



## Telecom Notice of Consultation CRTC 2019-420

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Ottawa, 16 December 2019

*Public record: 1011-NOC2019-0420*

### Call for comments – Access to in-building wire in multi-dwelling units

**Deadline for submission of interventions: 2 April 2020**

[\[Submit an intervention or view related documents\]](#)

*Following its consideration of an application by Bell Canada to review and vary certain determinations and directions set out in Telecom and Broadcasting Decision 2019-218, and to rescind Telecom Notice of Consultation 2019-219, the Commission today publishes Telecom Decision 2019-419 and replaces Telecom Notice of Consultation 2019-219 with this notice.*

#### Introduction

1. The Commission regulates access to in-building wire<sup>1</sup> and multi-dwelling units (MDUs) for the provision of telecommunications services. The Commission's policies and regulations regarding such access are set out in a series of Commission decisions,<sup>2</sup> and have been, until recently, focused on supporting competition for local voice service. As such, these decisions generally centred on ensuring that end-users in MDUs have direct access to the local exchange carrier (LEC) of their choice, but existing tariffs for access to in-building wire referred only to LECs and to copper access facilities, as prescribed by the Commission.
2. In Telecom Decision 2003-45, the Commission set out the MDU access condition, which states that the provision of telecommunications service by a LEC in an MDU is subject to the condition that all LECs wishing to serve end-users in that MDU are able to access those end-users on a timely basis, by means of resale, leased facilities, or their own facilities, at their choice, under reasonable terms and conditions.

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<sup>1</sup> Telecom Decision 99-10 defines “in-building wire” as wire and other facilities that are in a multi-dwelling unit (MDU) – for example, wires in the MDU's risers, running from the main terminal room to the telephone closet on each floor, and from there to the customer's suite. It also indicates that in-building wire may be owned by a telecommunications service provider or by the property owner.

<sup>2</sup> See, in particular, Telecom Decisions 97-8, 99-10, 2003-45, and 2005-33; and Decision 2001-362.

## **Telecom and Broadcasting Decision 2019-218, Telecom Notice of Consultation 2019-219, and Bell Canada's review and vary application**

3. In Telecom and Broadcasting Decision 2019-218, the Commission, among other things, expressed the preliminary views that (i) the MDU access condition and associated obligations should be extended to all carrier Internet service providers (ISPs), and potentially to all telecommunications service providers (TSPs), in the same way that Telecom Decision 2005-33 extended the MDU access condition and obligations to members of the Coalition of Hydro Telecom Service Providers (the Coalition); and (ii) all carrier ISPs, and potentially all TSPs, should have access to LECs' and other TSPs' in-building wire in MDUs on the same basis as registered competitive local exchange carriers (CLECs), and regardless of technology.
4. The Commission applied its directions set out in Telecom and Broadcasting Decision 2019-218 only to Bell Canada, which was the respondent to the application that initiated the associated proceeding. At the same time, the Commission issued Telecom Notice of Consultation 2019-219 to help determine to which other entities, if any, the MDU access condition and associated obligations, and access to fibre in-building wire (hereafter, in-building fibre), should be extended.
5. On 9 July 2019, the Commission received an application from Bell Canada, in which the company requested that the Commission review, vary, rescind, and stay (i) certain findings and directions set out in Telecom and Broadcasting Decision 2019-218; and (ii) Telecom Notice of Consultation 2019-219. The proceeding associated with Bell Canada's application resulted in Telecom Decision 2019-419, also published today.

### **Telecom Decision 2019-419**

6. In Telecom Decision 2019-419, the Commission reiterated its preliminary view, noted in paragraph 3 above, regarding the extension of the MDU access condition and associated obligations to additional entities, and permitting access to in-building wire (including in-building fibre) by those entities.
7. However, the Commission also considered that there was substantial doubt as to the correctness of the manner in which it decided to implement the determinations it had made in Telecom and Broadcasting Decision 2019-218. Accordingly, it decided to vary that decision by rescinding its directions to Bell Canada to (i) provide access to its in-building wire to all carrier ISPs, including Cloudwifi Inc. (Cloudwifi); (ii) file proposed amended tariff pages to include such access, as well as access by carrier ISPs and CLECs to Bell Canada-owned in-building fibre; and (iii) apply its existing in-building wire tariff for copper to carrier ISPs, including Cloudwifi, on an interim basis, as of the date of the decision with the exception of end-customers of any LEC or carrier ISP, including Cloudwifi, that have been connected to Bell Canada's in-building wire in accordance with the decision (i.e. pursuant to the interim tariff) and are currently receiving service.

8. Further, the Commission considered it necessary to clarify the situation and establish rules, standards, and obligations for access to in-building fibre. The Commission considered that this could best be achieved by initiating a proceeding to develop standards for in-building fibre connection and to make all parties aware of their rights and obligations.
9. Therefore, the Commission decided to replace the entirety of Telecom Notice of Consultation 2019-219 with this notice, to (i) request comments on the Commission's preliminary views, (ii) consider how access to in-building wire in MDUs should be expanded, and (iii) consider appropriate rates, terms, and conditions.

### **Call for comments**

10. In light of the above, the Commission invites comments on the following:
  - (i) the Commission's preliminary view that the MDU access condition and associated obligations should be extended to all carrier ISPs, and potentially to all TSPs, in the same way that Telecom Decision 2005-33 extended the MDU access condition and obligations to members of the Coalition;
  - (ii) the Commission's preliminary view that all carrier ISPs, and potentially all TSPs, should have access to in-building wire on the same basis as registered CLECs<sup>3</sup> and regardless of technology – that is, who should have access to in-building wire;
  - (iii) whether all in-building wire owners should be required to provide access to their in-building wire; if not, who should be required to do so;
  - (iv) the appropriate rates, terms, and conditions for in-building fibre connection by LECs, and, if required, by all carrier ISPs and all TSPs;
  - (v) what the best process for establishing these rates, terms, and conditions would be; and
  - (vi) whether connection standards should be developed for any technology other than in-building fibre at this time.
11. In their interventions, parties should provide supporting rationale and all evidence on which they relied to formulate their positions. The Commission will review the

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<sup>3</sup> In Telecom and Broadcasting Decision 2019-218, the Commission's preliminary view referred to "registered CLECs," given the circumstances in that decision. However, according to Telecom Decision 2003-45, the MDU access condition applies to all LECs; therefore, "registered CLECs" can be read here as "LECs."

matters raised in this proceeding in light of the policy objectives set out in section 7 of the *Telecommunications Act* and will take into consideration the 2006 Policy Direction<sup>4</sup> and the 2019 Policy Direction.<sup>5</sup> Parties should also take the policy objectives and Policy Directions into account and address their relevant aspects, as applicable.

## Procedure

12. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the [Rules of Procedure](#)) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing, and service of interventions, answers, replies, and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), under "[Statutes and regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
13. Interested persons who wish to become parties to this proceeding must file an intervention with the Commission regarding the above-noted issues by **2 April 2020**. The intervention must be filed in accordance with section 26 of the Rules of Procedure.
14. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a [template](#) for the accompanying cover letter to be filed by parties, can be found in Telecom Information Bulletin 2011-693.
15. Parties may file reply comments with the Commission by **4 May 2020**.
16. The Commission encourages interested persons and parties to monitor the record of this proceeding, available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), for additional information that they may find useful when preparing their submissions.
17. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should

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<sup>4</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

<sup>5</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

18. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that enable text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
19. Parties are to provide Excel versions of any spreadsheet data they submit.
20. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax to**  
819-994-0218

21. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
22. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
23. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

## **Important notice**

24. All information provided as part of this public process, except information designated confidential, whether sent by postal mail, fax, email, or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This includes all personal information, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.
25. The personal information that parties provide 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.
26. 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 available in PDF format.
27. The information that parties provide 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 provide access to the information that was provided as part of this public process.

## **Availability of documents**

28. Electronic versions of the interventions and other documents referred to in this notice are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by using the public record number provided at the beginning of this notice or by visiting the "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
29. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782  
Toll-free TTY: 1-877-909-2782

Secretary General

## Related documents

- *Bell Canada – Request for the Commission to review, vary, and rescind certain elements of Telecom and Broadcasting Decision 2019-218 and Telecom Notice of Consultation 2019-219*, Telecom Decision CRTC 2019-419, 16 December 2019
- *Show cause proceeding and call for comments – Applicability of the Commission’s preliminary view set out in Telecom and Broadcasting Decision 2019-218 to all telecommunications service providers*, Telecom Notice of Consultation CRTC 2019-219, 21 June 2019
- *Cloudwifi Inc. – Application to prevent Bell Canada from interfering with customer use of Bell Canada’s inside wire*, Telecom and Broadcasting Decision CRTC 2019-218, 21 June 2019
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Filing of joint supporting interventions*, Telecom Information Bulletin CRTC 2011-693, 8 November 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Application of Decision 2003-45 to the Coalition of Hydro Telecom Service Providers*, Telecom Decision CRTC 2005-33, 10 June 2005
- *Provision of telecommunications services to customers in multi-dwelling units*, Telecom Decision CRTC 2003-45, 30 June 2003
- *The Commission extends all determinations on the EastLink/Norigen application (access to in-building wire) to all local exchange carriers*, Decision CRTC 2001-362, 19 June 2001
- *Location of Demarcation Point for Inside Wire in Multi-Dwelling Units and Associated Issues*, Telecom Decision CRTC 99-10, 6 August 1999
- *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997