



## Telecom Order CRTC 2012-642

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Ottawa, 23 November 2012

### Northwestel Inc. – Interconnection and Service Agreements

File numbers: 8340-B2-AG0010/05  
8340-N1-201210195  
8340-N1-201111377

1. The Commission received applications from Northwestel Inc. (Northwestel), requesting approval for new 800 service origination agreements between itself and, respectively, Rogers Communications Partnership, dated 22 August 2012; Navigata Communications 2009, Inc., dated 22 August 2012; and Bell Canada, dated 24 August 2012 (collectively, the agreements), pursuant to section 29<sup>1</sup> of the *Telecommunications Act* (the Act).
2. Northwestel designated certain negotiated rate information contained in the agreements as confidential. Northwestel stated that disclosure of this information would contravene confidentiality agreements between the company and the customer, and that disclosure would cause the company specific harm. Abridged versions of the agreements were provided for the public record.
3. In Telecom Order 2012-465, the Commission approved the agreements on an interim basis.
4. The Commission received comments from TELUS Communications Company (TCC). The public record of this proceeding, which closed on 28 September 2012, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings" or by using the file numbers provided above.

### Should the Commission approve Northwestel's applications on a final basis?

5. TCC noted that the abridged agreements identified the interconnecting carrier for calls originating from Northwestel's operating territory (the carrier) as confidential. TCC submitted that this information had routinely been made public in the past and was important information for the public record. TCC requested that the Commission direct Northwestel to file amended abridged agreements to disclose the name of the

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<sup>1</sup> Section 29 of the Act states:

No Canadian carrier shall, without the prior approval of the Commission, give effect to any agreement or arrangement, whether oral or written, with another telecommunications common carrier respecting

a) the interchange of telecommunications by means of their telecommunications facilities;

b) the management or operation of either or both of their facilities or any other facilities with which either or both are connected; or

c) the apportionment of rates or revenues between the carriers.

carrier. TCC further submitted that the Commission should not grant final approval to these agreements until the Federal Court of Appeal (FCA) had heard and rendered a decision on TCC's challenge of Telecom Order 2012-151, in which TCC argued that approval of an agreement under section 29 does not exclude the operation of subsection 25(1) of the Act.

6. In response, Northwestel filed revised abridged agreements, identifying the carrier. Northwestel also submitted that granting final approval would not change the terms of the agreements and, therefore, there was no valid reason to delay final approval until the FCA ruled on TCC's appeal.
7. The Commission notes that Northwestel has complied with TCC's request that it identify the carrier. This information is now on the public record.
8. With respect to TCC's request that the Commission not grant final approval until the FCA had ruled on its appeal, the Commission notes that in Telecom Order 2012-151 it considered that approval for the agreements in question pursuant to section 29 of the Act and not section 25 was appropriate.
9. The Commission considers that the agreements that are the subject of this proceeding are similar to those that were the subject of the proceeding that resulted in Telecom Order 2012-151 and, therefore, the same treatment should apply in this case. Accordingly, the Commission considers that approval pursuant to section 29 of the Act and not section 25 is appropriate in the current case.
10. The Commission further considers that granting final approval would provide regulatory certainty to the parties that are signatories to these agreements.
11. In light of the above, the Commission **approves on a final basis** Northwestel's applications.

Secretary General

### **Related documents**

- Telecom Order CRTC 2012-465, 29 August 2012
- *Northwestel Inc. – Interconnection and Service Agreements*, Telecom Order CRTC 2012-151, 14 March 2012