



Telecom Order CRTC 2020-130

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Ottawa, 23 April 2020

Public record: Tariff Notices 14 and 14A

Distributel Communications Limited – Tariff amendments and request for rate ratification

Application

1. The Commission received an application from Distributel Communications Limited (Distributel), dated 21 October 2019 and revised on 22 January 2020, in which the company proposed amendments to its competitive local exchange carrier (CLEC) tariff and requested that the Commission ratify the charging of certain rates.
2. Specifically, Distributel proposed the following amendments:
 - the addition of cross-references to rates associated with services provided by incumbent local exchange carriers in New Brunswick, Newfoundland and Labrador, Ontario, Prince Edward Island, Quebec, and Saskatchewan;
 - the addition of cross-references to rates associated with services provided by NorthernTel Limited Partnership; TBayTel; Télébec, Société en commandite (Télébec); and TELUS Communications Inc. in their respective incumbent operating territories in Ontario and Quebec;
 - updates to reflect the CRTC Interconnection Steering Committee (CISC) CLEC Model Tariff, version 34.1 (hereafter, the CLEC Model Tariff); and
 - housekeeping changes required as a result of the above-noted amendments.
3. Distributel also requested that the Commission ratify, pursuant to subsection 25(4) of the *Telecommunications Act* (the Act), the charging of rates for services
 - in the Regina and Saskatoon, Saskatchewan, local interconnection regions (LIRs) for the period of 5 December 2016 to the date on which its application is approved on a final basis;
 - in the Westmorland, New Brunswick, LIR for the period of 6 October 2017 to the date on which its application is approved on a final basis; and
 - in the Radisson and Wemindji, Quebec, exchanges for the period of 4 July 2018 to the date on which its application is approved on a final basis.

4. For the first two ratification requests, Distributel submitted that due to an internal miscommunication, misunderstanding, and change in personnel, the status of the company's previous tariff application (Tariff Notice 13) at the time of its entry into the LIRs led to the incorrect belief that it had received Commission approval and that, in turn, the CLEC obligations related to entry into the exchanges in the Regina, Saskatoon, and Westmorland LIRs had been fulfilled.
5. The company noted that the local exchange carriers operating or proposing to operate in the exchanges in the Regina, Saskatoon, and Westmorland LIRs were, and continue to be, aware of its entry as per the entry-related notices filed with the Commission and distributed to them, as well as via the execution of relevant Master Agreements for Local Interconnection (MALIs).
6. With respect to the third request for ratification, Distributel submitted that it incorrectly understood that amendments to its CLEC tariff were not required in relation to entry into the Radisson and Wemindji exchanges, given that its tariff contained existing cross-references to services and rates in Quebec. However, the cross-references were for services offered by Bell Canada and by Bell Aliant, a division of Bell Canada, in their Quebec operating territories, not for services and rates offered by Télébec in its Quebec operating territory, which includes the exchanges of Radisson and Wemindji. Distributel submitted that no end-users or their services (including support for 9-1-1 emergency services and number portability) were affected by the company's error.

Commission's analysis and determinations

CLEC tariff updates and housekeeping changes

7. Distributel is a Type I CLEC,¹ and the company's proposed changes to its CLEC tariff comply with the CLEC Model Tariff. The Commission considers the proposed updates to reflect the CLEC Model Tariff and the proposed housekeeping changes to be reasonable.

Rate ratification

8. Pursuant to subsection 25(4) of the Act, the Commission may ratify the charging of a rate otherwise than in accordance with an approved tariff if it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.
9. The Commission considers Distributel's explanation that it charged the rates in question otherwise than in accordance with an approved tariff due to an internal miscommunication, misunderstanding, and change in personnel to be reasonable.
10. In addition, the Commission notes that Distributel proceeded to file required MALI information with the Commission, and that its communication with other service

¹ A Type I CLEC, also known as a full CLEC, is a Canadian carrier that provides local exchange services and that fulfills all the local competition entry obligations and requirements as set out in *Local competition*, Telecom Decision CRTC 97-8, 1 May 1997, and modified subsequent decisions.

providers did not hide the fact that it was operating in the exchanges in question. As well, the Commission considers that consumers in those exchanges would have benefited from the presence of an additional service provider during the periods in question and would not have been negatively affected.

11. Accordingly, the Commission finds that Distributel's request for ratification meets the requirements set out in subsection 25(4) of the Act.

Conclusion

12. In light of the above, the Commission **approves** Distributel's proposed amendments to its CLEC tariff and its proposed housekeeping changes, and ratifies the charging of the rates in question from the dates identified in paragraph 3 above to the date of this order.
13. The Commission **directs** Distributel to issue revised tariff pages within **10 days** of the date of this order.²

Policy Directions

14. In accordance with subparagraph 1(b)(i) of the 2006 Policy Direction,³ the Commission considers that its approval of Distributel's application will advance the policy objective set out in paragraph 7(f) of the Act.⁴
15. The 2019 Policy Direction⁵ states that the Commission should consider how its decisions can promote competition, affordability, consumer interests, and innovation.
16. The Commission has reviewed Distributel's application in light of the 2019 Policy Direction and considers that its approval of the application is compliant with the 2019 Policy Direction, since it increases competition for telecommunications services in various provinces and ensures that customers have access to high-quality telecommunications services.

Secretary General

² Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

³ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

⁴ The cited objective of the Act is as follows: 7(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective.

⁵ *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

