



## Telecom Decision CRTC 2019-197

PDF version

Ottawa, 5 June 2019

*Public record: 8640-S4-201810614*

### **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 Lac-Etchemin, Quebec.*

#### **Introduction**

1. The Commission received an application dated 30 November 2018 from Sogetel inc. (Sogetel), a small incumbent local exchange carrier (ILEC), in which the company requested forbearance from the regulation of business local exchange services<sup>1</sup> in the exchange of Lac-Etchemin, Quebec.
2. The Commission did not receive any interventions regarding Sogetel’s application.

#### **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.
4. The Commission has assessed Sogetel’s application by examining the following four criteria: (i) product market, (ii) competitor presence test, (iii) competitor quality of service (Q of S) results, and (iv) communications plan. These criteria are based on the local forbearance test originally set out in Telecom Decision 2006-15 and applied to the small ILECs, with modifications, in Telecom Regulatory Policy 2009-379.

#### **Product market**

5. Sogetel is seeking forbearance from the regulation of 16 tariffed business local exchange services. A list of these services is set out in the Appendix to this decision. In Telecom Decision 2005-35, the Commission found that services similar to these 16 services are eligible to be considered for forbearance. In addition, the Commission

---

<sup>1</sup> 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.

has previously approved applications for forbearance from the regulation of the same 16 services offered by Sogetel in other exchanges.<sup>2</sup>

6. Accordingly, the Commission determines that the 16 services listed in the Appendix to this decision are eligible for forbearance.

### **Competitor presence test**

7. Information provided by Sogetel, which was not disputed, demonstrates that there is, in addition to Sogetel, one independent, facilities-based, fixed-line telecommunications service provider that offers local exchange services in the exchange of Lac-Etchemin and that is capable of serving at least 75% of the number of business local exchange service lines that Sogetel is capable of serving.<sup>3</sup>
8. Accordingly, the Commission determines that the exchange of Lac-Etchemin meets the competitor presence test.

### **Competitor Q of S results**

9. Sogetel attested that it received no Q of S complaints in the six months prior to the date of this application for forbearance.<sup>4</sup> As well, the Commission has received no comments with respect to Sogetel's competitor Q of S results for that period.
10. Accordingly, the Commission is satisfied that Sogetel's competitor Q of S results support forbearance from the regulation of business local exchange services in the exchange of Lac-Etchemin.

### **Communications plan**

11. 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. However, the Commission considers that the company should modify the contact information in its plan to (i) change the mailing address for the Canadian Radio-television and Telecommunications Commission to "Ottawa, Ontario K1A 0N2;" and (ii) update the contact information for the Commission for Complaints for Telecom-television Services Inc. (CCTS), the Office of Consumer Affairs, and the Competition Bureau.

---

<sup>2</sup> See Telecom Decisions 2017-190 and 2019-55.

<sup>3</sup> This competitor is Cogeco Connexion inc.

<sup>4</sup> 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.

12. The Commission **approves** the proposed communications plan with the revisions outlined above and **directs** Sogetel to provide the resulting communications materials to its customers, in both official languages where appropriate.

## Conclusion

13. Sogetel's application regarding the exchange of Lac-Étchemin, Quebec, meets all the local forbearance criteria set out in Telecom Decision 2006-15, as modified by Telecom Regulatory Policy 2009-379 for small ILECs.
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 Sogetel, in this exchange, of the business local exchange services listed in the Appendix to this decision 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.
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 this exchange 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 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.
17. In light of all of the above, the Commission **approves** Sogetel's application for forbearance from the regulation of the local exchange services listed in the Appendix to this decision and future local exchange services (as defined in Telecom Public Notice 2005-2), as they pertain to business customers only, in the exchange of Lac-Étchemin, 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 pages within **30 days** of the date of this decision.<sup>5</sup>

Secretary General

---

<sup>5</sup> Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

## Related documents

- *Sogetel inc. – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2019-55, 27 February 2019
- *Sogetel inc. – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2017-190 , 8 June 2017
- *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

## Appendix to Telecom Decision CRTC 2019-197

### 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  |