

21 December 2015

Comments of Cybera Inc.

on

Notice Number: DGTP-002-2015

Bell Canada

**Petition to the Governor in Council re Vary Telecom
Regulatory Policy CRTC 2015-326, Review of
wholesale wireline services and associated policies`
(20 October 2015)**

Introduction

1. We are commenting on behalf of Cybera Inc. to express our concern with Bell Canada's Petition to the Governor in Council concerning Telecom Regulatory Policy CRTC 2015-326. Cybera is a not-for-profit, technology-neutral organization based in Alberta. Our core role is to oversee and develop the province's cyberinfrastructure, which includes managing and operating the high-speed research and education network, CyberaNet. This is the dedicated network for unmetered, not-for-profit traffic in Alberta.

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companies) that can provide this service are set to become the sole providers of fibre to Canadians.

8. Without FTTP wholesale service regulation, there is no incentive for these companies to allow competitors to gain access to their customers' premises (e.g. home or business), which would give Canadians the freedom to choose their Internet Service Provider and broadband Internet rates. Lack of regulation around FTTP may also create serious consequences for net neutrality, as a sole provider may be tempted to restrict access to certain content providers, thereby limiting a consumer's right to choose.
9. Given Canada's low population density and optical fibre's ability to support the transport of voice, broadcast, and data services (Internet), services-based competition is preferable to facilities-based competition. Cybera believes that Canada's history of promoting facilities

13. Telus recognized the value of long-term investment in next generation telecommunications

request and took no position on the remaining elements. Telus is in favour of Bell's proposed amendments.⁹

18. Shaw wrote that they were “disappointed with some of the determinations made by the Commission in TRP 2015-326,”¹⁰ but were nevertheless “satisfied with several aspects of TRP 2015-326. The decision considered the views of the various parties, and attempted to strike a balance between a number of competing interests.”¹¹ In its response, Shaw concludes that “there is no discernible consumer benefit associated with any of the Application's proposed conditions.”¹²
19. In section 1.7 of its petition, Bell warns that infrastructure projects will be delayed, or never undertaken, as a result of the CRTC's decision. It further argues that the lack of network investment as a result of Telecom Regulatory Policy CRTC 2015-326 “will further increase the digital divide between rural and urban communities and hamper the development of Canada's digital and knowledge-based economy.”¹³
20. Given the CRTC's history of opening network infrastructure technologies to third party providers via wholesale access, Cybera contends that it is difficult to accept Bell Canada's assertion that it is only committed to its fibre project in Toronto, and Bell Aliant's fibre investment in Atlantic Canada, if they fall under “previous rules that did not apply mandated access to fibre-to-the-home.”¹⁴
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generation networking technologies.

23. On June 19, 2015 Telus announced \$1 billion of investment in FTTP for Edmonton¹⁶ and an additional \$1 billion for Vancouver on October 2,¹⁷ 2015 (following TRP 2015-326.) While the first phase of TRP 2015-326 focuses on the Ontario and Quebec markets where fibre is already prevalent, the mechanism for expansion to the rest of Canada is built into the policy:

148. Further, the implementation of a disaggregated wholesale HSA service should be demand-based in order to minimize regulatory intervention and allow for the market to develop. There may initially be limited demand for such a service broadly across the country, given that the existing demand for wholesale HSA services is predominantly within Ontario and Quebec, and given the preference of some competitors to continue to use only aggregated, rather than disaggregated, wholesale HSA services in the near

26. This has resulted in a digital divide between rural and urban regions, and the existence of

actual connection speeds.

32. The same OECD report cited by Bell concedes that “actual broadband speeds are typically lower than advertised speeds,”³⁰ and “policy makers and regulators have expressed increasing concern regarding the quality of service experienced by consumers, which can

35. Although the broadband connectivity speeds reported by these organizations appears to vary significantly, the trends remain similar with M-Lab consistently reporting lower download speeds compared with Ookla. According to Ookla data, Canada ranks behind the USA, Germany, and the United Kingdom in Q1 2014. This is corroborated by the most recent Akamai State of the Internet Q1 2015 Report, which ranks Canada 22nd in the world

reform, with a view to applying the same rules if similar services are being provided, thus providing a framework to guarantee technological neutrality.”

All of which is respectfully submitted on this 21st day of December, 2015.