



Telecom Decision CRTC 2012-54

PDF version

Ottawa, 26 January 2012

Télébec, Limited Partnership – Application for forbearance from the regulation of business local exchange services

File number: 8640-T78-201113232

In this decision, the Commission approves Télébec’s request for forbearance from the regulation of business local exchange services in the exchange of St-Grégoire, Quebec.

Introduction

1. The Commission received an application by Télébec, Limited Partnership (Télébec), dated 29 September 2011, in which the company requested forbearance from the regulation of business local exchange services¹ in the exchange of St-Grégoire, Quebec.
2. The Commission received submissions and/or data regarding Télébec’s application from Cogeco Cable Inc. (Cogeco). The public record of this proceeding, which closed on 9 December 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 Télébec’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 notes that Télébec is seeking forbearance from the regulation of 30 tariffed business local exchange services. The Commission received no comments with respect to Télébec’s proposed list of business local exchange services.
5. The Commission considers that 26 of these services fall within the definition of local exchange services set out in Telecom Public Notice 2005-2. Regarding the other four services, the Commission notes that in Telecom Regulatory Policy 2010-777, it

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.

forbore from regulating retail voice mail services. Accordingly, Télébec's Integrated Voice Messaging Service has already been forborne from regulation.

6. The Commission also notes that the Enhanced Telephone Service is a residential service and is therefore not eligible for forbearance as a business local exchange service.
7. The Commission considers that the Service Charges and Network Extension Charges services are not eligible for forbearance according to the criteria set out in Telecom Decision 2006-15 since these are generic and construction services, respectively, and these services were excluded from the scope of the proceeding pertaining to forbearance from the regulation of local exchange services.
8. Accordingly, the Commission determines that 26 of the services for which Télébec is seeking forbearance are eligible for forbearance. A list of the 26 approved services is set out in the Appendix to this decision.

b) Competitor presence test

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

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

11. The Commission notes that Télébec submitted competitor Q of S results for the period of March to August 2011. The Commission has reviewed these results and finds that Télébec 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.
12. Accordingly, the Commission determines that Télébec meets the competitor Q of S criterion for this period.

² This competitor is Cogeco.

d) Communications plan

13. The Commission has reviewed Télébec'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 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," and include only the following telephone number: 1-877-249-2782.
14. The Commission **approves** the proposed communications plan with the revisions outlined above and directs Télébec to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

15. The Commission determines that Télébec's application regarding the exchange of St-Grégoire, Quebec, meets all the local forbearance criteria set out in Telecom Decision 2006-15.
16. 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 Télébec 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.
17. 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.
18. 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 Télébec of these business local exchange services in this exchange would be unlikely to impair unduly the continuance of a competitive market for these services.
19. In light of the above, the Commission **approves** Télébec'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 St-Grégoire, Quebec, 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 Télébec 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
- *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
25140	1.4	RAFA Plan – Expanded Local Calling Area for the “Lac-à-Foin” Region
25140	1.7	Telephone Set Loss Charge
25140	2.1.7.1	Basic Service and Regional Service
25140	2.1.7.2	Specialized Business Service – Key Systems Access Line
25140	2.1.7.2	Specialized Business Service – PBX Access Line
25140	2.1.7.4	Rate Adjustment for Access Line Customers
25140	2.1.7.10	Touch-Tone Dialing
25140	2.1.8	Basic Services Provided Outside the Company’s Serving Area
25140	2.1.11	Telephone Service for Senior Citizens’ Club
25140	2.5	Telephones Available Only for Two-Party Line or Multi-Party Access Service
25140	2.6	Direct Inward Dialling
25140	2.8	Télébec Centrex Service
25140	2.10	Temporary Business Service
25140	2.15	Service to Immobilized Ships, Trailers and Trains
25140	2.23	Telephone Number Reservation and Activation
25140	2.27	Directory Listings
25140	3.1	Intra-Exchange Distance Charges
25140	3.3.17	Toll Restriction Service
25140	3.3.18	Call Management Services
25140	3.3.19	Call Display Blocking – Per Call
25140	5.2.6.5	Call Blocking Service – 900 Service
25140	8.4	Internet Call Display
25140	8.7	Integrated Services Digital Network (ISDN) 2B+D Télébec
25140	8.9	Integrated Services Digital Network (ISDN) 23B+D Télébec – Premium Option
25140	8.11	Boreal Service
25140	8.13	Digital Exchange Service