



Telecom Decision CRTC 2007-113

Ottawa, 23 November 2007

TELUS Communications Company – Application for forbearance from the regulation of residential local exchange services

Reference: 8640-T66-200714031

In this Decision, the Commission approves TELUS Communications Company's request for forbearance from the regulation of residential local exchange services in the Parksville and Qualicum exchanges in British Columbia.

Introduction

1. The Commission received an application by TELUS Communications Company (TCC), dated 4 October 2007, in which the company requested forbearance from the regulation of residential local exchange services¹ in the Parksville and Qualicum exchanges in British Columbia.
2. The Commission received submissions and/or data regarding TCC's application from Bell Mobility Inc. (Bell Mobility), Rogers Communications Inc. (RCI), and Shaw Telecom Inc. (Shaw). The record of this proceeding closed with Bell Mobility's comments, dated 23 October 2007. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The Commission has assessed TCC's application based on the local forbearance test set out in Telecom Decision 2006-15, as amended by the Governor in Council's *Order Varying Telecom Decision CRTC 2006-15*, P.C. 2007-532, 4 April 2007 (modified Telecom Decision 2006-15), by examining the following:
 - a) Product market
 - b) Competitor presence test
 - c) Competitor quality of service (Q of S) results
 - d) Communications plan

¹ In this Decision, "residential local exchange services" refers to local exchange services used by residential customers to access the public switched telephone network, and any associated service charges, features, and ancillary services.

Commission's analysis and determinations

a) Product market

4. The Commission received no comments with respect to TCC's proposed list of residential local exchange services, which is set out in the Appendix to this Decision.
5. The Commission notes that TCC is seeking forbearance for 18 tariffed residential local exchange services and that 17 of these services are included in the list of services set out in Telecom Decision 2005-35. The Commission also considers that the remaining service, 900 Blocking, falls within the definition of local exchange services set out in Telecom Public Notice 2005-2, and is therefore eligible for forbearance.
6. Accordingly, the Commission considers that the list of services proposed by TCC for forbearance is appropriate.

b) Competitor presence test

7. The Commission notes that for the Parksville and Qualicum exchanges, information provided confirms that there are, in addition to TCC, at least two independent facilities-based telecommunications service providers. These competitors include Bell Mobility, RCI and Shaw. Each of these service providers offers local exchange services in the market and is capable of serving at least 75 percent of the number of residential local exchange service lines that TCC is capable of serving, and at least one, in addition to TCC, is a facilities-based, fixed-line telecommunications service provider.
8. Accordingly, the Commission determines that the Parksville and Qualicum exchanges meet the competitor presence test.

c) Competitor Q of S results

9. The Commission notes that in a letter dated 11 September 2007, TCC filed its competitor Q of S results for the six-month period of February to July 2007 to demonstrate that it had met the competitor Q of S criterion. The Commission also notes that, in Telecom Decision 2007-112, it determined that the competitor Q of S data provided by TCC for that six-month period met the competitor Q of S criterion for local forbearance.

d) Communications plan

10. The Commission notes that in lieu of filing a communications plan, TCC submitted that the communications plan specific to the Parksville and Qualicum exchanges in British Columbia will accord with the Commission's determinations in Telecom Decision 2007-64.
11. The Commission directs TCC to provide the communications materials, in accordance with the Commission's determination in Telecom Decision 2007-64, to its customers in both official languages, where appropriate.

Conclusion

12. The Commission determines that TCC's application meets all the local forbearance criteria set out in modified Telecom Decision 2006-15 for the exchanges of Parksville and Qualicum.
13. Pursuant to subsection 34(1) of the *Telecommunications Act* (the Act), the Commission finds as a question of fact that a determination to forbear, to the extent specified in modified Telecom Decision 2006-15, from the regulation of residential local exchange services listed in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2 as they pertain to residential customers only, in the exchanges of Parksville and Qualicum, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
14. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that these residential local exchange services are subject to a level of competition in these exchanges sufficient to protect the interests of users of these services.
15. Pursuant to subsection 34(3) of the Act, the Commission finds as a question of fact that to forbear, to the extent specified in modified Telecom Decision 2006-15, from regulating these residential local exchange services in these exchanges would be unlikely to impair unduly the continuance of a competitive market for these services.
16. In light of the above, the Commission **approves** TCC's application for forbearance from the regulation of the local exchange services set out in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2, as they pertain to residential customers only in the Parksville and Qualicum exchanges, subject to the powers and duties that the Commission has retained as set out in modified Telecom Decision 2006-15. This determination takes effect as of the date of this Decision. The Commission directs TCC to file for Commission approval revised tariff pages within 30 days.

Secretary General

Related documents

- *TELUS Communications Company – Application for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-112, 23 November 2007
- *TELUS Communications Company – Applications for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-64, 3 August 2007
- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by the Governor in Council's *Order Varying Telecom Decision CRTC 2006-15*, P.C. 2007-532, 4 April 2007
- *List of services within the scope of the proceeding on forbearance from the regulation of local exchange services*, Telecom Decision CRTC 2005-35, 15 June 2005, as amended by Telecom Decision CRTC 2005-35-1, 14 July 2005
- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>

List of services within the scope of the proceeding on forbearance from the regulation of local exchange services per Telecom Decision 2005-35

British Columbia

Tariff	Item	List of services
1005	25	Exchange Classification and Rates
1005	26	Business and Residence Services
1005	27	Base Rate Areas
1005	32	Exchange Rates
1005	122	Foreign Central Office Service – Voice
1005	157	Suspension of Service
1005	161	Call Guardian
1005	165	Call Intercept – Residence Numbers
1005	168-C	Voice Messaging Options Services
1005	405	Internet Call Director
1005	465-B	ISDN-BRI Home Service
21461	129.1b; 129.1c; and 129.1d	Directory Listings, Extra Listings, Non-Published Telephone Numbers and Non-Listed Telephone Numbers
21461	209	Local Calling Area Expansion
21461	300	Call Management Services
21461	301	Voice Mail Service (VMS)
21461	307	Special Number Search
21461	314	Remote Call Forwarding
21461	316	900 Blocking