



Telecom Decision CRTC 2008-24

Ottawa, 13 March 2008

Saskatchewan Telecommunications – Application to exclude below-standard quality of service results from the rate rebate plan for competitors for December 2007

Reference: 8660-S22-200801565

The Commission approves Saskatchewan Telecommunications' request to exclude below-standard results for competitor quality of service indicator 2.10 for December 2007.

Introduction

1. The Commission received an application from Saskatchewan Telecommunications (SaskTel), dated 29 January 2008, 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 December 2007.
2. The Commission received no comments with respect to this application. The record of this proceeding closed on 15 February 2008. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

SaskTel's application

3. SaskTel submitted that two separate aerial cable infrastructures were torn down in December 2007 and 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). SaskTel noted, in particular, that
 - on 12 December 2007, a truck owned and operated by an industrial recycling, waste reduction, and disposal company tore down a 600-pair copper cable affecting CDN circuits leased to TELUS Communications Company (TCC). As a result, SaskTel had to address two trouble tickets that each took 23 hours to complete; and
 - on 18 December 2007, a transport truck tore down a 600-pair copper aerial cable affecting CDN service to TCC. Repair of the cable took SaskTel seven hours to complete.
4. SaskTel noted that its actual December 2007 Q of S results for service to TCC were below the acceptable standard for indicator 2.10. SaskTel provided evidence that if the trouble tickets related to the above-noted adverse events were excluded, its December 2007 results for indicator 2.10 for TCC 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 events beyond the reasonable control of the ILEC. Based on the evidence filed, the Commission considers that the two cable cuts qualify as incidents that would trigger the *force majeure* clause.
7. In addition, the Commission considers that SaskTel has provided sufficient evidence to demonstrate that the incidents in question caused the below-standard results for indicator 2.10 for TCC in December 2007.
8. In light of the above, the Commission **approves** SaskTel's request to exclude below-standard results for competitor Q of S indicator 2.10 for December 2007.
9. The Commission determines that SaskTel is eligible for a refund of any rate rebate amounts that it paid to TCC for substandard performance results for competitor Q of S indicator 2.10 in December 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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