



Telecom Notice of Consultation CRTC 2010-277

Ottawa, 14 May 2010

Call for comments

Forbearance from the regulation of retail voice mail services

File numbers: 8640-C12-201008178; 8640-S22-201000976

In this notice, the Commission initiates a proceeding to examine whether it is appropriate to forbear from the regulation of retail voice mail services provided by the incumbent local exchange carriers. As part of this proceeding, the Commission also invites comments on the application submitted by SaskTel regarding these services.

1. The Commission received an application by Saskatchewan Telecommunications (SaskTel), dated 26 January 2010, requesting that the Commission refrain completely and unconditionally from exercising its powers and performing its duties under sections 25, 27, 29, and 31 of the *Telecommunications Act* (the Act) in relation to its retail voice messaging services, including its Voice Mail and TalkMail services. SaskTel submitted that these services meet the forbearance criteria set out in Telecom Decision 94-19.
2. The Commission received comments in support of SaskTel's application from Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), Bell Canada, and Télébec, Société en commandite (Télébec) [collectively, Bell Canada et al.], and from TELUS Communications Company (TCC). Specifically, Bell Canada et al. and TCC requested that if the Commission forbears from regulating retail voice mail services¹ for SaskTel, that it also forbear from regulating retail voice mail services provided by all incumbent local exchange carriers (ILECs) on the same terms and on a national basis.
3. The Commission notes that Telecom Decision 2006-15 established a framework for forbearance from the regulation of local exchange services for large ILECs and that optional services, such as retail voice mail, were included in the same relevant product market as local exchange services. The Commission also notes that in Telecom Regulatory Policy 2009-379, it set out a similar framework for forbearance from the regulation of local exchange services in the serving territories of the small ILECs. Any Commission determinations to forbear from the regulation of local exchange services, including voice mail services, apply on an exchange-by-exchange basis. Thus, in many exchanges in which the Commission has already granted forbearance, voice mail services would have also been forborne from regulation.
4. The forbearance frameworks established in Telecom Decision 2006-15 and Telecom Regulatory Policy 2009-379 do not apply to Northwestel Inc. (Northwestel) because there is no facilities-based local competition in that company's territory. The Commission notes,

¹ In this notice of consultation "voice mail services" refers to Voice Mail and TalkMail services provided by SaskTel and all other voice mail services provided by the large and small incumbent local exchange carriers.

however, that the regulatory framework for forbearance set out in Telecom Decision 94-19 would apply to voice mail services for Northwestel.

5. The Commission considers that SaskTel's application raises policy issues that are common to all ILECs.

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6. The Commission invites parties to provide their views, with supporting rationale, with respect to the following:
 - a) whether forbearance from regulation of voice mail services should continue to be considered within the frameworks for forbearance established in Telecom Decision 2006-15 and Telecom Regulatory Policy 2009-379;
 - b) the application of the forbearance criteria set out in Telecom Decision 94-19 to voice mail services, specifically:
 - the definition of voice mail services;
 - the relevant product market for forbearance from the economic regulation of retail voice mail services, taking into consideration products and services as well as geographic areas;
 - whether the Commission should forbear from regulating voice mail services and, if so, 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; and
 - c) any other relevant issues within the scope of the proceeding.
7. Interested parties are invited to provide their comments, with supporting rationale, regarding this application and the issues raised in this notice. Any forbearance framework and criteria that result from this proceeding, or determination to forbear from the regulation of retail voice mail services, may apply to all ILECs.

Procedure

8. The record of the proceeding associated with SaskTel's application for forbearance from the regulation of retail voice mail services will be included in the record of the proceeding initiated by this notice.
9. Bell Aliant, Bell Canada, MTS Allstream Inc., SaskTel, TCC, Télébec, Northwestel, and the small ILECs listed in the Appendix are made parties to this proceeding.

10. Other parties interested in participating in this proceeding and 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 (by mail: CRTC, Ottawa, Ontario, K1A 0N2; by fax: 819-994-0218) by **4 June 2010** (the registration date). Parties are to provide their email addresses, where available. If parties do not have access to the Internet, they are to indicate when they notify the Commission whether they wish to receive disk versions of hard-copy filings.
11. As soon as possible after the registration date, the Commission will post on its website a complete list of interested parties, their mailing addresses, and, if available, their email addresses, identifying those parties who wish to receive disk versions.
12. Any person who wishes merely to file written comments in this proceeding, without receiving copies of the various submissions, may do so by writing to the Commission by **11 June 2010** at the address or fax number noted above, or by filling out the online form.
13. All parties may file comments with the Commission regarding the above-noted issues, serving copies on all other parties, by **11 June 2010**.
14. All parties may file reply comments with the Commission, serving copies on all other parties, by **25 June 2010**.
15. The Commission expects to publish a decision on the issues raised in this notice of consultation within 120 days of the close of record.
16. The Commission will not formally acknowledge comments. It will, however, fully consider all comments, which will form part of the public record of the proceeding.
17. If a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
18. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
19. Electronic submissions should be in HTML format. Alternatively, those making submissions may use Microsoft Word for text and Microsoft Excel for spreadsheets.
20. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
21. 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

22. 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, becomes part of a publicly accessible file and will be posted on the Commission's website. This includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
23. The personal information that parties 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.
24. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be made available in PDF format.
25. Please note that the information that parties 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 the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Location of CRTC offices

26. 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

Regional offices

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
Fax: 204-983-6317

2220 – 12th Avenue, Suite 620
Regina, Saskatchewan S4P 0M8
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
Fax: 604-666-8322

Secretary General

Related documents

- *Framework for forbearance from the regulation of retail local exchange services in the serving territories of the small incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2009-379, 23 June 2009
- *Forbearance from the regulation of retail local exchange services*, Telecom Decision CRTC 2006-15, 6 April 2006, as amended by Order in Council P.C. 2007-532, 4 April 2007
- *Review of regulatory framework*, Telecom Decision CRTC 94-19, 16 September 1994

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>

Small ILECs registered with the Commission

Amtelecom Limited Partnership
Brooke Telecom Co-operative Ltd.
Bruce Telecom
CityWest Telephone Corporation
Cochrane Telecom Services
CoopTel
Dryden Municipal Telephone System
Execulink Telecom Inc.
Gosfield North Communications Co-operative Limited
Hay Communications Co-operative Limited
Huron Telecommunications Co-operative Limited
KMTS
La Cie de Téléphone de Courcelles Inc.
La Compagnie de Téléphone de Lambton Inc.
La Compagnie de Téléphone de St-Victor
La Compagnie de Téléphone Upton Inc.
Lansdowne Rural Telephone Co. Ltd.
Le Téléphone de St-Éphrem inc.
Mornington Communications Co-operative Limited
Nexicom Telecommunications Inc.
Nexicom Telephones Inc.
North Frontenac Telephone Corporation Ltd.
NorthernTel, Limited Partnership
NRTC Communications
Ontera
People's Tel Limited Partnership
Quadro Communications Co-operative Inc.
Roxborough Telephone Company Limited
Sogetel inc.
TBayTel
Téléphone Guèvremont inc.
Téléphone Milot inc.
Tuckersmith Communications Co-operative Limited
Wightman Telecom Ltd.
WTC Communications