



Telecom Order CRTC 2009-467

Ottawa, 31 July 2009

Bell Aliant Regional Communications, Limited Partnership and Bell Canada - Late Directory Listing Charge

File number: Bell Aliant Tariff Notice 248
Bell Canada Tariff Notice 7188

1. The Commission received applications by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) and Bell Canada (collectively, the Bell companies), dated 31 March 2009, proposing to introduce item 311 - Late Directory Listing Charge to their respective Access Services Tariff. Under the proposed tariff, a charge would apply to new listings provided as part of a local exchange carrier's (LEC) Basic Listing Interchange File (BLIF) and Complex Listing Interchange File (CLIF) that are submitted after the Close to Publish (CTP) date for an applicable directory and are subsequently included in that directory.
2. The Commission received comments from Quebecor Media inc. (QMI), on behalf of its affiliate Videotron Ltd., Rogers Communications Inc. (RCI), and Shaw Telecom G.P. (Shaw). The Bell companies filed reply comments, as well as responses to Commission interrogatories. The public record of this proceeding, which closed on 11 June 2009, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the file numbers provided above.
3. The Commission has identified the following two issues to be addressed in its determinations:
 - I. Is the introduction of the proposed charge appropriate?
 - II. What service classification is appropriate for the proposed charge?

I. Is the introduction of the proposed charge appropriate?

4. QMI, RCI, and Shaw opposed the introduction of the new charge. Shaw submitted that the process for communicating CTP dates for directories was not transparent, and that, in its experience, requests for information related to CTP dates were not satisfied expeditiously. On this basis, Shaw submitted that approval of the proposed charge should be conditional on the development of operational obligations related to notification guidelines, compliance with BLIF Guidelines, and the provision of an option to submit late information which would not be included in the current directory, and for which no charge would apply. QMI, RCI, and Shaw further submitted that the proposed rate was too high.
5. The Bell companies replied that the proposed rate was reasonable in view of the costs incurred to process late submissions on a manual basis. Further, the Bell companies proposed that the new charge would only apply when a LEC expressly requests that the listing be processed for the current edition of the directory. In all other cases, the listing information will be retained

by the Bell companies for inclusion in the next edition of the directory. The charge would also not apply where the late submission is due to an error on the part of the Bell companies or where listings are submitted after the final printing of the directory.

6. The Commission notes the Bell companies' clarifications that the new charge would only apply when a LEC expressly requests that the listing be processed for the current edition of the directory, and that the charge would not apply where the late submission is due to an error on the part of the Bell companies or where listings are submitted after the final printing of the directory. The Commission considers that with these clarifications, and the further modifications discussed below, the proposed charge would be discretionary as the LEC would determine whether it would incur the charge. Accordingly, the Commission considers that the proposal to introduce a tariffed late directory listing charge is appropriate.
7. The Commission has reviewed the information provided by the Bell companies on the unit costs of processing late directory listings, and considers that the proposed rate is just and reasonable given the costs incurred to process such listings.
8. Accordingly, the Commission directs the Bell companies to modify their proposed tariff pages to ensure that the above-noted clarifications are fully expressed in the tariff. The Commission further directs the Bell companies to include information in the tariff as to where LECs may obtain current CTP dates for directories from them.
9. In light of the above, the Commission **approves, subject to the above-directed modifications**, the Bell companies' proposal to introduce a late directory listing charge, as well as the proposed rate for this charge. The Commission therefore directs the Bell companies to issue revised tariff pages reflecting these determinations within 20 days of the date of this order.

II. What service classification is appropriate for the proposed charge?

10. The Bell companies proposed that the new service be classified as non-essential subject to phase-out, with a forbearance date of 3 March 2011. In support of this request, the Bell companies submitted that the proposed charge does not
 - relate to an essential service or to the services classified as conditional mandated non-essential, and
 - impact services that have been identified as having a social benefit or services that are required for interconnection.
11. QMI, RCI, and Shaw submitted that the service should be considered essential as it related to the provision of BLIF and CLIF information, information that the Commission classified as essential in *Revised regulatory framework for wholesale services and definition of essential service*, Telecom Decision CRTC 2008-17, 3 March 2008.

12. The Commission notes that the proposed service relates to the publishing of directories, and involves the processing of BLIFs and CLIFs, services that have been classified as essential. The Commission considers that the proposed service is discretionary, but is related to an essential service. As such, the Commission finds that the proposed service should be classified as conditional mandated non-essential.

Secretary General

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