



Telecom Order CRTC 2010-681

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Ottawa, 13 September 2010

TBayTel – Interconnection agreement for the provision of 9-1-1 service

File number: 8340-T8-200906100

Introduction

1. The Commission received an application by TBayTel, dated 2 February 2010, in which the company proposed modifications to the Master Toll Interconnection Agreement between itself and Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) in order to revise Appendix 2 – Provision of 9-1-1 Service (the proposed 9-1-1 agreement).
2. The Commission approved TBayTel's application on an interim basis in Telecom Order CRTC 2010-90, 15 February 2010.
3. The Commission received comments from Shaw Telecom G.P. (Shaw),¹ and reply comments from TBayTel and Bell Aliant. The public record of this proceeding, which closed on 6 August 2010, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Should the Commission approve TBayTel's application on a final basis?

4. Shaw submitted that as a result of TBayTel's above-noted agreement with Bell Aliant, TBayTel would be providing Shaw's confidential subscriber count information to a third-party competitor – that is, Bell Aliant – in violation of the terms of section 6.3 of a 9-1-1 agreement between TBayTel and Shaw dated 24 September 2007. Shaw also submitted that the proposed 9-1-1 agreement does not contain provisions restricting Bell Aliant from releasing Shaw's confidential network access service (NAS) count information that it receives from TBayTel.
5. TBayTel and Bell Aliant filed subsequent modifications to the proposed 9-1-1 agreement, dated 6 August 2010, in order to clarify that confidential NAS count information provided by a competitor would not be shared with Bell Aliant. Specifically, TBayTel and Bell Aliant proposed to expand the definition of "confidential information" to include third-party NAS counts as received by TBayTel.

¹ Shaw operates as a competitive local exchange carrier in TBayTel's incumbent operating territory.

They further indicated that the revised agreement specifies that each month, TBayTel will provide Bell Aliant the NAS count for TBayTel's serving territory, by adding TBayTel's NAS count to the updated NAS counts related to competitive local exchange carriers operating within its serving territory.

6. The Commission has reviewed TBayTel's proposal and considers that Shaw's confidential NAS count will be protected by these changes.
7. Accordingly, the Commission **approves on a final basis** TBayTel's application.

Secretary General