



Telecom Order CRTC 2005-73

Ottawa, 23 February 2005

TELUS Communications Inc.

Reference: Tariff Notice 148

Customer-specific Fibre Maintenance Service (Alberta only)

1. The Commission received an application by TELUS Communications Inc. (TCI), dated 6 August 2004, proposing to introduce Special Facilities Tariff item 220, Customer-specific Fibre Maintenance Service (Alberta only).
2. TCI submitted that the proposed service provides maintenance service on specific fibre routes and related support structures owned by the customer of the proposed maintenance service.
3. TCI filed an imputation test in support of this proposal.
4. The Commission received comments by Xit télécom inc. (Xit), dated 7 September 2004.
5. Xit submitted, among other things, that the proposal was contrary to *Regulatory safeguards with respect to incumbent affiliates, bundling by Bell Canada and related matters*, Telecom Decision CRTC 2002-76, 12 December 2002 (Decision 2002-76). Xit stated that the Commission should only approve TCI's proposal conditional to TCI providing a minimum amount of information to show that the proposed service was not being provided below cost.
6. In reply, TCI stated that Xit's comments appeared to be premised entirely on Xit's understanding that TCI's application proposed the provision of an optical fibre facility, owned or provided by TCI, and the related installation and maintenance services on the facility.
7. TCI submitted that Xit's premise was evident from the various Bell Canada tariff notices (TNs) referenced by Xit as the basis of its intervention. TCI noted that the special facilities services proposed in all of the Bell Canada TNs included the provision of Bell Canada's optical fibre facilities, either on a leased or outright-sale basis, together with the provision of related installation or maintenance services by Bell Canada.
8. TCI submitted that, contrary to Xit's understanding, the company was proposing to provide maintenance services on both the fibre strands and the support structures that were built and owned by the customer of the proposed maintenance service. TCI further submitted that its proposal did not include the provision or installation of TCI fibre facilities.

Commission's analysis and determination

9. The Commission notes that Decision 2002-76 dealt with customer-specific arrangements that bundled tariffed and forborne services and the required filing of tariffs for such bundles. The Commission finds that TCI's proposed service is not a bundle and, contrary to Xit's suggestion, Decision 2002-76 does not apply.

10. The Commission is satisfied that the proposed tariff provides an adequate service description and meets the imputation test.
11. The Commission **approves** TCI's application, effective the date of this Order.

Secretary General

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