



Telecom Decision CRTC 2008-8

Ottawa, 31 January 2008

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

Reference: 8640-B54-200705717 and 8640-C12-200706351

In this Decision, the Commission denies, on a de novo basis, Bell Aliant Regional Communications, Limited Partnership's request to forbear from the regulation of residential local exchange services in the exchanges of Melbourne and Mount Brydges, Ontario.

Introduction

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 16 April 2007, in which the company requested forbearance from the regulation of residential local exchange services¹ in eight exchanges in Ontario, including the exchanges of Melbourne and Mount Brydges.
2. The Commission received submissions and/or data regarding Bell Aliant's application from various parties, including Rogers Communications Inc. (RCI). The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. In a letter dated 8 June 2007, RCI identified the proposed Bell Aliant exchanges where RCI was either not capable of serving at least 75 percent of the number of residential local exchange service lines that Bell Aliant was capable of serving, or where it simply did not provide any local exchange services. One of the exchanges identified by RCI was the exchange of Melbourne, Ontario. Based on the record of the proceeding, Bell Aliant was therefore the only facilities-based, fixed-line telecommunications service provider in the exchange of Melbourne, Ontario.
4. In a letter dated 11 June 2007, RCI filed a supplemental response indicating that after further review, it had identified additional exchanges where it did not provide local exchange services, including the exchange of Mount Brydges, Ontario.
5. In its consideration of Bell Aliant's application, the Commission inadvertently failed to take into account part of RCI's 8 June 2007 supplemental response, as well as the 11 June 2007 supplemental response. In Telecom Decision 2007-67, the Commission determined that it would forbear from the regulation of residential local exchange services in seven exchanges, including the exchanges of Melbourne and Mount Brydges, subject to Bell Aliant meeting the required competitor quality of service (Q of S) criterion for the Ontario and Quebec portion of its serving territory.

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.

6. In Telecom Decision 2007-123, the Commission determined that Bell Aliant met the competitor Q of S criterion for local forbearance, therefore forbearing from the regulation of residential local exchange services in the exchanges identified in Telecom Decision 2007-67.
7. On 20 December 2007, the Commission advised RCI and Bell Aliant that it would consider Bell Aliant's application for forbearance from the regulation of residential local exchange services in the exchange of Mount Brydges on a *de novo* basis.
8. On 23 January 2008, the Commission advised RCI and Bell Aliant that it would also consider Bell Aliant's application for forbearance from the regulation of residential local exchange services in the exchange of Melbourne on a *de novo* basis.

Commission's analysis and determinations

9. The Commission notes that based on the record of the proceeding, RCI does not provide residential local exchange services in the exchanges of Melbourne and Mount Brydges. Furthermore, Bell Aliant has not identified any other facilities-based, fixed-line telecommunications service provider capable of serving at least 75 percent of the number of residential local exchange service lines that Bell Aliant is capable of serving in that exchange.
10. The Commission further notes that in a letter dated 4 January 2008, Bell Aliant indicated that it was satisfied that RCI was not providing local exchange services in the exchange of Mount Brydges and, therefore, it had no objections to the continued regulation of residential local exchange services in that exchange.
11. The Commission also notes that in a letter dated 28 January 2008, Bell Aliant indicated that it was satisfied that RCI was not providing local exchange services in the exchange of Melbourne and, therefore, it had no objections to removing the exchange of Melbourne from the list of current exchanges subject to forbearance for residential local exchange services.
12. In light of the above, the Commission determines that the exchanges of Melbourne and Mount Brydges do not meet the competitor presence test since there is no other facilities-based, fixed-line telecommunications service provider capable of serving at least 75 percent of the number of residential local exchange service lines that Bell Aliant is capable of serving in those exchanges.

Conclusion

13. Accordingly, the Commission determines that the exchanges of Melbourne and Mount Brydges do not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15. The Commission therefore **denies** Bell Aliant's application for forbearance from the regulation of the residential local exchange services in the exchanges of Melbourne and Mount Brydges, Ontario.

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 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 Order in Council P.C. 2007-532, 4 April 2007

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