



Canadian Network Operators Consortium Inc.
Consortium des Opérateurs de Réseaux Canadiens Inc.



**WE'RE DIFFERENT.
IN A GOOD WAY.**

Mr. Chris Seidl
Executive Director, Telecom
Canadian Radio-television and Telecommunications Commission (CRTC)
1 Prom. du Portage, Gatineau, QC J8X 4B1

We are writing with respect to changes that are being made to the ordering, installation, and repair procedures for wholesale high-speed access ("HSA") service by incumbent telephone and cable carriers HSA service providers ("HSA service providers") in response to the COVID-19 pandemic.

These process changes include the implementation of new customer screening measures, new installation and repair procedures, new timelines for installation and repair activities following a failed install or repair and stop sells on specific wholesale HSA service speeds. Some of the notices that have been distributed by wholesale HSA service providers detailing the changes are attached to this letter for the Commission's reference.

As a consequence of these unilateral changes to regulated processes, TekSavvy and CNOCCORC members have seen a significant increase in failed orders where end-users are not able to get services from competitors, but they are able to get Internet services from the underlying carrier. We have also seen significant increases in how long it takes HSA service providers to process our service orders, while some carriers have apparently extended self-install options for their retail services in order to continue to install retail services while mitigating risks of physical contact. We are also concerned given past experience that where incumbent carriers' technicians have increased discretion whether to do the work on a dispatch, they may disproportionately refuse to do work for competitors' end-users, effectively favouring the carrier's retail end-users.

There is no question that the COVID-19 pandemic has created unprecedented challenges for all Internet service providers. TekSavvy and all of CNOCCORC's members have had to take extraordinary measures to both protect their employees and ensure that they are able to continue serving their customers that are relying on their Internet services now more than ever. We understand and appreciate that wholesale HSA service providers are facing the same challenges and are taking measures to address them.

We are concerned, however, that in the rush to develop new processes to mitigate risk related to COVID-19, wholesale HSA service providers are unilaterally changing regulated processes or processes that are necessary to deliver regulated services.

We are further concerned that the HSA service providers may not be applying the same process changes to their retail Internet services that they are imposing on their wholesale HSA services. If HSA service providers are in fact implementing different processes for their wholesale HSA and retail Internet services, or if the changes they are implementing have a disproportionately harmful impact on wholesale HSA services, then such practices engage section 27(2) of the *Telecom Act*.

To the extent that protective measures imposed on wholesale HSA services are stricter than those imposed on retail services or measures implemented to mitigate the impact of those protective measures for retail services are not implemented for wholesale HSA services, the HSA service providers would be granting an undue or unreasonable preference to their retail services relative to their wholesale HSA services. While this behaviour is of concern at all times, such behaviour would be even more concerning at a time when Canadians are relying on their Internet service as a lifeline during the current pandemic.

We ask that the Commission remind all HSA service providers that all regulatory obligations continue to apply throughout the duration of the COVID-19 pandemic, and that processes in respect of the provision of wholesale HSA services should be provided equivalently to those provided to the HSA service provider's retail customers.

We also ask that the Commission direct the HSA service providers to file the following with the Commission when they notify wholesale HSA customers of pandemic-related process changes being made to wholesale HSA services, including those changes that have already been made:

- 1) the notice issued to wholesale HSA customers;
- 2) the reason why the process change is being implemented;
- 3) the identification of any change that is being applied to wholesale HSA services but not to the HSA service provider's retail service and an explanation as to why the change is not being applied to both wholesale HSA and retail services; and
- 4) the identification of any change that is being applied to the HSA service provider's retail service that is not being applied to wholesale HSA services and an explanation as to why the change is not being applied to both wholesale HSA and retail services.

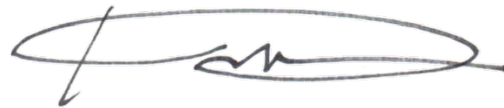
This measure will provide the Commission and all parties with the information necessary to administer subsection 27(2) of the *Act* if and as necessary. This measure is also consistent with the burden of proof provisions set out in subsection 27(4) of the *Telecom Act* that places the burden of establishing that any discrimination or preference granted does not violate subsection 27(2) on the party engaged in the discriminatory or preferential practice.

We again emphasize that we understand the need for changes to processes as a result of the COVID-19 pandemic. However, we also emphasize that the Internet is vital to all Canadians during this unprecedented situation. This fact does not change based on whether they are a customer of TekSavvy, a member of CNOC, or an incumbent. It is therefore crucial that Canadians receive the same installation and repair time frames, ordering procedures, service availability, and access to self-installation options or other improved services without regard to whether they are served by an incumbent or a competitive Internet service provider.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeff Brownlee". The signature is fluid and cursive, with the first name "Jeff" and last name "Brownlee" clearly distinguishable.

Jeff Brownlee
Executive Director
Canadian Network Operators Consortium

A handwritten signature in black ink, appearing to read "Andy Kaplan-Myrth". The signature is more stylized and less legible than the one on the left, with a large, sweeping initial letter.

Andy Kaplan-Myrth
VP, Regulatory & Carrier Affairs
TekSavvy Solutions Inc.