



Telecom Decision CRTC 2008-12

Ottawa, 6 February 2008

Bell Canada – Application to exclude below-standard quality of service results from the rate rebate plan for competitors for October 2007

Reference: 8660-B2-200718562

The Commission approves Bell Canada's request to exclude below-standard results for competitor quality of service indicator 2.10 for October 2007.

Introduction

1. The Commission received an application from Bell Canada, dated 17 December 2007, in which the company requested permission to exclude the quality of service (Q of S) results related to the mean time to repair for competitor digital network (CDN) services from its rate rebate plan (RRP) for competitors for October 2007.
2. The Commission received no comments with respect to this application. The record of this proceeding closed on 4 January 2008 with the filing of a Bell Canada letter. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Bell Canada's application

3. Bell Canada submitted that three adverse events in October 2007 had caused it to have below-standard Q of S results for indicator 2.10, Mean Time to Repair – CDN Services and Type C Loops (indicator 2.10). Bell Canada noted, in particular, that
 - two cables¹ had been cut by a third-party contractor carrying out sewer and water work on behalf of the City of London, Ontario, affecting CDN services leased to Rogers Communications Inc. (RCI). Bell Canada required 146 hours to restore the CDN services;
 - a 400 pair/26 gauge copper cable had been damaged by a third-party contractor installing underground telecommunications conduit in Toronto, Ontario, for MTS Allstream Inc., affecting CDN services leased to Primus Telecommunications Canada Inc. (Primus). Bell Canada required 23 hours to restore the CDN services; and
 - a building fire in Toronto, Ontario, had damaged a 200 pair/24 gauge copper cable, affecting CDN services leased to Primus. Bell Canada required 23 hours to restore the CDN services.

¹ The two cables were an 1800 pair/26 gauge cable and a 1200 pair/24 gauge cable.

4. Bell Canada noted that its actual October 2007 Q of S results for service to Primus and RCI were below the acceptable standard for indicator 2.10. Bell Canada provided evidence that if the trouble tickets related to the above-noted adverse events were excluded, its October 2007 results for indicator 2.10 for Primus and RCI would have been better than the standard.

Commission's analysis and determinations

5. In Telecom Decision 2005-20, the Commission created a mechanism for considering possible exclusions from competitor Q of S results where circumstances beyond the control of an incumbent local exchange carrier (ILEC) might have caused it to fail to meet a performance standard.
6. In Telecom Decision 2007-102, the Commission adopted a *force majeure* clause that provided that no rate rebates would apply in a month where failure to meet the competitor Q of S standard was caused in that month by fire or other events beyond the reasonable control of the ILEC. Based on the evidence filed, the Commission considers that the two cable cuts and the building fire qualify as incidents that would trigger the *force majeure* clause.
7. In addition, the Commission considers that Bell Canada has provided sufficient evidence to demonstrate that the incidents in question caused the below-standard results for indicator 2.10 for Primus and RCI in October 2007.

Conclusion

8. In light of the above, the Commission **approves** Bell Canada's request to exclude below-standard results for competitor Q of S indicator 2.10 for October 2007.
9. The Commission determines that Bell Canada is eligible for a refund of any rate rebate amounts that it paid to Primus and RCI for substandard performance results for competitor Q of S indicator 2.10 in October 2007.

Secretary General

Related documents

- *Retail quality of service rate adjustment plan and competitor quality of service rate rebate plan – Adverse events*, Telecom Decision CRTC 2007-102, 31 October 2007
- *Finalization of quality of service rate rebate plan for competitors*, Telecom Decision CRTC 2005-20, 31 March 2005

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