



Telecom Decision CRTC 2006-46

Ottawa, 28 July 2006

Canadian Local Number Portability Consortium – Amended and Restated Unanimous Shareholders Agreement

Reference: 8340-C39-0093/00

Background

1. In *Implementation of wireless number portability*, Telecom Decision CRTC 2005-72, 20 December 2005 (Decision 2005-72), the Commission, among other things, directed wireless carriers to become voting shareholders of the Canadian Local Number Portability Consortium (CLNPC) and directed the CLNPC to revise the Unanimous Shareholders Agreement (the USA) accordingly for Commission approval, within four months of Decision 2005-72.

The application

2. The CLNPC filed in confidence, for Commission approval, the Amended and Restated Unanimous Shareholders Agreement (the amended USA), dated 20 April 2006, in which it revised the USA to incorporate wireless carriers as fully participating voting shareholders in the CLNPC, as required by the Commission in Decision 2005-72.
3. The CLNPC also filed in confidence a report, dated 20 April 2006, in which it summarized its shareholders' deliberations, including those of wireless carriers, on the required changes to the USA and outlined the changes that it had incorporated in the amended USA.
4. In the report, the CLNPC noted that, among other changes, it had modified the USA with respect to shareholder voting rights and cost-recovery mechanisms. The CLNPC further noted that as a result of these changes, which it proposed would come into effect 1 January 2007, the amended USA would no longer be in accordance with paragraphs 15.b) and 15.e) of Telecom Order CRTC 97-1243, 5 September 1997 (Order 97-1243), as of that date. As such, the CLNPC requested that the Commission amend these paragraphs as appropriate with respect to the CLNPC's request that the amended USA be approved by the Commission pursuant to section 29 of the *Telecommunications Act*.

Commission's analysis and determinations

5. The Commission notes that when Order 97-1243 was released, local competition had just begun, and local number portability was being implemented to help foster effective local competition. At that time, the Commission considered that the CLNPC's voting structure had to ensure that the interests of the local exchange carriers that were more active in the local telecommunications market were adequately represented in the CLNPC's decisions.

6. The Commission considers that much has changed in the local competition market in the nine years since Order 97-1243 was released. In this regard, the Commission considers that the number portability systems have now stabilized, and further, that all users are now in a better position both to represent themselves within the CLNPC and to cover the costs of the Number Portability Administration Centre/Service Management System operation.
7. The Commission further notes that the inclusion of wireless carriers in the CLNPC has significantly altered the composition of the CLNPC.
8. In light of all these changes, the Commission considers that the provisions in paragraphs 15.b) and 15.e) of Order 97-1243 are no longer necessary to govern the CLNPC's voting structure and cost-recovery mechanisms. Accordingly, the Commission determines that, effective 1 January 2007, paragraphs 15.b) and 15.e) of Order 97-1243 will no longer be in effect.
9. Instead, the Commission considers that the provisions contained in the amended USA would be sufficient to govern the CLNPC's voting structure and cost-recovery mechanisms.
10. Accordingly, the Commission **approves** the amended USA as of the date of this Decision.

Secretary General

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