



Telecom Decision CRTC 2011-100

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Ottawa, 16 February 2011

Saskatchewan Telecommunications – Application for forbearance from the regulation of business local exchange services

File number: 8640-S22-201014943

In this decision, the Commission denies SaskTel’s request for forbearance from the regulation of business local exchange services in Regina, Saskatchewan.

Introduction

1. The Commission received an application by Saskatchewan Telecommunications (SaskTel), dated 20 September 2010, in which the company requested forbearance from the regulation of business local exchange services¹ in the exchange of Regina, Saskatchewan.
2. The Commission received submissions and data regarding SaskTel’s application from Access Communications Co-operative Limited (Access) and MTS Allstream Inc. (MTS Allstream). The public record of this proceeding, which closed on 15 November 2010, is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings” or by using the file number provided above.

Commission’s analysis and determinations

3. The Commission has assessed SaskTel’s application based on the local forbearance test set out in *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 (Telecom Decision 2006-15). In this case, the Commission will first consider the competitor presence test criterion of the local forbearance test.
4. The Commission notes that in the exchange of Regina, information provided by parties confirms that there are, in addition to SaskTel, two independent, facilities-based, fixed-line telecommunications service providers: Access and MTS Allstream.

¹ In this decision, “business local exchange services” refers to local exchange services used by business customers to access the public switched telephone network and any associated service charges, features, and ancillary services.

5. The Commission notes Access's statement that it does not provide a business service that is capable of serving at least 75 percent of the number of business local exchange service lines in the exchange. SaskTel claimed that Access meets the competitor presence test, and, in support of this claim, SaskTel conducted a survey of buildings in the various business districts of Regina to determine whether Access had entrance and distribution facilities in the buildings, and could therefore serve business customers in the buildings.
6. The Commission considers, however, that because of the small sample size and the methodology used in the survey, as well as the conclusions drawn from the survey, and because there is an absence of corroborating evidence on the record, SaskTel has not provided sufficient evidence for the Commission to conclude that Access is capable of serving at least 75 percent of the number of business local exchange service lines in Regina.
7. MTS Allstream submitted that it has co-location facilities in Regina. However, the Commission finds that according to the information on the record, most of which was filed in confidence by the parties, MTS Allstream is not capable of serving at least 75 percent of the number of business local exchange service lines in the exchange.
8. Therefore, the Commission determines that there is no other independent, facilities-based, fixed-line telecommunications service provider capable of serving at least 75 percent of the number of business local exchange service lines that SaskTel is capable of serving in this exchange.
9. Accordingly, the Commission determines that the exchange of Regina does not meet the competitor presence test.
10. In light of the above, the Commission will not address SaskTel's submission with respect to the product market, competitor quality of service, and communications plan criteria of the local forbearance test.
11. The Commission finds that SaskTel's application does not meet all of the local forbearance criteria set out in Telecom Decision 2006-15 for the exchange of Regina, Saskatchewan. Accordingly, the Commission **denies** SaskTel's application for forbearance from the regulation of business local exchange services in this exchange.

Secretary General