



THE CITY OF  
**CALGARY**

**LAW DEPARTMENT (8053)**

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2006 September 13

Canadian Radio-television and  
Telecommunications Commission  
Ottawa, ON K1A 0N2

**Attention: Ms. Diane Rheume**  
**Secretary General**

Dear Madam:

**RE: CRTC TELECOM PUBLIC NOTICE 2006-5**  
**Review of Price Cap Framework**  
**- Request for Further Response to Interrogatory Response Telus**  
**(Calgary) 8Aug-16**

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In its evidence<sup>1</sup> Telus relies on a number of external source documents in support of its evidence. Telus specifically footnotes the documents on which it has relied. Those source documents have not been provided to parties. Calgary requested that Telus provide those source documents in its Interrogatory. Telus objected to providing the requested information in Interrogatory Response Telus (Calgary)8Aug06-16.

Telus presented evidence including excerpted proposals, suppositions and theoretical constructs that it urges be adopted by other parties and the Commission in particular. In absence of the source documents, it would be necessary to take the quotes lifted from those documents at face value and not have the full context in which they were written. The request for the documents was to allow interested parties and the Commission to properly understand the context of the source material and conduct due diligence to ensure that the full context supports the Telus interpretation.

This is not a new type of request in these proceedings. Telus, as a long time participant in regulatory proceedings is no doubt aware that it can be asked for copies of source documents it relies on. As such it should be ready and prepared to do so. Moreover, in

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<sup>1</sup> "Comments of Telus Communications Company, July 10, 2006

similar requests in the previous price cap proceeding Telus was requested to provide and did provide copies of requested source documents without an objection.

More specifically, Telus complains that these documents consist of textbooks<sup>2</sup>, court decisions, regulatory documents and journal articles. Calgary was careful to select only certain footnote references. Calgary notes that, as best it can discern, the following are the nature of the documents:

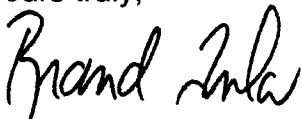
Footnote Reference in Telus Evidence	Type of Source Document
18, 40	Textbook
34, 35, 38	Court Decisions
36 <sup>3</sup> , 49 <sup>4</sup> , 50 <sup>4</sup> , 51 <sup>4</sup>	Regulatory Documents
39, 41	Journal Articles

It is expected Telus had these documents in its possession when it authored its evidence. As such it would be far easier for Telus to provide the information requested and make for a more efficient process, rather than reversing the onus and placing the burden on parties to take unnecessary time to locate those documents and make the necessary copies.

In Calgary's view, the onus is on Telus to provide the source references it relies on. For completeness of the record and ease of reference Telus should provide full copies of the court decisions, regulatory documents and journal articles. With respect to the text books, a specific reference within the text books should be provided and Telus should provide a location where these books can be obtained for review.<sup>5</sup>

Based on the foregoing, Calgary submits that Telus should provide the copies of the documents it used and relied on. Therefore, Calgary respectfully requests that the Commission direct Telus to provide the requested information shown in the table above.

Yours truly,



**Brand R. Inlow, Q.C.**  
**Manager, Regulatory Affairs &**  
**Bylaw Services**

BRI/lcwc:  
All Interested Parties (by e-mail)

<sup>2</sup> For which there may be many editions.

<sup>3</sup> A CRTC Decision from 1979 that is apparently not available on the Commission's website

<sup>4</sup> OfTel Decisions that Calgary has attempted to track down but is unable to find on the OfTel website

<sup>5</sup> Calgary attempted to obtain the books from libraries but was not able to.