



Telecom Decision CRTC 2008-79

Ottawa, 4 September 2008

Bell Canada – Application for forbearance from the regulation of residential local exchange services

Reference: 8640-B2-200808818

In this Decision, the Commission denies Bell Canada's request for forbearance from the regulation of residential local exchange services in the exchanges of Binbrook and Dunnville, Ontario.

Introduction

1. The Commission received an application by Bell Canada, dated 19 June 2008, in which the company requested forbearance from the regulation of residential local exchange services¹ in the exchanges of Binbrook and Dunnville, Ontario.
2. The Commission received submissions and/or data regarding Bell Canada's application from Mountain Cablevision Limited (Mountain), Rogers Communications Inc. (RCI), and TELUS Communications Company (TCC). The public record of this proceeding, which closed on 12 August 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

3. The Commission has assessed Bell Canada'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). In this case, the Commission will first consider the competitor presence test criterion of the local forbearance test.
4. The Commission notes that for the exchanges of Binbrook and Dunnville, information provided by parties confirms that there are, in addition to Bell Canada, at least two independent facilities-based telecommunications service providers, including providers of mobile wireless services.²

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.

² These telecommunications service providers are Mountain, RCI, and TCC.

5. The Commission also notes that the two providers of mobile wireless services³ are capable of serving at least 75 percent of the number of residential local exchange service lines that Bell Canada is capable of serving in these exchanges. However, Mountain, the only other facilities-based, fixed-line telecommunications service provider present in these two exchanges, is not capable of serving 75 percent of the number of residential local exchange service lines that Bell Canada is capable of serving in these exchanges.
6. Accordingly, the Commission determines that the exchanges of Binbrook and Dunnville do not meet the competitor presence test.

Conclusion

7. In light of the above, the Commission considers that it need not address Bell Canada's submissions with respect to its product market, its competitor Q of S results, and its communications plan.
8. The Commission determines that Bell Canada's application does not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15 for the exchanges of Binbrook and Dunnville, Ontario. Accordingly, the Commission **denies** Bell Canada's application for forbearance from the regulation of the residential local exchange services in these exchanges.

Secretary General

Related document

- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by Order in Council P.C. 2007-532, 4 April 2007

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>

³ The mobile wireless service providers are RCI and TCC.