



Telecom Order CRTC 2018-463

PDF version

Ottawa, 13 December 2018

Public record: Tariff Notice 58

Cogeco Communications Inc. – Introduction of new third-party Internet access service speeds

Application

1. The Commission received an application from Cogeco Communications Inc., on behalf of Cogeco Connexion Inc. (Cogeco), dated 31 August 2018, in which Cogeco proposed revisions to its Third Party Internet Access (TPIA) Tariff to introduce two new service speeds: 360 megabits per second (Mbps) download / 30 Mbps upload, and 1 gigabit per second (Gbps) download / 30 Mbps upload in upgraded DOCSIS¹ 3.1 serving areas.
2. Cogeco proposed the same monthly access rates for the new service speeds as those for its existing 250 Mbps service.
3. In Telecom Order 2018-365, the Commission approved Cogeco's application on an interim basis, effective 17 September 2018.
4. The Commission received an intervention regarding Cogeco's application from the Canadian Network Operators Consortium Inc. (CNOc).

Positions of parties

5. While CNOc agreed with the proposed rates for the new service speeds, it submitted that (i) the introduction of those speeds would give Cogeco a competitive advantage since Cogeco has not yet certified DOCSIS 3.1 modems for use by its competitors, and (ii) testing and certification for those modems would take no less than nine months.
6. Specifically, CNOc requested that the Commission direct Cogeco to confirm, with supporting evidence, that the new service speeds are exclusively and necessarily provisioned over DOCSIS 3.1 technology. If so, CNOc requested that the Commission direct Cogeco to offer its retail DOCSIS 3.1 modems to its wholesale service customers until Cogeco certifies such modems for its competitors. If not, CNOc requested that the Commission direct Cogeco to provide its wholesale service

¹ Data Over Cable Service Interface Specification (DOCSIS) is a telecommunications standard used to provide Internet access via a cable modem.

customers with access to the new service speeds through currently certified and compatible DOCSIS modems (i.e. DOCSIS 3.0).

7. Cogeco replied that the Commission should reject CNOC's request. Cogeco submitted that its new service speeds are designed to use DOCSIS 3.1 modems to (i) ensure the quality of TPIA service, and (ii) avoid network congestion. Cogeco added that its current modem supply agreements prohibit it from providing modems to third parties. Further, Cogeco submitted that the modem testing in its network could be completed within two months, once adequate numbers of certified test units are received and the modem firmware is up to date.

Commission's analysis and determinations

8. Given that DOCSIS 3.1 modems are required to support Cogeco's proposed new service speeds, the Commission considers that Cogeco's competitors should be required to provide their end-users with DOCSIS 3.1 modems to ensure the most efficient use of capacity and avoid congestion in the network.
9. In the proceeding that led to Telecom Order 2018-442, CNOC had raised similar issues related to modem certification, and the Commission determined that it was appropriate for Shaw Cablesystems G.P. (Shaw) to require its TPIA service customers to use DOCSIS 3.1 modems for high-speed Internet service to ensure the most efficient use of network capacity. The Commission also denied CNOC's requests for Shaw to (i) provide DOCSIS 3.1 modems to its wholesale TPIA service customers, and (ii) allow its wholesale TPIA service customers to use DOCSIS 3.0 modems to offer high-speed Internet service.
10. The Commission notes that there is currently no requirement for Cogeco to provide modems to competitors as requested by CNOC.
11. Further, the Commission considers that Cogeco's proposed time period to complete modem testing is reasonable and that it should not result in a significant delay for competitors to enter the retail market.
12. In light of the above, the Commission **denies** CNOC's requests for Cogeco to provide (i) its wholesale service customers with access to the proposed new higher-speed services via currently certified and compatible DOCSIS modems (i.e. DOCSIS 3.0), and (ii) DOCSIS 3.1 modems to its wholesale service customers. The Commission will dispose of Cogeco's Tariff Notice 58 on a final basis as part of the proceeding to examine the final rates for wholesale high-speed access services.

Secretary General

Related documents

- *Shaw Cablesystems G.P. – Introduction of a new third-party Internet access speed band and the Internet 300 access speed tier*, Telecom Order CRTC 2018-442, 29 November 2018

- Telecom Order CRTC 2018-365, 17 September 2018