



Telecom Order CRTC 2009-30

Ottawa, 23 January 2009

Bell Aliant Regional Communications, Limited Partnership – Business Local Value Package

File number: Aliant Telecom Tariff Notices 326 and 326A

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 29 October 2008 and amended 25 November 2008, in which it proposed modifications to Aliant Telecom Inc.'s (Aliant Telecom) General Tariff item 302.6 – Business Local Value Package (BLV Package). Specifically, Bell Aliant requested the Commission's approval for the introduction of a mailbox access usage charge that would apply to both the Message Manager and the Transfer Mailbox components of the BLV Package. This charge would be applicable to New Brunswick subscribers only.
2. The BLV Package, which is a bundle that includes a Centrex line, Call Display, and Message Manager or Transfer Mailbox, has been available in the four Atlantic Provinces since 3 April 2007.
3. Bell Aliant noted that the Message Manager and Transfer Mailbox elements of the BLV Package are available on a stand-alone basis. The company also noted that in New Brunswick, the stand-alone tariff for these two elements includes both a monthly charge and a mailbox access usage charge, above a basic usage allowance. Bell Aliant submitted that it has become aware that New Brunswick BLV Package subscribers were being billed a mailbox access usage charge for Message Manager or Transfer Mailbox, as if that service element was being provided on a stand-alone basis.
4. Bell Aliant further requested the Commission's ratification of the charging of the usage charge to its New Brunswick customers, other than in accordance with an approved tariff, for the period 3 April 2007 until the approval of its application.
5. Bell Aliant submitted that its New Brunswick subscribers and service representatives were accustomed to this mailbox access usage charge and that it represents a relatively minor additional charge for a small proportion of the subscribers for this service.
6. The Commission received no comments regarding Bell Aliant's proposal. The public record of this proceeding, which closed on 20 December 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
7. The Commission has identified the following two issues to be addressed in its determinations:
 - a) Is the proposed mailbox access usage charge acceptable?
 - b) Is ratification of the charging of the proposed mailbox access usage charge justified?

a) Is the proposed mailbox access usage charge acceptable?

8. Bell Aliant proposed to introduce its mailbox access usage charge under a rate range structure where only the maximum rate would be publicly specified.¹ The company proposed that this charge be applicable for each additional minute of mailbox access over 75 minutes in any given month. In support of its proposal, Bell Aliant submitted that it continues to rely on the imputation test filed in support of the introduction of the BLV Package.²
9. The Commission considers that if the mailbox access usage charge component had been included in the imputation test filed when the BLV Package was introduced, there would not have been either (a) a material change in the projected costs associated with the BLV Package or (b) a material negative impact on the projected mark-ups. Therefore, the Commission considers that continued reliance on the imputation test filed in support of the introduction of the BLV Package is reasonable. The Commission considers that the BLV Package rates would continue to pass the imputation test.
10. The Commission notes that, in Telecom Decision 2007-106, it found that it is appropriate to remove the prohibition on further rate de-averaging for, among other things, uncapped services offered by the large incumbent local exchange carriers (ILECs). The Commission notes that the BLV Package is an uncapped service and considers that the proposal to have a mailbox access usage charge applicable to the New Brunswick BLV Package subscribers only is not unjustly discriminatory.
11. With respect to the proposed rate range, the Commission notes that, in Telecom Decision 2007-36, it considered that it would be appropriate for the ILECs to propose rate ranges for services for which rate de-averaging is allowed, as long as one of the following is publicly specified in the tariff: (1) the maximum rate to be charged; (2) the minimum rate to be charged; or (3) both the maximum and minimum rates to be charged. The Commission considers the proposed rate range to be appropriate.
12. In light of the above, the Commission determines that the proposed mailbox access usage charge is acceptable and **approves** its introduction effective the date of this order.

b) Is ratification of the charging of the proposed mailbox access usage charge justified?

13. The company submitted that it received no complaints from customers who have been subject to this charge and that the minimal amount of the non-tariffed charge does not justify the time and expense of attempting to provide rebates to the affected subscribers.
14. The Commission notes that, under paragraph 25(4)(a) of the *Telecommunications Act*, it may ratify the charging of a rate by a Canadian carrier other than in accordance with a tariff approved by the Commission if it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.

¹ The company submitted that its proposal was in accordance with Telecom Decision 2007-36.

² Bell Aliant filed an imputation test in support of its proposal to introduce the BLV Package service in Tariff Notice 231, which was given interim and final approval in Telecom Orders 2007-103 and 2007-157, respectively.

15. The Commission notes that the current stand-alone Voice Messaging Service tariff in New Brunswick allows for 150 minutes of mailbox access for Message Manager at a specified rate, with an additional charge applied for each minute of mailbox access in excess of 150 in any given month. Therefore, the Commission considers that New Brunswick users of Bell Aliant's stand-alone Message Manager Service are accustomed to an allowance of 150 minutes of mailbox access at no additional charge, as opposed to 75 minutes as submitted by Bell Aliant.
16. The Commission also notes that for some customers, the financial impact of the charging of the mailbox access usage charge without an approved tariff, since 3 April 2007, could be significant. The Commission considers that Bell Aliant did not demonstrate that the charging of the mailbox access usage charge without an approved tariff, in this particular case, warrants ratification. The Commission considers that Bell Aliant should reimburse the affected customers.
17. In light of the above, the Commission finds that ratification of the charging of the usage charge from 3 April 2007 to the date of this order is not justified and **denies** Bell Aliant's request for such ratification. The Commission directs the company to credit or refund the affected customers within 60 days of the date of this order.

Secretary General

Related documents

- *Further rate de-averaging for pay telephone and business services for large incumbent local exchange carriers*, Telecom Decision CRTC 2007-106, 9 November 2007
- *Follow-up to Decision 2006-75 – Range-within-a-range proposal*, Telecom Decision CRTC 2007-36, 25 May 2007
- Telecom Order CRTC 2007-157, 7 May 2007
- *Bell Aliant Regional Communications, Limited Partnership – Ex parte application*, Telecom Order CRTC 2007-103, 3 April 2007

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