



## Telecom Regulatory Policy CRTC 2009-717

Route reference: Telecom Regulatory Policy 2009-243

Ottawa, 23 November 2009

### **Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership – Application to review and vary part of Telecom Regulatory Policy 2009-243 regarding directory assistance blocking service**

File number: 8662-B2-200910606

*In this decision, the Commission varies its determination in Telecom Regulatory Policy 2009-243 regarding the requirement for incumbent local exchange carriers (ILECs) to offer their customers directory assistance (DA) blocking service at no charge as a condition of forbearance. Specifically, the Commission amends paragraphs 59 and 74 of Telecom Regulatory Policy 2009-243 such that ILECs in a forbore environment are required to offer free DA blocking service only if they choose to implement an access fee for their retail DA services.*

### **Introduction**

1. On 24 July 2009, Bell Aliant Regional Communications, Limited Partnership; Bell Canada; and Télébec, Limited Partnership (Bell Canada et al.) filed an application requesting that the Commission review and vary *Forbearance with respect to retail directory assistance services provided by the large incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2009-243, 1 May 2009 (Telecom Regulatory Policy 2009-243), specifically the determination requiring the incumbent local exchange carriers (ILECs)<sup>1</sup> to offer free directory assistance (DA) blocking service as a condition of forbearance. In particular, Bell Canada et al. requested that the ILECs either not implement a monthly charge to access their retail DA services or, if they choose to do so, implement a free DA blocking service.
2. The Commission received comments from MTS Allstream Inc. (MTS Allstream) and from the Public Interest Advocacy Centre on behalf of the Consumers' Association of Canada and Canada Without Poverty (formerly the National Anti-Poverty Organization) [collectively, the Consumer Groups].
3. The record of this proceeding, which closed on 3 September 2009, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under “Public Proceedings” or by using the file number provided above.

---

<sup>1</sup> Bell Aliant Regional Communications, Limited Partnership; Bell Canada; MTS Allstream Inc.; Saskatchewan Telecommunications; Télébec, Limited Partnership; and TELUS Communications Company

## **Background**

4. In Telecom Regulatory Policy 2009-243, the Commission forbore conditionally from regulating the large ILECs' retail DA services. The Commission noted that some ILECs offer their customers the option of using a DA blocking service at no charge. The Commission considered that, in a forbore environment, the option of DA call blocking should be available to the customers of all ILECs.
5. Accordingly, the Commission required that each ILEC offer DA blocking service at no charge upon customer request, as a condition of forbearance with respect to its retail DA services.

### **Is there substantial doubt as to the correctness of the Commission's determination in Telecom Regulatory Policy 2009-243 regarding the requirement for ILECs to offer free DA blocking service?**

6. Bell Canada et al. submitted that new facts have come to light since the release of Telecom Regulatory Policy 2009-243, which raise substantial doubt as to the correctness of the Commission's determination regarding DA blocking service. In particular, Bell Canada et al. estimated that the prospective costs of implementing DA blocking service in their Ontario and Quebec operating territories would be significant and that the demand would likely be low.
7. Bell Canada et al. concluded that they could not justify, on an economic basis, proceeding with the implementation of DA blocking service and, therefore, that they would not meet this condition for forbearance. As an alternative, Bell Canada et al. proposed that the ILECs be required to implement a free DA blocking service only in cases where they decide to implement a monthly charge to access their retail DA services.
8. MTS Allstream supported Bell Canada et al.'s application. MTS Allstream submitted that although it currently offers, as a free service, blocking of DA calls within Manitoba, the costs of developing and implementing a service to block North American DA calls would prevent it from fulfilling this condition of forbearance.
9. The Consumer Groups acknowledged that Bell Canada et al.'s proposal would protect consumers in cases where an ILEC introduces an access fee related to its retail DA service. However, they submitted that the requirement for DA blocking service should be retained to protect consumers from potential rate increases for retail DA service.

### **Commission's analysis and determinations**

10. The Commission's intention in requiring the ILECs to offer DA blocking service at no charge is to ensure that consumers are protected in the event that an ILEC introduces an access fee for its retail DA services. The Commission considers that Bell Canada et al.'s proposed amendment is consistent with this goal.

11. The Commission notes the Consumer Groups' concerns regarding potential increases to retail DA rates. The Commission considers, however, that these concerns were addressed in Telecom Regulatory Policy 2009-243, which noted that competitively priced alternatives to the ILECs' retail DA services are available, including free DA services via the Internet.
12. In light of all the above, the Commission concludes that Bell Canada et al.'s submission raises substantial doubt as to the correctness of the determination to require the ILECs to offer DA blocking service at no charge. The Commission therefore **approves** Bell Canada et al.'s request to review and vary Telecom Regulatory Policy 2009-243 such that, as a condition of forbearance, ILECs either not implement an access charge to access their retail DA services or, if they choose to do so, implement a free DA blocking service.
13. Consequently, paragraphs 59 and 74 of Telecom Regulatory Policy 2009-243 are replaced with the following:
  59. The Commission considers that, in a forborne environment, the option of DA call blocking should be available to the customers of any ILEC that introduces an access fee related to its retail DA services. Accordingly, having regard to the policy objective in paragraph 7(h) of the Act in particular, the Commission requires that each ILEC that chooses to implement an access fee related to its retail DA services provide DA blocking service at no charge upon customer request, as a condition of forbearance with respect to its retail DA services under subsections 34(1) and (2) of the Act.
  74. In light of all the above, the Commission **approves**, as set out in this decision, the ILECs' applications for forbearance from the regulation of their retail DA services, conditional on the ILECs maintaining the current exemptions regarding their DA service charges and offering DA blocking services to their customers at no charge if they choose to implement an access fee related to retail DA services.

Secretary General

*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>*