



Telecom Decision CRTC 2007-94

Ottawa, 2 October 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 determines, based on the quality of service (Q of S) data provided by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) for the months of January to June 2007, that Bell Aliant does not meet the competitor Q of S criterion for local forbearance.

Introduction

1. In recent 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. In a letter to the Commission dated 31 July 2007, as modified by a letter dated 2 August 2007, Bell Aliant filed its competitor Q of S results for the six-month period of January to June 2007 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.
3. The Commission received comments regarding Bell Aliant's competitor Q of S results from MTS Allstream Inc. (MTS Allstream). The record closed with Bell Aliant's reply comments, dated 15 August 2007.

Issues

4. The Commission notes that the competitor Q of S criterion for local forbearance, as set out in modified 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

i) Has Bell Aliant met, on average, the Q of S standard for each applicable indicator with respect to the services provided to competitors in its territory?

5. The Commission considers that over the six-month period of January to June 2007, Bell Aliant provided, when averaged, at- or above-standard competitor Q of S results for the nine applicable indicators. As a result, the Commission considers that Bell Aliant meets part i) of the competitor Q of S criterion for local forbearance.

ii) Has Bell Aliant consistently provided any one competitor with services that were below the Q of S standards?

6. MTS Allstream submitted that Bell Aliant had consistently provided MTS Allstream and other competitors with below-standard Q of S during the six-month period in question. In particular, it highlighted Bell Aliant's sub-standard results for provisioning services to AT&T Global Services Canada Co.
7. In its reply comments, Bell Aliant submitted that it had not consistently provided any competitor with below-standard Q of S. Bell Aliant noted that in the case of AT&T Global Services Canada Co., its Q of S performance had been distorted by the small volumes of services ordered by that competitor. Bell Aliant argued that to correct this distortion, the Commission should allow adjustments to its Q of S results for local forbearance purposes to correct for small volumes as it allowed in the context of the rate rebate plan in Telecom Decision 2007-54.
8. The Commission notes that in Telecom Decision 2007-65, it considered that in order to make a determination that an incumbent local exchange carrier (ILEC) has provided consistently below-standard service to any one competitor, the Commission would, as a general guideline, have to find that an ILEC has provided below-standard service to that competitor for at least two thirds of the individually reported numbers, where each reported number is one indicator's result for one month. The Commission notes that in the case of Bell Aliant's competitor Q of S results associated with AT&T Global Services Canada Co. for the period of January to June 2007, Bell Aliant provided below-standard service for seven out of ten reported numbers.
9. The Commission notes that if it were to allow the Q of S results for local forbearance to be adjusted as proposed by Bell Aliant, in theory, an ILEC could miss as many as 54 individually reported Q of S numbers in a given six-month period for each competitor and still meet part i) and ii) of the competitor Q of S criterion for local forbearance. In effect, this would be lowering the competitor Q of S standards below those mandated in modified Telecom Decision 2006-15. Consequently, the Commission considers that it is not reasonable to adjust competitor Q of S results for local forbearance in the same manner permitted by Telecom Decision 2007-54 for rate rebate plan purposes.

Conclusion

10. In light of the above, the Commission determines, based on the competitor Q of S data provided by Bell Aliant for the months of January to June 2007, that Bell Aliant does not meet part ii) of the competitor Q of S criterion for local forbearance as set out in modified Telecom Decision 2006-15.

Secretary General

Related documents

- *Bell Canada – Applications for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-65, 3 August 2007
- *CISC Business Process Working Group – Non-consensus report BPRE064a to revise competitor quality of service indicator business rules per Telecom Decision 2006-59*, Telecom Decision CRTC 2007-54, 13 July 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

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