



## Telecom Order CRTC 2008-49

Ottawa, 18 February 2008

### *Ex parte* application

#### TBayTel

Reference: Tariff Notices 140 and 140A

1. The Commission **approves on an interim basis**, effective 20 February 2008, the *ex parte* application<sup>1</sup> by TBayTel dated 11 February 2008 and amended 12 February 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 20 February 2008, an electronic version of the application<sup>2</sup> for the Commission website. Among other things, Telecom Circular CRTC 2005-9 allows interveners to comment, within 25 days, on tariff applications that have been placed on the public record.

Secretary General

<sup>1</sup> 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.

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

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