



Telecom Decision CRTC 2017-190

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Ottawa, 8 June 2017

File number: 8640-S4-201701748

Sogetel inc. – Application for forbearance from the regulation of business local exchange services

*The Commission **approves** Sogetel inc.'s request for forbearance from the regulation of business local exchange services in the exchange of Nicolet, Quebec.*

Introduction

1. The Commission received an application from Sogetel inc. (Sogetel), dated 8 March 2017, in which the company requested forbearance from the regulation of business local exchange services¹ in the exchange of Nicolet, Quebec.
2. The Commission received a submission regarding Sogetel's application from Cogeco Communications Inc. (Cogeco). The public record of this proceeding, which closed on 21 April 2017, 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. Pursuant to the Commission's requirements in Telecom Decision 2006-15, Sogetel provided evidence to support its forbearance request, including competitor quality of service (Q of S) results for the six months preceding its application, and a draft communications plan for the Commission's approval. The Commission has assessed Sogetel's application by examining the four criteria set out below. These criteria are based on the local forbearance test originally set out in Telecom Decision 2006-15 and applied to the small incumbent local exchange carriers (ILECs), with modifications, in Telecom Regulatory Policy 2009-379.

Product market

4. Sogetel is seeking forbearance from the regulation of 16 tariffed business local exchange services. In Telecom Decision 2005-35, the Commission found that services similar to those 16 services were eligible to be considered for forbearance.
5. The Commission received no comments with respect to Sogetel'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. Information provided by parties demonstrates that there is, in addition to Sogetel, an independent, facilities-based, fixed-line telecommunications service provider² that offers local exchange services in the exchange of Nicolet and that is capable of serving at least 75% of the number of business local exchange service lines that Sogetel is capable of serving.
7. Accordingly, the exchange of Nicolet meets the competitor presence test.

Competitor Q of S results

8. Sogetel attested that it received no Q of S complaints from competitors in the six months prior to the date of this application for forbearance.³ As well, the Commission has received no comments with respect to Sogetel's competitor Q of S results for that period.
9. Accordingly, Sogetel's competitor Q of S is at a sufficient level to warrant forbearance from the regulation of business local exchange services in the exchange of Nicolet.

Communications plan

10. The Commission has reviewed Sogetel's proposed communications plan and is satisfied that it meets the information requirements set out in Telecom Decision 2006-15. The Commission **approves** the proposed communications plan and **directs** Sogetel to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

11. Sogetel's application regarding the exchange of Nicolet, Quebec, meets all the local forbearance criteria set out in Telecom Decision 2006-15 and modified by Telecom Regulatory Policy 2009-379 for small ILECs.
12. 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 Sogetel in this exchange, of the business local exchange services listed in the Appendix and of future local exchange services (as defined in Telecom Public Notice 2005-2 and as they pertain to business customers only) would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.

² This competitor is Cogeco.

³ In Telecom Regulatory Policy 2009-379, the Commission stated that, if applicable, a small ILEC could submit an attestation that it had received no complaints from competitors in the six months prior to the date of the forbearance application, or since the implementation of local competition if less than six months had passed.

13. 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 this exchange sufficient to protect the interests of users of these services.
14. 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 Sogetel of these business local exchange services in this exchange would be unlikely to unduly impair the continuance of a competitive market for these services.
15. In light of the above, the Commission **approves** Sogetel's application for forbearance from the regulation of the local exchange services listed in the Appendix and future local exchange services (as defined in Telecom Public Notice 2005-2), as they pertain to business customers only, in the exchange of Nicolet, Quebec, 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** Sogetel to issue revised tariff pages⁴ within **30 days** of the date of this decision.

Secretary General

Related documents

- *Framework for forbearance from regulation of retail local exchange services in the serving territories of the small incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2009-379, 23 June 2009
- *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
- *List of services within the scope of the proceeding on forbearance from the regulation of local exchange services*, Telecom Decision CRTC 2005-35, 15 June 2005; as amended by Telecom Decision CRTC 2005-35-1, 14 July 2005
- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005

⁴ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

Appendix to Telecom Decision CRTC 2017-190

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

Tariff	Item	List of services
25130	2.1.8	Basic Service and Regional Service – Table of Monthly Rates, with the Exception of the Bell Relay Service Rate and the 9-1-1 Public Emergency Reporting Service Access Line
25130	2.1.9	Telephone Service for Senior Citizens' Club
25130	2.4.6	Extra Directory Listings
25130	2.4.7	Omission of Directory Listings
25130	2.4.8	Charges for Additions, Modifications, etc. to Directory Listings
25130	2.6	Intra-Exchange Distance Charges
25130	2.9	Local Conference Service
25130	2.10	Suspension of Service (Upon Subscriber Request)
25130	2.11	Shared Use
25130	2.12	Telephone Number Reservation Service
25130	2.13.2	Custom Calling Features
25130	2.13.3	Call Management Services
25130	2.13.4	Call Display Blocking of Caller's Name and/or Number
25130	2.13.5	Voice Messaging Service
25130	2.13.6	Sogetel inc.'s Multi Services Packages
25130	4.2.10.5	900 Call Blocking Service