



Telecom Decision CRTC 2008-121

Ottawa, 17 December 2008

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

Reference: 8640-T69-200814922

In this Decision, the Commission denies TCC's request for forbearance from the regulation of residential local exchange services in the exchange of St-Prosper-de-Dorchester, Québec.

Introduction

1. The Commission received an application by TELUS Communications Company (TCC), dated 31 October 2008, in which the company requested forbearance from the regulation of residential local exchange services¹ in the exchange of St-Prosper-de-Dorchester, Québec.
2. The Commission received submissions and/or data regarding TCC's application from Bell Canada, Cogeco Cable Inc. (Cogeco), MTS Allstream Inc. and Rogers Communications Inc. (RCI). The public record of this proceeding, which closed on 20 November 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

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). In this case, the Commission will first consider the competitor presence test criterion of the local forbearance test.
4. The Commission notes that for the exchange of St-Prosper-de-Dorchester, information provided by parties confirms that there are, in addition to TCC, at least two independent facilities-based telecommunications service providers, including providers of mobile wireless services.²
5. The Commission also notes that the two providers of mobile wireless services³ are capable of serving at least 75 percent of the number of residential local exchange service lines that TCC is capable of serving in this exchange. However, Cogeco, the only other facilities-based, fixed-line telecommunications service provider present in this exchange, is not capable of serving 75 percent of the number of residential local exchange service lines that TCC is capable of serving in this exchange.

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.

² These telecommunications service providers are Bell Canada, Cogeco, and RCI.

³ The mobile wireless service providers are Bell Canada and RCI.

6. Accordingly, the Commission determines that the exchange of St-Prosper-de-Dorchester does not meet the competitor presence test.

Conclusion

7. In light of the above, the Commission notes that it need not address TCC's submissions with respect to its product market, its competitor quality of service results, and its communications plan.
8. The Commission determines that TCC's application does not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15 for the exchange of St-Prosper-de-Dorchester, Quebec. Accordingly, the Commission **denies** TCC's application for forbearance from the regulation of the residential local exchange services in this exchange.

Secretary General

Related document

- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by Order in Council P.C. 2007-532, 4 April 2007

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