



Canadian Cable
Telecommunications Association

390 Albert St., Suite 1010
Ottawa, Ontario K1R 7K7
Telephone: (613) 232-2631
Facsimile: (613) 232-2137
www.ccta.ca

Association canadienne des
télécommunications par câble

390, rue Albert, bureau 1010
Ottawa (Ontario) K1R 7K7
Téléphone: (613) 232-2631
Télécopieur: (613) 232-2137
www.actc.ca

September 28, 2004

Mr. Steve Delaney
Acting Director
Industry Analysis and Regulation
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Delaney:

Re Show Cause – Publishing of certain information filed in confidence

1. The Canadian Cable Telecommunications Association (CCTA) is in receipt of the Commission's letter, dated September 17, 2004, requesting parties to show cause why the Commission should not publish certain information in its upcoming Report to the Governor in Council on the Status of Competition in Canadian Telecommunications Markets/Deployment and Accessibility of Advanced Telecommunications Infrastructure and Services (Monitoring Report). CCTA hereby files comments on behalf of its member companies. CCTA also supports the submissions filed by Rogers Communications Inc. and EastLink.
2. In the Commission's letter, parties were requested to show cause why the Commission should not publish information that was published in the previous year's Monitoring Report as well as additional information proposed for the fourth annual Monitoring Report. CCTA has concerns respecting the publication of: (1) local market share percentages by major centres, which were published previously, and (2) broadband subscription percentages by province.
3. The publication in last year's Monitoring Report of local market share percentages by major centres, broken down by residential and business segments, resulted in the disclosure of information specific to an individual firm for specific geographic locations. For example, it was possible to derive from Table 4.13 estimates of the number of residential local subscribers served by

EastLink in Halifax and Charlottetown in 2002, given that EastLink was the only competitor serving residential local subscribers in those centres at that time. This remained the case in 2003. As a result, publication of the local market share percentages by major centres for residential segments would provide insight on a specific firm in a specific geographic territory. Moreover, publication of this information would indicate year-over-year trends respecting this firm- and geographic-specific information.

4. In the Commission's letter of September 17, 2004, it proposes to include information on broadband services, indicating both availability and subscription levels. CCTA submits that the publication of this information should be undertaken in a manner that does not result in the provision of any firm-specific subscriber information on a geographically disaggregated basis. As the Commission has acknowledged, the market for broadband Internet services is highly competitive. Information on the level of subscription to an individual firm's services within a geographic region, therefore, is extremely commercially sensitive. Disclosure of this information would allow a firm's competitors to more effectively target its marketing strategies to the detriment of that firm.
5. CCTA submits that disclosure of specific information is of particular concern to cable operators providing service in smaller markets. Disclosure of information on subscription levels would significantly enhance the ability of existing and future competitors to target specific areas of an individual cable operator's business in smaller markets. Given the scale of such markets, it would not be difficult for a competitor to use the disaggregated information, coupled with other public domain information, to extrapolate the size and value of an individual firm's operations and formulate more effective business strategies. This, in turn, has the potential to jeopardize the growth of competition within such smaller markets.
6. CCTA notes that statistical reports prepared by other agencies do not publish any information that is specific to individual firms. Statistics Canada states that company-specific information is not published:

Statistics Canada takes special care to prevent published statistics from being used to derive information about a particular company. The Agency carefully screens final results before releasing them to ensure the confidentiality of published information.¹

7. The Federal Communications Commission (FCC) also withholds from publication data that is specific to individual firms when reporting information on local competition and broadband availability.² In reporting statistics disaggregated by

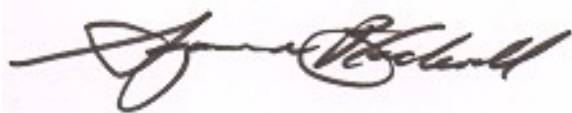
¹ Statistics Canada FAQs for participants in business surveys, described at the agency's web site: <http://www.statcan.ca/english/survey/business/asked.htm> .

² FCC reports on local competition and broadband deployment are available at the agency's web site: <http://www.fcc.gov/wcb/iatd/comp.html> .

individual states, the FCC does not disclose information where it would allow firm-specific information to be derived.

8. CCTA understands the Commission's mandate under the Governor in Council order includes the provision of detailed and practical information on the status of local competition and the deployment of broadband services. CCTA believes that it is possible to fulfill this mandate without disclosing firm-specific information at a geographically-disaggregated level. CCTA proposes the following levels of disaggregation in the publication of information for the upcoming Monitoring Report:
 - a) local market shares of incumbents and competitors, disaggregated by business, residential and wholesale segments, and by urban and rural, aggregated on a national basis;
 - b) local market shares of incumbents and competitors, disaggregated by business, residential and wholesale segments and disaggregated by province;
 - c) broadband subscription levels, disaggregated by province, aggregated for all types of service providers; and
 - d) broadband subscription levels disaggregated by types of service providers and by urban and rural, aggregated on a national basis.
9. This approach would provide insight as to the state of competition in the markets for local wireline telephone services and broadband Internet. It would also demonstrate the level of subscription by urban versus rural areas. At the same time, CCTA believes this proposal would minimize the harm to competitors, particularly in smaller geographic markets, that would result from the publication of information that would reveal firm-specific details. Accordingly, this would strike a reasonable balance between the public interest in releasing a publication that fulfills the Commission's mandate and the potential harm that could be caused to individual firms competing in the marketplace.

Sincerely,



Suzanne Blackwell
Vice President, Telecommunications and Economics

cc.: Bragg Communications
Rogers Communications Inc.