



Telecom Order CRTC 2006-192

Ottawa, 21 July 2006

Saskatchewan Telecommunications

Reference: Tariff Notice 116

Pike Lake's rate group classification

Application

1. On 6 July 2006, the Commission received an application by Saskatchewan Telecommunications (SaskTel) under Tariff Notice 116 (TN 116) for approval of revisions to General Tariff item 100.10, Rate Group Classification, in order to remove the community of Pike Lake's status as an island base rate area (IBRA).
2. On 12 April 2006, under Tariff Notice 109 (TN 109), SaskTel had proposed revisions to item 100.10 requesting that Pike Lake be upgraded to IBRA status. The company had indicated that the community of Pike Lake had reached the required criteria of 50 permanent households or businesses with telephone service in close proximity of each other, as stated in SaskTel's General Tariff – Basic Services item 82 Definitions, and item 100.05 Exchange Area Service.
3. The Commission gave interim approval to TN 109 in Telecom Order CRTC 2006-98, dated 28 April 2006 (Order 2006-98), and then final approval in Telecom Order CRTC 2006-119, dated 23 May 2006 (Order 2006-119), with an effective date of 30 June 2006.
4. However, on 30 June 2006, the Commission received a letter from SaskTel indicating that during the implementation of TN 109, the company had determined that Pike Lake did not meet the minimum requirements of a stable population of 50 or more permanent households or businesses with telephone service in close proximity with each other. In its letter, the company indicated that the area commonly known as Pike Lake is actually two separate legally registered communities, neither of which meets the criteria for an IBRA at this time. SaskTel submitted that, in the original IBRA study, it had inadvertently included some of the households that were part of the second community. The company indicated that it would be filing a tariff notice during the week of 3 July 2006 to remove Pike Lake from SaskTel's General tariff item 100.10.
5. In TN 116, SaskTel requested approval of its application by 20 July 2006 with an effective date of 30 June 2006 to coincide with the original effective date that TN 109 was approved.
6. In a follow-up letter dated 13 July 2006, the company advised the Commission that it had not completed the implementation of the Pike Lake IBRA and had never contacted its customers to inform them of the change in their rates approved in Orders 2006-98 and 2006-119.

Commission's analysis and determination

7. The Commission notes SaskTel's submission that it had mistakenly filed TN 109, and that TN 116 was filed to correct this mistake. As approval of the IBRA status was based on erroneous information, the Commission considers that the original status of Pike Lake as a non-IBRA community should remain.
8. The Commission also notes that subsection 25(4) of *Telecommunications Act* (the Act) provides that the Commission may ratify the charging of a rate by a Canadian carrier otherwise than in accordance with a tariff approved by the Commission if the Commission is satisfied that the rate was charged because of an error or other circumstances that warrants the ratification.
9. The Commission notes that SaskTel had not implemented the new rate and continued to charge the old rate. As the application to change the rate was based on an error, which the Commission notes was corrected by the company immediately upon realization, the Commission finds that charging the rate in effect prior to Order 2006-98 being issued (the old rate) was appropriate and should be ratified under subsection 25(4).
10. Accordingly, the Commission **approves on an interim basis** SaskTel TN 116, effective the date of this Order. Also, pursuant to subsection 25(4) of the Act, the Commission ratifies the charging of the old rate between 30 June 2006 and the date of this Order.

Secretary General

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