



Telecom Decision CRTC 2015-183

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TELUS Communications Company – Application to exclude competition-related quality of service indicator 2.10 results from the rate rebate plan for competitors for September 2014

Introduction

1. The Commission received an application from TELUS Communications Company (TCC), dated 26 November 2014, in which the company requested that the Commission exclude from the rate rebate plan for competitors below-standard quality of service (Q of S) results related to indicator 2.10 – Mean Time to Repair (MTTR) – CDN [competitor digital network] Services and Type C Loops (indicator 2.10) for Rogers Communications Partnership (RCP), Shaw Communications Inc. (Shaw), T-Systems Canada Inc. (T-Systems), and Verizon Canada Ltd. (Verizon Canada) [the affected companies] for September 2014.
2. TCC submitted that the below-standard results were caused by four adverse events during the month of September 2014 (the adverse events). The company stated that three of these adverse events consisted of copper cable thefts in British Columbia, which caused network outages to a significant number of its customers. The company added that the other adverse event consisted of heavy snowfall in Alberta from 8 to 10 September 2014, which limited its ability to follow up on the repair tickets in the affected areas.
3. TCC submitted that if the trouble reports related to the adverse events were excluded, its September 2014 competitor Q of S results for indicator 2.10 for the affected companies would have been within the accepted standard.
4. The Commission received interventions from two individuals regarding TCC's application. The public record of this proceeding, which closed on 14 January 2015, is available on the Commission's website at www.crtc.gc.ca or by using the file number provided above.
5. The individuals' interventions concerned the pricing of various services offered by TCC. In reply, TCC argued that the interventions were unrelated to the subject matter of its application. The Commission has reviewed the interventions and finds that they fall outside the scope of this proceeding.

Should the Commission approve TCC's request to exclude its competitor Q of S performance results for indicator 2.10 from its rate rebate plan for competitors for September 2014?

6. In Telecom Decision 2005-20, the Commission created a mechanism for considering possible exclusions from competitor Q of S results when circumstances beyond the control of an incumbent local exchange carrier (ILEC) might have caused it to fail to meet a performance standard.
7. In Telecom Decision 2007-102, the Commission adopted a *force majeure* clause that provided that, under the Q of S rate rebate plan for competitors, no rate rebates would apply in a month where failure to meet a competitor Q of S standard was caused in that month by events beyond the reasonable control of the ILEC. The Commission considers that, based on the evidence filed, the adverse events in question qualify as incidents that were beyond the reasonable control of TCC and thus trigger the *force majeure* clause.
8. The Commission also considers that TCC has provided sufficient evidence to demonstrate that the adverse events caused the below-standard results for indicator 2.10 for the affected companies in September 2014.
9. In Telecom Decision 2007-14, the Commission concluded that if an ILEC has successfully met or exceeded its competitor Q of S indicator results for at least six out of twelve months, or for three consecutive months immediately prior to an adverse event, then it would be reasonable to conclude that the ILEC would likely have met its competitor Q of S obligations without the adverse event.
10. The Commission has reviewed TCC's performance results for indicator 2.10 and finds that TCC met the standard for the 3 months preceding the adverse events, as well as for 6 of the 12 months preceding the adverse events for the affected companies. The Commission therefore considers it reasonable to conclude that TCC would have met its competitor Q of S obligations without the adverse events.
11. In light of the above, the Commission **approves** TCC's request to exclude below-standard results for competitor Q of S indicator 2.10 for September 2014 in the calculation of the amounts due to RCP, Shaw, T-Systems, and Verizon Canada under the rate rebate plan for competitors.

Secretary General

Related documents

- *Retail quality of service rate adjustment plan and competitor quality of service rate rebate plan – Adverse events*, Telecom Decision CRTC 2007-102, 31 October 2007

- *TELUS Communications Company – Application to exclude certain competition-related quality of service results from the rate rebate plan for competitors for July 2005, Telecom Decision CRTC 2007-14, 28 February 2007*
- *Finalization of quality of service rate rebate plan for competitors, Telecom Decision CRTC 2005-20, 31 March 2005*