

1. With this notice, the Commission re-opens the proceeding initiated by Telecom Notice of Consultation 2011-348.
2. By letter dated 5 July 2012, l'Association des Compagnies de téléphone du Québec inc. and the Ontario Telecommunications Association (collectively ACTQ/OTA) requested that the Commission re-open the proceeding initiated by Telecom Notice of Consultation 2011-348 to permit them to file their proposal for the next small incumbent local exchange carrier (ILEC) regulatory framework. This request was made following the Federal Court of Appeal's decision, dated 3 July 2012, to dismiss ACTQ/OTA's application for an order staying certain decisions, directives, and policies made by the Commission. The small ILECs that are members of the ACTQ or OTA (the ACTQ/OTA members) are listed in the Appendix to this notice.
3. By letter dated 12 July 2012, Bell Aliant Regional Communications, Limited Partnership, Bell Canada, KMTS, and NorthernTel, Limited Partnership (Bell Canada et al.) opposed the ACTQ/OTA request, arguing, among other things, that granting the ACTQ/OTA request would be inconsistent with previous rulings of the Commission and Federal Court of Appeal. ACTQ/OTA filed a reply to Bell Canada et al.'s submission dated 16 July 2012.
4. The Commission notes that the ACTQ/OTA members were made parties to the proceeding initiated by Telecom Notice of Consultation 2011-348, and that following Telecom Decision 2012-188, denying the ACTQ/OTA's request to suspend the proceeding, the ACTQ/OTA members chose not to file proposals or respond to requests for information in accordance with the established schedule.
5. The Commission considers it deplorable that a participant would not comply with Commission directives and elect not to participate in a proceeding in accordance with established timelines. The Commission does not intend to countenance any

disregard for its directives with respect to the regulatory oversight it carries out under the *Telecommunications Act*. The Commission fully expects parties to participate responsibly in its proceedings, respecting established timelines and other procedural directions, so that it can effectively discharge its mandate in a timely manner in the public interest.

6. However, the Commission considers that, in the context of this proceeding, it requires information from the ACTQ/OTA members in order to render its decision and to discharge its mandate in the public interest on the matters raised. Accordingly, the Commission considers it appropriate to re-open the proceeding initiated by Telecom Notice of Consultation 2011-348.
7. The Commission hereby re-opens the proceeding initiated by Telecom Notice of Consultation 2011-348, according to the procedure set out below. The following paragraphs are to be inserted after paragraph 39 of Telecom Notice of Consultation 2011-348 and replace paragraphs 40 to 51 of Telecom Notice of Consultation 2011-348.

Procedure

40. Any interested person who is not a party to the proceeding but wishes to file written comments in this proceeding, may do so by using this comments link or by writing to the Secretary General (by mail: CRTC, Ottawa, Ontario, K1A 0N2; by fax: 819-994-0218) by **1 November 2012**. Such persons will not receive copies of the various submissions and will not be permitted to ask interrogatories.
41. The ACTQ/OTA members are directed to file proposals with respect to the issues identified in paragraphs 24 and 25 above, by **8 August 2012**. The ACTQ/OTA members are also directed to file, by **8 August 2012**, responses to the requests for information dated 28 November 2011 and 14 March 2012 from Commission staff.
42. The Commission and parties may request information, in the form of interrogatories, from the ACTQ/OTA members with respect to the issues in this proceeding. The ACTQ/OTA members may request information, in the form of interrogatories, from other parties with respect to the issues in this proceeding. In accordance with section 73 of the Rules of Procedure, the requesting party must file its request for information with the Commission on or before **29 August 2012**, and must serve the request on the party to whom it is addressed.
43. Responses to requests for information from parties or the Commission are to be filed with the Commission and served on all parties by **19 September 2012**.
44. Requests by parties for further responses to the interrogatories posed in their requests for information, specifying in each case why a further response is both relevant and necessary, and requests for public disclosure of information that

has been designated confidential, setting out in each case the reasons for disclosure, must be filed with the Commission and served on the relevant party or parties by **26 September 2012**.

45. Written responses to requests for further responses to interrogatories and for public disclosure must be filed with the Commission and served on the party or parties making the request by **3 October 2012**.
46. Determinations will be issued regarding requests for further information and public disclosure as soon as possible. Any information to be provided pursuant to such determinations must be filed with the Commission and served on all parties by **18 October 2012**.
47. All parties may file final written arguments with the Commission on any matter within the scope of this proceeding, serving copies on all other parties, by **1 November 2012**. Final arguments, including an executive summary, are not to exceed 15 pages.
48. All parties may file written reply arguments with the Commission on any matter within the scope of this proceeding, serving copies on all other parties, by **8 November 2012**. Reply arguments, including an executive summary, are not to exceed 15 pages.
49. The Commission expects to publish a decision on the issues raised in this notice within four months of the close of record.
50. The Commission will not formally acknowledge interventions or comments. It will, however, fully consider all submissions, which will form part of the public record of the proceeding.
51. Parties are reminded that, in accordance with the Rules of Procedure, if a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date. A document must be filed with the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due.
52. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
53. Electronic submissions should be in HTML format. Alternatively, Microsoft Word may be used for text and Microsoft Excel for spreadsheets.
54. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
55. The Commission encourages interested persons and 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

56. All information that persons 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 includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information persons provide.
57. The personal information provided 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.
58. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be made available in PDF format.
59. The information provided 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 the Commission's website with the help of either its search engine or a third-party search engine will not link directly to the information that was provided as part of this public process.

Location of CRTC offices

60. Submissions may be examined or will be made available promptly upon request at 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

Regional offices

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

360 Main Street, Suite 970
Winnipeg, Manitoba R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

2220 – 12th Avenue, Suite 620
Regina, Saskatchewan S4P 0M8
Tel.: 306-780-3422

100 – 4th Avenue SW, Suite 403
Calgary, Alberta T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

858 Beatty Street, Suite 290
Vancouver, British Columbia V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *ACTQ/OTA – Application to stay certain portions of Telecom Regulatory Policy 2011-291 and related matters*, Telecom Decision CRTC 2012-188, 30 March 2012
- *Review of regulatory framework for the small incumbent local exchange carriers and related matters*, Telecom Notice of Consultation CRTC 2011-348, 26 May 2011, as amended by Telecom Notices of Consultation CRTC 2011-348-1, 5 July 2011; 2011-348-2, 28 November 2011; and 2011-348-3, 21 December 2011

ACTQ Member Company SILECs

CoopTel
La Cie de Téléphone de Courcelles Inc.
La Compagnie de Téléphone de Lambton Inc.
La Compagnie de Téléphone de St-Victor
La Compagnie de Téléphone Upton inc.
Le Téléphone de St-Éphrem inc.
Sogetel inc.
Téléphone Guèvremont inc.
Téléphone Milot inc.

OTA Member Company SILECs

Brooke Telecom Co-operative Ltd.
Bruce Telecom
CityWest Telephone and Cable Corp.
Cochrane Telecom Services
Dryden Municipal Telephone System
Execulink Telecom Inc.
Gosfield North Communications Co-operative Limited
Hay Communications Co-operative Limited
Huron Telecommunications Co-operative Limited
Lansdowne Rural Telephone Co. Ltd.
Mornington Communications Co-operative Limited
Nexicom Telecommunications Inc.
Nexicom Telephones Inc.
North Frontenac Telephone Corporation Ltd.
NRTC Communications
Ontera
Quadro Communications Co-operative Inc.
Roxborough Telephone Company Limited
Tuckersmith Communications Co-operative Limited
Wightman Telecom Ltd.
WTC Communications