



Telecom Circular CRTC 2007-14

Ottawa, 9 May 2007

Status of certain proceedings in light of the Order in Council varying Telecom Decision CRTC 2006-15

1. The purpose of this Circular is to confirm that the Commission will not be taking further action with respect to the following two proceedings: (1) the proceeding initiated by *Proceeding to reassess certain aspects of the local forbearance framework established in Decision 2006-15*, Telecom Public Notice CRTC 2006-12, 1 September 2006 (the Public Notice 2006-12 proceeding), and (2) the proceeding initiated by TELUS Communications Company's (TCC) application to review and vary that part of *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006 (Decision 2006-15) with respect to the application of competitor quality of service indicators in the determination of local forbearance (the TCC proceeding).
2. In the Public Notice 2006-12 proceeding, the Commission was considering the continued appropriateness of the 25 percent market share loss rule established in Decision 2006-15, issues relating to possible inclusion of mobile wireless services, or a subset thereof, in the calculation of market share loss, and the continued appropriateness of the 20 percent market share loss threshold established in Decision 2006-15 with respect to the local winback rule. In the TCC proceeding, the Commission was considering whether to eliminate or modify the application of competitor quality of service indicators in the determination of local forbearance.
3. In *Status of certain proceedings in light of proposed Order in Council to vary Telecom Decision CRTC 2006-15*, Telecom Circular CRTC 2006-12, 19 December 2006, the Commission announced that it was deferring its consideration of the issues in the Public Notice 2006-12 proceeding and the TCC proceeding in light of the Governor in Council's proposed Order, published in the *Canada Gazette* on 16 December 2006, to vary the Decision 2006-15 framework, pursuant to subsection 12(1) of the *Telecommunications Act*. The Commission noted that the revised framework would, among other things, eliminate the Commission's 25 percent market share loss test, modify the application of the competitor quality of service indicators in the determination of local forbearance, and eliminate the winback rule.
4. On 18 April 2007, the Governor in Council published *Order Varying Telecom Decision CRTC 2006-15*, P.C. 2007-532 (the Order in Council), which varied Decision 2006-15, effective 4 April 2007, such that, among other things, the competitor quality of service indicators were modified and the market share loss test eliminated in the determination of local forbearance. The Order in Council also eliminated the winback rule. In the process leading to the Order in Council, certain incumbent telephone companies had argued that the Governor in Council should vary Decision 2006-15 so as to eliminate the competitor quality of service indicators as well as the market share loss test and the winback rule.

5. In light of the Order in Council, the Commission will take no further action with respect to the Public Notice 2006-12 and TCC proceedings. Accordingly, the files pertaining to those proceedings are now **closed**.

Secretary General

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