



## Telecom Decision CRTC 2011-90

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Ottawa, 11 February 2011

### **TELUS Communications Company – Application for forbearance from the regulation of residential local exchange services**

File number: 8640-T69-201015959

*In this decision, the Commission denies TCC's request for forbearance from the regulation of residential local exchange services in the exchanges of Gaspé and Rivière-au-Renard, Quebec.*

#### **Introduction**

1. The Commission received an application by TELUS Communications Company (TCC), dated 25 October 2010, in which the company requested forbearance from the regulation of residential local exchange services<sup>1</sup> in the exchanges of Gaspé and Rivière-au-Renard, Quebec.
2. The Commission received submissions and data regarding TCC's application from Bell Canada; and Cogeco Cable Inc., on behalf of Cogeco Câble Québec s.e.n.c. The public record of this proceeding, which closed on 15 November 2010, is available on the Commission's website at [www.crtc.gc.ca](http://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 TCC's application based on the local forbearance test set out in Telecom Decision 2006-15. In this case, the Commission will first consider the competitor quality of service (Q of S) results criterion of the test.
4. The Commission notes that TCC submitted competitor Q of S results for the period of March to August 2010. The Commission has reviewed these results and finds that TCC has demonstrated that during this six-month period it did not consistently provide any competitors with services that were below Q of S standards.
5. However, for the above-mentioned period, TCC did not meet, on average, the Q of S standard for Indicator 1.9 – Migrated unbundled Type A and B loop order service intervals met. TCC asked that its results be revised because of the small number of

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<sup>1</sup> 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.

orders received for this indicator over the six-month period, which the Commission allowed in the context of the rate rebate plan (RRP).<sup>2</sup> According to TCC, this revision would enable it to meet the Q of S standard for Indicator 1.9.

6. The Commission notes that the incumbent local exchange carriers (ILECs) already benefit from more flexibility when compiling their competitor Q of S results in the context of a local forbearance application than in the context of the RRP. In the context of a local forbearance application, competitor Q of S results for each indicator are based on the average of the ILEC's results for all competitors over a six-month period; however, in the context of the RRP, the ILEC must meet the Q of S standards monthly for each indicator and for each competitor. Consequently, the Commission considers that TCC's request to revise its results as allowed in the context of the RRP is not appropriate.
7. Therefore, the Commission finds that TCC has not demonstrated that it met, on average, the Q of S standards for each indicator set out in Appendix B of Telecom Decision 2006-15, as defined in Telecom Decision 2005-20, with respect to the services provided to competitors in its operating territories.
8. Accordingly, the Commission determines that TCC does not meet the competitor Q of S criterion for this period.
9. In light of the above, the Commission will not address TCC's submission with respect to the product market, competitor presence test, and communications plan criteria of the local forbearance test.
10. The Commission determines that TCC's application does not meet all of the local forbearance criteria set out in Telecom Decision 2006-15 regarding the exchanges of Gaspé and Rivière-au-Renard, Quebec. As such, the Commission **denies** TCC's application for forbearance from the regulation of residential local exchange services in these exchanges.

Secretary General

### Related documents

- *CISC Business Process Working Group – Non-consensus report BPRE064a to revise competitor quality of service indicator business rules per Telecom Decision 2006-59, Telecom Decision CRTC 2007-54, 13 July 2007*

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<sup>2</sup> In the context of the RRP, the Commission considered in Telecom Decision 2007-54 that where a single missed order or trouble report causes an incumbent local exchange carrier (ILEC) to miss the standard for a competitor Q of S indicator, an ILEC should be allowed to miss one order or trouble report where the missing of that order or trouble report would have caused the ILEC to not meet the standard for that indicator.

- 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
- *Finalization of quality of service rate rebate plan for competitors*, Telecom Decision CRTC 2005-20, 31 March 2005