



Telecom Order CRTC 2008-265

Ottawa, 17 September 2008

***Ex parte* application**

TBayTel

Reference: Tariff Notices 148A and 148B

1. The Commission **approves on an interim basis**, effective 22 September 2008, the *ex parte* application¹ by TBayTel dated 24 July 2008 and amended on 12 September 2008.
2. In order that the application may be available for public examination, consistent with the *CRTC Telecommunications Rules of Procedure*, the company is directed to file with the Commission, on or before 22 September 2008, an electronic version of the application² for the Commission website. Among other things, Telecom Circular 2005-9 allows interveners to comment, within 25 days, on tariff applications that have been placed on the public record.

Secretary General

¹ An *ex parte* application is an application that has been filed with the Commission without notice to the public and, as such, is not placed on the public record when initially filed. An *ex parte* decision is one in which the Commission disposes of an application solely on the basis of the applicant's submissions. Subsection 61(3) of the *Telecommunications Act* allows the Commission to make an *ex parte* decision where it considers that the circumstances of the case justify it. In *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994, the Commission set out several considerations to be balanced in any determination to permit *ex parte* tariff filings, including the public interest in the effective operation of the competitive marketplace and the public interest in an open regulatory process.

² *Finalization of a streamlined process for retail tariff filings*, Telecom Circular CRTC 2005-9, 1 November 2005.

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