



Telecom Order CRTC 2008-39

Ottawa, 8 February 2008

TELUS Communications Company

Reference: Tariff Notice 465

Customer-specific operator services

Introduction

1. The Commission received an application by TELUS Communications Company (TCC), dated 13 November 2007, proposing revisions to its Special Facilities Tariff for its serving territory in Quebec. TCC proposed to introduce item 5.09 – Services de Téléphonistes Personnalisés (the operator services) to provide directory assistance, national operator assistance, administration, and related optional services to a telecommunications service provider (the customer).
2. TCC submitted that the proposed operator services were a Type 1 customer-specific arrangement (CSA) because they contained terms, conditions, and rates not available in its General Tariff that met the specific requirements of the customer. TCC further submitted that the operator services would appeal to a limited number of customers due to their unique mix of service components and conditions; they would not generate sufficient demand to justify a general tariff offering; they would be made available to all qualifying customers; and resale would be permitted. In addition, TCC provided a copy of the underlying agreement with the customer and an economic study showing that the proposed rates passed the imputation test.
3. TCC indicated that it had been providing these operator services to the customer since 9 May 2007. TCC noted that it recently discovered that it had omitted to file an application to introduce the operator services as a tariff item. Therefore, TCC requested ratification of the rates charged to the customer since 9 May 2007, pursuant to subsection 25(4) of the *Telecommunications Act* (the Act).
4. The Commission received no comments regarding this application.

Commission's analysis and determinations

5. In *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994, the Commission defined a Type 1 CSA as a service offering provided via a special facilities tariff that involves service features or technology that differ from those covered by a general tariff. The Commission is satisfied that TCC's proposed operator services are a Type 1 CSA.
6. The Commission notes that the proposed rates pass the imputation test with a reasonable mark-up. The Commission also notes that, according to TCC, the customer agrees with the proposed rates, terms, and conditions.

7. Paragraph 25(4)(a) of the Act provides that 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 it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.
8. The Commission considers that the circumstances of this case warrant ratification of the proposed operator service rates because (i) during the period in question, TCC provided the operator services, (ii) the customer used, and paid the proposed rates for, the operator services, and (iii) TCC provided the operator services without an approved tariff as a result of an administrative error.
9. The Commission notes that TCC has, on several occasions, provided services without an approved tariff. The Commission reminds TCC of its obligation to provide services in its serving territory in accordance with approved tariffs.
10. In light of the above, the Commission
 - i) **approves** TCC's application effective the date of this Order, and ratifies the rates charged since 9 May 2007; and
 - ii) directs TCC to submit all missed filings for Commission approval within six months of the date of this Order.

Secretary General

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