



Telecom Public Notice CRTC 2006-6

Ottawa, 10 May 2006

Reconsideration of *Regulatory framework for voice communication services using Internet Protocol*, Telecom Decision CRTC 2005-28

Reference: 8663-C12-200605587 and 8663-C12-200402892

Introduction

1. In *Regulatory framework for voice communication services using Internet Protocol*, Telecom Decision CRTC 2005-28, 12 May 2005, as amended by Telecom Decision CRTC 2005-28-1, 30 June 2005 (Decision 2005-28), the Commission set out the details of the appropriate regulatory regime applicable to the provision of voice over Internet protocol (VoIP) services.
2. The Commission determined in Decision 2005-28 that local VoIP services as defined in that decision¹ should be regulated as local exchange services and that the regulatory framework governing local competition, set out in *Local Competition*, Telecom Decision CRTC 97-8, 1 May 1997, and subsequent determinations, applies to local VoIP service providers, except as otherwise provided in Decision 2005-28.
3. Pursuant to subsection 12(1) of the *Telecommunications Act* (the Act), petitions were presented to the Governor in Council requesting that Decision 2005-28 be varied or referred back to the Commission for reconsideration.
4. On 4 May 2006, in Order in Council P.C. 2006-305 (Order in Council), appended to this Public Notice, the Governor in Council, pursuant to subsections 12(1) and 12(5) of the Act, referred Decision 2005-28 back to the Commission for reconsideration. The Commission was directed to complete its reconsideration of Decision 2005-28 within 120 days of the date of the Order in Council.

Call for comments

5. The Commission invites comments pertaining to the reconsideration of Decision 2005-28, as well as any other matters that may be pertinent to the regulatory framework for VoIP services.
6. The record of the proceeding initiated by *Regulatory framework for voice communication services using Internet Protocol*, Telecom Public Notice CRTC 2004-2, 7 April 2004 (Public Notice 2004-2) will form part of the record of this proceeding.
7. All parties set out in the interested parties list for the proceeding initiated by Public Notice 2004-2 are made parties to this proceeding. Any party to Public Notice 2004-2 that does not wish to participate in this proceeding should notify the Commission and the Commission will remove them from the interested parties list for this proceeding.
8. Other persons interested in participating in this proceeding (including receiving copies of all

¹ The term VoIP services in Decision 2005-28 refers only to those services that use North American Numbering Plan conforming telephone numbers and that provide universal access to and/or from the public switched telephone network.

comments and replies) must notify the Commission of their intention to do so by filling out the on-line form, or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2, or by faxing at: (819) 994-0218 by **23 May 2006** (the registration date). Parties are to provide their e-mail address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard copy filings.

9. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their e-mail addresses, if available), identifying those parties who wish to receive disk versions.
10. All parties may file written comments with the Commission, serving a copy on all other parties, by **5 June 2006**.
11. All parties may file reply comments with the Commission, serving a copy on all other parties, by **15 June 2006**.
12. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
13. Electronic submissions should be in the HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
14. Each paragraph of all submissions should be numbered. In addition, please enter the line *****End of document***** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

15. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly-accessible file and will be posted on the Commission's website. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
16. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
17. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Location of CRTC offices

18. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours:

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel: (819) 997-2429 - TDD: 994-0423
Fax: (819) 994-0218

Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 - TDD: 426-6997
Fax: (902) 426-2721

205 Viger Avenue West, Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
Tel: (416) 952-9096

Kensington Building
275 Portage Avenue, Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 - TDD: 983-8274
Fax: (204) 983-6317

Cornwall Professional Building
2125 - 11th Avenue, Suite 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue, Suite 520
Edmonton, Alberta T5J 3N4
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580 Hornby Street, Suite 530
Vancouver, British Columbia V6C 3B6
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Secretary General

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Order of the Governor in Council

P.C. 2006-305 dated May 4, 2006

Whereas, on May 12, 2005, the Canadian Radio-television and Telecommunications Commission (the "Commission") rendered Telecom Decision CRTC 2005-28, entitled Regulatory framework for voice communication services using Internet Protocol;

Whereas, in that decision, the Commission sets out the details of the regulatory regime applicable to the provision of Voice over Internet Protocol ("VoIP") services;

Whereas the Commission determined that local VoIP services are to be regulated as local exchange services within the framework governing local competition;

Whereas, within 90 days after the rendering of Telecom Decision CRTC 2005-28, petitions in writing were presented to the Governor in Council pursuant to subsection 12(1) of the *Telecommunications Act* (the "Act") requesting that the Decision be varied or referred back to the Commission for reconsideration;

Whereas, in accordance with subsection 12(4) of the Act, a notice of receipt of those petitions was published by the Minister of Industry on September 3, 2005, in the *Canada Gazette*, Part I;

Whereas, pursuant to section 13 of the Act, the Minister of Industry has notified the ministers designated by the government of each province of the Minister's intention to make his recommendation to the Governor in Council and has provided an opportunity for each of them to consult with him;

Whereas, submissions were filed with the Governor in Council in response to the petitions received;

Whereas an objective of the Canadian telecommunications policy affirmed in paragraph 7(f) of the Act is to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;

Whereas the Governor in Council notes that VoIP technology has transformed the nature and extent of competition in telecommunications markets;

Whereas the Telecommunications Policy Review Panel has submitted its report to the Minister of Industry recommending reliance on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives affirmed in section 7 of the Act;

Whereas, on April 6, 2006, the Commission rendered Telecom Decision CRTC 2006-15, entitled Forbearance from the regulation of retail local exchange services which applies to VoIP services;

Whereas the Governor in Council is currently examining Canada's Telecommunications policy and regulatory framework taking into consideration the recommendations of the Telecommunications Policy Review Panel and is following closely the public discussion concerning Telecom Decision CRTC 2006-15;

Whereas the Governor in Council has considered the petitions pertaining to Telecom Decision CRTC 2005-28, together with all of the information and advice received along with them;

And whereas, without altering its finding that VoIP services form part of the same market as traditional local telephone service, the Commission, in Telecom Decision CRTC 2005-62 and Telecom Decision CRTC 2006-11, has allowed for greater flexibility in the pricing of VoIP services provided by one incumbent telephone company;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Industry, pursuant to subsections 12(1) and (5) of the *Telecommunications Act*, hereby

- (a) refers Telecom Decision CRTC 2005-28 back to the Commission for reconsideration; and
- (b) specifies that the Commission shall complete its reconsideration of Telecom Decision CRTC 2005-28 within 120 days after the day on which this Order is made.