



Telecom Order CRTC 2013-447

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Ottawa, 27 August 2013

Independent Telecommunications Providers Association – Changes to Toll Interconnection Services

File number: OTA Tariff Notice 99

1. The Commission received an application from the Ontario Telecommunications Association (OTA), now the Independent Telecommunications Providers Association, dated 21 March 2013, proposing revisions to Ontario Independent Services Tariff (OIST) item 235 – Toll Interconnection Services (item 235).
2. Item 235 sets out charges for direct connection (DC) service and trunking. Each OTA member company is placed in a rate category based on the number of conversation minutes and the number of trunks, respectively, that apply to it. The company charges for the services accordingly.
3. The OTA proposed changes to reflect the following:
 - a. for Gosfield North Communications Co-operative Limited (Gosfield North), a category change for DC rates from “0 to 5 million minutes” to “5+ to 20 million minutes” as a result of an increase in the company’s number of conversation minutes;
 - b. for Hay Communications Co-operative Limited (Hay Communications), a category change from “4 to 7 Trunks” to “8 to 30 Trunks” as a result of an increase in the company’s number of toll interconnection trunks; and
 - c. the removal of Amtelecom Limited Partnership and People’s Tel Limited Partnership from the list of companies using the OIST, since they are no longer members of the OTA.
4. The OTA proposed an effective date of 1 January 2013 and requested rate ratification retroactive to that date given that Gosfield North and Hay Communications have been charging rates that correspond to their new categories since then. The OTA submitted that the administrative effort involved with confirming data between all OTA member companies and Bell Canada prevented it from filing its application sooner.
5. In Telecom Order 2013-188, the Commission approved the OTA’s application on an interim basis, effective 16 April 2013, and indicated that it would address the ratification request and any other issues related to the application, if necessary, in a subsequent order.

6. The Commission received no submissions regarding the OTA's application. The public record of this proceeding, which closed on 15 April 2013, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Commission's analysis and determinations

7. Pursuant to subsection 25(4) of the *Telecommunications Act*, 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 notes that, based on its determinations in Telecom Decision 2006-14, the DC and trunking rates set out in the OIST are applied in each calendar year based on actual toll conversation minutes and toll interconnection trunks from the previous calendar year. As such, the Commission considers that the circumstances warrant ratification for the charging of the new category of rates, because the OTA could not have requested and received Commission approval for the required changes to the companies' categories before they started to charge the corresponding rates on 1 January 2013.
9. However, in Telecom Regulatory Policy 2013-160, the Commission made interim, effective 28 March 2013, the existing rates for each small incumbent local exchange carrier's (ILEC) DC service. The Commission made this determination to keep its rate-setting flexibility in the small ILECs' follow-up proceedings to that regulatory policy. Since the OTA's application regarding Gosfield North involves the company's DC rate, the Commission considers that it would not be appropriate to issue a final determination on that rate and on the related request for ratification for the period beginning 28 March 2013 before it has considered all small ILECs' applications regarding final DC rates.
10. Accordingly, the Commission **approves on a final basis, in part**, the OTA's application. Specifically, the Commission ratifies the charging of (1) Hay Communications' new trunking rates from 1 January 2013 to 15 April 2013, and (2) Gosfield North's new DC rate from 1 January 2013 to 27 March 2013. The Commission will address Gosfield North's DC rate and the request for ratification for the period starting 28 March 2013 when it issues its determinations on the small ILECs' DC rates. Gosfield North's DC rate, as is the case for all small ILECs' DC rates, remains interim.

Secretary General

Related documents

- Telecom Order CRTC 2013-188, 16 April 2013
- *Regulatory framework for the small incumbent local exchange carriers and related matters*, Telecom Regulatory Policy CRTC 2013-160, 28 March 2013
- *Revised regulatory framework for the small incumbent local exchange carriers*, Telecom Decision CRTC 2006-14, 29 March 2006