



Teresa Griffin-Muir

Vice President, Regulatory Affairs
Vice-présidente des Affaires réglementaires
MTS Allstream Inc.

25 November 2005

Ms Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON...K1A 0N2

Dear Ms Rhéaume:

Subject: Bell Canada (Bell) Quality of Service (QoS) Rate Rebate Plan for Competitors

1. MTS Allstream Inc. (MTS Allstream) is in receipt of a 31 October 2005 letter from Bell indicating that it had \$365,019.41 in rebates owing to MTS Allstream due to the provision of poor quality of service for the third quarter of 2005. Bell further indicated that rather than paying MTS Allstream the monies owed it pursuant to Telecom Decision CRTC 2005-20, *Finalization of quality of service rebates for competitors*, (Decision 05-20) Bell had unilaterally decided to place the amount in escrow.
2. Bell's decision to withhold payment pending resolution is clearly not in-keeping with the Commission's rules in paragraph 86 of Decision 05-20 the Commission determined "[t]he ILECs must file [...] results with the Commission, providing a copy of competitor-specific results to the relevant competitor, within 30 days of the last day of the applicable quarter and make any rate rebate payments to competitors within the same 30-day time period." Furthermore, in paragraph 118 of Decision 05-20 the Commission determined that "[i]n the event that a rebate calculation is required under the RRP prior to the Commission rendering its determination on an exclusion application, the rebate shall be calculated on the basis that the performance failure in question is to be included in the Q of S results." [Emphasis added]

3. Bell's reason for doing so, i.e. that "[t]he funds could very well prove difficult to recover from competitors if the Commission finds them to have been unnecessary or excessive" is baseless. Given the clear directives in the decision Bell does not have the right to place the rebates owing in trust. Indeed if MTS Allstream applied the same logic Bell's actions could be construed as "high-jacking the rebates owing and holding them hostage until a favourable exclusion application determination is delivered by the Commission" which, MTS Allstream trusts, was surely not Bell's intent. MTS Allstream's submits that calculation and payment of rebates should not be dependent upon the outcome of a separate exclusion application; otherwise after every period of excessively bad quality of service an ILEC would be motivated to file an exclusion application for no other reason than to delay payment.
4. MTS Allstream requests the Commission to order Bell to immediately pay the rebates owed based on the calculations of the third quarter of 2005 QoS. MTS Allstream notes that Bell has made an application to have certain results excluded. The process for this application will allow for a determination to be made wholly on its merits. Should a rebate adjustment be warranted as a consequence of this application these adjustments can be made at the time of the fourth quarter QoS results.

Yours truly,

A handwritten signature in dark ink, appearing to read 'T. Griffin-Muir', with a long horizontal flourish extending to the right.

for Teresa Griffin-Muir
Vice President, Regulatory Affairs

cc: James Robinson, MTS Allstream Inc., (204)941-5132
Parties to Decision 2005-20

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