



Telecom Decision CRTC 2011-351

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Ottawa, 27 May 2011

MTS Allstream Inc. – Application for forbearance from the regulation of business local exchange services

File number: 8640-M59-201104794

In this decision, the Commission approves MTS Allstream's request for forbearance from the regulation of business local exchange services in the Winnipeg, Manitoba exchange.

Introduction

1. The Commission received an application by MTS Allstream Inc. (MTS Allstream), dated 15 March 2011, in which the company requested forbearance from the regulation of business local exchange services¹ in the Winnipeg, Manitoba exchange.
2. The Commission received submissions and data regarding MTS Allstream's application from Bell Canada, Shaw Telecom G.P., and TELUS Communications Company. The public record of this proceeding, which closed on 5 April 2011, 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 MTS Allstream's application based on the local forbearance test set out in Telecom Decision 2006-15 by examining the four criteria set out below.

a) Product market

4. The Commission received no comments with respect to MTS Allstream's proposed list of business local exchange services.
5. The Commission notes that MTS Allstream is seeking forbearance from the regulation of 32 tariffed business local exchange services. The Commission also notes that in Telecom Decision 2005-35, it found all of these services to be eligible for forbearance. However, since the publication of that decision, two of the services, Universal Messaging Service and Internet Call Display Service, have been withdrawn by MTS Allstream and are no longer available to customers; they are

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.

therefore not eligible for forbearance. In addition, the Commission has already forbore conditionally from regulating Voice Messaging Service, effective on the date that MTS Allstream issues revised tariff pages for the service, pursuant to Telecom Regulatory Policy 2010-777. Finally, 900 Call Denial/Blocking Service has been transferred to a different tariff and, accordingly, has a new item number. A list of the 29 remaining approved services, including the one with the new item number, is set out in the Appendix to this decision.

b) Competitor presence test

6. The Commission notes that for the exchange of Winnipeg, information provided by parties confirms that there is, in addition to MTS Allstream, one independent, facilities-based, fixed-line telecommunications service provider² that offers local exchange services in the market and is capable of serving at least 75 percent of the number of business local exchange service lines that MTS Allstream is capable of serving.
7. Accordingly, the Commission determines that the exchange of Winnipeg meets the competitor presence test.

c) Competitor quality of service (Q of S) results

8. The Commission notes that MTS Allstream submitted competitor Q of S results for the period of September 2010 to February 2011. The Commission has reviewed these results and finds that MTS Allstream has demonstrated that during this six-month period it
 - i) met, on average, the Q of S standards for each indicator set out in Appendix B of Telecom Decision 2006-15, as defined in Telecom Decision 2005-20, with respect to the services provided to competitors in its territory; and
 - ii) did not consistently provide any of those competitors with services that were below those Q of S standards.
9. Accordingly, the Commission determines that MTS Allstream meets the competitor Q of S criterion for this period.

d) Communications plan

10. The Commission has reviewed MTS Allstream's proposed communications plan and is satisfied that it meets the information requirements set out in Telecom Decision 2006-15. The Commission **approves** the proposed communications plan and directs MTS Allstream to provide the resulting communications materials to its customers, in both official languages where appropriate.

² This competitor is Shaw Telecom G.P.

Conclusion

11. The Commission determines that MTS Allstream's application regarding the exchange of Winnipeg, Manitoba meets all the local forbearance criteria set out in Telecom Decision 2006-15.
12. Pursuant to subsection 34(1) of the *Telecommunications Act* (the Act), the Commission finds as a question of fact that to refrain from exercising its powers and performing its duties, to the extent specified in Telecom Decision 2006-15, in relation to the provision by MTS Allstream of the business local exchange services listed in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2 as they pertain to business customers only, in this exchange, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
13. Pursuant to subsection 34(2) of the Act, the Commission finds as a question of fact that these business local exchange services are subject to a level of competition in this exchange sufficient to protect the interests of users of these services.
14. Pursuant to subsection 34(3) of the Act, the Commission finds as a question of fact that to refrain from exercising its powers and performing its duties, to the extent specified in Telecom Decision 2006-15, in relation to the provision by MTS Allstream of these business local exchange services in this exchange would be unlikely to impair unduly the continuance of a competitive market for these services.
15. In light of the above, the Commission **approves** MTS Allstream's application for forbearance from the regulation of the local exchange services listed in the Appendix and future services that fall within the definition of local exchange services set out in Telecom Public Notice 2005-2, as they pertain to business customers only, in the exchange of Winnipeg, Manitoba, subject to the powers and duties that the Commission has retained as set out in Telecom Decision 2006-15. This determination takes effect as of the date of this decision. The Commission directs MTS Allstream to file revised tariff pages with the Commission within 30 days of the date of this decision.

Secretary General

Related documents

- *Forbearance from the regulation of retail voice mail services provided by the incumbent local exchange carriers*, Telecom Regulatory Policy CRTC 2010-777, 20 October 2010
- *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
- *List of services within the scope of the proceeding on forbearance from the regulation of local exchange services*, Telecom Decision CRTC 2005-35, 15 June 2005, as amended by Telecom Decision CRTC 2005-35-1, 14 July 2005
- *Forbearance from regulation of local exchange services*, Telecom Public Notice CRTC 2005-2, 28 April 2005
- *Finalization of quality of service rate rebate plan for competitors*, Telecom Decision CRTC 2005-20, 31 March 2005

Appendix

Local exchange services eligible for forbearance from regulation in this decision (for business customers only)

Tariff	Item	List of services
24001	475	Rate Schedule for Primary Exchange Service
24001	480	Community Calling Service
24001	490	Urban Unlimited Service
24001	710	Exchange Measurement – Telephone Service Facilities
24001	720	Premium Exchange Service
24001	800	Suspension of Service
24001	1000	Joint User Service
24001	1600	Directory Listings
24001	1980	Centrex
24001	1981	Electronic Transfer Capability for Centrex
24001	1982	Centrex 2
24001	1985	National Centrex Service
24001	1987	Centrex Plus
24001	1988	IP Centrex Service
24001	1990	Digital Exchange Access Service
24001	1995	ISDN Basic Rate Access
24001	1997	Measured ISDN Basic Rate Access
24001	2000	Megalink Service (ISDN Primary Rate Access)
24001	2126	Label Service
24001	2135	Custom Telephone Number Service
24001	2136	Rotary Service
24001	2140	Direct Inward Dialing (DID)
24001	2142	Calling Features
24001	2145	900 Call Denial/Blocking Service
24001	2450	Remote Call Forwarding
24002	9270	Centrex 5
24002	9275	Centrex Digital Data Service Premium
24003	12170	Centrex Miscellaneous
24003	12930	Stop Hunt Feature