



Telecom Order CRTC 2016-281

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Ottawa, 21 July 2016

File numbers: Tariff Notices 2 and 2A

Kimcot Inc. – Interconnection with local exchange carriers

Application

1. The Commission received an application, dated 23 March 2016 and revised on 18 April 2016, from Kimcot Inc. (Kimcot). In its application, the company proposed to introduce its Access Services Tariff to operate as a Type IV competitive local exchange carrier (CLEC).¹ Kimcot indicated that certain services would be provided through ISP Telecom, the underlying local exchange carrier (LEC).
2. The Commission approved Kimcot's application on an interim basis in Telecom Order 2016-167. Subsequent to the issuance of Telecom Order 2016-167, the Commission received an intervention regarding Kimcot's application from TELUS Communications Company (TCC). In its intervention, TCC requested that the Commission deny Kimcot's application as presented, and proposed alternative language for the tariff provisions related to the port-out cancellation charge. TCC expressed concern that although port-out activities would be conducted by the underlying LEC (ISP Telecom), the proposed tariff wording could be interpreted to mean that both Kimcot and the underlying LEC could charge for port-out activities.
3. In reply, Kimcot proposed to amend its tariff to incorporate TCC's proposed wording. It submitted a revised tariff page for item 502 – Port-Out Cancellation Charge, with an effective date of 10 June 2016.
4. The public record of this proceeding, which closed on 18 May 2016, can be found on the Commission's website at www.crtc.gc.ca or by using the file numbers provided above.

¹ A Type IV CLEC, also known as a "Group 2 CLEC" or "small CLEC," is defined as a non-dominant Canadian carrier that offers local voice over Internet Protocol (VoIP) services through a resale arrangement with another telecommunications service provider (third party) and has fewer than 10,000 local exchange service telecommunications subscribers. A number of specific CLEC obligations and requirements could be fulfilled on behalf of the small CLEC by the third party. The 10,000 local exchange service subscriber threshold applies to the total number of local VoIP service subscribers that the CLEC has in all the exchanges served, irrespective of other services such as Internet access.

Commission's analysis and determinations

5. Kimcot has responded to TCC's concerns through its submission of a revised tariff page. The new wording clarifies that only ISP Telecom is to assess charges for port-out cancellations performed for Kimcot.
6. Further, the proposed wording is almost identical to wording approved by the Commission in Telecom Order 2015-43 for Broad-Connect Telecom Inc., the exception being the underlying LEC.
7. The remaining sections of the Access Services Tariff filed by Kimcot are based on the most recent version of the CLEC Model Tariff, consistent with pre-entry obligations for proposed CLECs.²
8. In light of the above, the Commission **approves on a final basis** Kimcot's application as revised, effective the date of this order.

Secretary General

Related documents

- Telecom Order CRTC 2016-167, 3 May 2016
- Telecom Order CRTC 2015-43, 13 February 2015

² See <http://www.crtc.gc.ca/eng/8180/8180m.htm>.