



Telecom Order CRTC 2012-256

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Ottawa, 27 April 2012

Rogers Communications Partnership – Revisions to Third Party Internet Access service tariff

File number: Tariff Notice 21

Introduction

1. The Commission received an application from Rogers Communications Partnership (RCP), dated 27 January 2012, in which it proposed revisions to its Access Services Tariff, Part G – Tariff for Third Party Internet Access, resulting from the change from a disaggregated point of interconnection (POI) structure to an aggregated POI structure, pursuant to the Commission’s determinations in Telecom Regulatory Policy 2010-632.¹ Specifically, RCP proposed to apply its existing \$1,000 deposit charge for each serving area in which a Third Party Internet Access (TPIA) customer, generally an Internet service provider (ISP), wishes to provide retail Internet service, instead of on a per POI basis.²
2. The Commission received comments from the Canadian Network Operators Consortium Inc. (CNOc). The public record of this proceeding is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings” or by using the file number provided above.

Should the deposit be charged on a per serving area basis?

3. RCP submitted that an aggregated POI structure involves a number of serving areas, each of which is a geographic area in which a TPIA customer may elect to offer retail services. RCP also submitted that, under its proposal, the total deposit for service across RCP’s entire TPIA serving territory would not change from what it was under the disaggregated POI structure.³
4. CNOc submitted that TPIA customers should not be required to provide more than one deposit to access RCP’s entire TPIA serving territory. CNOc also submitted that the intent of aggregation is to make the cable carrier’s TPIA services more

¹ In Tariff Notice 21, RCP also proposed a minor change that involved removing several transmission protocols as approved means of interconnection because they are no longer current technologies or used by RCP’s Third Party Internet Access customers.

² The Commission decided in Order 2000-789 that cable carriers are allowed to collect a deposit of \$1,000 for each established POI.

³ RCP’s number of POIs has declined to three under the aggregated POI structure, from 43 under the former disaggregated POI structure.

equivalent to the DSL-based⁴ wholesale high-speed services of major incumbent local exchange carriers, and therefore RCP's proposal is not appropriate.

5. In reply, RCP submitted that a deposit is necessary for each serving area to show an ISP's commitment to carry the project forward to completion and to provide some compensation to RCP in the event of non-payment by the ISP. RCP also submitted that, in such a case, costs related to deploying ISP IP Address blocks into its servers and cable modem termination system, configuring IP network devices in each serving area, and provisioning transmission facilities from each serving area to the aggregated POI would not be recovered.

Commission's analysis and determinations

6. With respect to CNOC's proposal that a single deposit should be collected for RCP's entire TPIA serving territory, the Commission considers that this proposal is not consistent with Order 2000-789, in which the Commission allowed cable carriers to collect a deposit of \$1,000 for each established POI.
7. With respect to RCP's proposal to charge the deposit on a per serving area basis, the Commission notes that a serving area covers the geographic area that was served by a former disaggregated POI. It therefore considers that RCP has effectively proposed to collect the deposit on the same basis as under the disaggregated POI structure.
8. In the Commission's view, while RCP will possibly incur certain costs at each serving area under the aggregated POI structure, the overall costs of interconnecting with its TPIA customers will be significantly reduced. The Commission therefore considers that charging the deposit on a per aggregated POI basis would continue to provide TPIA customers with an appropriate incentive to finalize their interconnection arrangements and to provide RCP with compensation in the event a customer fails to do so. The Commission further considers that to charge the deposit on an aggregated POI basis would be consistent with the approval of the aggregated POI structure in Telecom Regulatory Policy 2010-632.
9. Accordingly, the Commission determines that RCP should charge the deposit on an aggregated POI basis.
10. In light of the above, the Commission **approves** RCP's application on a **final basis with changes**, effective the date of this order. The Commission directs RCP to make the following modification to the first sentence of Clause 5.7 of its Access Services Tariff, Part G – Tariff for Third Party Internet Access:

The Applicant or Customer must provide to Rogers a deposit of \$1,000 for each aggregated POI in which the Applicant or Customer wishes to interconnect.

Secretary General

⁴ Digital subscriber line

Related documents

- *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy CRTC 2010-632, 30 August 2010
- *Terms and rates approved for large cable carriers' higher speed access service*, Order CRTC 2000-789, 21 August 2000