

Willie Grieve
Vice-President
Telecom Policy & Regulatory Affairs

(780) 493-6590 Telephone
(780) 493-6519 Facsimile
willie.grieve@telus.com

30 August 2006

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, ON K1A 0N2

Dear Ms. Rhéaume:

Subject: *Review of price cap framework, Telecom Public Notice CRTC 2006-5 – “Companies” application dated 11 August 2006 re Roycroft evidence “updates”*

1. The following are the comments of TELUS Communications Company (“TELUS”) on the letter of Bell Aliant, Bell Canada and SaskTel (“the Companies”) dated 11 August 2006. The Companies say that the Consumer Groups should not be permitted to file an update to the evidence prepared by Dr. Roycroft filed in this proceeding, and ask the Commission to make an order accordingly. The Consumer Groups responded to the Companies’ letter on 21 August 2006.
2. As to the Companies’ letter, at an earlier stage in this proceeding the Consumer Groups proposed that the schedule for the filing of evidence and the delivery of interrogatories should be structured in such a way that the ILECs would be required to file their evidence and responses to interrogatories prior to the deadline for the filing of evidence by other parties. The Commission made a ruling on 20 June 2006 rejecting that request and stating that “a review of ILECs’ submissions prior to other parties filing evidence is not necessary in order for parties to participate effectively.” All parties were, as a consequence, required to file their evidence on the same date.
3. It is not entirely clear what the Consumer Groups propose to file by way of “updates” to Dr. Roycroft’s testimony. If there are corrections to be made to errors that appear in Dr. Roycroft’s testimony which come to light as a result of evidence adduced through the interrogatory process, it would be normal for a party to file the appropriate revisions. If this is what the Consumer Groups

intend, TELUS has no objection (but reserves its rights to address any new issues raised by such corrections in an appropriate way).

4. However, if what the Consumer Groups have in mind is to file new or different evidence in the guise of “updates” to the evidence they were obliged to file by 10 July 2006, that is another matter. Having read the Consumer Groups’ letter of 21 August 2006 and noted, in particular, their assertion that it “makes little sense” to simply leave a pre-hearing record incomplete for fear of giving a party an “additional bite of the apple,” TELUS is concerned that the Consumer Groups have not understood that they are subject to the same procedural rules as other parties. To take another bite of the apple now would be contrary to the procedures set for this proceeding and a flagrant violation of the Commission’s ruling of 20 June 2006. TELUS hopes the need for an application to reject improperly tendered evidence does not become necessary.

Yours truly,

{original signed by Willie Grieve}

Willie Grieve
Vice-President
Telecom Policy and Government Affairs

HR/cs

cc: Interested Parties to PN 2006-5

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