



Telecom Decision CRTC 2007-115

Ottawa, 23 November 2007

Télébec, Limited Partnership – Application for forbearance from the regulation of residential local exchange services

Reference: 8640-T78-200713132

In this Decision, the Commission denies Télébec, Limited Partnership's request for forbearance from the regulation of residential local exchange services in four exchanges in Quebec.

Introduction

1. The Commission received an application by Télébec, Limited Partnership (Télébec), dated 7 September 2007, in which the company requested forbearance from the regulation of residential local exchange services¹ in four exchanges in Quebec.
2. The Commission received submissions and/or data regarding Télébec's application from Quebecor Media Inc., on behalf of Videotron Ltd. (Videotron); Rogers Communications Inc. (RCI); and TELUS Communications Company (TCC). The record of this proceeding closed with comments from RCI and TCC, and Télébec's submission of an amended list of services, all dated 25 October 2007.
3. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
4. The Commission has assessed Télébec's application based on the local forbearance test set out in Telecom Decision 2006-15, as amended by the Governor in Council's *Order Varying Telecom Decision CRTC 2006-15*, P.C. 2007-532, 4 April 2007 (modified Telecom Decision 2006-15), which included the following criteria:
 - a) Product market
 - b) Competitor presence test
 - c) Competitor quality of service (Q of S) results
 - d) Communications plan

¹ In this Decision, "residential local exchange services" refers to local exchange services used by residential customers to access the public switched telephone network and any associated service charges, features, and ancillary services.

Commission's analysis and determinations

a) Product market

5. The Commission received no comments with respect to Télébec's proposed list of residential local exchange services.
6. The Commission notes that Télébec is seeking forbearance for 24 tariffed residential local exchange services. The Commission also notes that in Telecom Decision 2007-91, it considered 21 of these services to be appropriate for forbearance, while it determined that it need not make forbearance findings regarding the remaining three services, which are service bundles that do not include a tariffed service.
7. The list of approved services is set out in the Appendix to this Decision.

b) Competitor presence test

8. The Commission notes that Télébec submitted that it met the competitor presence test for the Arthabaska, Norbertville, Princeville, and St-André-Avellin exchanges.
9. The Commission also notes that Videotron, the only other facilities-based, fixed-line telecommunications service provider present in the four exchanges, submitted, with supporting evidence, that it was not capable of serving at least 75 percent of the number of residential local exchange service lines that Télébec is capable of serving in the Arthabaska, Norbertville, Princeville, and St-André-Avellin exchanges.
10. The Commission further notes that in Telecom Decision 2007-91, it accepted Videotron's methodology in calculating the number of residential local exchange service lines Videotron is capable of serving. The Commission also notes that Télébec did not provide additional rationale in this application, nor did it respond to Videotron's submission.
11. Accordingly, the Commission determines that the Arthabaska, Norbertville, Princeville, and St-André-Avellin exchanges do not meet the competitor presence test since there is no other facilities-based, fixed-line telecommunications service provider capable of serving at least 75 percent of the number of residential local exchange service lines that Télébec is capable of serving in those exchanges.

Conclusion

12. The Commission determines that Télébec's application for the Arthabaska, Norbertville, Princeville, and St-André-Avellin exchanges does not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15. Accordingly, the Commission **denies** Télébec's application for forbearance from the regulation of the residential local exchange services in those four exchanges.
13. In light of the above, the Commission notes that it need not address Télébec's submissions with respect to the competitor Q of S results and the communications plan.

Secretary General

Related documents

- *Télébec, Limited Partnership – Application for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-91, 27 September 2007
- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by the Governor in Council's *Order Varying Telecom Decision CRTC 2006-15*, 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

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**Local exchange services eligible for forbearance from regulation in this Decision
(for residential customers only)**

Tariff	Item	List of services
25140	1.7	Telephone Set Loss Charge (Residence)
25140	2.15	Service to Immobilized Ships, Trailers and Trains
25140	2.5	Telephones available only for two-party line or multi-party access service
25140	3.1	Intra-Exchange Distance Charges
25140	8.4	Internet Call Display
25140	11.1	Services for Handicapped Persons
25140	2.1.2.2	Basic Service for Students
25140	2.1.7.1	Basic Service and Regional Service – Monthly rates for basic services and other fees
25140	2.1.7.4	Basic Service and Regional Service – Rate Adjustment for Multi-Party Access Line Customers
25140	2.1.8	Basic services provided outside the Company's serving area
25140	2.23.2	Telephone Number Reservation Service
25140	2.27.6	Extra Listings
25140	2.19	Enhanced Telephone Service
25140	2.3.4	Individual Line and Two-Party Access Line Provided Outside the Base Rate Area – Distance Charges
25140	3.3.17	Toll Restriction Service
25140	3.3.18	Smart Touch Services
25140	3.3.19	Call Display Blocking – Per Line
25140	3.3.19	Call Display Blocking – Per Call
25140	3.3.20	Integrated Vocal Messaging Service
25140	5.2.6.5	Call Blocking Service – 900 Service
25140	8.7.3	Integrated Services Digital Network (ISDN) 2B+ D Télébec