



Telecom Order CRTC 2005-174

Ottawa, 13 May 2005

TELUS Communications Inc.

Reference: Tariff Notice 178

Ex parte application

1. The Commission **denies** the *ex parte* application¹ by TELUS Communications Inc. (TCI) dated 26 April 2005.
2. In *Regulatory framework for second price cap period*, Telecom Decision CRTC 2002-34, 30 May 2002 (Decision 2002-34), the Commission determined that rates should generally not be de-averaged further within a rate band. The Commission considers that TCI's proposal would result in further de-averaging of rates within a rate band, contrary to the Commission's policy specified in Decision 2002-34.
3. In order that the application may be available for public examination consistent with the *CRTC Telecommunications Rules of Procedure*, the company is directed to file with the Commission, within two business days of the date of this Order, a hard copy of the application for the public examination room at the Commission's headquarters in Gatineau, and an electronic version for the Commission's website.

Secretary General

¹ An *ex parte* application is an application that has been filed with the Commission without notice to the public and, as such, is not placed on the public record when initially filed. An *ex parte* decision is one in which the Commission disposes of an application solely on the basis of the applicant's submissions. Subsection 61(3) of the *Telecommunications Act* allows the Commission to make an *ex parte* decision where it considers that the circumstances of the case justify it. In *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994, the Commission set out several considerations to be balanced in any determination to permit *ex parte* tariff filings, including the public interest in the effective operation of the competitive marketplace and the public interest in an open regulatory process.

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