



## Telecom Decision CRTC 2007-131

Ottawa, 20 December 2007

### **Bell Aliant Regional Communications, Limited Partnership – Application for forbearance from the regulation of business local exchange services**

Reference: 8640-B54-200715709

*In this Decision, the Commission approves Bell Aliant Regional Communications, Limited Partnership's request for forbearance from the regulation of business local exchange services in the exchange of Summerside, Prince Edward Island.*

#### **Introduction**

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 2 November 2007, in which the company requested forbearance from the regulation of business local exchange services<sup>1</sup> in the exchange of Summerside, Prince Edward Island.
2. The Commission received submissions and/or data regarding Bell Aliant's application from Bragg Communications Inc., carrying on business as EastLink (EastLink). The record of this proceeding closed with EastLink's reply comments, dated 7 December 2007.
3. The public record of this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."
4. The Commission has assessed Bell Aliant'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

---

<sup>1</sup> In this Decision, "business local exchange services" refers to local exchange services used by business 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**

5. The Commission received no comments with respect to Bell Aliant's proposed list of business local exchange services.
6. The Commission notes that Bell Aliant is seeking forbearance for 22 tariffed business local exchange services. The Commission also notes that 19 of these services were included in the list of services set out in Telecom Decision 2005-35.
7. The Commission notes that Hotel Service (General Tariff item 205.6) and Charitable Access Service (General Tariff item 205.7) were not included in Telecom Decision 2005-35. However, in Telecom Decision 2007-70, the Commission determined that these two local exchange services fall within the definition of local exchange services set out in Telecom Public Notice 2005-2 and are therefore eligible for forbearance.
8. The Commission also notes that Data Line Support Service (General Tariff item 358) is a service available only in New Brunswick. Accordingly, the Commission need not address this service since it does not apply to this exchange.
9. The list of approved services is set out in the Appendix to this Decision.

### **b) Competitor presence test**

10. The Commission notes that for the Summerside exchange, information provided by parties confirms that there is, in addition to Bell Aliant, at least one other independent facilities-based, fixed-line telecommunications service provider<sup>2</sup> that offers local exchange services in the market and is capable of serving at least 75 percent of the number of business local exchange service lines that Bell Aliant is capable of serving.
11. Accordingly, the Commission determines that the Summerside exchange meets the competitor presence test.

### **c) Competitor Q of S results**

12. The Commission notes that Bell Aliant submitted competitor Q of S results for the period of April to September 2007. The Commission also notes that in Telecom Decision 2007-123, it determined that Bell Aliant's competitor Q of S results for that period met the competitor Q of S criterion.

### **d) Communications plan**

13. The Commission has reviewed Bell Aliant's draft communications plan and is satisfied that it generally meets the information requirements set out in modified Telecom Decision 2006-15. However, the Commission considers that the company should revise the communications plan

---

<sup>2</sup> This competitor is EastLink.

to list itself as the first point of contact for its local service customers' questions regarding local forbearance.

14. The Commission **approves** the proposed communications plan with the revision noted above. The Commission directs Bell Aliant to provide the resulting communications materials to its customers in both official languages, if appropriate.

### **Conclusion**

15. The Commission determines that Bell Aliant's application regarding the Summerside exchange meets all the local forbearance criteria set out in modified Telecom Decision 2006-15.
16. 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 the business 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 business customers only, in the Summerside exchange, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
17. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that these business local exchange services are subject to a level of competition in this exchange sufficient to protect the interests of users of these services.
18. 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 business local exchange services in this exchange would be unlikely to impair unduly the continuance of a competitive market for these services.
19. In light of the above, the Commission **approves** Bell Aliant's application for forbearance from the regulation of the 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 business customers only, in the Summerside exchange, 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.

Secretary General

### **Related documents**

- *Bell Aliant Regional Communications, Limited Partnership – Quality of service data for local forbearance*, Telecom Decision CRTC 2007-123, 4 December 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 Decision CRTC 2007-70-1, 22 August 2007, and Telecom Decision CRTC 2007-70-2, 29 November 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>*

**Local exchange services eligible for forbearance from regulation in this Decision  
(for business customers only)**

<b>Tariff</b>	<b>Item</b>	<b>List of services</b>
11001	910-915	Local Conference Service
21491	125.3	Extra Listings
21491	125.4	Non-listed, Non-published service
21491	125.5	Contract Period for Chargeable Extra Listings
21491	125.6	Directories and Listings – Rates and Charges
21491	205.2	Business Single Line Access Service
21491	205.4	Business Multi-Line Access Service
21491	205.6	Hotel Service
21491	205.7	Charitable Access Service
21491	304	Enhanced Local Calling Features
21491	308	Internet Call Manager
21491	310.1	Voice Messaging Services
21491	312	900 Call Denial/Blocking Service
21491	316	Universal Messaging
21491	326	Music on Hold
21491	328	Direct-Inward-Dialing for Access Service
21491	338	Answer Supervision
21491	360	Duplicate Service
21491	502	Digital Exchange Access
21491	504	Megalink Service
21491	506	Microlink Service