



## Telecom Public Notice CRTC 2008-10

Ottawa, 11 June 2008

### Notice of consultation

#### **Forbearance with respect to retail directory assistance services provided by the large incumbent local exchange carriers**

Reference: 8640-C12-200808074, 8640-T66-200803313, and 8640-B54-200804816

*In this Public Notice, the Commission initiates a proceeding to seek submissions on a possible framework for forbearance from the regulation of retail directory assistance services for the large incumbent local exchange carriers. As part of this proceeding, the Commission also invites comments on the applications submitted by (a) TELUS Communications Company, and (b) Bell Aliant Regional Communications, Limited Partnership, Bell Canada, and Télébec, Limited Partnership with respect to these services.*

### Introduction

1. The Commission received an application by TELUS Communications Company (TCC), dated 29 February 2008, requesting that the Commission refrain completely and unconditionally from exercising its powers and performing its duties under sections 24, 25, 27, 29, and 31 of the *Telecommunications Act* (the Act) with respect to retail directory assistance services.
2. The Commission received a similar application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant); Bell Canada; NorthernTel, Limited Partnership (NorthernTel); and Télébec, Limited Partnership (Télébec), dated 28 March 2008, and amended on 28 May 2008 to exclude NorthernTel. Specifically, these three companies requested that the Commission refrain from exercising its powers and performing its duties under sections 25, 27, 29, and 31 of the Act with respect to directory assistance services.
3. The Commission received comments on TCC's application from the Public Interest Advocacy Centre, on behalf of the Consumers' Association of Canada and the National Anti-Poverty Organization (the Consumer Groups); Saskatchewan Telecommunications (SaskTel); and the Telecommunications Workers Union. Subsequently, the Consumer Groups submitted that the above-noted applications should be dealt with in a Public Notice proceeding.
4. The Commission considers that the applications filed by Bell Aliant, Bell Canada, and Télébec (collectively, Bell Canada et al.), and TCC raise policy issues that are common to all large incumbent local exchange carriers (ILECs). The Commission further considers that there is a need to establish a framework for forbearance of retail directory assistance services, including clear criteria that it can use to determine when it is appropriate to forbear from regulating such services.

5. The Commission notes Bell Canada et al.'s proposal that, with respect to section 24 of the Act, the Commission retain, as a condition of forbearance, the requirement that Bell Canada et al. maintain the present suite of exemptions to their retail directory assistance charges, as currently specified in their tariffs, pending the outcome of a possible future proceeding to review the continuing appropriateness of these regulatory requirements. The Commission notes that in its response to the Consumer Groups' submission, TCC clarified that its application was made solely in respect of the economic regulation of retail directory assistance services and proposed no change to existing provisions in its retail directory assistance tariff for social purposes.
6. Pursuant to the action plan set out in Telecom Decision 2008-34, the Commission intends to review several existing social and non-economic regulatory measures in the 2009-2010 time frame, including free directory assistance and automated directory assistance call completion for persons with disabilities and senior citizens. As these matters will be dealt with in a future proceeding, the Commission considers that the scope of this proceeding does not include a review of the above-noted exemptions.

### **Call for comments**

7. In order to establish the framework and the criteria for forbearance from the economic regulation of retail directory assistance services, the Commission invites parties to provide their views, with supporting rationale, with respect to the following issues:
  - the definition of retail directory assistance services;
  - the relevant market for forbearance from the economic regulation of retail directory assistance services, taking into consideration products and services as well as geographic areas (e.g. the exchange wire centre, local calling area, etc.);
  - the appropriate qualitative and quantitative criteria (e.g. market share, availability of a substitute service, etc.) for determining market power, to be applied by the Commission in its application of section 34 of the Act, establishing whether or not competition in the relevant market is, or will be, sufficient to protect the interests of users, and that forbearance would not be likely to unduly impair the establishment or continuance of a competitive market for retail directory assistance services;
  - the appropriate scope of the Commission's forbearance from its powers and duties, including any conditions that may be appropriate under subsections 34(1) or (2) of the Act;
  - the appropriate process to consider future applications for forbearance of retail directory assistance services, bearing in mind that such a process should ease regulatory burden while ensuring that regulation, where required, is efficient and effective;

- the need to put in place, at the time of forbearance, post-forbearance criteria, conditions or safeguards, and what any such criteria, conditions and safeguards should be; and
  - any other relevant issues within the scope of this proceeding.
8. Any retail directory assistance service forbearance framework and criteria that result from this proceeding will be used by the Commission in making a determination on Bell Canada et al.'s and TCC's applications, as well as any other applications with respect to forbearance from the regulation of retail directory assistance services it may receive (the forbearance applications) on or before **18 July 2008**, as set out in paragraph 13. Interested parties are invited to provide their comments, with supporting rationale, with respect to these applications.

### **Procedure**

9. The record of the proceedings associated with Bell Canada et al.'s and TCC's applications for forbearance from the regulation of retail directory assistance services will be included in the record of the proceeding initiated by this Public Notice.
10. Bell Aliant, Bell Canada, MTS Allstream Inc., SaskTel, TCC, and Télébec are made parties to this proceeding.
11. Parties interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the [online form](#); or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2; or by faxing to: 819-994-0218 by **11 July 2008** (the registration date). Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
12. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
13. Any application by parties to this proceeding, for forbearance from the economic regulation of retail directory assistance services, received by **18 July 2008** will be included in the record of this proceeding.
14. Any members of the public who wish merely to file written comments in this proceeding, without receiving copies of the various submissions, may do so by writing to the Commission by **8 August 2008** at the address or fax number noted above, or by filling out the [online form](#).
15. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
16. Concurrent with the issuance of this Public Notice, the Commission is issuing interrogatories to the large ILECs. Responses are to be filed with the Commission and served on all parties by **18 July 2008**.

17. All parties may file written arguments with the Commission with respect to the issues described in this Public Notice and the forbearance applications, serving copies on all other parties, by **8 August 2008**. Each submission is to include a table of contents and the portion of the submission that addresses the matters identified in paragraph 7 is to be structured as described in that paragraph. Parties are to include with their comments any supporting evidence, including any research studies or other material to which they wish to refer in this proceeding.
18. All parties may file reply arguments with the Commission, serving copies on all other parties, by **22 August 2008**.
19. The Commission expects to issue a decision on the issues raised in this Public Notice within 120 days after the record closes.
20. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
21. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
22. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
23. Each paragraph of all submissions should be numbered. In addition, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
24. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

### **Important notice**

25. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
26. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
27. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

28. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

### **Location of CRTC offices**

29. Submissions may be examined or will be made available promptly upon request at the Commission offices during normal business hours.

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

#### **Central Building**

Les Terrasses de la Chaudière

1 Promenade du Portage, Room 206

Gatineau, Quebec J8X 4B1

Tel.: 819-997-2429

Fax: 819-994-0218

#### **Metropolitan Place**

99 Wyse Road, Suite 1410

Dartmouth, Nova Scotia B3A 4S5

Tel.: 902-426-7997

Fax: 902-426-2721

205 Viger Avenue West, Suite 504

Montréal, Quebec H2Z 1G2

Tel.: 514-283-6607

55 St. Clair Avenue East, Suite 624

Toronto, Ontario M4T 1M2

Tel.: 416-952-9096

#### **Kensington Building**

275 Portage Avenue, Suite 1810

Winnipeg, Manitoba R3B 2B3

Tel.: 204-983-6306 – TDD: 204-983-8274

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#### **Cornwall Professional Building**

2125 – 11<sup>th</sup> Avenue, Suite 103

Regina, Saskatchewan S4P 3X3

Tel.: 306-780-3422

10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
Tel.: 780-495-3224

580 Hornby Street, Suite 530  
Vancouver, British Columbia V6C 3B6  
Tel.: 604-666-2111 – TDD: 604-666-0778  
Fax: 604-666-8322

Secretary General

### **Related document**

- *Action plan for reviewing social and other non-economic regulatory measures in light of Order in Council P.C. 2006-1534, Telecom Decision CRTC 2008-34, 17 April 2008*

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*