



Telecom Decision CRTC 2007-95

Ottawa, 3 October 2007

Bell Aliant – Application for forbearance from the regulation of residential local exchange services

Reference: 8640-B54-200711400

In this Decision, the Commission determines that it will forbear from regulating Bell Aliant Regional Communications, Limited Partnership's (Bell Aliant) residential local exchange services in four exchanges in New Brunswick and one exchange in Newfoundland and Labrador once it determines that Bell Aliant has met the competitor quality of service criterion for its serving territory.

Introduction

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 3 August 2007, in which the company requested forbearance from the regulation of residential local exchange services¹ in five exchanges: the Bathurst, Edmunston, Miramichi, and Shediac exchanges in New Brunswick, and the St. John's exchange in Newfoundland and Labrador.
2. The Commission received submissions and/or data regarding Bell Aliant's application from MTS Allstream Inc.; Rogers Communications Inc.; and TELUS Communications Company (TCC). The record of this proceeding closed with TCC's comments, dated 4 September 2007.
3. 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

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 Bell Aliant's proposed list of residential local exchange services.
5. The Commission notes that Bell Aliant is seeking forbearance for 14 tariffed residential local exchange services and that 12 of these services were included in the list of services set out in Telecom Decision 2005-35. The Commission also notes that the remaining two services – Contract Period for Charitable Extra Listings, and Jack and Plug Equipment – were not included in Telecom Decision 2005-35. However, the Commission considers that these two services fall within the definition of local exchange services set out in Telecom Public Notice 2005-2, and are therefore eligible for forbearance.
6. Accordingly, the Commission considers the list of services proposed by Bell Aliant for forbearance to be appropriate. The list of approved services is set out in the Appendix to this Decision.

b) Competitor presence test

7. The Commission notes that for all five exchanges, information provided by parties confirms that there are, in addition to Bell Aliant, at least two independent facilities-based telecommunications service providers, including providers of mobile wireless services. 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 Bell Aliant is capable of serving, and at least one, in addition to Bell Aliant, is a facilities-based, fixed-line telecommunications service provider.
8. Accordingly, the Commission determines that all five exchanges meet the competitor presence test.

c) Competitor Q of S results

9. The Commission notes that in a letter 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. The Commission also notes that in Telecom Decision 2007-94, it determined that the competitor Q of S data provided by Bell Aliant for that six-month period did not meet part ii) of the competitor Q of S criterion for local forbearance as set out in modified Telecom Decision 2006-15. The Commission notes that this determination applies to the application under consideration in this Decision.

d) Communications plan

10. 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 must be the first point of contact for its local service customers' questions regarding local forbearance.

11. 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, where appropriate.

Conclusion

12. The Commission determines that for the five exchanges requested, Bell Aliant's application meets all the local forbearance criteria set out in modified Telecom Decision 2006-15, except for the competitor Q of S criterion.
13. Accordingly, for these five exchanges, the Commission determines that it will forbear from regulating Bell Aliant's 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, subject to the powers and duties that the Commission has retained as set out in modified Telecom Decision 2006-15, once it determines that Bell Aliant has met the required competitor Q of S criterion for its serving territory.

Secretary General

Related documents

- *Bell Aliant Regional Communications, Limited Partnership – Quality of service date for local forbearance*, Telecom Decision CRTC 2007-94, 2 October 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

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

Tariff	Item	List of services
21491	125.3	Extra Listings
21491	125.4	Non-Listed, Non-Published Service
21491	125.5	Contract Period for Charitable Extra Listings
21491	125.6	Directories and Listings – Rates and Charges
21491	201	Extended Area Service
21491	202	Community Calling Plan
21491	205.1	Residence Single Line Access Service
21491	205.3	Residence Multi-line Access Service
21491	304	Enhanced Local Calling (Calling Features)
21491	308	Internet Call Manager
21491	310.1	Voice Messaging Service
21491	312	900 Call Denial/Blocking Service
21491	332	Jack and Plug Equipment
21491	348	Hospital Patient Telephone Service
12001	190	Automatic Dialing Service