



Telecom Decision CRTC 2008-92

Ottawa, 22 September 2008

TELUS Communications Company – Request for a declaration regarding a customer-specific arrangement

Reference: 8661-T66-200811431

In this Decision, the Commission approves in part TELUS Communications Company's request for a declaration regarding the rights and obligations of a customer under a customer-specific arrangement with Bell Canada.

1. TELUS Communications Company (TCC), in an application dated 25 August 2008, requested a declaration from the Commission, on an expedited basis, regarding the rights and obligations of a customer with respect to a customer-specific arrangement (CSA) published in Bell Canada's National Services Tariff.¹ In particular, TCC requested that the Commission declare that:
 - a) there is no binding obligation arising from either the CSA or regulatory rules established by the Commission that would require the customer to enter into a new CSA with Bell Canada on the same terms and conditions as the existing CSA, including the minimum contract period and minimum revenue guarantee, in the event that the customer requires any or some of the services/circuits currently provided under the CSA after a certain specific date in the future (the first matter); and
 - b) Bell Canada is not entitled to require the customer to agree to a minimum contract period or minimum revenue guarantee as part of the terms upon which Bell Canada will continue to provide such services/circuits as required by the customer after that date to complete the transition (the second matter).
2. In a letter to TCC, dated 27 August 2008, the Commission indicated that it would not make a determination with respect to the second matter since it would require a consideration of all relevant circumstances related to the provision of service. The Commission noted that those circumstances could not be known at the time. The Commission stated that it would only issue a determination with respect to the first matter.
3. The Commission received comments from Bell Canada and MTS Allstream Inc. (MTS Allstream), and reply comments from TCC. The public record of this proceeding, which closed on 10 September 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

¹ The name of the customer and the specific CSA number were filed in confidence by TCC.

4. The Commission notes MTS Allstream's submission that the Commission should address the second matter. The Commission notes that it already determined that it would not consider the second matter. The Commission also notes that an additional request for further Commission declarations put forward by TCC in its reply comments is also outside of the scope of this proceeding and would require the consideration of circumstances that cannot be known at this time.
5. The Commission notes that Bell Canada agreed with TCC's characterization of the customer's rights and obligations with respect to the first matter. The Commission has reviewed the CSA in question and **approves** that part of TCC's application requesting a declaration with respect to the first matter. Specifically, the Commission finds that there is no binding obligation arising from either the CSA or regulatory rules established by the Commission that would require the customer to enter into a new CSA with Bell Canada on the same terms and conditions as the existing CSA, including the minimum contract period and minimum revenue guarantee, in the event that the customer requires any or some of the services/circuits currently provided under the CSA after a certain specific date in the future.

Secretary General

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>