



## Telecom Decision CRTC 2015-28

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Ottawa, 30 January 2015

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### **Saskatchewan Telecommunications – Application to exclude competition-related quality of service indicator 2.10 results from the rate rebate plan for competitors for July 2014**

#### **Introduction**

1. The Commission received an application from Saskatchewan Telecommunications (SaskTel), dated 21 August 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 Bell Canada and for TELUS Communications Company (TCC) for July 2014.
2. SaskTel submitted that the below-standard results were caused by heavy rains that led to massive floods in Saskatchewan from 27 to 30 June 2014. The company stated that the floods caused numerous road closures and power outages, and that as a result, customer wait times and the number of repair tickets were exceptionally high.
3. SaskTel submitted that if the trouble reports related to the adverse event and associated road closures were excluded, its July 2014 competitor Q of S results for indicator 2.10 for Bell Canada and TCC would have been within the accepted standard.<sup>1</sup>
4. The Commission received no interventions regarding SaskTel's application. The public record of this proceeding, which closed on 25 September 2014, is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) or by using the file number provided above.

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<sup>1</sup> In its application, SaskTel indicated that its performance results were below the accepted standards for retail Q of S indicator 2.1A – Out-of-Service Trouble Reports Cleared Within 24 Hours – Urban, for June 2014; and for retail Q of S indicator 2.1B – Out-of-Service Trouble Reports Cleared Within 24 Hours – Rural, for July 2014. The company added that it would have met the standards had it not been for the adverse event and associated road closures. The Commission has addressed these below-standard performance results according to its determinations regarding the new retail Q of S regime set out in Telecom Regulatory Policy 2009-304.

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

5. 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.
6. 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 flooding in question qualifies as an incident that was beyond the reasonable control of SaskTel and thus triggers the *force majeure* clause.
7. The Commission also considers that SaskTel has provided sufficient evidence to demonstrate that the flooding and associated road closures caused the below-standard results for indicator 2.10 for Bell Canada and TCC in July 2014.
8. 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.
9. The Commission has reviewed SaskTel's performance results for indicator 2.10 and finds that SaskTel met the standard for at least six out of the twelve months prior to the June 2014 event for Bell Canada and TCC. The Commission therefore considers it reasonable to conclude that SaskTel would have met its competitor Q of S obligations without the adverse event and associated road closures.
10. In light of the above, the Commission **approves** SaskTel's request to exclude below-standard results for competitor Q of S indicator 2.10 for July 2014 in the calculation of the amounts due to Bell Canada and TCC under the rate rebate plan for competitors.

Secretary General

**Related documents**

- *Follow-up to Telecom Decision 2008-105 – Retail quality of service regime in non-forborne markets for ILECs with over 25,000 NAS*, Telecom Regulatory Policy CRTC 2009-304, 25 May 2009

- *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