



Telecom Decision CRTC 2011-91

PDF version

Ottawa, 11 February 2011

TELUS Communications Company – Application for forbearance from the regulation of business local exchange services

File number: 8640-T66-201015933

In this decision, the Commission denies TCC's request for forbearance from the regulation of business local exchange services for a number of exchanges in Alberta, British Columbia, and 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 business local exchange services¹ in 80 exchanges in Alberta, British Columbia, and Quebec. A list of these exchanges is set out in the Appendix to this decision.
2. The Commission received submissions and data regarding TCC's application from Cogeco Cable Inc., Quebecor Media Inc. on behalf of Videotron Ltd., and Shaw Telecom G.P. The public record of this proceeding, which closed on 13 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 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

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.

orders received for this indicator over the six-month period, which the Commission allowed in the context of the rate rebate plan (RRP).² 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 80 exchanges listed in the Appendix to this decision. As such, the Commission **denies** TCC's application for forbearance from the regulation of business 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*

² 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

Appendix

TCC requested forbearance from the regulation of its business local exchange services in the following 80 exchanges:

Alberta	British Columbia	Quebec
Beaumont	Agassiz	Batiscan
Bentley	Bowser	Donnaconna
Bon Accord	Campbell River	L'Islet
Bow Island	Cedar	Luceville
Bowden	Cobble Hill	Matane
Bruderheim	Comox	Montmagny
Carstairs	Courtenay	Neuville
Coaldale	Cumberland	Port-Cartier
Devon	Dragon Lake	Portneuf
Didsbury	Fort Langley	Rivière-au-Renard
Exshaw	Gabriola Island	Sept-Îles
Gibbons	Haney	St-Agapit
Lacombe	Hartway	St-Anselme
Lamont	Ladysmith	St-Apollinaire
Leduc	Lake Cowichan	St-Augustin-de-Desmaures
Magrath	Lantzville	St-Charles
Penhold	Nanoose	St-Damien
Picture Butte	Naramata	Ste-Anne-des-Monts
Redwater	Oyster Bay	Ste-Claire
	Peachland	Ste-Croix
	Pitt Meadows	St-Édouard-de-Lotbinière
	Port Alberni	Ste-Hénédine
	Quesnel	St-Flavien
	Sardis	St-Gédéon
	Squamish	St-Henri-de-Lévis
	Union Bay	St-Jean-Port-Joli
	Vanway	St-Lambert-de-Lauzon
	Wellington	St-Raphaël
	Yarrow	St-Raymond
		St-Stanislas
		St-Ulric
		Val-Alain