



Telecom Decision CRTC 2012-327

PDF version

Ottawa, 7 June 2012

Forbearance from the regulation of high capacity/digital data services interexchange private line services on certain additional routes

File number: 8638-S1-01/98

In this decision, the Commission forbears, with some conditions, from regulating high-capacity/digital data services interexchange private line services on 106 additional routes.

Introduction

1. In Telecom Order 99-434, the Commission directed the competitors of several incumbent local exchange carriers (ILECs) to file a semi-annual report identifying the interexchange private line (IXPL) routes on which the competitors provided or offered high capacity/digital data services IXPL services (IXPL services) to at least one customer, at the equivalent of DS-3 or greater bandwidth, using terrestrial facilities from a company other than the ILEC or an affiliate of the ILEC.¹
2. Also in that order, the Commission stated that upon being satisfied that one or more competitors met this criterion, it would proceed to forbear from the regulation of IXPL services on those particular routes without further process. The reports are due on 1 April and 1 October each year.
3. The Commission received April 2012 filings from the following competitors: Axia SuperNet Ltd.; Bell Canada, on behalf of itself, Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), and NorthernTel, Limited Partnership (NorthernTel); Bragg Communications Inc., on behalf of itself, Amtelecom Telco GP Inc., and Persona Communications Corp.; Greater Sudbury Telecommunications Inc., operating as Agilis Networks; Hydro One Telecom Inc.; Manitoba Hydro Telecom; MTS Inc. and Allstream Inc. (collectively, MTS Allstream); Navigata Communications 2009, Inc.; O.N.Tel Inc., carrying on business as Ontera; Rogers Communications Inc.; Saskatchewan Telecommunications (SaskTel); Shaw Telecom G.P.; TBayTel; TELUS Communications Company (TCC); and Videotron G.P.

Commission's analysis and determinations

4. The Commission established a framework for considering whether to forbear from regulation in Telecom Decision 94-19.

¹ In Telecom Order 99-905, the Commission extended the IXPL forbearance process of Telecom Order 99-434 to Québec-Téléphone, now part of TELUS Communications Company (TCC), and to Télébec Itée, now Télébec, Limited Partnership.

5. In Telecom Decision 97-20, pursuant to section 34 of the *Telecommunications Act* (the Act) and in accordance with the framework set out in Telecom Decision 94-19, the Commission forbore in large part from regulating the IXPL services provided by the former Stentor-member companies on certain routes. The Commission expanded the scope of forbearance for forborne IXPL services provided by TCC in Telecom Decision 2003-77, and for those provided by Aliant Telecom Inc. (now part of Bell Aliant), Bell Canada, MTS Allstream, and SaskTel in Telecom Decision 2004-80.
6. The Commission has reviewed the competitors' reports filed pursuant to Telecom Order 99-434 and finds that the above-noted forbearance criterion is met for 106 additional routes, which are in territories served by Bell Aliant, Bell Canada, and MTS Allstream. These additional routes are listed in the Appendix.
7. Pursuant to subsection 34(1) of the Act, the Commission finds as a question of fact that to refrain from exercising its powers and performing its duties, to the extent specified in this decision, in relation to the regulation of IXPL services on the routes listed in the Appendix would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
8. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that the IXPL services on the routes listed in the Appendix are subject to a level of competition sufficient to protect the interests of users of these services and that, to the extent specified in this decision, it is appropriate to refrain from regulating the IXPL services provided on these routes.
9. Pursuant to subsection 34(3) of the Act, the Commission finds as a question of fact that to refrain from regulating the IXPL services on the routes listed in the Appendix, to the extent specified in this decision, would be unlikely to unduly impair the continuance of a competitive market for these services.
10. In light of the above and pursuant to subsection 34(4) of the Act, the Commission declares that the following sections of the Act, with some exceptions as noted, do not apply to the affected ILECs' IXPL services on the routes identified in the Appendix:
 - section 24, except that the Commission directs the ILECs whose territories include one or more of the IXPL routes listed in the Appendix (the affected ILECs) to incorporate into all contracts and any other arrangements for the IXPL services forborne from regulation in this decision, where appropriate and on a going-forward basis, the existing conditions regarding the disclosure of confidential customer information to third parties. The Commission considers that it is also appropriate for it to retain sufficient powers under section 24 of the Act to specify possible future conditions upon the forborne services provided by the affected ILECs, where circumstances warrant;
 - section 25;

- section 27, except with respect to subsection 27(3) of the Act in relation to compliance with powers and duties not forborne from in this decision;
- section 29; and
- section 31.

11. The Commission directs the affected ILECs to issue, within 45 days of the date of this decision, tariff pages removing the tariffs for the IXPL services on the routes identified in the Appendix, effective on the date of issuance of the tariff pages.

Secretary General

Related documents

- *Aliant Telecom, Bell Canada, MTS Allstream and SaskTel – Forbearance from section 29 of the Act for agreements related to forborne domestic toll services and forborne interexchange private line services*, Telecom Decision CRTC 2004-80, 9 December 2004
- *TELUS' application for forbearance from section 29 of the Telecommunications Act with respect to forborne interexchange private line and long distance services*, Telecom Decision CRTC 2003-77, 19 November 2003
- Telecom Order CRTC 99-905, 17 September 1999
- *Follow-up Proceeding to Telecom Decision CRTC 97-20: Establishment of criterion and process for considering further forbearance for High Capacity/DDS interexchange private line services*, Telecom Order CRTC 99-434, 12 May 1999
- *Stentor Resource Centre Inc. – Forbearance from regulation of interexchange private line services*, Telecom Decision CRTC 97-20, 18 December 1997
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994

Appendix

Additional IXPL routes that qualify for forbearance based on the April 2012 reports from competitors, pursuant to Telecom Order 99-434

	ILEC A	Exchange A	Exchange B	ILEC B
1	Bell Aliant	Chapleau ON	Desbarats ON	Bell Aliant
2	Bell Aliant	Chapleau ON	Earlton ON	NorthernTel
3	Bell Aliant	Chapleau ON	Englehart ON	NorthernTel
4	Bell Aliant	Chapleau ON	Espanola ON	Bell Aliant
5	Bell Aliant	Chapleau ON	Foley ON	Bell Aliant
6	Bell Aliant	Chapleau ON	Haileybury ON	NorthernTel
7	Bell Aliant	Chapleau ON	Hearst ON	NorthernTel
8	Bell Aliant	Chapleau ON	Iroquois Falls ON	NorthernTel
9	Bell Aliant	Chapleau ON	Kapusking ON	NorthernTel
10	Bell Aliant	Chapleau ON	Kirkland Lake ON	NorthernTel
11	Bell Aliant	Chapleau ON	Larder Lake ON	NorthernTel
12	Bell Aliant	Chapleau ON	Matheson ON	NorthernTel
13	Bell Aliant	Chapleau ON	New Liskeard ON	NorthernTel
14	Bell Aliant	Chapleau ON	North Bay ON	Bell Aliant
15	Bell Aliant	Chapleau ON	Parry Sound ON	Bell Aliant
16	Bell Aliant	Chapleau ON	Ramore ON	NorthernTel
17	Bell Aliant	Chapleau ON	Rouyn QC	Télébec
18	Bell Aliant	Chapleau ON	Sault Ste. Marie ON	Bell Aliant
19	Bell Aliant	Chapleau ON	Smooth Rock Falls ON	NorthernTel
20	Bell Aliant	Chapleau ON	South Porcupine ON	NorthernTel
21	Bell Aliant	Chapleau ON	Sudbury ON	Bell Aliant
22	Bell Aliant	Chapleau ON	Swastika ON	NorthernTel
23	Bell Aliant	Chapleau ON	Thessalon ON	Bell Aliant
24	Bell Aliant	Chapleau ON	Timmins ON	NorthernTel
25	Bell Aliant	Chapleau ON	Toronto ON	Bell Canada
26	Bell Aliant	Chapleau ON	Virginiatown ON	NorthernTel
27	Bell Aliant	Desbarats ON	Elliot Lake ON	Bell Aliant
28	Bell Aliant	Desbarats ON	Huntsville ON	Bell Aliant
29	Bell Aliant	Elliot Lake ON	Englehart ON	NorthernTel
30	Bell Aliant	Elliot Lake ON	Espanola ON	Bell Aliant
31	Bell Aliant	Elliot Lake ON	Foley ON	Bell Aliant
32	Bell Aliant	Elliot Lake ON	Haileybury ON	NorthernTel
33	Bell Aliant	Elliot Lake ON	Hearst ON	NorthernTel
34	Bell Aliant	Elliot Lake ON	Iroquois Falls ON	NorthernTel
35	Bell Aliant	Elliot Lake ON	Kapusking ON	NorthernTel
36	Bell Aliant	Elliot Lake ON	Kirkland Lake ON	NorthernTel

	ILEC A	Exchange A	Exchange B	ILEC B
37	Bell Aliant	Elliot Lake ON	Larder Lake ON	NorthernTel
38	Bell Aliant	Elliot Lake ON	Matheson ON	NorthernTel
39	Bell Aliant	Elliot Lake ON	New Liskeard ON	NorthernTel
40	Bell Aliant	Elliot Lake ON	North Bay ON	Bell Aliant
41	Bell Aliant	Elliot Lake ON	Parry Sound ON	Bell Aliant
42	Bell Aliant	Elliot Lake ON	Ramore ON	NorthernTel
43	Bell Aliant	Elliot Lake ON	Rouyn QC	Télébec
44	Bell Aliant	Elliot Lake ON	Sault Ste. Marie ON	Bell Aliant
45	Bell Aliant	Elliot Lake ON	Smooth Rock Falls ON	NorthernTel
46	Bell Aliant	Elliot Lake ON	South Porcupine ON	NorthernTel
47	Bell Aliant	Elliot Lake ON	Sudbury ON	Bell Aliant
48	Bell Aliant	Elliot Lake ON	Swastika ON	NorthernTel
49	Bell Aliant	Elliot Lake ON	Thessalon ON	Bell Aliant
50	Bell Aliant	Elliot Lake ON	Timmins ON	NorthernTel
51	Bell Aliant	Elliot Lake ON	Toronto ON	Bell Canada
52	Bell Aliant	Elliot Lake ON	Virginiatown ON	NorthernTel
53	Bell Aliant	Espanola ON	Huntsville ON	Bell Aliant
54	Bell Aliant	Foleyer ON	Huntsville ON	Bell Aliant
55	Bell Aliant	Huntsville ON	Hearst ON	NorthernTel
56	Bell Aliant	Huntsville ON	Iroquois Falls ON	NorthernTel
57	Bell Aliant	Huntsville ON	Kapuskasing ON	NorthernTel
58	Bell Aliant	Huntsville ON	Kirkland Lake ON	NorthernTel
59	Bell Aliant	Huntsville ON	Larder Lake ON	NorthernTel
60	Bell Aliant	Huntsville ON	Matheson ON	NorthernTel
61	Bell Aliant	Huntsville ON	New Liskeard ON	NorthernTel
62	Bell Aliant	Huntsville ON	North Bay ON	Bell Aliant
63	Bell Aliant	Huntsville ON	Parry Sound ON	Bell Aliant
64	Bell Aliant	Huntsville ON	Ramore ON	NorthernTel
65	Bell Aliant	Huntsville ON	Rouyn QC	Télébec
66	Bell Aliant	Huntsville ON	Sault Ste. Marie ON	Bell Aliant
67	Bell Aliant	Huntsville ON	Smooth Rock Falls ON	NorthernTel
68	Bell Aliant	Huntsville ON	South Porcupine ON	NorthernTel
69	Bell Aliant	Huntsville ON	Swastika ON	NorthernTel
70	Bell Aliant	Huntsville ON	Thessalon ON	Bell Aliant
71	Bell Aliant	Huntsville ON	Timmins ON	NorthernTel
72	Bell Aliant	Huntsville ON	Toronto ON	Bell Canada
73	Bell Aliant	Huntsville ON	Virginiatown ON	NorthernTel
74	Bell Canada	Brampton ON	Oakville ON	Bell Canada
75	Bell Canada	Cooksville ON	Kitchener ON	Bell Canada
76	Bell Canada	Cooksville ON	Vancouver BC	TCC

	ILEC A	Exchange A	Exchange B	ILEC B
77	Bell Canada	Malton ON	Montréal QC	Bell Canada
78	Bell Canada	Montréal QC	Plattsburg NY (border crossing)	
79	Bell Canada	Montréal QC	Sault Ste. Marie ON	Bell Canada
80	Bell Canada	Niagara Falls ON	Toronto ON	Bell Canada
81	Bell Canada	Port Hope ON	Toronto ON	Bell Canada
82	NorthernTel	Earlton ON	Elliot Lake ON	Bell Aliant
83	NorthernTel	Earlton ON	Huntsville ON	Bell Aliant
84	NorthernTel	Englehart ON	Huntsville ON	Bell Aliant
85	NorthernTel	Haileybury ON	Huntsville ON	Bell Aliant
86	SaskTel	Lloydminster SK	Maple Creek SK	SaskTel
87	SaskTel	Lloydminster SK	Moose Jaw SK	SaskTel
88	SaskTel	Lloydminster SK	Regina SK	SaskTel
89	SaskTel	Lloydminster SK	Saskatoon SK	SaskTel
90	SaskTel	Lloydminster SK	Swift Current SK	SaskTel
91	SaskTel	Lloydminster SK	Wilkie SK	SaskTel
92	SaskTel	Lloydminster SK	Yorkton SK	SaskTel
93	TCC	Alberta Beach AB	Edmonton AB	TCC
94	TCC	Anzac AB	Fort McMurray AB	TCC
95	TCC	Bonanza AB	Grande Prairie AB	TCC
96	TCC	Calgary AB	Caroline AB	TCC
97	TCC	Calgary AB	Cremona AB	TCC
98	TCC	Calgary AB	Gleichen AB	TCC
99	TCC	Calgary AB	Turner Valley AB	TCC
100	TCC	Edmonton AB	Ponoka AB	TCC
101	TCC	Edmonton AB	Sedgewick AB	TCC
102	TCC	Edmonton AB	Wabamun AB	TCC
103	TCC	Grande Prairie AB	Rycroft AB	TCC
104	TCC	Kitscoty AB	Lloydminster AB	TCC
105	TCC	Lethbridge AB	Stirling AB	TCC
106	TCC	North Vancouver BC	Victoria BC	TCC