



Telecom Decision CRTC 2015-362

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Ottawa, 7 August 2015

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

*The Commission **approves** TCC’s request for forbearance from the regulation of business local exchange services in 12 exchanges in Alberta and British Columbia.*

Introduction

1. The Commission received an application from TELUS Communications Company (TCC), dated 27 February 2015, in which the company requested forbearance from the regulation of business local exchange services¹ in 12 exchanges in Alberta and British Columbia. A list of these exchanges is set out in Appendix 1 to this decision.
2. The Commission received submissions and/or data regarding TCC’s application from Bell Canada; Bragg Communications Incorporated, operating as Eastlink (Eastlink); Distributel Communications Limited; Iristel Inc. (Iristel); and Shaw Telecom G.P. (Shaw). The public record of this proceeding, which closed on 19 May 2015, is available on the Commission’s website at www.crtc.gc.ca 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 by examining the four criteria set out below.

Product market

4. TCC is seeking forbearance from the regulation of 43 tariffed business local exchange services, as listed in Appendix 2 to this decision. In Telecom Decision 2012-23, the Commission found all of these services to be eligible for forbearance. The services listed in Appendix 2 to this decision are therefore eligible for forbearance.
5. The Commission received no interventions with respect to TCC’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.

Competitor presence test

6. The information provided by parties demonstrates that there is, in addition to TCC, an independent, facilities-based, fixed-line telecommunications service provider² that offers local exchange services in each of the 12 exchanges in question and that is capable of serving at least 75% of the number of business local exchange service lines that TCC is capable of serving.
7. Accordingly, the 12 exchanges listed in Appendix 1 meet the competitor presence test.

Competitor quality of service (Q of S) results

8. TCC submitted competitor Q of S results for the period of July to December 2014. These results demonstrate that during this six-month period, TCC
 - 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 territory; and
 - did not consistently provide any of those competitors with services that were below those Q of S standards.
9. Accordingly, TCC meets the competitor Q of S criterion for this period.

Communications plan

10. In lieu of filing a communications plan, TCC submitted that its communications plan specific to the exchanges listed in Appendix 1 would conform to the Commission's determinations set out in Telecom Decision 2008-107.
11. TCC submitted a communications plan in the proceeding leading to Telecom Decision 2008-107 that complies with the Commission's requirements set out in Telecom Decision 2006-15.
12. Accordingly, the Commission **approves**, for the purpose of the current application, the use of the communications plan that TCC submitted in the proceeding leading to Telecom Decision 2008-107. The Commission **directs** TCC to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

13. TCC's application regarding the 12 exchanges in Alberta and British Columbia that are listed in Appendix 1 meets all the forbearance criteria set out in Telecom Decision 2006-15.

² These competitors are Bell Canada, Eastlink, Iristel, and Shaw.

14. 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 TCC of the business local exchange services listed in Appendix 2 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 these exchanges, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
15. 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 these exchanges sufficient to protect the interests of users of these services.
16. 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 TCC of these business local exchange services in these exchanges would be unlikely to impair unduly the continuance of a competitive market for these services.
17. In light of the above, the Commission **approves** TCC's application for forbearance from the regulation of the local exchange services listed in Appendix 2 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 12 exchanges listed in Appendix 1, 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** TCC to file revised tariff pages³ with the Commission within **30 days** of the date of this decision.

Secretary General

Related documents

- *TELUS Communications Company – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2012-23, 18 January 2012
- *TELUS Communications Company – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2008-107, 19 November 2008
- *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

³ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005
- *Finalization of quality of service rate rebate plan for competitors*, Telecom Decision CRTC 2005-20, 31 March 2005

Appendix 1 to Telecom Decision CRTC 2015-362

Exchanges for which TCC requested forbearance from the regulation of its business local exchange services

Alberta

Crowsnest Pass

Sibbald

Three Hills

British Columbia

Balfour

Castlegar

Enderby

Fulford Harbour

Genelle

Nelson North

Rosland

Sorrento

Thrums

Appendix 2 to Telecom Decision CRTC 2015-362

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

Tariff	Item	List of services
1005	25	Exchange Classification and Rates
1005	26	Business and Residence Service
1005	27	Base Rate Areas
1005	32	Exchange Rates
1005	122	Foreign Central Office Service – Voice
1005	122A	Foreign Central Office Service – Data
1005	132	Service to Ships and Trains
1005	150	Reserved Telephone Number Service
1005	153	Optional Hunting Arrangements
1005	157	Suspension of Service
1005	161	Call Guardian
1005	164	Dual Tone Multi-Frequency (DTMF) / Multi-Frequency (MF) Services
1005	200	Terminal Attachment Program
1005	465	Integrated Services Digital Network – Basic Rate Interface (ISDN-BRI) Service (formerly Microlink)
1005	470	Integrated Services Digital Network – Primary Rate Interface (ISDN-PRI) Service (formerly Megalink)
1005	470A	Integrated Services Digital Network – Primary Rate Interface (ISDN-PRI) Monthly Non-Contracted Services
1005	490	DataDial Service
1005	495	Digital Exchange Access
18001	165	Digital Exchange Access (DEA)
18001	215	Dataline Service

18001	235	Calling Features
18001	240	Extended Area Service (EAS)
18001	295	Inbound Data Access (IDA) Service
18001	305	Denial Services
18001	310	Toll Restriction Services
18001	380	Temporary Disconnect
18001	425	Exchange Service
18001	430	Deductions – Churches, Community Centres and Senior Citizen Drop-In Centres
18001	485	Integrated Services Digital Network – Basic Rate Interface (ISDN-BRI) Service (formerly Microlink)
18001	495	Integrated Services Digital Network – Primary Rate Interface (ISDN-PRI) Service (formerly Megalink)
18001	505	Switched 56 Digital Service
21461	129	Directory Listings
21461	202	Individual Line Service (ILS)
21461	209	Local Calling Area (LCA) Expansion
21461	213	Centrex Service
21461	215	Direct In Dial Service
21461	216	IntelliRoute Service
21461	217	Reserved Telephone Number Service
21461	300	Call Management Services
21461	307	Special Number Search
21461	314	Remote Call Forwarding
21461	316	900 Blocking
21461	1000	Chargeable Call Intercept – Business Numbers