



Telecom Order CRTC 2007-108

Ottawa, 5 April 2007

TELUS Communications Company

Reference: Tariff Notice 251

OC-12 Access & Inter-exchange Channels – Alberta (Edmonton – High Level)

1. The Commission received an application by TELUS Communications Company (TCC), dated 14 February 2007, proposing revisions to its Special Facilities Tariff (SFT) item 693 – OC-12 Access & Inter-exchange Channels – Alberta (Edmonton – High Level). In its application, TCC proposed to offer channelization on the existing OC-12 facility between Edmonton and High Level.
2. TCC proposed a monthly rate for the channelization component, in addition to the existing approved one-time service charge already paid for by the customer for the OC-12 facilities for the 10-year contract period.
3. TCC noted that, in order not to delay the customer's daily operations, it had provisioned the new channelization component to the OC-12 facility as of 25 October 2006, and had billed the customer the proposed monthly rate in the absence of an approved tariff.
4. TCC requested, pursuant to subsection 25(4) of the *Telecommunications Act* (the Act), Commission ratification for the charging of the OC-12 channelization monthly rate for the period from 25 October 2006 to the approved effective date.
5. TCC filed an imputation test in support of the revisions proposed in its application.
6. The Commission approved TCC's application on an interim basis in Telecom Order CRTC 2007-63, 28 February 2007, with an effective date of 1 March 2007.
7. The Commission did not receive any comments with respect to this application.

Commission's analysis and determinations

8. The Commission is satisfied that the imputation test filed by TCC meets the requirements set out by the Commission in *Review of price floor safeguards for retail tariffed services and related issues*, Telecom Decision CRTC 2005-27, 29 April 2005.
9. The Commission notes that subsection 25(4) of the Act states that 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 the Commission is satisfied that the rate was charged because of an error or other circumstance that warrants ratification.

10. The Commission finds that TCC's rationale for offering the channelization feature in the absence of a tariff is reasonable. Further, given that the customer has agreed to the price and has been paying the monthly rate, the Commission finds that it is appropriate to ratify the charging of the monthly rate for the period during which that channelization of the OC-12 facility was provided in the absence of an approved tariff.
11. In light of the above, the Commission **approves on a final basis** TCC's proposed revisions to SFT item 693, effective the date of this Order, and ratifies the charging of the monthly rate for this facility from 25 October 2006 to 1 March 2007.

Secretary General

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