



## Telecom Decision CRTC 2008-60

Ottawa, 26 June 2008

### **Bell Canada – Application to exclude competition-related quality of service results from the rate rebate plan for competitors for February 2008**

Reference: 8660-B2-200806721

*The Commission approves Bell Canada's request to exclude, for rate rebate purposes, its results for competitor quality of service indicator 2.7A for February 2008.*

#### **Introduction**

1. The Commission received an application by Bell Canada, dated 8 May 2008, requesting the exclusion of the quality of service (Q of S) results related to indicator 2.7A – Competitor Out-of-Service Trouble Report Late Clearances (indicator 2.7A), from its rate rebate plan (RRP) for competitors for February 2008.
2. Bell Canada submitted that on 7 February 2008 a third party carrying out work for the City of Toronto Water Works Department severed a 2700 pair/26 gauge cable that resulted in service disruption to Globility Communications Corp. (Globility) and to other customers of Bell Canada served by that cable. Bell Canada submitted that it completed repair work to the cable on 10 February 2008.
3. Bell Canada noted that its actual February 2008 competitor Q of S results for service to Globility were below the acceptable standard for indicator 2.7A. Bell Canada provided evidence that if the trouble tickets related to the above-noted adverse event were excluded, its February 2008 results for indicator 2.7A to Globility would have been better than the standard.
4. The Commission received no comments with respect to this application. The record of this proceeding, which closed on 26 May 2008, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

#### **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 cable cut in question qualifies as an incident that would trigger the *force majeure* clause.

7. In addition, the Commission considers that Bell Canada has provided sufficient evidence to demonstrate that the cable cut caused the below-standard results for indicator 2.7A for Globility in February 2008.

### **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 2.7A for February 2008.
9. The Commission determines that Bell Canada is eligible for a refund of any rate rebate amounts that it paid to Globility for substandard performance results for competitor Q of S indicator 2.7A in February 2008.

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

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*