
Q. Refer to the Bell companies' reply comments regarding Telecom Notice of Consultation 2013-80 dated 11 April 2013. In paragraph 14 it was submitted that if the independent service providers supply their own modems, the Companies will not be updating the firmware for those modems. Indicate whether the Bell companies would need to test and certify firmware supplied by independent service providers in the case where an independent service provider self-supplies modems for use on the Bell companies' network.

A. The Companies' tariffs do not prohibit the use by Internet service providers (ISPs) of other VDSL2 modems beyond the Alcatel Canada Inc. and Sagemcom Canada Inc. modems. As such, there is no requirement for the Companies to certify the modems as long as the modems used by ISPs are CS-03 certified and meet the industry's VDSL2 standards.

As indicated in their Comments¹, a modem whose compatibility has been certified by the Companies has the advantage, however, of having been determined to function properly on the Companies' network, minimizing the risk of having to perform service assurance for incompatible modems.

If the modems used by ISPs, whose compatibility was not confirmed by the Companies, were to cause an overly burdensome increase in the number of problems or service assurance reports, the Companies would need to take steps to remedy these issues, but at this point, the Companies see no need to take such actions.

There is an abundance of ADSL and ADSL2+ modems that are compatible with the Companies' network and there has not been a need for the Companies to certify these modems. With respect to VDSL2 protocol, the Companies have indicated that they are willing to perform compatibility tests for new modems proposed by ISPs subject to the conditions listed below, repeated here for context:

- i) First, any candidate modem must be already CS-03 certified. There is no point wasting resources in respect of a modem that may jeopardize the integrity of the network.

¹ The Companies' Comments, 27 March 2013.

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- ii) Second, the candidate modem must be proposed by an ISP, the actual wholesale customer of the Companies, not by a modem manufacturer or reseller. It would be inefficient to test modems in which none of the Companies' wholesale high-speed access service customers have expressed an interest.
 - iii) Third, the candidate modem must be based on manufacturer representations, reasonably expected to be compatible with the Companies' network, noting that the Companies operate Alcatel Lucent Stinger DSLAMs. ISPs would be required to communicate with modem manufacturers to validate that minimum technical requirements are met prior to testing. It would be inefficient to test modems that the modem manufacturer already expects or knows to be in compatible with the Companies' network.
 - iv) Fourth, testing would be limited to verifying compatibility of the VDSL2 modem with the Companies' network. This approach is consistent with the Commission's directive in Telecom Decision CRTC 2004-37, *Cable modems for third-party Internet access*, at paragraph 94, where the Commission determined that "cable carriers are not required to troubleshoot modem problems, but that the cable carriers must provide clear and supportable reasons for rejecting a modem...". Accordingly, the Companies should not have to perform any troubleshooting of the modem or standardization work for the ISP but would provide the reasons why the tested modem was not compatible.
 - v) Finally, it is imperative that the Companies be able to recover their full costs. There does not appear to be a sound basis for the Commission to mandate free testing of modems under any circumstance given that the wholesale regime is based on cost recovery. Therefore, if the Commission mandated second-level testing, the Companies would seek to recover all of the costs associated with second-level testing. Moreover, any requirement to perform modem testing, a function that is ancillary to the delivery of a mandated service that has been classified as non-essential, should be very limited, if any.