

June 2, 2022

FILED VIA GCKEY

Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Gatineau, QC
K1A 0N2

Dear Mr. Doucet,

Subject: RE: TekSavvy’s Application Seeking Updates to the Approval Processes for Competitor Tariff Filings (8657-T117-202201888) – Intervention of Competitive Network Operators of Canada

1. Competitive Network Operators of Canada (“**CNOOC**”) hereby submits its intervention in the proceeding initiated by the above-cited Part 1 Application¹ (“**Application**”) of TekSavvy Solutions Inc. (“**TekSavvy**”).
2. By way of the Application, TekSavvy seeks to update the approval processes applicable to competitor tariff filings². Specifically, TekSavvy requests that the Commission:
 - (1) clarify that no tariff approval is required to introduce service speeds that fall within an approved speed-band associated with an approved rate, with these applications being considered “Group A” applications for the purposes of TIB 2010-455-1;³
 - (2) approve all currently outstanding tariff applications introducing speed tiers which would fall into the foregoing category; and
 - (3) establish a default interim approval mechanism for competitor tariff filings that introduce new speed tiers or otherwise deviate from existing speed bands, whereby the tariff filing is approved on an interim basis on the 15th calendar day after the filing date, using either the provided cost study or, in the absence of a cost study, the rate for the next slower speed as a proxy.

¹ Part 1 Application of TekSavvy Solutions Inc. Seeking Updates to the Approval Processes for Competitor Tariff Filings, 29 April 2022.

² *Id.*, at para E1.

³ *Id.*, at para 45.

3. Before offering our more detailed comments on TekSavvy’s proposal, CNOC wishes to note that the Minister of Innovation, Science and Industry’s “Proposed policy direction to the CRTC for competition, affordability, consumer rights and universal access” and accompanying material⁴ have recognized issues with the tariff process and expects the Commission to initiate much-needed reform. Specifically:

“The Commission should set interim and final tariffs more expediently, including by reforming the tariff-setting process and considering external expertise or international best practices.”⁵

4. We look forward to working with the Commission on its reforms once the 2022 Policy Direction is finalized and in force. Until that time, TekSavvy’s application is a promising initial step.
5. CNOC strongly supports the Application. The current interim approval process for tariff applications results in extensive delays between the launch date for incumbent retail broadband services and the later date that equivalent service speeds become available to wholesale high-speed access (“HSA”) service customers. These delays allow the incumbent carriers to enjoy a significant anti-competitive head start⁶ when serving retail end users, which is contrary to the rationale underpinning⁷ the Speed-Matching Requirement⁸.
6. Furthermore, the current application process appears to consume an inordinate amount of Commission time and resources.⁹
7. CNOC submits that there is a continued need for Commission oversight of tariff applications. TekSavvy’s proposed relief strikes the right balance between ensuring adequate Commission oversight and streamlining approval processes to eliminate anti-competitive head-starts. At the same time, the implementation of TekSavvy’s proposed relief would result in significant regulatory efficiencies for the Commission.

⁴ Online, [Proposed policy direction to the CRTC for competition, affordability, consumer rights and universal access \(canada.ca\)](https://www.crtc.gc.ca/eng/propolicy/propolicy.htm).

⁵ Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy Proposed Policy Direction, s. 12.

⁶ *Id.*, at para 26.

⁷ Application, at para 16.

⁸ The speed matching requirement is established by the following decisions: *Cogeco, Rogers, Shaw, and Videotron - Third-party Internet access service rates*, Telecom Decision CRTC 2006-77, 21 December 2006; *Cybersurf Corp.'s application related to matching service speed requirements for wholesale Internet services*, Telecom Decision CRTC 2008-117, 11 December 2008; *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy 2010-632, 30 August 2010.

⁹ *Id.*, at para 23.

8. For these reasons, CNOOC urges the Commission to grant all headings of relief that are requested in the Application in the shortest possible delay.

Yours truly,

Geoff White
Executive Director and General Counsel

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