



Telecom Decision CRTC 2013-246

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Ottawa, 15 May 2013

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

File number: 8640-B54-201213826

In this decision, the Commission approves Bell Aliant's request for forbearance from the regulation of business local exchange services in 34 exchanges in New Brunswick, Newfoundland and Labrador, and Prince Edward Island.

Introduction

1. The Commission received an application from Bell Aliant Regional Communications, Limited Partnership (Bell Aliant), dated 31 October 2012, in which the company requested forbearance from the regulation of business local exchange services¹ in 34 exchanges in New Brunswick, Newfoundland and Labrador, and Prince Edward Island. A list of these exchanges is set out in Appendix 1 to this decision.
2. The Commission received submissions and/or data regarding Bell Aliant's application from Bragg Communications Inc., operating as EastLink (EastLink), and from Rogers Communications Partnership (RCP). The public record of this proceeding, which closed on 17 January 2013, 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 notes that Bell Aliant is seeking forbearance from the regulation of 41 tariffed business local exchange services. The Commission received no comments with respect to Bell Aliant's proposed list of services.

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.

5. The Commission notes that it has determined in previous decisions that its local forbearance framework set out in Telecom Decision 2006-15 applies to all the services that are the subject of Bell Aliant's application.²
6. Accordingly, the Commission determines that the 41 services listed in Appendix 2 to this decision are eligible for forbearance.

b) Competitor presence test

7. The Commission notes that information provided by parties demonstrates that there is, in addition to Bell Aliant, an independent, facilities-based, fixed-line telecommunications service provider³ that offers local exchange services in each of the 34 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 34 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 March to August 2012. The Commission considers that these results demonstrate that Bell Aliant met, on average, the competitor Q of S standards for each indicator set out in Telecom Decision 2006-15 with respect to the services provided to competitors in its territory.
10. With regard to whether Bell Aliant consistently provided any of those competitors with services that were below those Q of S standards, the Commission considers that the results demonstrate that Bell Aliant met the Q of S standards for all but one of the individual competitors.
11. However, the Commission notes that there were few data points for that competitor during the six-month period in question. The Commission notes that in Telecom Decision 2007-58, it considered that when there are only a few data points during a six-month period, there is insufficient data to make a finding that a company has consistently provided below-standard Q of S. The Commission considers that this principle applies in the case of the individual competitor referred to in paragraph 10.
12. The Commission therefore finds that Bell Aliant has demonstrated that during the six-month period from March to August 2012, 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

² See Telecom Decisions 2005-35, 2007-70, and 2011-632.

³ These competitors are EastLink and RCP.

- ii) did not consistently provide any of those competitors with services that were below those Q of S standards.
13. Accordingly, the Commission determines that Bell Aliant meets the competitor Q of S criterion for this period.

d) Communications plan

14. 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 modify the contact information in its plan to (a) change the mailing address for the Canadian Radio-television and Telecommunications Commission to "Ottawa, Ontario K1A 0N2," and (b) update the contact information for the Commissioner for Complaints for Telecommunications Services, the Canadian Consumer Information Gateway, and the Office of the Privacy Commissioner of Canada.
15. The Commission **approves** the proposed communications plan with the changes noted above and directs Bell Aliant to provide the resulting communications materials to its customers, in both official languages where appropriate.

Conclusion

16. The Commission determines that Bell Aliant's application regarding the 34 exchanges in New Brunswick, Newfoundland and Labrador, and Prince Edward Island listed in Appendix 1 meets all the local forbearance criteria set out in Telecom Decision 2006-15.
17. 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.
18. 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.
19. 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.

20. 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 34 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.⁴

Secretary General

Related documents

- *Bell Aliant Regional Communications, Limited Partnership – Application for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2011-632, 29 September 2011
- *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 Decisions CRTC 2007-70-1, 22 August 2007, and 2007-70-2, 29 November 2007
- *Forbearance from the regulation of residential local exchange services in Fort McMurray, Alberta*, Telecom Decision CRTC 2007-58, 25 July 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

⁴ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

Appendix 1

Bell Aliant requested forbearance from the regulation of its business local exchange services in the following 34 exchanges:

New Brunswick

Baker Brook
Chipman
Grande-Anse
Harvey Station
Keswick
McAdam
Nackawic
Rogersville
Saint-Basile
Sainte-Anne-de-Madawaska
Saint-Quentin
St. Andrews
St. Leonard

Newfoundland and Labrador

Baie Verte
Burlington
Catalina
Come by Chance
Degras
Eastport
Gambo
Glenwood
Jeffreys
Ladle Cove
LaScie
Pacquet
Plate Cove
Port Rexton
Robert's Arm
Rushoon
Summerford
Triton
Twillingate

Prince Edward Island

Cardigan
Georgetown

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 and Not for Profit Access Service
21491	215.2	National Centrex Service
21491	215.5	Centrex Call Center 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
11001	370	Other Service Charges (Centrex)
11001	694-699	Centrex Business Service
11001	910-915	Local Conference 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 Service
13001	193-194	National Centrex Service