



Telecom Order CRTC 2007-408

Ottawa, 2 November 2007

Bell Canada

Reference: Tariff Notice 7060

Local Access for Wavelength Select service

1. The Commission received an application by Bell Canada, dated 6 September 2007, proposing revisions to its Special Facilities Tariff item B103 – Local Access for Wavelength Select service, in order to reintroduce sub-item B103(b) – Customer Specific Arrangement.
2. In Telecom Order 2006-301, the Commission approved on an interim basis Bell Canada's proposal to remove sub-item B103(b) effective 9 November 2006, as the original contract had expired and had not been renewed by the customer. The Commission approved Bell Canada's proposal on a final basis in Telecom Order 2006-337.
3. Bell Canada submitted that it had continued to charge the customer for the Local Access for Wavelength Select service because the customer still required it. Bell Canada also submitted that it had been providing this service at the same rates without an approved tariff, due to an administrative error, since 9 November 2006.
4. Bell Canada submitted that in light of these circumstances, it proposed to reintroduce sub-item B103(b) effective 9 November 2006. The company also requested Commission ratification for the charging of the rates in sub-item B103(b) from 9 November 2006 to the date of this Order, pursuant to subsection 25(4) of the *Telecommunications Act* (the Act).
5. The Commission did not receive any comments regarding this application.

Commission's analysis and determinations

6. The Commission notes that Bell Canada proposed to reintroduce sub-item B103(b) at the same rates, terms, and conditions in place prior to its removal. The Commission considers that no imputation test is required as the service provided under sub-item B103(b) has not changed, and the associated costs would not have materially changed.
7. In regard to Bell Canada's request for ratification, the Commission notes that paragraph 25(4)(a) of the Act stipulates that the Commission may ratify the charging of a rate by a Canadian carrier otherwise than in accordance with a tariff approved by the Commission if it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.
8. The Commission considers that the circumstances of this case warrant the ratification of these rates retroactive to 9 November 2006, because (i) the company continued to provide the service, (ii) it provided the service without an approved tariff as a result of an administrative error, and (iii) the customer continued to use the service.

9. In light of all of the above, the Commission **approves on an interim basis** Bell Canada's proposal to reintroduce sub-item B103(b) at the proposed rates, terms, and conditions effective the date of this Order, and ratifies the charging of these rates from 9 November 2006 to the date of this Order.

Secretary General

Related documents

- Telecom Order CRTC 2006-337, 11 December 2006
- Telecom Order CRTC 2006-301, 7 November 2006

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