



Delivered Electronically

7 July 2009

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

Dear Mr. Morin:

**Re: Telus Application for forbearance from the regulation of residential local exchange services in Morinville and Namao in Alberta and Aspen Park, Dallas, Falkland, Lumby, Naramata and Westsyde in British Columbia  
File: 8640-T66-200909319**

1. Shaw Telecom G.P. ("Shaw") is in receipt of an application by Telus Communications Company dated 18 June 2009 requesting forbearance from the regulation of residential local exchange services in the exchanges of Morinville, Namao, Aspen Park, Dallas, Falkland, Lumby, Naramata and Westsyde (the "Forbearance Application").
2. Shaw herein confirms that it is capable of providing residential local exchange services to at least 75% of the network access lines within the exchanges named in the application.
3. Shaw however submits that Telus has yet again failed to meet the Quality of Service ("QoS") indicators required to meet the forbearance criteria as set out in Telecom Decision CRTC 2006-15; *Forbearance from the regulation of local exchange services* ("Decision 2006-15"), as varied Governor-in-Council "*Order Varying Telecom Decision CRTC 2006-15*", P.C. 2007-0532 ("Order in Council"). As stated in the Order in Council, an ILEC must show that it "(ii) did not consistently provide any of its competitors with services that were below those quality of service indicators." Shaw notes that as shown in Appendix 3 of Telus' Forbearance Application, over the six month period Telus has failed to meet the QoS service levels for Indicator 1.19 in relation to CDN service orders placed by Shaw.
4. Shaw continues to consistently receive below-standard service from Telus for CDN orders. In fact, if the Commission reviews all of the past Telus forbearance applications it will find that that Telus has not, on average, ever met the QoS service level for Indicator 1.19 in relation to Shaw.

If this is not evidence that Telus is consistently providing a competitor with services below the quality of service indicators as stated in the Order in Council then it is unclear to Shaw what exactly would qualify as failing to meet the criteria. As stated in Telus' application, Shaw is Telus' primary fixed-line residential competitor in these exchanges and it is apparent that Telus continues to consistently provide its primary competitor with services well below the quality of service indicators.

5. On 15 January 2009, the Commission issued a letter in response to MTS Allstream Inc. Part VII application concerning the provision of competitor digital network services in accordance with competitor quality of service standards. In its letter the Commission directed ILECs to inform the competitor as to the specific basis of a "no facilities" response on a CDN order. Telus continues to disregard this Commission direction and Shaw continues to receive simple "no facilities" responses on its CDN orders. It is apparent that Telus has no intention of following the Commission direction in this respect.
6. Shaw concurs with the position put forth by MTS Allstream Inc. in its 25 March 2008 response to the Telus Forbearance Application in which it states that Telus has not undertaken a review of its Indicator 1.19 measuring and reporting to adjust for those ineligible "no facilities" responses as directed in the Commission letter of 15 January 2009. Until Telus does so and complies with the Commission's direction Shaw believes no forbearance application should be granted.
7. For the reasons detailed above, Shaw requests the Commission deny Telus' Forbearance Application.

Yours truly,

Shaw Telecom G.P.



Jean Brazeau  
Vice President, Telecommunications  
Regulatory Affairs

cc: Interested Parties