



Telecom Decision CRTC 2011-32

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Ottawa, 19 January 2011

NorthernTel, Limited Partnership – Application for forbearance from the regulation of business local exchange services

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In this decision, the Commission approves NorthernTel's request for forbearance from the regulation of business local exchange services in the exchange of Timmins, Ontario.

Introduction

1. The Commission received an application by NorthernTel, Limited Partnership (NorthernTel), dated 16 November 2010, in which the company requested forbearance from the regulation of business local exchange services¹ in the exchange of Timmins, Ontario.
2. The Commission received submissions and data regarding NorthernTel's application from Bragg Communications Inc., operating as EastLink (EastLink). The public record of this proceeding, which closed on 8 December 2010, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file number provided above.

Commission's analysis and determinations

3. The Commission has assessed NorthernTel's application by examining the four criteria set out below. These criteria are based on the local forbearance test originally set out in Telecom Decision 2006-15, as modified by Telecom Regulatory Policy 2009-379. The Commission notes that NorthernTel is a member of the Commissioner for Complaints for Telecommunications Services Inc. (CCTS). Pursuant to Telecom Regulatory Policy 2009-379, all small incumbent local exchange carriers that are required to become members of the CCTS must do so prior to the Commission granting local forbearance.

a) Product market

4. The Commission received no comments with respect to NorthernTel's proposed list of business local exchange services.

¹ In this decision, "business local exchange services" refers to local exchange services used by business customers to access the public switched telephone network and any associated service charges, features, and ancillary services.

5. The Commission notes that NorthernTel is seeking forbearance from the regulation of 18 tariffed business local exchange services. The Commission also notes that in Telecom Decision 2010-273, it found all of these services to be eligible for forbearance. Since that decision was issued, however, the Commission has forbore conditionally from regulating one of these services, Integrated Voice Messaging Service (IVMS), in Telecom Regulatory Policy 2010-777. Forbearance from the regulation of this service will take effect on the date that NorthernTel issues revised tariff pages for the service, pursuant to Telecom Regulatory Policy 2010-777. A list of the 17 remaining approved services is set out in the Appendix to this decision.

b) Competitor presence test

6. The Commission notes that for the exchange of Timmins, information provided by parties confirms that there is, in addition to NorthernTel, one independent facilities-based fixed-line telecommunications service provider² that offers local exchange services in the market and is capable of serving at least 75 percent of the number of business local exchange service lines that NorthernTel is capable of serving.
7. Accordingly, the Commission determines that the exchange of Timmins meets the competitor presence test.

c) Competitor quality of service

8. The Commission notes NorthernTel's attestation that it received no complaints from competitors in the six months prior to the date of the application. The Commission also notes that it received no comments with respect to NorthernTel's competitor quality of service.
9. Accordingly, the Commission determines that the quality of service provided by NorthernTel to its competitors is of a sufficient level to grant forbearance from the regulation of business local exchange services.

d) Communications plan

10. The Commission has reviewed NorthernTel's proposed communications plan and is satisfied that it meets the information requirements set out in Telecom Decision 2006-15. The Commission **approves** the proposed communications plan and directs NorthernTel to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

11. The Commission determines that NorthernTel's application regarding the exchange of Timmins, Ontario meets all the local forbearance criteria set out in Telecom Decision 2006-15, as modified by Telecom Regulatory Policy 2009-379.

² This competitor is EastLink.

12. Pursuant to subsection 34(1) of the *Telecommunications Act* (the Act), the Commission finds as a question of fact that to refrain from exercising its powers and performing its duties, to the extent specified in Telecom Decision 2006-15, in relation to the provision by NorthernTel of the business local exchange services listed in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2 as they pertain to business customers only, in this exchange, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
13. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that these business local exchange services are subject to a level of competition in this exchange sufficient to protect the interests of users of these services.
14. Pursuant to subsection 34(3) of the Act, the Commission finds as a question of fact that to refrain from exercising its powers and performing its duties, to the extent specified in Telecom Decision 2006-15, in relation to the provision by NorthernTel of these business local exchange services in this exchange would be unlikely to impair unduly the continuance of a competitive market for these services.
15. In light of the above, the Commission **approves** NorthernTel's application for forbearance from the regulation of the local exchange services listed in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2, as they pertain to business customers only, in the exchange of Timmins, Ontario, subject to the powers and duties that the Commission has retained as set out in Telecom Decision 2006-15. This determination takes effect as of the date of this decision. The Commission directs NorthernTel to file revised tariff pages with the Commission within 30 days of the date of this decision.

Secretary General

Related documents

- *Forbearance from the regulation of retail voice mail services provided by the incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2010-777, 20 October 2010
- *NorthernTel, Limited Partnership – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2010-273, 13 May 2010
- *Framework for forbearance from regulation of retail local exchange services in the serving territories of the small incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2009-379, 23 June 2009
- *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
- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005

Appendix

Local exchange services eligible for forbearance from regulation in this decision for business customers only

Tariff	Section	Item	List of services
25510	N100	1 to 5	Rate schedules for primary exchange (local) services
25510	N100	6	Telephone number services
25510	N140	4	Extra listings
25510	N190	2	Private branch exchange service
25510	N190	6	Direct inward dialling
25510	N210	all	Centrex
25510	N240	all	Centrex II service
25510	N280	1	Short-term Service
25510	N300	all	Service on Stationary Ships and Trains
25510	N320	all	Suspension of Service – Business
25510	N490	2	Stop Hunt Feature
25510	N490	3	Random make busy feature
25510	N490	4	Toll Restriction Service
25510	N490	5	Touch Tone
25510	N490	8	Call Management Services
25510	N490	9	Call Blocking Service
25510	N900	15	Integrated services digital network 23B+D service