



## Telecom Order CRTC 2012-261

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Ottawa, 1 May 2012

### Hay Communications Co-operative Limited – Access services tariff

File numbers: Tariff Notices 30 and 30A

1. The Commission received an application from Hay Communications Co-operative Limited (Hay Communications), dated 3 February 2012 and amended on 24 February 2012, in which the company proposed revisions to section 280 of its General Tariff in order to introduce item 100 – Local network interconnection and component unbundling.
2. Hay Communications submitted that the proposed tariff included the interconnection services requested by Bragg Communications Inc., operating as EastLink (EastLink), in order to provide local services as a competitive local exchange carrier in Hay Communications' serving territory.
3. The Commission received comments from EastLink regarding Hay Communications' application. The public record of this proceeding, which closed on 26 March 2012, 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.

#### Commission's analysis and determinations

4. EastLink submitted that Hay Communications' proposal that the company serving a customer should be responsible for inside wire was not in accordance with the Commission's determinations in Telecom Decision 2012-38. In that decision, the Commission found that it would not be appropriate to transfer responsibility for inside wire based on which company serves the customer.
5. Hay Communications subsequently filed an amended application in which it removed the proposed provision associated with its inside wire. It submitted that it would relinquish responsibility for the inside wiring of customers that chose to receive their local exchange services from EastLink, as long as they remained customers of the competitor.
6. The Commission reminds Hay Communications that according to its existing tariff the company remains responsible for maintaining and repairing its inside wiring at its own costs until such time as it transfers responsibility to its customers. The Commission also reminds Hay Communications that the company must file a Part 1 application if it chooses to apply to transfer responsibility for inside wire to its customers. Otherwise, the company remains responsible for that inside wire, even if a customer chooses to receive local exchange services from a competitor.

7. The Commission notes that Hay Communications has used the rates and provisions of Bell Aliant Regional Communications, Limited Partnership's and Bell Canada's Access Services Tariff item 105 – Local network interconnection and component unbundling, modified to address EastLink's requested services, as the basis for this tariff item.
8. The Commission notes that competitor services are assigned to the fourth basket of the price cap framework set out in Telecom Decision 2006-14. In that decision, the Commission determined that rates for services in the fourth basket would be allowed to increase up to any rate approved by the Commission for the same service.
9. The Commission has reviewed Hay Communications' proposed tariff and considers that it covers the services requested by EastLink. The Commission also considers that the proposed rates meet the pricing constraint applicable to competitor services set out in Telecom Decision 2006-14. However, the Commission considers that the following modification to the proposed tariff is required in order to correct a typographical error:
  - in item 100.5.1, replace the reference to "Item 105.5.2" with "Item 100.5.2"
10. In light of the above, the Commission **approves** Hay Communications' application, effective the date of this order, subject to the modification set out above.

Secretary General

### **Related documents**

- *Hay Communications Co-operative Limited – Implementation of local competition for Bragg Communications Inc., operating as EastLink*, Telecom Decision CRTC 2012-38, 24 January 2012
- *Revised regulatory framework for the small incumbent local exchange carriers*, Telecom Decision CRTC 2006-14, 29 March 2006