



## Telecom Decision CRTC 2021-340

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Ottawa, 14 October 2021

*Public record: 8621-C12-01/08*

### **CISC Business Process Working Group – Reports and guidelines related to the implementation of a new competitor quality of service regime**

The Commission **approves with changes** four documents related to the implementation of a new competitor quality of service (Q of S) regime. The Commission's determinations will allow wholesale high-speed access service providers to modify their systems and processes to enable them to submit competitor Q of S data pursuant to the requirements set out in Telecom Regulatory Policy 2018-123 and Telecom Decision 2020-408.

The Commission **denies** TekSavvy Solutions Inc's request to change the file format used for competitor Q of S data in the Commission's data collection system.

#### **Background**

1. In Telecom Regulatory Policy 2018-123 (the Policy), the Commission requested that the CRTC Interconnection Steering Committee (CISC) propose business rules and minimum targets for competitor quality of service (Q of S) indicators related to high-speed access (HSA) installation and repair appointments met, and average timelines for HSA installation and repair appointments. It also sought recommendations about timelines for implementing its new competitor Q of S regime for HSA services.
2. The CISC Business Process Working Group (BPWG) created Task Identification Form (TIF) 102 to address the Commission's requests. At its 16 April 2020 meeting, the CISC approved the result of TIF 102, the non-consensus report Competitor Quality of Service Regime, 5 February 2020 (BPRE102a).
3. Pursuant to the Commission's direction, the following four indicators were considered in the report:
  - Indicator 1.1 – Wholesale HSA Installation Appointments Met
  - Indicator 1.2 – Wholesale HSA Repair Appointments Met
  - Indicator 2.1 – Wholesale HSA Installation Intervals
  - Indicator 2.2 – Wholesale HSA Repair Intervals

4. The BPWG came to a consensus on 25 out of 35 business rules. It requested that the Commission approve the consensus items and provide rulings regarding the non-consensus items.
5. The Commission issued its determinations regarding BPRE102a in Telecom Decision 2020-408 (the Decision). The Commission made its determinations for the non-consensus items with a view to promoting competition and consumer interests, while also considering the regulatory burden on wholesale HSA service providers.
6. The Commission requested that the BPWG modify the business rules to reflect the determinations in the Decision and indicated that competitor Q of S data would be collected via the Commission's data collection system (DCS).
7. In conjunction with the publication of the Decision, a Commission staff letter was issued inviting comments on the reporting format for the approved indicators.
8. In response, the BPWG submitted the following items to the CISC:
  - Competitor Quality of Service Indicator Reporting Guideline Version 1.0, 16 February 2021 (Guideline BPGLCQoS10)
  - Competitor Quality of Service Regime Consensus Report, 18 March 2021 (BPRE102b)
  - Competitor Quality of Service Regime Process and Reporting Format Consensus Report, 8 April 2021 (BPRE102c)
  - Appendix A to Guideline BPGLCQoS10 (BPGLCQoS1.1)
9. At its meeting on 12 May 2021, the CISC approved by consensus the four above-noted documents.<sup>1</sup>
10. TekSavvy Solutions Inc. (TekSavvy) provided additional comments on the proposed process and format for submitting data in a letter dated 8 April 2021.<sup>2</sup>

## Issues

11. The Commission has identified the following issues to be addressed in this decision:
  - Should the Commission approve the four BPWG documents related to the implementation of a new competitor Q of S regime?
  - Should any changes be made to the file format for DCS submissions?

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<sup>1</sup> The reports are available on the [Business Process Working Group: Reports](#) page and the guidelines are available on the [Business Process Working Group: Important Documentation and Guidelines](#) page.

<sup>2</sup> The letter is available on the [CISC – General Correspondence](#) page of the Commission's website, under the sub-heading "Correspondences."

**Should the Commission approve the four BPWG documents related to the implementation of a new competitor Q of S regime?**

**Competitor Quality of Service Regime Consensus Report (BPRE102b), and Competitor Quality of Service Indicator Reporting Guideline Version 1.0 (BPGLCQoS10)**

12. In BPRE102b, the BPWG submitted that for ease of reference and future access, it had updated its report BPRE102a to reflect the Commission's directives regarding business rules, and had converted it into a guideline document that could be posted on the CISC BPWG's section of the Commission's website.

**Commission's analysis and determinations**

13. The Commission has reviewed Guideline BPGLCQoS10 and considers that the contents are consistent with the Commission's determinations in the Decision, with the following exceptions.

***Business Rules #12 and #20***

14. Business Rules #12 and #20 relate to indicators 1.1 and 1.2, respectively. These identical rules state the following:

Installations impacted by Force Majeure, as defined in section 2.1, as a result of any event that is beyond the wholesale HSA service provider's reasonable control can be excluded from the metrics. Wholesale HSA service providers will present results with the adjustment for force majeure events and keep records for a period of 12 months in the event that the adjusted results are questioned by the Commission or a wholesale HSA customer.

15. In the Decision, the Commission expressed the view that wholesale HSA service providers should track data on exclusions due to *force majeure* in a verifiable manner, and should retain supporting records for one year in case the adjusted results were questioned. Accordingly, the Commission directed wholesale HSA service providers to track and report results for installation appointments with and without adjustments for *force majeure* events, and to retain the supporting records for a period of one year starting from the date on which the data is reported.

16. While the direction specifies that wholesale HSA service providers are to track and report results "with and without adjustments," the revised guidelines for Business Rules #12 and #20 only refer to presenting results "with the adjustment" for *force majeure* events. However, the Commission considers that the revised guidelines are acceptable since the reporting format will include additional details about events claimed as *force majeure*, which will allow for unadjusted results to be calculated, as required. The Commission also considers that these additional details, and the fact that HSA service providers will maintain supporting records for a year, will ensure that the data is tracked in a verifiable manner.

17. The Commission also notes that the revised guideline for Business Rule #20 mentions installation appointments rather than repair appointments, and considers that the text should be modified accordingly.

***Business Rules #19, #27, and #34***

18. Business Rule #19 relates to indicator 1.2 and states the following:

- Appointments that are rescheduled at the request of the wholesale HSA service provider are treated as missed appointments. The subsequent appointment is tracked as well.
- Appointments that are rescheduled at the request of the competitor are treated as excluded. The subsequent appointment is tracked as well. Competitor issues that prevent an appointment completion are excluded:
  - Incomplete or incorrect service address
  - Incorrect on-site contact information
- Appointments where the technician showed up at the appointed time but alleges that work cannot be completed because there is no ALC present to provide access to the premises are treated as excluded and tagged as “Claimed No-ALC”. The subsequent appointment is tracked as well.<sup>3</sup>

19. Business Rules #27 and #34 relate to indicators 2.1 and 2.2, respectively. These rules are identical to each other and contain the same substantive information as Business Rule #19, with minor editorial variations.

20. The revised guidelines for these business rules include the following (emphasis added): “Appointments that are rescheduled at the request of the competitor are treated as excluded. **The subsequent appointment is tracked as well.**”<sup>4</sup>

21. While the addition of this highlighted text is not required to be consistent with the Commission’s directions in the Decision, the Commission considers it will not affect the way information is reported and that, consequently, it is acceptable to include it without revision.

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<sup>3</sup> “Claimed No-ALC” refers to appointments for which the technician claims that no appointed local contact (ALC) was present to provide access to the premises at the scheduled appointment time.

<sup>4</sup> The phrase “and the subsequent appointment is also tracked” is used instead in Business Rules #27 and #34.

### ***Business Rule #21***

22. Business Rule #21, which relates to indicator 2.1, states the following:

The interval for indicator 2.1 is calculated from the date a complete and accurate installation request is confirmed to the scheduled appointment date. The categorization is applied based on the outcome of the appointment (result from Indicator 1.1).

23. The Commission stated in the Decision that the interval reflected in indicator 2.1 should cover the time between when the installation appointment is confirmed and when the installation is completed. However, the revised guideline explains that the end of the interval is the scheduled appointment date.

24. For consistency with its determinations, the Commission considers that “the scheduled appointment date” should be changed to “when the installation is completed.”

### ***Business Rule #23***

25. Business Rule #23, which relates to indicator 2.1, states the following:

Measure the interval in calendar days (as opposed to legacy CQoS which were measured in business days). The number of days is counted based on when the order is confirmed. All calendar days are counted (i.e., no exceptions are made for weekends, statutory holidays, etc.). The day when the order is confirmed (Day Zero), is calculated the same way as for legacy CQoS.

26. In the Decision, the Commission approved the BPWG’s proposed wording for Business Rule #23, which included the following sentence: “The number of days is counted based on when the order is received.” However, the revised guideline states that the number of days is counted based on when the order is confirmed.

27. The Commission considers that this change is acceptable since it is consistent with the Commission’s determinations regarding Business Rule #21, which states that the interval for indicator 2.1 is calculated from the date a complete and accurate installation request is confirmed.

### ***Indicator 2.1 – Summary***

28. The summary table for indicator 2.1 includes the following:

#### **Formula:**

#### **Met Interval**

$\Sigma[(\text{Date of Scheduled Installation Appointment Met}) - (\text{Date Installation Appointment is Confirmed})] / \text{Total Number of installation appointments scheduled in the reporting period and Met}$

29. As noted above, in the Decision the Commission determined that it was appropriate to modify Business Rule #21 such that indicator 2.1 would cover the time between when the installation appointment is confirmed and when the installation is completed. However, the formula for the Met Interval in the summary table refers to appointments met rather than completed.
30. The Commission notes that, with respect to Business Rule #21, the Decision explains that “appointments met” for indicator 1.1 refers to completed installations, and that, for consistency, the interval in indicator 2.1 should cover the time between when the installation appointment is confirmed and when the installation is completed. The Commission considers that the word “met” reflects confirmed appointments and is therefore an acceptable change to the indicator summary.

### **Conclusion**

31. In light of the above, the Commission **approves** BPRE102b and Guideline BPGLCQoS10 with the following revisions:

- Business Rule #20: change “Installations” to “Repairs”
- Business Rule #21: change “the scheduled appointment date” to “when the installation is completed”

### **Competitor Quality of Service Regime Process and Reporting Format Consensus Report (BPRE102c) and Appendix A to Guideline BPGLCQoS10 (BPGLCQoS1.1)**

32. In BPRE102c, the BPWG generally submitted that it supported the format and process to report competitor Q of S results, as proposed in the Commission staff letter. It noted that BPGLCQoS1.1 explains the Commission’s DCS submission process, definitions of the variables, data type, and other necessary information for filing and reading reports. It also noted that the majority of the text in BPGLCQoS1.1 is identical to what Commission staff had proposed in its 22 December 2020 letter.
33. The BPWG recommended that the Commission approve BPGLCQoS1.1.

### **Proposed DCS reporting format for wholesale HSA providers**

#### ***Layout and structure***

34. The BPWG recommended minor modifications to the Commission staff’s proposed forms that wholesale HSA service providers would use to submit data. The BPWG was of the view that these changes would provide additional clarity and better address certain determinations in the Decision. The recommended modifications included
- dividing indicators 2.1 and 2.2 to include “met” and “missed” sub-indicators for each;

- adding a column to identify whether the results are adjusted under the N-1 rule;<sup>5</sup> and
- labelling columns that contain confidential information as such.

#### ***Commission's analysis and determinations***

35. The Commission considers that these proposed changes are reasonable because they will better align the reporting format with the Commission's directions for submitting data about met and missed intervals, applying the N-1 rule, and designating information as confidential.
36. The Commission notes that the title "Indicator Data Form" is missing from the first table in BPGLCQoS1.1, and that "Claimed no-ACL" in both the revised Indicator Data and the Tracked Exclusions Data tables should instead read "Claimed no-ALC." The Commission considers that modifying BPGLCQoS1.1 accordingly would be helpful for future reference.

#### ***Calculations***

37. Commission staff's proposed DCS reporting format for the Indicator Data table included a line at the bottom of the table that would show data totals or overall results for each indicator column. The BPWG proposed to remove the totals line from the table because it created confusion for working group participants.
38. The BPWG noted Commission staff's preference was to include the company-wide total at the bottom of the form for consistency with the Commission's policy, which requires wholesale HSA service providers to submit information on both a company-wide and a competitor-specific basis. The BPWG further noted that Commission staff had indicated that totals could be deleted from the form if this caused problems because users could calculate the overall results using the appropriate filters when downloading information from DCS. Finally, it submitted that since wholesale HSA service providers would not be including totals for indicators by month, quarter, or competitor, certain calculations for these total values must have the appropriate weights included.

#### ***Commission's analysis and determinations***

39. In the Policy, the Commission directed wholesale HSA service providers to provide information on both a company-wide and a competitor-specific basis. Commission staff proposed including total results for all competitors in a line at the bottom of the form as a means to permit simple comparisons between company-wide and competitor-specific results. Although the proposed change would appear inconsistent

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<sup>5</sup> The N-1 rule, approved in Telecom Decision 2020-408, states that if a competitor's number of eligible installations quantity is between 1 and 19 in a given reporting period, a single missed installation appointment may be removed if doing so changes the result from a miss of the standard to a meet of the standard.

with the intended level of transparency, it was agreed to by BPWG members representing both wholesale HSA service providers and their competitor customers.

40. Moreover, the Commission would continue to have access to the necessary confidential data to allow staff to perform calculations as required. External parties would also be able to see the results for the indicators on the Commission's website, and to download the data into a spreadsheet in order to monitor and compare results. Accordingly, the Commission considers that it would be acceptable to delete this total line from the form.

#### ***Confidentiality***

41. The BPWG recommended that competitor Q of S results be submitted with the names of wholesale HSA customers kept in confidence. It noted that wholesale HSA service providers consistently keep their customers' names confidential, and that those names are never shared with the providers' retail arms because the Commission does not permit it, nor are the names filed publicly. The BPWG submitted that disclosing wholesale HSA customer names would provide competitors with information that is normally kept confidential and which would otherwise not be available to them, and that obtaining this information through competitor Q of S reporting would result in unintended negative consequences.
42. Instead, the BPWG proposed to report results publicly without disclosing wholesale customer names, which would remain confidential in the information submitted to the Commission. It also proposed adding a column in which wholesale HSA service providers would include a unique identifier for each of their customers. For ease of reference, this unique identifier would be consistent over time for each wholesale HSA service provider. The BPWG submitted that wholesale HSA service providers would send each of their customers its own results, which would show both that customer's name and its associated unique identifier.

#### ***Commission's analysis and determinations***

43. The Commission stated in the Policy that a competitor Q of S regime for wholesale HSA services would permit comparisons among wholesale HSA service providers and competitors. These comparisons would allow for tracking over time, help to identify any negative patterns in competitor Q of S results, and enable regulatory intervention, as appropriate. The Commission directed wholesale HSA service providers to submit data on both a company-wide and a competitor-specific basis, which would enable the Commission and competitors to access aggregated information and detailed data. As noted above, the Commission indicated in the Decision that collecting the required data via its DCS would allow for a greater degree of transparency for those who wish to review and compare results.
44. Although permitting wholesale HSA service providers to submit customer names in confidence would not offer the intended degree of transparency, the Commission considers that the BPWG's reasons for proposing that the information remain

confidential are valid. The Commission also notes that both wholesale HSA service providers and their competitor customers agreed with this proposal.

45. The Commission considers that creating a unique competitor identifier would protect parties' interests while maintaining confidentiality of wholesale HSA customer information. Wholesale HSA customers would be able to compare their results both to results of other wholesale HSA customers that obtain services from the same wholesale HSA service provider, and to results across wholesale HSA service providers if customers also purchase services from an additional provider. The Commission considers these changes to be a reasonable way to address concerns about confidentiality of wholesale customer information.

#### **Proposed format for publication on the Commission's website**

46. The BPWG did not propose any changes to the proposed format for publication on the Commission's website. However, for consistency with the changes identified above, the Commission notes that the columns labelled "Competitor" should instead be labelled "Competitor Identifier," to maintain confidentiality of competitor information. The results for indicators 2.1 and 2.2 should be broken down into sub-indicators to reflect met and missed installation and repair intervals, also for reasons of consistency.

#### ***Commission's analysis and determinations***

47. Commission staff's proposed format for publication of indicator data suggested that no filters be applied for the associated columns. However, the Commission considers that it would be helpful to include filters for these columns, consistent with the other columns in the reporting table. Given that this information may be downloaded from the Commission's website into a spreadsheet, and that filters could then be added to the columns in question, the Commission considers that this would not be a substantive change, nor would it affect the content of BPGLCQoS1.1. Accordingly, the Commission determines that the online reporting format will be modified to allow indicator data to be filtered by results.

#### **Conclusion**

48. In light of the above, the Commission **approves** BPRE102c and BPGLCQoS1.1.

#### **Should any changes be made to the file format for DCS submissions?**

49. TekSavvy requested that the Commission use a consistent but different file format for DCS submissions to avoid certain challenges with the current Extensible Markup Language (XML) standard. It submitted that although the XML file format is compatible with software such as Microsoft Excel (Excel), Excel displays certain error and warning messages when manipulating XML data.

## Commission's analysis and determinations

50. The Commission notes that the generic XML format is currently the technical standard for various forms adopted by the Commission for the DCS. The Commission considers that using the XML format remains warranted because it is software neutral, avoiding reliance on commercial software such as Excel, which, if adopted, could prevent users without such software from being able to view and edit offline versions of the forms.
51. In light of the above, the Commission **denies** TekSavvy's request to change the file format used for competitor Q of S data in DCS.

## Conclusion

52. In light of all of the above, the Commission **approves with changes** BPRE102b and BPRE102c; **approves** Guideline BPGLCQoS10 and BPGLCQoS1.1; and **denies** TekSavvy's request to modify the file format used for competitor Q of S data in the Commission's DCS.

## Policy Directions

53. The Commission's determinations in this decision will allow wholesale HSA service providers to modify their systems and processes to enable them to submit competitor Q of S data pursuant to the Commission's determinations and directions in the Policy and the Decision. The Commission considers that these final determinations are consistent with the 2019 and 2006 Policy Directions,<sup>6</sup> for the same reasons expressed in the Decision, as discussed below.
54. The Commission considers that once its determinations regarding these reports and guidelines are implemented in the competitor Q of S regime for wholesale HSA services, they will ultimately help meet the following principles set out in the 2019 Policy Direction:
- encourage all forms of competition and investment, consistent with subparagraph 1(a)(i);
  - foster affordability and lower prices, particularly when telecommunications service providers (TSPs) exercise market power, consistent with subparagraph 1(a)(ii);

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<sup>6</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, and *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

- ensure that affordable access to high-quality telecommunications services is available in all regions of Canada, including rural areas, consistent with subparagraph 1(a)(iii);
- enhance and protect the rights of consumers in their relationships with TSPs, including rights related to accessibility, consistent with subparagraph 1(a)(iv); and
- reduce barriers to entry into the market and to competition for TSPs that are new, regional, or smaller than the incumbent national service providers, consistent with subparagraph 1(a)(v).

55. The Commission considers that its determinations regarding these reports and guidelines are also consistent with subparagraph 1(a)(ii) of the 2006 Policy Direction because the resulting measures are efficient and proportionate to their purpose – that is, to help competitors better assess the level of service they receive from wholesale HSA service providers – and will minimally interfere with market forces. The Commission also considers that its determinations are consistent with subparagraph 1(b)(iii) of the 2006 Policy Direction because the resulting measures will be implemented in a symmetrical and competitively neutral manner, to the greatest extent possible. The Commission further considers that the proposed reporting format is consistent with subparagraph 1(b)(iv) because it will implement a new, streamlined reporting process.

Secretary General

### **Related documents**

- *Implementation of a new competitor quality of service regime*, Telecom Decision CRTC 2020-408, 22 December 2020
- *Review of the competitor quality of service regime*, Telecom Regulatory Policy CRTC 2018-123, 13 April 2018