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Mr. Claude Doucet, Secretary General
Canadian Radio-television and Telecommunications Commission
Les Terrasses de la Chaudière
1 Promenade du Portage
Gatineau, Québec J8X 4B1

June 6, 2022

RE: Telecom Notice of Consultation 2020-366, as modified by Telecom Notice of Consultation 2020-366-1 – Further process

Dear Mr. Doucet,

1. Please note that Electricity Canada is the new name of the Canadian Electricity Association (“CEA”). Our business and interests remain identical to our previous submissions to the Canadian Radio-television and Telecommunications Commission (“CRTC”, or the “Commission”).
2. Different branches within the Government of Canada have been actively studying ways to improve rural broadband and small cell deployments since 2018. The activity started with the Broadcasting Telecommunication Review Panel, then continued with the CRTC’s consultation on the wireless market 2019-57 and the CRTC rural broadband consultation 2019-406, which resulted in this sub-consultation 2020-366 that focused on access to support structures.
3. The goals of these collective consultations have been to ensure that rural broadband is available, and that small cells can be deployed. It is Electricity Canada’s position that electrical utilities are working well with the telecommunications companies and provincial/territorial governments, and there has been no market failure within the scope of provincial/territorial authority that is not being addressed. Many people in remote locations do not yet have broadband, but provincial/territorial and federal funding programs are addressing those challenges. We direct the Commission’s attention to the Ontario Building Broadband Faster Act¹, the mass broadband deployments

¹ <https://www.ontario.ca/laws/statute/21b02>



happening throughout the Maritimes²³, TELUS' recent announcement of 17 billion investment in western Canada⁴, and Quebec's roll out⁵ as evidence of that significant progress.

4. Regarding small cell attachments, we are still not aware of instances where an electrical utility has prevented the installation of small cells unless significant safety or electrical system reliability issues were present.
5. However, what we have seen over the last 4 years is that the authority of the provinces/territories is limited to *encouraging* cooperation between the telecommunication companies, utilities, and municipalities and only the CRTC is authorized to regulate and directly address the interactions between telecommunications entities which are proving detrimental to the objectives of rural broadband and small cell deployments. Specifically, we continue to witness competitive exclusion by Incumbent Local Exchange Carriers ("ILECs") who can prevent the attachment of wireless equipment to their support structures and 'reverse monopoly' practices by the telecommunications companies by both ILECs and Competitive Local Exchange Carriers ("CLECs") who can prevent over-lashing of fibre cable owned by others to their support strand(s). Electricity Canada has repeatedly highlighted these challenges in our previous submissions to the Commission, which are emphasized again here. There are other variations of these reverse monopoly practices that we provide in Appendix A.
6. To meet the goals of improving access to telecommunications services, for both rural broadband and small cells, we advise the Commission to use its existing regulatory power to prevent such competitive exclusions and reverse monopolies within the telecommunications sector. If the CRTC uses its authority in this way, in concert with what is happening at the provincial/territorial levels, Electricity Canada members believe Canadians will be well served.

² <https://globalnews.ca/news/7461372/rural-internet-upgrades-new-brunswick/>

³ <https://novascotia.ca/news/release/?id=20210125007>

⁴ <https://edmontonjournal.com/news/local-news/telus-to-invest-17-billion-across-alberta-generate-8500-jobs-over-four-years>

⁵ <https://www.cbc.ca/news/canada/montreal/trudeau-quebec-high-speed-internet-1.5959741>



Yours sincerely,

Arjun Devdas
Manager, Asset Optimization, Hydro One
Chair, Electricity Canada Joint Use Practice & Policy Committee

Channa Perera
Vice President, Regulatory and Indigenous Affairs, Electricity Canada





Appendix A – Traits of a Reverse Monopoly

Reverse Monopoly means an unwritten discriminatory practice by a telecom (either an ILEC or CLEC) to provide an advantage over its competitors to existing and new customers on Support Structures owned by others. There are several approaches to this practice and is typically demonstrated by:

- *Capacity Blocking: A telecom, owning multiple Support Strands on a pole owned by others, that delays or refuses others to over-lash to their Support Strands. In such instances, the telecom has essentially created a “Reverse Monopoly” by blocking other telecoms from access to the Support Structure without owning the pole.*
- *Capacity Blocking: A telecom delaying its deployment after an access permit has been issued. In essence, the telecom has acquired written permission to use the Support Structure capacity from the pole owner, but reserving this capacity by unduly delaying its installation. This may not totally apply to a telecom where there is a Parity, Joint Ownership, or a Reciprocal License agreement in place with a Power Utility for sharing of each other’s Support Structures.*
- *Capacity Blocking: A telecom installs the minimum Support Structure (e.g. Support Strand and anchoring) on a pole owned by others knowing that other telecoms may require access or areas where telecom access is in demand. By installing the bare minimum capacity, the telecom is protecting its interests while trying to block other telecoms from access through sharing a limited resource.*
- *Technical: A telecom fails to properly install its Attachments that directly or indirectly delays or blocks others. For example, none or lack of clear field identification tagging can delay other telecoms from planning, installing, and maintaining their Attachments.*
- *Contractual: A telecom uses its non-disclosure agreement (NDA) to prevent the pole owner from managing its Support Structure to promote coordination between groups, develop better standards and processes, ensure safety and reliability, and provide timely access to the right resources which includes developing and sharing: technical standards, installation and maintenance procedures, health and safety issues and requirements, and personnel contact information.*
- *Contractual: The Support Structure owner hires a telecom, as their agent, to help them manage some joint-use portion or process with their Support Structures. The telecom then uses its agent’s position to delay or refuse other telecoms from accessing the Support*



Structures in a timely, transparent, and non-discriminatory manner while giving itself preferred access. This practice is also referred to as the agent being the “Gatekeeper” of the Support Structure, which if correctly executed and monitored in an open and fair manner, it can be a suitable arrangement.

As the Support Structure owner, the Power Utility endeavors to ensure equal and non-discriminatory access to its Attachers by monitoring and intervening early where such “Reverse Monopoly” practices are identified on their poles, however additional support could be provided to minimize such issues.

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