

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

April 8, 2011

Dear Mr. Morin:

Subject: Fibrenetics Corporation Application to Review and Vary Telecom Decision CRTC 2010-787, Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Proposed revision to the treatment of imbalance traffic compensation

1. Iristel Inc. (“Iristel”) is in receipt of a Fibrenetics Corporation (“Fibrenetics”) application requesting a review and variance of Telecom Decision CRTC 2010-787, *Bell Aliant Regional Communications, Limited Partnership and Bell Canada – Proposed revision to the treatment of imbalance traffic compensation* (“Decision 2010-787”). Iristel hereby files its comments on the above named application.
2. Fibrenetics bases its application on certain errors and issues related to Decision 2010-787 and the subsequent implementation of the determinations set out in that decision. Fibrenetics makes note that according to Decision 2010-787, a three month threshold was proposed by Bell Aliant Regional Communications, Limited Partnership and Bell Canada (together, “Bell”). After reexamining the record, Iristel is concerned as to where this three month threshold proposal came from as it appears that no such proposal was put forward by Bell or any other party in the proceeding.
3. In the Decision, the Commission then directed LECs to issue revised tariff pages reflecting said three month threshold. By doing this parties were not able to comment on important issues that might be raised related to the substance and implementation of the three month threshold. Iristel and it believes many other parties, including Bell themselves, believed that this three month measurement period would come into effect subsequent to the effective date of these tariffs. This belief is based in part on previous industry practice such as the three month notice & measurement period that was in effect for imbalance prior to Telecom Decision 2006-35.
4. Had parties been able to comment on the appropriateness of including the three month threshold in the framework and the related implementation considerations, much confusion that was ultimately exacerbated by the letter from Commission Staff dated 11 February 2011 (the “Staff Letter”) could have been avoided. The interpretation in the staff letter that related to the start of the measurement period would require parties to have foreseen the Commission’s intent prior to Decision 2010-787. To apply the three month period in that manner would amount to *de facto* retroactive rate-making.
5. In Iristel’s view the Commission should grant the relief requested by Fibrenetics in its application. As an alternative, the Commission should amend the Decision proscribing that the measurement period begins three months after the tariff effective dates.

Yours Truly,

A handwritten signature in black ink, appearing to be 'Samer Bishay', written in a cursive style.

Samer Bishay
President & CEO
Cc : ILECs and CLECs