



Telecom Decision CRTC 2012-155

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Ottawa, 15 March 2012

Saskatchewan Telecommunications – Application to exclude competition-related quality of service indicator 2.10 results from the rate rebate plan for competitors for November 2011

File number: 8660-S22-201115915

Introduction

1. The Commission received an application by Saskatchewan Telecommunications (SaskTel), dated 12 December 2011, requesting the exclusion of the competitor quality of service (Q of S) results related to indicator 2.10 – Mean Time to Repair (MTTR) – CDN [competitor digital network] Services and Type C Loops (indicator 2.10) from its rate rebate plan for competitors for Bell Canada and MTS Allstream Inc. (MTS Allstream, now Allstream) for November 2011.
2. SaskTel submitted that on 5 November 2011, a third-party company cut one of SaskTel’s buried fibre cables due to neglect while conducting excavation work in Regina, Saskatchewan. SaskTel claimed that the cable cut caused service outages to CDN circuits leased to Bell Canada, Allstream, and TELUS Communications Company (TCC), and that this event was beyond its control.
3. SaskTel noted that its actual November 2011 competitor Q of S performance results for indicator 2.10 were (i) above the set standard for service to TCC¹ and (ii) below the set standard for service to Bell Canada and Allstream. However, SaskTel provided evidence that if the trouble reports related to the above-noted adverse event were excluded, its November 2011 results for indicator 2.10 for Bell Canada and Allstream would have been within the accepted standard.
4. The Commission received no comments regarding this application. The public record of this proceeding, which closed on 30 January 2012, is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings” or by using the file number provided above.

¹ SaskTel submitted that these results were adjusted as permitted by existing business rules. In Telecom Decision 2007-54, the Commission amended the business rules for indicator 2.10 to allow an incumbent local exchange carrier to exclude for each competitor one trouble report in a month, where the volume of trouble reports is between 1 and 19, if by so doing, the result changes from missing the standard to meeting the standard.

Commission's analysis and determinations

5. In Telecom Decision 2005-20, the Commission created a mechanism for considering possible exclusions from competitor Q of S results when circumstances beyond the control of an incumbent local exchange carrier (ILEC) might have caused it to fail to meet a performance standard.
6. In Telecom Decision 2007-102, the Commission adopted a *force majeure* clause that provided that no rate rebates would apply in a month where failure to meet a competitor Q of S standard was caused in that month by events beyond the reasonable control of the ILEC. The Commission considers that, based on the evidence filed, the buried fibre cable cut in question qualifies as an incident that was beyond the reasonable control of SaskTel and thus triggers the *force majeure* clause.
7. The Commission also considers that SaskTel has provided sufficient evidence to demonstrate that the buried fibre cable cut caused the below-standard results for indicator 2.10 for Bell Canada and Allstream in November 2011.
8. In Telecom Decision 2007-14, the Commission concluded that if an ILEC has met or exceeded the standard for a particular competitor Q of S indicator for three consecutive months, or for at least six out of twelve months, immediately prior to an adverse event, it is reasonable to conclude that the ILEC would likely have met its competitor Q of S obligations without the adverse event.
9. After reviewing the evidence and verifying that SaskTel exceeded the standard for competitor Q of S indicator 2.10 for all its competitors, including Bell Canada and Allstream, for the three consecutive months prior to the 5 November 2011 incident, the Commission considers it reasonable to conclude that SaskTel would have met its competitor Q of S obligations without the adverse event.
10. In light of the above, the Commission **approves** SaskTel's request to exclude below-standard results for competitor Q of S indicator 2.10 for November 2011 in the calculation of the amounts due to Bell Canada and Allstream under the rate rebate plan for competitors.

Secretary General

Related documents

- *Retail quality of service rate adjustment plan and competitor quality of service rate rebate plan – Adverse events*, Telecom Decision CRTC 2007-102, 31 October 2007
- *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

- *TELUS Communications Company – Application to exclude certain competition-related quality of service results from the rate rebate plan for competitors for July 2005, Telecom Decision CRTC 2007-14, 28 February 2007*
- *Finalization of quality of service rate rebate plan for competitors, Telecom Decision CRTC 2005-20, 31 March 2005*