



Teresa Griffin-Muir

Vice President, Regulatory Affairs
Vice-présidente des Affaires réglementaires
MTS Allstream Inc.

25 March 2008

by Epass

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Mr. Morin:

Subject: TELUS Communications Company – Applications for forbearance from the regulation of residential local exchange services in various exchanges in British Columbia and Quebec – 8640-T66-200904765 and 8640-T69-200904690

1. MTS Allstream Inc. (MTS Allstream) is in receipt of two Part VII applications filed by TELUS Communications Company (TELUS) on 9 March 2009 and 10 March 2009 requesting forbearance from the regulation of residential local exchange services in various exchanges in Quebec and British Columbia (collectively, the Applications).¹
2. MTS Allstream is filing these comments in accordance with Telecom Circular 2007-13 (Circular 2007-13), and the Commission letter of 7 May 2007 (7 May letter), as amended by the Commission staff letter of 15 May 2007 (7 May Letter, as amended), which set out the information and evidence that an applicant ILEC and competitors must file in relation to an application for forbearance from the regulation of local exchange services in accordance with Telecom Decision 2006-15², as amended by P.C. 2007-532 (Decision 2006-15, as amended).

¹ TELUS Part VII Applications, *Société TELUS Communications – Application for forbearance from the regulation of residential local exchange services in ten exchanges in Quebec*, 9 March 2009 and *TELUS Communications Company - Application for forbearance from the regulation of residential local exchange services in the Hartway, Peachland, Prince George, Quesnel, Vanway and Williams Lake exchanges in British Columbia*, 10 March 2009.

² Telecom Decision CRTC 2006-15, *Forbearance from the regulation of retail local exchange services*, 6 April 2006.

3. As the competitor quality of service (CQoS) results filed by TELUS in support of its Applications for forbearance from the regulation of local residential exchange services do *not* meet the established CQoS standards for Indicator 1.19, MTS Allstream submits that the Commission must not dispose of TELUS's Applications until such time as TELUS submits revised results for Indicator 1.19, measured to the standard established by Commission staff in its 15 January 2009 letter.
4. On 18 December 2008, MTS Allstream filed a Part VII application requesting, among other things, that the Commission order the ILECs to cease and desist incorrectly claiming "no facilities" in response to requests for CDN DS1 accesses, thereby eliminating these requests from the ILEC's calculation of whether it had met the minimum CQoS standard for Indicator 1.19, Requested Due Dates Met – CDN Services.³
5. On 15 January 2009, Commission staff responded to MTS Allstream's application by letter, confirming that "no facilities" claims were not justified in the specific circumstances identified by MTS Allstream, as well as in other similar circumstances. This letter also directed all ILECs:

that have filed CQoS indicator 1.19 performance results with the Commission in support of pending forbearance applications based on an interpretation of the "no facilities" claim that is inconsistent with the interpretation set out in this letter are to file revised results for this item that reflect the interpretation set out in this letter. No further action will be taken to dispose of the forbearance applications until the ILEC in question has submitted revised results or advises and satisfies the

³ The issue underlying MTS Allstream's application was the lack of adherence by some ILECs to CQoS indicator 1.19, Requested Due Dates Met – CDN Services. As modified in Telecom Decision CRTC 2007-81, *Follow-up to Telecom Decision 2006-34 - Reduced service intervals for Competitor Digital Network services*, 7 September 2007, CQoS indicator 1.19 requires an ILEC to provision a CDN service by the standard service interval due date, unless the parties agreed to an earlier or later due date, for 90% of orders received from a competitor, and excluding orders for which facilities are not available. MTS Allstream noted in its application that TELUS made "no facilities" claims for 42% of the CDN DS1 accesses ordered by MTS Allstream in the first nine months of 2008. However, many of the orders for which "no facilities" claims had been made fell into the circumstances that were not legitimate "no facilities" claims.

Commission that revised results are not required to comply with the interpretation set out in this letter.⁴ (emphasis added)

6. Since the release of the letter of 15 January 2009, TELUS has unsuccessfully attempted twice to have the Commission re-open the proceeding initiated by MTS Allstream's Part VII Application and revise the definition of "no facilities".⁵ In its most recent 9 March 2009 letter to the Commission, TELUS even went as far as to re-interpret the CQoS requirements for Indicator 1.19 so as to excuse itself from having to provide service at the current standard for Indicator 1.19 by attempting to justify its failure to meet the standard for Indicator 1.19 on the grounds that it provides equally poor service to retail customers.
7. There is no basis for TELUS to presume to apply such a revised interpretation of "no facilities" or Indicator 1.19. Therefore, as noted in MTS Allstream's recent letter of 19 March 2009⁶, MTS Allstream requests that the Commission direct TELUS to adhere to the existing definitions in making "no facilities" claims and in measuring and reporting Indicator 1.19.
8. As explained in the Order Varying Telecom Decision CRTC 2006-15, P.C. 2007-0532, "the provision of competitor services by an ILEC, in accordance with the competitor quality of service standards, supports sustainable competition." A robust competitor service regime is of the utmost importance in the transition to a deregulated retail market for local services. Without at least the minimum levels of service, the conditions necessary for sustainable competition are not present and the CQoS criteria for forbearance have not been met under Decision 2006-15, as amended.
9. As the CQoS results filed by TELUS in support of its Applications for forbearance from the regulation of local residential exchange services do *not* meet the established CQoS standards for Indicator 1.19, MTS Allstream submits that the Commission must not

⁴ Commission Staff Letter, *MTS Allstream Inc. - Part VII application concerning the provisioning of competitor digital network services in accordance with competitor quality of service standards*, 15 January 2009.

⁵ TELUS filed a letter on 11 February 2009 requesting that the Commission re-open the proceeding initiated by MTS Allstream's Part VII

⁶ MTS Allstream letter to the Commission, *Provisioning of Competitor Digital Network services in accordance with Competitor Quality of Service standards – response of MTS Allstream Inc. to letters from TELUS dated 9 March 2009 – CRTC file # 8660-M59-200816994*, 19 March 2009.

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dispose of TELUS's Applications until such time as TELUS submits revised results for Indicator 1.19, measured to the standard established by Commission staff in its 15 January 2009 letter.

Yours truly,



for Teresa Griffin-Muir
Vice-President, Regulatory Affairs

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Interested Parties to Decision 2006-15
Paul Godin, CRTC
Mario Bertrand, CRTC

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