



Teresa Griffin-Muir

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

8 July 2009

by Epass

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

Dear Mr. Morin:

Subject: 8640-T66-200909319, 8640-T69-200909343, 8640-T69-200909369 - TELUS Communications Company – Applications for forbearance from the regulation of residential local exchange services in various exchanges in British Columbia and Quebec

1. MTS Allstream Inc. (MTS Allstream) is in receipt of three Part VII applications filed by TELUS Communications Company (TELUS) on 18 June 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 8640-T66-200909319 -TELUS communications company - *Application for forbearance from the regulation of residential local exchange services in the Morinville and Namao in Alberta and Aspen Park, Dallas, Falkland, Lumby, Naramata and Westsyde in British Columbia*, 18 June 2009; 8640-T69-200909343 -Société TELUS Communications –*Application for forbearance from the regulation of residential local exchange in two exchanges in Quebec*, 18 June 2009; and 8640-T69-200909369 - Société TELUS Communications – *Application for forbearance from the regulation of residential local exchange in two exchanges in Quebec*, 18 June 2009.

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

3. In the Commission staff letter of 27 April 2009 (27 April Commission Staff Letter)³, the Commission re-opened the proceeding initiated by the Part VII Application by MTS Allstream requesting that the Commission order ILECs to cease and desist incorrectly claiming “no facilities” in response to requests for CDN DS1 accesses, thereby eliminating these requests from the ILECs calculation of whether it had met the minimum Competitor Quality of Service (CQofS) standard for Indicator 1.19, Requested Due Dates met.⁴

4. The 27 April Commission Staff Letter further stated:

Given the uncertainty surrounding the “no facilities available” issue, it is unclear whether CQofS indicator 1.19 has been met by those companies that filed CQofS indicator 1.19 performance results with the Commission in support of forbearance applications for retail local exchange services. Accordingly, the Commission will not dispose of existing and future forbearance applications that must be supported by CQofS indicator 1.19 performance results until the Commission has made a determination concerning the “no facilities available” issue in this proceeding. (emphasis added)

5. Further, MTS Allstream finds little merit in TELUS’s complaint that it is unfair of the Commission to require TELUS to make changes to its CQofS measurement processes and recalculate CQofS results for Indicator 1.19. The definition and the measurement for Indicator 1.19 has not changed or been altered by the Commission, rather, TELUS has never been compliant with the measurement of Indicator 1.19, as it has consistently

³ Commission staff letter, *The Commission is re-opening the proceeding initiated by MTS Allstream's Part VII application dated 18 December 2008, inviting parties to provide comments on issues set out in paragraph 10 and setting timeframes for the proceeding*, 27 April 2009 (27 April Commission staff letter).

⁴ The issue underlying MTS Allstream’s application was the lack of adherence by some ILECs to CQofS 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, CQofS 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.

miscalculated the indicator by excluding applicable results. In any event, MTS Allstream filed its Part VII Application on 18 December 2008, a full six-months before TELUS filed this application. If TELUS has failed to correct its own procedures used to calculate Indicator 1.19 during the six-month period that has passed since the original Part VII Application by MTS Allstream, then that is TELUS's burden to bear, not the Commission's.

6. The Applications by TELUS are a blatant disregard of the Commission's determinations in the 27 April Commission Staff Letter and of the CQoS criteria established in Decision 2006-15, as amended. 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.
7. 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 CQoS standards for Indicator 1.19. As stated in the 27 April Commission staff letter, MTS Allstream submits that the Commission must not dispose of TELUS's Applications until such time that the Commission makes a determination concerning the definition and measurement of Indicator 1.19 and TELUS submits revised results for Indicator 1.19, measured to the standard established by the Commission.

Yours truly,



for Teresa Griffin-Muir
Vice-President, Regulatory Affairs

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c.c.: Marlene Floyd, MTS Allstream, 613-688-8770
Interested Parties to Decision 2006-15
Paul Godin, CRTC
Mario Bertrand, CRTC

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