



## Telecom Order CRTC 2022-4

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Ottawa, 12 January 2022

*Public record: Tariff Notice 13*

### Câblevision du nord de Québec inc. – Removal of the Témiscaming point of interconnection

The Commission **approves** Câblevision du nord de Québec inc.'s request to remove its point of interconnection in the city of Témiscaming.

#### Application

1. The Commission received an application from Câblevision du nord de Québec inc. (Câblevision), Tariff Notice (TN) 13, dated 16 April 2021, in which the company requested the Commission's authorization to remove the point of interconnection (POI) in the city of Témiscaming (Témiscaming) from its third-party Internet access (TPIA) service. Câblevision also proposed that customers associated with this POI be served by the Ville-Marie POI.
2. The Commission received an intervention from EBOX Inc. (EBOX).

#### Issues

3. The Commission has identified the following issues to be addressed in this order:
  - Is the request to remove the Témiscaming POI reasonable?
  - Is the requirement to connect to multiple POIs to access Câblevision's TPIA tariff reasonable?

#### Is the request to remove the Témiscaming POI reasonable?

#### Positions of parties

4. Câblevision submitted to the Commission that it intended to remove the Témiscaming POI as part of its network upgrade, which it can do under item 201.3(d)<sup>1</sup> of its TPIA tariff. The company specified that the TPIA service

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<sup>1</sup> Item 201.3(d) of Câblevision's TPIA tariff states, "CVQ [Câblevision] will determine the location of POIs. CVQ may at its own discretion change the POI locations, remove POIs, modify POIs, or modify POI access equipment, including POI routers. In the event of a change of POI location, removal of a POI, or modification to POI access equipment, including POI routers, that affects TPIA service, CVQ will provide the customers interconnected at that POI with reasonable notice of at least six months. Customers will bear

provided by the Témiscaming POI will be maintained by the Ville-Marie POI, and that this change will benefit the wholesale service customers.

5. While not opposed to this change, EBOX wanted to bring to the Commission's attention that Câblevision's network still has several separate POIs to serve a small territory. EBOX also reminded the Commission that in its intervention for Câblevision's TN 12A, dated 1 June 2021, it requested that the Commission order Câblevision to offer an aggregated configuration to cover its entire territory.
6. EBOX indicated that it is not opposed to Câblevision consolidating the Témiscaming and Ville-Marie POIs into one.

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

7. Given that Câblevision proposed that the Ville-Marie POI be able to serve the area covered by the Témiscaming POI, the Commission considers that this request to remove the Témiscaming POI is in the best interest of Câblevision's TPIA customers.
8. In Telecom Orders 2012-634, 2012-635, 2014-205, and 2015-163, the Commission established the requirement that a TPIA customer using a 10 Gigabit Ethernet (GigE) interface to connect to a TPIA POI must maintain a minimum capacity of 3 GigE per interface. Removing the Témiscaming POI, as proposed by Câblevision, could reduce the costs associated with this requirement for a Câblevision TPIA customer who wants to access this service in Ville-Marie and Témiscaming. The customer will be able to access the service because the same territory is covered despite there being one less POI. Therefore, the change proposed by Câblevision is beneficial for Câblevision's TPIA customers.

#### **Is the requirement to connect to multiple POIs to access Câblevision's TPIA tariff reasonable?**

##### **Positions of parties**

9. EBOX argued that there are still several POIs that remain separate on Câblevision's network to serve a small territory. EBOX submitted that Câblevision has a unique interconnection configuration even though it covers a small area.
10. EBOX added that in its intervention concerning Câblevision's TN 12A, it submitted a request that the Commission order Câblevision to offer an aggregated configuration to cover its entire territory, as is common practice in other markets.

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their own costs of relocation or of changes to the POI or the POI access equipment, including POI routers. The customer must provide CVQ the same reasonable notice in the event of any change to its facilities that affects CVQ.” [Translation]

11. Câblevision responded by arguing that EBOX does not object to the concentration of POIs as proposed and concluding that no one objected to TN 13.

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

12. The Commission notes that Câblevision's current monthly basic usage fee per modem and current monthly capacity rate per 100 megabits per second are based on the fee and rate of Cogeco Communications inc.'s (Cogeco) aggregated TPIA service. In an aggregated service, the TPIA customer connects its network to a small number of POIs to reach all end-users connected to the TPIA provider's network.
13. The Commission notes that in its intervention concerning Câblevision's TN 12A, EBOX argued that it had to connect to six POIs to access the entire territory served by Câblevision. EBOX added that by comparison, Cogeco requires only one POI to cover a vast territory between the Maritimes and the Outaouais region. The same holds true for Videotron Ltd.'s territory and Rogers Communications Canada Inc.'s territory in Ontario, where these companies have a single POI for their respective territories. In its reply to EBOX's intervention concerning TN 12A, Câblevision did not comment on the number of POIs in its network.
14. The Commission notes that, to make a determination on Câblevision's network configuration, additional related information would have been required on the record of the proceeding. There is insufficient information on the record for the Commission to make such a determination. Parties can use the Commission's application processes should they wish the Commission to inquire into and determine such matters.

### **Conclusion**

15. In light of the above, the Commission **approves** Câblevision's request to remove its POI in Témiscaming.

### **Policy Directions**

16. In reaching its determinations, the Commission considered the 2019 Policy Direction<sup>2</sup> and the Canadian telecommunications policy objectives set out in paragraphs 7(a), 7(b), 7(f), and 7(h) of the *Telecommunications Act* (the Act).<sup>3</sup> In the

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<sup>2</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

<sup>3</sup> The cited policy objectives of the Act are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective; and 7(h) to respond to the economic and social requirements of users of telecommunications services.

Commission's view, reducing the number of Câblevision's POIs from six to five would be consistent with the objectives set out in paragraphs 7(b), 7(f), and 7(h) of the Act.

17. The 2006 Policy Direction<sup>4</sup> requires the Commission to rely on market forces to the maximum extent feasible and regulate, where there is still a need to do so, in a manner that interferes with the operation of market forces to the minimum extent necessary to meet the policy objectives of the Act. It also requires the Commission to specify, when relying on regulatory measures, the policy objective of those measures. The determinations above advance the policy objectives set out in paragraphs 7(a), 7(b), 7(f), and 7(h) of the Act.
18. More specifically, the removal of the Témiscaming POI will enable Câblevision's TPIA customers to connect to the entire territory at lower costs, which will encourage competition and meet the needs of the people of Abitibi-Témiscamingue by reducing barriers to increased competition in the telecommunications market.
19. The 2019 Policy Direction provides that when the Commission is exercising its powers and performing its duties under the Act, it should consider how its decisions can promote competition, affordability, consumer interests, and innovation. The Commission considers that the expectations set out in this order are consistent with that Policy Direction, particularly with respect to subparagraphs 1(a)(i), 1(a)(iii), 1(a)(iv), and 1(a)(v). Specifically, the determinations above are intended to enable consumers in the Abitibi-Témiscamingue region to enjoy the benefits of healthy competition among providers and to ensure that access to competitive, affordable, and high-quality services is not restricted by a provider with market power in Témiscaming and Ville-Marie. Rather, this order is intended to reduce barriers to entry into the market for new players, which will promote affordability and encourage competition for telecommunications services in Abitibi-Témiscamingue.

Secretary General

## Related documents

- *Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Introduction of wholesale 10 Gigabit Ethernet interface service*, Telecom Order CRTC 2015-163, 28 April 2015
- *Cogeco Cable Inc. – Service condition for the provision of a 10-Gigabit Ethernet interface option for third-party Internet access service*, Telecom Order CRTC 2014-205, 1 May 2014

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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

- *Rogers Communications Partnership – Introduction of 10 Gigabit Ethernet Interconnecting Option – Third party Internet access service*, Telecom Order CRTC 2012-635, 21 November 2012
- *Videotron G.P. – Introduction of 10 Gigabit Ethernet Interconnecting Option – Third party Internet access service*, Telecom Order CRTC 2012-634, 21 November 2012