



## Telecom Decision CRTC 2008-109

Ottawa, 21 November 2008

### **Saskatchewan Telecommunications – Application for forbearance from the regulation of business local exchange services**

Reference: 8640-S22-200811340

*In this Decision, the Commission denies SaskTel's request for forbearance from the regulation of business local exchange services in the exchange of Regina, Saskatchewan.*

### **Introduction**

1. The Commission received an application by Saskatchewan Telecommunications (SaskTel), dated 21 August 2008, in which the company requested forbearance from the regulation of business local exchange services<sup>1</sup> in the exchange of Regina, Saskatchewan.
2. The Commission received submissions and/or data regarding SaskTel's application from Access Communications Co-operatives Limited (Access) and MTS Allstream Inc. (MTS Allstream). The public record of this proceeding, which closed on 30 September 2008, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and determinations**

3. The Commission has assessed SaskTel's application based on the local forbearance test set out in Telecom Decision 2006-15, as amended by the Governor in Council's *Order Varying Telecom Decision CRTC 2006-15*, P.C. 2007-532, 4 April 2007 (modified Telecom Decision 2006-15). In this case, the Commission will first consider the competitor presence test criterion.
4. Access, the competitor identified by SaskTel in this exchange, submitted that it does not provide a local exchange service that is capable of serving 75 percent of the business local exchange service lines in the exchange of Regina as it does not offer a local exchange service that contains the features and functionalities that would be capable of meeting the needs of the vast majority of business customers in Regina.
5. MTS Allstream submitted that SaskTel has not demonstrated that there is an independent facilities-based, fixed-line telecommunications service provider that is capable of serving 75 percent of the number of business local exchange service lines that SaskTel is capable of serving in the exchange of Regina.

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<sup>1</sup> 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.

6. The Commission notes that SaskTel estimated Access' capability to serve at least 75 percent of the number of business local exchange service lines in the exchange of Regina based on Access' service area map. The Commission notes however that a service area map is not sufficient to demonstrate that the identified facilities-based, fixed-line telecommunications service provider is capable of serving at least 75 percent of the number of local exchange service lines that the incumbent local exchange carrier is capable of serving. The Commission further notes it has rejected such evidence in previous decisions<sup>2</sup>.
7. The Commission therefore determines that by referring to Access' service area map, SaskTel did not provide convincing evidence to demonstrate that there is another facilities-based, fixed-line telecommunications service provider capable of serving at least 75 percent of the number of business local exchange service lines that SaskTel is capable of serving in the exchange of Regina. Based on the information provided by both SaskTel and Access, the exchange of Regina does not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15.

### **Conclusion**

8. In light of the above, the Commission notes that it need not address SaskTel's submissions with respect to its product market, its competitor quality of service results, and its communications plan.
9. The Commission determines that SaskTel's forbearance application for the exchange of Regina does not meet all the local forbearance criteria set out in modified Telecom Decision 2006-15. Accordingly, the Commission **denies** SakTel's application for forbearance from the regulation of the business local exchange services in this exchange.

Secretary General

### **Related documents**

- *Bell Canada – Applications for forbearance from the regulation of business local exchange services*, Telecom Decision CRTC 2007-87, 13 September 2007, as amended by Telecom Decision CRTC 2007-87-1, 29 November 2007
- *Bell Canada – Applications for forbearance from the regulation of residential local exchange services*, Telecom Decision CRTC 2007-85, 11 September 2007

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<sup>2</sup> Telecom Decisions 2007-85 and 2007-87

- *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

*This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*