



Telecom Decision CRTC 2011-632

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Ottawa, 29 September 2011

Bell Aliant Regional Communications, Limited Partnership – Application for forbearance from the regulation of business local exchange services

File number: 8640-B54-201109976

In this decision, the Commission approves Bell Aliant's request for forbearance from the regulation of business local exchange services in 49 exchanges in New Brunswick and Newfoundland and Labrador.

Introduction

1. The Commission received an application by Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 28 June 2011, in which the company requested forbearance from the regulation of business local exchange services¹ in 49 exchanges in New Brunswick and Newfoundland and Labrador. A list of these exchanges is set out in Appendix 1 to this decision.
2. The Commission received submissions and data regarding Bell Aliant's application from Rogers Communications Partnership (RCP). The public record of this proceeding, which closed on 3 August 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 Bell Aliant'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 Bell Aliant's proposed list of business local exchange services.
5. The Commission notes that Bell Aliant is seeking forbearance from the regulation of 38 tariffed business local exchange services. The Commission also notes that 23 of these services were either included in the list of services that the Commission found

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.

to be appropriate for forbearance in Telecom Decision 2005-35 or in subsequent decisions, such as Telecom Decision 2007-70. The Commission further notes that 14 of the other services are Centrex services that the Commission has found to be in the same relevant product market as business local exchange services and therefore appropriate for forbearance.² Finally, the Commission notes that Local Remote Call Forwarding Service, the remaining service, falls within the definition of local exchange services set out in Telecom Public Notice 2005-2.

6. Accordingly, the Commission finds the list of services proposed by Bell Aliant to be appropriate. A list of the 38 approved services is set out in Appendix 2 to this decision.

b) Competitor presence test

7. The Commission notes that information provided by parties confirms that there is, in addition to Bell Aliant, one independent, facilities-based, fixed-line telecommunications service provider³ that offers local exchange services in the 49 exchanges in question and that is capable of serving at least 75 percent of the number of business local exchange service lines that Bell Aliant is capable of serving.
8. Accordingly, the Commission determines that the 49 exchanges listed in Appendix 1 meet the competitor presence test.

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

9. The Commission notes that Bell Aliant submitted competitor Q of S results for the period of December 2010 to May 2011. The Commission has reviewed these results and finds that Bell Aliant 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.
10. Accordingly, the Commission determines that Bell Aliant meets the competitor Q of S criterion for this period.

d) Communications plan

11. The Commission has reviewed Bell Aliant's proposed communications plan and is satisfied that it meets the information requirements set out in Telecom Decision 2006-15. However, the Commission considers that the company should i) ensure that the plan applies to business services and not residential services by changing "residential" to

² See Telecom Decision 2008-10, as confirmed in Telecom Decision 2008-57.

³ This competitor is RCP.

“business” as required under the “Objectives” and “Key Messages” sections of the plan, and ii) change the city, province, and postal code information in the mailing address for the Canadian Radio-television and Telecommunications Commission, as set out in the plan, to “Ottawa, Ontario K1A 0N2.”

12. The Commission **approves** the proposed communications plan with the revision outlined above and directs Bell Aliant to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

13. The Commission determines that Bell Aliant’s application regarding the 49 exchanges in New Brunswick and Newfoundland and Labrador listed in Appendix 1 meets all the local forbearance criteria set out in Telecom Decision 2006-15.
14. 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 Bell Aliant of the business local exchange services listed in Appendix 2 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 these exchanges, would be consistent with the Canadian telecommunications policy objectives set out in section 7 of the Act.
15. 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 these exchanges sufficient to protect the interests of users of these services.
16. 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 Bell Aliant of these business local exchange services in these exchanges would be unlikely to impair unduly the continuance of a competitive market for these services.
17. In light of the above, the Commission **approves** Bell Aliant’s application for forbearance from the regulation of the local exchange services listed in Appendix 2 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 49 exchanges listed in Appendix 1, 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 Bell Aliant to file revised tariff pages with the Commission within 30 days of the date of this decision.

Secretary General

Related documents

- *MTS Allstream Inc.'s request to review and vary two decisions related to Centrex services*, Telecom Decision CRTC 2008-57, 19 June 2008
- *The relevant product market for Centrex and Enhanced Exchange Wide Dial services for the purposes of forbearance from regulation*, Telecom Decision CRTC 2008-10, 31 January 2008
- *Bell Aliant – Applications for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2007-70, 10 August 2007, as amended by Telecom Decision CRTC 2007-70-1, 22 August 2007, and Telecom Decision CRTC 2007-70-2, 29 November 2007
- *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

Bell Aliant requested forbearance from the regulation of its business local exchange services in the following 49 exchanges:

New Brunswick

Allardville
Balmoral
Bathurst
Bouctouche
Campbellton
Cap-Pelé
Caraquet
Cocagne
Dalhousie
Edmundston
Florenceville
Fredericton
Fredericton Junction
Grand Bay-Westfield
Grand Falls
Hampton
Hartland
Hillsborough
Kedgwick
Memramcook
Minto
Miramichi
Neguac
Oromocto
Paquetville
Perth-Andover
Petitcodiac
Petit-Rocher
Richibucto
Rothesay
Saint John
Saint-Antoine
Saint-Isidore
Salisbury
Shediac
Shippagan
St. George
St. Louis-de-Kent
St. Stephen
Sussex

New Brunswick (cont'd)

Tracadie
Woodstock

Newfoundland and Labrador

Corner Brook
Deer Lake
Long Pond
Pasadena
Portugal Cove
Pouch Cove
Torbay

Appendix 2

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

Tariff	Item	List of services
21491	125.3	Extra Listings
21491	125.4	Non-Listed, Non-Published Service
21491	125.5	Contract Period for Chargeable Extra Listings
21491	125.6	Directories and Listings – Rates and Charges
21491	205.2	Business Single-Line Access Service
21491	205.4	Business Multi-Line Access Service
21491	205.6	Hotel Service
21491	205.7	Charitable Access Service
21491	215.2	National Centrex Service
21491	215.5	Centrex Call Centre Service
21491	215.6	Regional Large Business Centrex Service
21491	304	Enhanced Local Calling (Calling Features)
21491	308	Internet Call Manager
21491	312	900 Call Denial/Blocking Service
21491	316	Universal Messaging
21491	320	Electronic Transfer Capability for Centrex
21491	326	Music on Hold
21491	328	Direct-Inward-Dialing for Access Service
21491	338	Answer Supervision
21491	358	Data Line Support Service
21491	360	Duplicate Service
21491	362	Client Calling Code Service
21491	364	Centrex IP Service
21491	365	Local Remote Call Forwarding Service
21491	502	Digital Exchange Access
21491	504	Megalink Service
21491	506	Microlink Service
12001	70	Business Communications Service
12001	80.2	National Centrex Service
12001	165	Enhanced Business Communications Service (BCS)
12001	171	Enhanced BCS – Feature Networking
12001	172	Enhanced National Centrex Service
12001	173	Guest Voice Service
12001	225	TAS ID Service
12001	190	Automatic Dialing Service
12001	3805	Brunswick BCS
13001	190	Provincial Centrex
13001	193-194	National Centrex Service