



Telecom Order CRTC 2008-205

Ottawa, 24 July 2008

Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Centrex III Service

Reference: Bell Aliant Tariff Notice 159
Bell Canada Tariff Notice 7102

1. The Commission received applications by Bell Aliant Regional Communications, Limited Partnership and Bell Canada (collectively, Bell Canada et al.), dated 12 February 2008, proposing revisions to item 675 - Centrex III Service of their General Tariffs.
2. In their applications, Bell Canada et al. noted that, in Telecom Order 2008-4, the Commission approved rate increases applicable to Bell Canada et al.'s contracted Centrex customers, effective 1 February 2008. Bell Canada et al. requested that these rate increases be reversed, with the result that the rates now being proposed are those that were in effect prior to Telecom Order 2008-4.
3. Bell Canada et al. noted that in Telecom Decision 2008-10 issued on 31 January 2008, the Commission determined that Centrex services formed part of the same relevant product market as business local exchange services for local forbearance purposes, and that where the Commission had previously forbore from the regulation of business local exchange services but excluded Centrex services from the list of forbore services, these Centrex services would now also be forbore from regulation. Bell Canada et al. submitted that, as a result of that Decision, they could no longer apply the rate increases approved in Telecom Order 2008-4 to contracted Centrex customers in forbore exchanges.
4. In Telecom Order 2008-53, dated 21 February 2008, the Commission granted interim approval to these applications.
5. In subsequent correspondence to the Commission dated 16 June 2008, Bell Canada et al. indicated that the increased rates approved in Telecom Order 2008-4 had not been applied to their contracted Centrex customers. They requested ratification, pursuant to subsection 25(4) of the *Telecommunications Act* (the Act), for charging rates otherwise than in accordance with an approved tariff for the period of 1 February 2008 until their applications were granted interim approval in Telecom Order 2008-53.
6. The Commission received comments from MTS Allstream Inc. (MTS Allstream) and reply comments from Bell Canada et al. The public record of this proceeding, which closed on 16 June 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

7. MTS Allstream indicated that it had filed an application with the Commission to stay and review and vary Telecom Decision 2008-10. MTS Allstream submitted that, as a result, neither interim nor final approval should be given to incumbent local exchange carrier tariff applications related to Centrex services pending the Commission's decision on that application. MTS Allstream submitted that, in the case of tariff applications that had already been approved on an interim basis, the Commission should withhold final approval.
8. In its reply comments, Bell Canada et al. objected to MTS Allstream's request. Bell Canada et al. submitted that their present applications did not flow from the Commission's determinations in Telecom Decision 2008-10 and would not be affected should the Commission grant the relief sought in MTS Allstream's application. Consequently, Bell Canada et al. argued that there was no basis for delaying consideration of their present applications.

Commission's analysis and determinations

9. The Commission notes that, in Telecom Decision 2008-57, it denied MTS Allstream's application to review and vary Telecom Decision 2008-10. Given that a determination respecting MTS Allstream's application has been rendered, the Commission considers that MTS Allstream's comments in the present proceeding are moot.
10. The Commission considers that the proposed Centrex rates are just and reasonable, since it had previously approved them.
11. 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.
12. The Commission considers that the timing between the issuance of Telecom Decision 2008-10 and the date on which the rate increases approved in Telecom Order 2008-4 were to take effect prevented Bell Canada et al. from applying the approved rate increases to their contracted Centrex customers in forborne areas. Accordingly, the Commission finds that, under the circumstances, it would be appropriate to ratify the rates charged by Bell Canada et al. for the period during which the services were provided at rates otherwise than in accordance with a tariff approved by the Commission.
13. In light of the above, the Commission **approves on a final basis** the applications made by Bell Canada et al., and ratifies the rates charged by Bell Canada et al. to contracted Centrex customers, over the period from 1 February to 21 February 2008.

Secretary General

Related documents

- *MTS Allstream Inc.'s request to review and vary two decisions related to Centrex services*, Telecom Decision CRTC 2008-57, 19 June 2008
- Telecom Order CRTC 2008-53, 21 February 2008
- *The relevant product market for Centrex and Enhanced Exchange Wide Dial services for the purposes of forbearance from regulation*, Telecom Decision CRTC 2008-10, 31 January 2008
- Telecom Order CRTC 2008-4, 9 January 2008

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