



Telecom Order CRTC 2012-48

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Ottawa, 24 January 2012

Wightman Telecom Ltd. – Local network interconnection and component unbundling

File number: Tariff Notice 27

1. The Commission received an application from Wightman Telecom Ltd. (Wightman), dated 8 September 2011, in which the company proposed revisions to section 180, Access Services Tariff – Local of its General Tariff in order to introduce item 100 – Local network interconnection and component unbundling.
2. Wightman 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 (CLEC) in Wightman's serving territory.
3. The Commission received comments from EastLink regarding Wightman's application. EastLink stated that it generally agreed with Wightman's proposed tariff.
4. The public record of this proceeding, which closed on 19 October 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

5. The Commission notes that Wightman has used the wording, rates, and provisions of Bell Aliant Regional Communication, Limited Partnership's and Bell Canada's (collectively, the Bell companies) Access Services Tariff item 105 – Local network interconnection and component unbundling, modified to address EastLink's requested services.
6. 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.
7. The Commission has reviewed Wightman's 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 some modifications to the proposed tariff are required, as set out below.

8. At the beginning of its proposed tariff, Wightman included the following note:

Because the Commission has forborne, in Telecom Regulatory Policy CRTC 2009-19, with respect to the regulation of this service as set out in that decision, Wightman may also provide the services in this tariff at rates and on terms different from the tariffed rates and terms pursuant to an agreement entered into between Wightman and a competitor that has been filed with the Commission for the public record.

9. The Commission notes that Telecom Regulatory Policy 2009-19 amended aspects of Telecom Decision 2008-17, which set out the restructured regulatory framework for wholesale services. The Commission also notes that these decisions do not apply to small incumbent local exchange carriers. Accordingly, the Commission considers that this note should be removed.
10. Wightman also indicated, in its proposed tariff, that responsibility for inside wire would be transferred to the local exchange carrier (LEC) serving the customer. The Commission notes that in Telecom Decision 2012-47, in which the Commission set out its determinations regarding Wightman's implementation plan for local competition for EastLink, it found that it would not be appropriate to transfer responsibility for inside wire based on which company serves the customer. Accordingly, the Commission considers that the provision regarding the transfer of responsibility for inside wire in Wightman's proposed tariff should be removed.
11. In addition, the Commission notes that Wightman included provisions regarding the treatment of imbalance traffic compensation that only apply in the operating territories of the Bell companies pursuant to Telecom Decision 2010-787.¹ Accordingly, the Commission considers that these provisions should be removed from Wightman's proposed tariff.
12. In light of the above, the Commission **approves** Wightman's application, effective the date of this order, subject to the modifications set out in the appendix to this order.
13. The Commission directs Wightman to
- modify its proposed tariff as described in the appendix to this order; and
 - file an amended copy of its tariff pages with the Commission for information purposes, reflecting the modifications described in the appendix of this order, within **15 days** of the date of this order.

Secretary General

¹ This compensation applies when the total volume of traffic exchanged between two LECs over all their local shared-cost trunks is at least 10 million minutes per month and the volume of traffic in the direction of that LEC network is more than 80 percent of the total traffic exchanged between LECs for three months or more.

Related documents

- *Wightman Communications Ltd. – Implementation of local competition for Bragg Communications Inc., operating as EastLink*, Telecom Decision CRTC 2012-47, 24 January 2012
- *Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Proposed revision to the treatment of imbalance traffic compensation*, Telecom Decision CRTC 2010-787, 25 October 2010, as amended by Telecom Decision CRTC 2010-787-1, 16 August 2011
- *Bell Canada et al.'s application to review and vary Telecom Decision 2008-17 with respect to negotiated agreements*, Telecom Regulatory Policy CRTC 2009-19, 19 January 2009
- *Revised regulatory framework for wholesale services and definition of essential service*, Telecom Decision CRTC 2008-17, 3 March 2008
- *Revised regulatory framework for the small incumbent local exchange carriers*, Telecom Decision CRTC 2006-14, 29 March 2006

Appendix

Changes to Wightman's proposed tariff

Wightman is to make the following changes to its proposed tariff:

- On page 1, completely remove the following note below the heading “Item 100 – Local network interconnection and component unbundling”:

Note: Because the Commission has forbore, in Telecom Regulatory Policy CRTC 2009-19, with respect to the regulation of this service as set out in that decision, Wightman may also provide the services in this tariff at rates and on terms different from the tariffed rates and terms pursuant to an agreement entered into between Wightman and a competitor that has been filed with the Commission for the public record.

- On page 7, completely remove item 100.5 – Connection to inside wire
- On pages 8 and 9, remove the following provisions and the second associated table in item 100.4.1.1 – Termination of CLEC intra LIR Traffic:

The table below indicates the percentages of the monthly compensation payments to a CLEC when the total volume of traffic exchanged between Wightman and a CLEC over all their local shared-cost trunks is at least 10 million minutes per month and the volume of traffic in the direction of that CLEC network is more than 80 percent of the total traffic exchanged between Wightman and the CLEC (the Traffic Threshold).

The discounts set out in the table below will initially apply when the 10 million minute volume and Traffic Threshold conditions described in the preceding paragraph have been met in three consecutive months, and will continue to apply for each month until the traffic falls to, or below, the Traffic Threshold.

Following the initial application of the discounts in the table below, those discounts will apply in any subsequent month when the total volume of traffic exchanged between Wightman and a CLEC over all their local shared-cost trunks is at least 10 million minutes per month, and the volume of traffic in the direction of that CLEC network is more than the Traffic Threshold, whether or not those conditions have been met in the immediately preceding month(s). That is, the three month eligibility rule is relevant only to the initial application of discounts, not for any subsequent re-application between Wightman and the same CLEC.

The compensation payments are calculated by applying the percentages in the table below to the amounts payable using the rates identified in the tables above.

- On page 10, in item 100.5.1, replace “item 105.5(b)” with “item 100.5.2”