



Telecom Order CRTC 2016-283

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Ottawa, 21 July 2016

File numbers: Tariff Notices 1, 1A, and 1B

Packet-Tel Corp., operating as Packetworks – Interconnection with local exchange carriers

Application

1. The Commission received an application, dated 11 April 2016 and revised on 29 April 2016, from Packet-Tel Corp., operating as Packetworks (Packetworks). In its application, the company proposed to introduce its Access Services Tariff to operate as a Type III competitive local exchange carrier (CLEC).¹ Packetworks indicated that certain services would be provided through Fibernetics Corporation (Fibernetics), the underlying local exchange carrier (LEC).
2. The Commission approved Packetworks' application on an interim basis in Telecom Order 2016-178. Subsequent to the issuance of Telecom Order 2016-178, the Commission received an intervention regarding Packetworks' application from TELUS Communications Company (TCC). In its intervention, TCC requested that the Commission deny Packetworks' application as presented, and proposed alternative language for the tariff provision related to the port-out cancellation charge (item 502 – Port-Out Cancellation Charge of its proposed Access Services Tariff). TCC expressed concern that although port-out activities would be conducted by the underlying LEC (Fibernetics), the proposed tariff wording could be interpreted to mean that both Packetworks and the underlying LEC could charge for port-out activities. TCC also proposed changes to item 200 – General for clarity and consistency, and to item 400 – General to add a reference to Inter-carrier Number Portability Operations Agreements (INPOAs) with Fibernetics.²
3. In response to TCC's intervention, Packetworks filed a revised application, dated 31 May 2016, in which it proposed to amend its tariff to incorporate TCC's proposed

¹ A Type III CLEC is a non-dominant Canadian carrier that relies on the facilities of a third-party local exchange carrier (LEC), either directly or indirectly through a resale arrangement, generally for switching and/or interconnection to other LECs to provide local voice over Internet Protocol (VoIP) services. It could also be a CLEC that exceeds the 10,000 customer threshold, thereby precluding it from qualifying as a Type IV CLEC (a small CLEC providing local VoIP services through a resale arrangement). A Type III CLEC could also be an otherwise qualifying Type IV CLEC that ceases to offer local VoIP services through a resale arrangement with another telecommunications service provider and offers these services through its own resources.

² Items 200 and 400 pertain to interconnection with LECs and interconnection with wireless service providers, respectively.

wording. Packetworks submitted revised tariff pages for items 200, 400, and 502, with a proposed effective date of 30 June 2016.

4. The public record of this proceeding, which closed on 30 June 2016, can be found on the Commission's website at www.crtc.gc.ca or by using the file numbers provided above.

Commission's analysis and determinations

5. Packetworks has responded to TCC's concerns through its submission of a revised application and revised tariff pages. In particular, the new wording for item 502 clarifies that only Fibernetics is to assess charges for port-out cancellations performed for Packetworks. Further, the proposed wording for items 200, 400, and 502 is appropriate and is substantively the same as the wording approved by the Commission in Telecom Order 2015-43 for Broad-Connect Telecom Inc.
6. The remaining sections of the Access Services Tariff filed by Packetworks are based on the most recent version of the CLEC Model Tariff, consistent with pre-entry obligations for proposed CLECs.³
7. In light of the above, the Commission **approves on a final basis** Packetworks' application as revised, effective the date of this order.

Secretary General

Related documents

- Telecom Order CRTC 2016-178, 11 May 2016
- Telecom Order CRTC 2015-43, 13 February 2015

³ See <http://www.crtc.gc.ca/eng/8180/8180m.htm>.