



Telecom Decision CRTC 2008-93

Ottawa, 29 September 2008

People's Tel Limited Partnership – Implementation of local competition with Execulink Telecom Inc.

Reference: 8663-P52-200803876

In this Decision, the Commission approves, with some modifications, People's implementation plan for local competition with Execulink. The Commission permits local competition in the Forest and Arkona exchanges in Ontario as of 1 October 2008.

Introduction

1. In Telecom Decision 2006-14, among other things, the Commission directed small incumbent local exchange carriers (ILECs) to file with the Commission an implementation plan for local competition within the 30 days following a formal signed expression of interest from a local exchange carrier (LEC) or other carrier requesting to use competitor services within the small ILEC's serving territory. The implementation plan is to include certain details, such as when tariffs will be filed; the nature and cost basis of those tariffs; how customer transfer procedures will be managed; the timing of the implementation of local competitor services; the start-up costs to implement local competition, including local number portability (LNP) if appropriate, and how those costs will be recovered; and any other implementation issues that may be unique to that small ILEC.
2. The Commission considered that a small ILEC's implementation plan should be guided by the following principles:
 - the interconnection framework that exists in the large ILECs' territories should apply in the small ILECs' territories;
 - when a small ILEC receives a request from a LEC to make available unbundled network elements, such as local loops, those competitor services should be implemented in a manner similar to that of the large ILECs; and
 - a small ILEC, if requested, should make co-location space available to another competitor or a digital subscriber line service provider, where space is available, under similar terms and conditions established for co-location services for the large ILECs.

3. On 10 March 2008, following a formal signed expression of interest from Execulink Telecom Inc. (Execulink), People's Tel Limited Partnership (People's)¹ filed with the Commission its implementation plan for local competition in the Forest and Arkona exchanges in Ontario.
4. The Commission received submissions, comments, and/or responses to interrogatories from People's, Bell Aliant Regional Communications, Limited Partnership, and Execulink. The public record of this proceeding, which closed on 21 July 2008, is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Issues

5. The Commission has identified the following four issues to be addressed in its determinations:
 - I. Are People's proposed services and network components appropriate for implementing local competition with Execulink?
 - II. Is People's lack of a cost recovery proposal appropriate?
 - III. When should local competition begin in the Forest and Arkona exchanges?
 - IV. When should People's file its required tariffs?
- I. Are People's proposed services and network components appropriate for implementing local competition with Execulink?**
6. People's identified the services and network components that it planned to make available to competitive local exchange carriers (CLECs) and proposed an implementation date of 1 December 2008, stating that it was planning to deploy a new DMS-100 switch in the fall of 2008 in preparation for local competition.
7. People's subsequently revised its proposed date for implementing local competition to 1 October 2008. The company proposed to implement LNP on its existing DMS-10 switch effective 1 October 2008, subject to Execulink working in cooperation with People's to meet its requirements, until it deployed the new DMS-100 switch.
8. Execulink did not object to the proposed services and network components to be made available to CLECs, nor did it object to People's proposal to use the DMS-10 switch for LNP.
9. The Commission has reviewed People's proposed services and network components and finds them to be appropriate for implementing local competition with Execulink.

¹ People's was acquired by Amtelecom Income Fund on 24 January 2006, which was in turn acquired by Bragg Communications Inc. on 1 June 2007.

II. Is People's lack of a cost recovery proposal appropriate?

10. People's indicated that it would not be seeking to recover the costs it will have incurred for the implementation of local competition, based on Execulink's requirements, in the Forest and Arkona exchanges. People's submitted that its failure to file a specific cost recovery proposal as part of its implementation plan in relation to Execulink's entry into the Forest and Arkona exchanges should in no way prejudice its right to file a cost recovery proposal associated with any other CLEC planning entry into one of People's exchanges in the future.
11. As noted above, People's was required to include a cost recovery proposal in its implementation plan for local competition. In view of People's decision to forgo recovery of any costs associated with the implementation of local competition in the Forest and Arkona exchanges, pursuant to Execulink's request, the Commission finds that the company's decision not to submit a cost recovery proposal is acceptable.

III. When should local competition begin in the Forest and Arkona exchanges?

12. The Commission notes that Execulink was satisfied with People's proposal to implement LNP on its DMS-10 switch effective 1 October 2008, thereby allowing Execulink to compete in the Forest and Arkona exchanges as of that date.
13. In light of the above, the Commission permits local competition in these exchanges as of 1 October 2008, by way of People's proposal to implement LNP on its DMS-10 switch. The Commission determines that facilities-based local competition in these exchanges will continue to be in effect when the DMS-100 switch, which replaces the DMS-10 switch, is deployed, on or around 1 December 2008.

IV. When should People's file its required tariffs?

14. People's proposed to file necessary tariff changes with the Commission within 60 days of the Commission's approval of its implementation plan. The Commission notes that People's indicated that, while some new services would have to be introduced, several of the tariff items required in Telecom Decision 2006-14 are already available in its territory. In addition, the Commission notes that People's has been aware of Execulink's requirements for a number of months. The Commission notes that, in Telecom Decisions 2007-78 and 2007-93 respectively, it gave TBayTel and NorthernTel, Limited Partnership, 30 days to file the required tariffs. Accordingly, the Commission directs People's to file its required tariffs within 30 days of the date of this Decision.

Conclusion

15. The Commission **approves** People's implementation plan for local competition with Execulink in the Forest and Arkona exchanges, subject to the determinations above.
16. In implementing all aspects of local competition in its serving territory, including but not limited to technical and network interconnection, People's is to abide by the existing rules as outlined in the various public notices, decisions, orders, and letters issued by the Commission pertaining to local competition.

17. The Commission notes that its determinations in this proceeding are based in part on People's decision to forgo the recovery of any costs in relation to the implementation of local competition, based on Execulink's requirements, in its serving territory in the Forest and Arkona exchanges. These determinations do not preclude People's from filing a cost recovery proposal associated with local competition implementation costs in relation to any future request for local competition in its serving territory.

Secretary General

Related documents

- *Implementation of local competition in NorthernTel, Limited Partnership's serving territory – ExaTEL Inc. and Ontera*, Telecom Decision CRTC 2007-93, 28 September 2007, as amended by Telecom Decision CRTC 2007-93-1, 1 November 2007
- *Implementation of local competition in TBayTel's serving territory – ExaTEL Inc. and Shaw Communications Inc.*, Telecom Decision CRTC 2007-78, 31 August 2007
- *Revised regulatory framework for the small incumbent local exchange carriers*, Telecom Decision CRTC 2006-14, 29 March 2006

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