



Telecom Order CRTC 2018-132

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Ottawa, 20 April 2018

Public record: Tariff Notice 9

Fibernetics Corporation – Revisions to Access Services Tariff

Application

1. The Commission received an application from Fibernetics Corporation (Fibernetics), dated 29 January 2018, in which the company proposed revisions to its Access Services Tariff. Specifically, the company proposed to introduce references to certain tariff items and rates set out in the incumbent local exchange carriers' (ILECs) tariffs for the Atlantic Provinces, Saskatchewan, and the areas of Ontario and Quebec not served by Bell Canada.
2. The Fibernetics Access Services Tariff previously approved by the Commission includes references to tariff items and rates set out in the ILECs' tariffs for Alberta, British Columbia, and Manitoba, as well as for Bell Canada's incumbent operating territory in Ontario and Quebec.
3. In 2015, Fibernetics notified the Commission that it had completed its competitive local exchange carrier (CLEC) obligations and was ready to begin offering service in Nova Scotia. However, a revision to its tariff for services offered in Nova Scotia was not filed with the Commission at that time.
4. Fibernetics confirmed that it began offering service in the Halifax local interconnection region (LIR) on 8 June 2015. The company noted that it had issued its Notification of Completion of CLEC Obligations to the Commission, ILECs, CLECs, and proposed CLECs on 11 May 2015, but it had not updated its Access Services Tariff due to an oversight. Accordingly, Fibernetics requested that the Commission ratify the rates charged by the company without an approved tariff in the Halifax LIR starting on 8 June 2015.
5. The Commission did not receive any interventions in response to Fibernetics' application.

Commission's analysis and determinations

6. CLECs are required to obtain the Commission's approval for tariffs setting out the rates, terms, and conditions for their interconnection arrangements with other telecommunications service providers. The terms and conditions must be equivalent to those set out in the tariff of the ILEC in the applicable operating territory, while the rates must be equal to or lower than those of the ILEC. The CRTC

Interconnection Steering Committee developed for CLECs' use the current version of the CLEC Model Tariff, which includes terms, conditions, and references to ILECs' rates.

7. The Commission finds that Fibernetics' proposed revisions are consistent with the CLEC Model Tariff. In addition, the Commission notes that Fibernetics currently operates in Alberta, British Columbia, and Manitoba, as well as in Bell Canada's incumbent operating territory in Ontario and Quebec. Approval of the company's proposed revisions will allow it to offer services in the remaining provinces and the areas of Ontario and Quebec not served by Bell Canada.
8. With respect to Fibernetics' rate ratification request, pursuant to subsection 25(4) of the *Telecommunications Act*, the Commission may ratify the charging of a rate by a Canadian carrier otherwise than in accordance with a tariff approved by the Commission if it is satisfied that the rate was charged because of an error or other circumstance that warrants the ratification.
9. The Commission is satisfied that Fibernetics charged the rates in question without an approved tariff due to an oversight. Further, the Commission, ILECs, CLECs, and proposed CLECs were notified before Fibernetics started operating in the Halifax LIR. In the circumstances, the Commission finds it appropriate to ratify the charging of the rates as requested.
10. In light of the above, the Commission **approves** Fibernetics' application, and ratifies the charging of the rates by Fibernetics in the Halifax LIR for the period from 8 June 2015 to the date of this order. The Commission **directs** Fibernetics to issue revised tariff pages¹ within **10 days** of the date of this order.

Secretary General

¹ Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.