



Telecom Decision CRTC 2007-123

Ottawa, 4 December 2007

Bell Aliant Regional Communications, Limited Partnership – Quality of service data for local forbearance

Reference: 8640-B54-200705717, 8640-B54-200705741, 8640-B54-200706476,
8640-B54-200706468, and 8640-B54-200711400

In this Decision, the Commission approves Bell Aliant Regional Communications, Limited Partnership's (Bell Aliant) requests for forbearance from the regulation of residential and business local exchange services in the exchanges where the Commission determined, in Telecom Decisions 2007-67, 2007-70, 2007-79, 2007-86, and 2007-95, that it would forbear once Bell Aliant met the required competitor quality of service criterion for local forbearance.

Introduction

1. In Telecom Decisions 2007-67, 2007-70, 2007-79, 2007-86, and 2007-95 (the Decisions), the Commission determined that it would forbear from regulating Bell Aliant Regional Communications, Limited Partnership's (Bell Aliant) local exchange services in a number of exchanges once it determined that the company had met the required competitor quality of service (Q of S) criterion for local forbearance as 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).
2. As a follow-up to the Decisions, Bell Aliant filed a submission with the Commission dated 19 October 2007. In its submission, Bell Aliant filed competitor Q of S results for the six-month period April to September 2007 in order to demonstrate that it had met the competitor Q of S criterion. Bell Aliant requested that the Commission approve its outstanding applications for local forbearance in light of the fact that, in its view, it had met all the local forbearance criteria set out in modified Telecom Decision 2006-15. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The Commission did not receive any comments regarding Bell Aliant's competitor Q of S results.

Issues

4. The Commission notes that the competitor Q of S criterion for local forbearance, as set out in modified Telecom Decision 2006-15, requires that Bell Aliant demonstrate that
 - i) it met, on average, the Q of S standard for each applicable indicator with respect to the services provided to competitors in its territory; and
 - ii) it did not consistently provide any of those competitors with services that were below those Q of S standards.

Commission's analysis and determinations

5. The Commission considers that, based on the company's Q of S data for the six-month period April to September 2007, Bell Aliant:
 - i) has met, on average, the Q of S standard for each applicable indicator with respect to the services provided to competitors in its territory; and
 - ii) has not provided consistently below-standard competitor Q of S to any one competitor.
6. Accordingly, the Commission determines that Bell Aliant meets the competitor Q of S criterion for local forbearance, and thus now meets all the local forbearance criteria set out in modified Telecom Decision 2006-15.
7. As a consequence, the Commission determines that it should forbear from the regulation of residential and business local exchange services in the Bell Aliant exchanges noted in the Decisions, where the Commission determined that it would forbear from regulating the Bell Aliant local exchange services listed in those Decisions once it determined that the company had met the required competitor Q of S criterion.
8. 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 and business local exchange services and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2 in these exchanges as they pertain to residential and business customers, as applicable, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
9. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that these residential and business local exchange services are subject to a level of competition in these exchanges sufficient to protect the interests of users of these services.
10. 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 and business local exchange services in these exchanges would be unlikely to impair unduly the continuance of a competitive market for these services.
11. In light of the above, the Commission **approves** Bell Aliant's applications for forbearance from the regulation of the local exchange services noted in the Decisions 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 and business customers, as applicable, in the exchanges listed in the Decisions, 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 Bell Aliant to file for Commission approval revised tariff pages within 30 days of the date of this Decision.

Secretary General

Related documents

- *Bell Aliant – Application for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-95, 3 October 2007
- *Bell Aliant – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2007-86, 13 September 2007, as amended by Telecom Decision CRTC 2007-86-1, 29 November 2007
- *Bell Aliant – Application for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-79, 31 August 2007
- *Bell Aliant – Applications for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2007-70, 10 August 2007, as amended by Telecom Decisions 2007-70-1, 22 August 2007, and 2007-70-2, 29 November 2007
- *Bell Aliant – Applications for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-67, 9 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
- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005

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