



Telecom Order CRTC 2008-138

Ottawa, 14 May 2008

Télébec, Limited Partnership and TELUS Communications Company

Reference: Télébec Tariff Notice 365
TCC Tariff Notice 480

Lease of telecommunications service

1. The Commission received an application by the former TELUS Communications (Québec) Inc., now part of TELUS Communications Company (TCC), and an application by Télébec, Limited Partnership (Télébec) [collectively, the Companies], both dated 11 March 2008, proposing to renew a service contract for a type 1 special assembly included in their Special Facilities Tariffs.
2. In their applications, the Companies proposed rates, terms and conditions for the renewal of a service agreement for the lease of a telecommunications network that meets the specific needs of a customer of the Companies and which is not available in their respective General Tariffs. The Companies indicated that the service agreement provides for the provision of telecommunications facilities and related equipment, as well as maintenance and repair services. The Companies filed separate economic studies justifying the rates they proposed in their applications, given that each Company provides a separate portion of the telecommunications network to the customer.
3. The Commission received no comments concerning these applications.

Commission's analysis and determinations

4. The Commission notes that the Companies requested that the special assembly be considered a type 1 customer-specific arrangement. In Telecom Decision 94-19, the Commission established the terms and conditions under which special assemblies would be considered type 1 customer-specific arrangements, specifically, those providing, via a special facilities tariff, a service that involves service features or technology that differ from those covered by the general tariff. The Commission finds that the special assembly proposed by the Companies satisfies the criteria for type 1 customer-specific arrangements.
5. The Commission notes that the Companies indicated that the proposed service should be included in the Uncapped Services basket. In Telecom Decision 2007-27, the Commission determined that the continued assignment of special assembly tariffs to this basket was appropriate. The Commission finds that the proposal by the Companies is consistent with that determination.
6. The Commission notes that the Companies indicated that the renewal agreement was concluded before the expiry of the previous service agreement, i.e., 31 December 2007. They further indicated that they continued to provide telecommunications services to the customer, even

though the implementation of the contract was delayed by the slowdown in activities over the holiday period and by the more extensive discussion required because there are three parties to the agreement. The Companies therefore asked the Commission to ratify, in accordance with subsection 25(4) of the *Telecommunications Act* (the Act), the rates charged for the period from 1 January 2008 to the effective date of this Order.

7. Pursuant to subsection 25(4) of the Act, the Commission may ratify the charging of a rate by a Canadian carrier otherwise than in accordance with a tariff approved by the Commission if the Commission is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification. The Commission notes that the Companies cited the same reasons to explain the delay in implementing the contract, and that the agreement was signed by the parties after the effective date of 1 January 2008 set out in the contract.
8. The Commission notes that the customer continued using the telecommunications services provided by the Companies after 31 December 2007 and that they charged rates in accordance with the terms and conditions of the contract for which they are seeking the Commission's approval. The Commission further notes that, by signing the contract, the customer agreed to the rates, terms and conditions proposed by the Companies.
9. The Commission finds that, under the circumstances, it would be appropriate to ratify the rates charged by the Companies for the period during which these services were provided at rates otherwise than in accordance with a tariff approved by the Commission.
10. Accordingly, the Commission **approves** the applications made by the Companies, and ratifies the rates charged by the Companies for the telecommunications services provided to the customer under the current special assembly, effective 1 January 2008 to the date of this Order.

Secretary General

Related documents

- *Price cap framework for large incumbent local exchange carriers*, Telecom Decision CRTC 2007-27, 30 April 2007
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994

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