

**Proposed Order under Section 8 of the Telecommunications Act –
Policy Direction to the
Canadian Radio-television and Telecommunications Commission**



**Comments of TELUS Communications Company
August 16, 2006**

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Executive Summary of TELUS' Comments on Proposed Policy Direction

Following the release in March of this year of the Telecommunications Policy Review ("TPR") Panel's Final Report 2006, the Government of Canada has issued a proposed policy direction to the Canadian Radio-television and Telecommunications Commission (the "CRTC") that would be issued under section 8 of the *Telecommunications Act*.

Subject to the comments below, TELUS supports the proposed direction which will provide guidance to the CRTC as to how it should exercise its regulatory mandate to take a more market-based approach to implementing the requirements of the *Telecommunications Act*, with a focus on sections 7(c) and 7(f) of the Act. Such a clarification will provide a significantly improved focus for the regulator in carrying out its mandate under the Act, contributing to more effective and efficient regulation of the telecommunications services industry. The proposed policy direction is also consistent with the Government of Canada's objective of improving the competitiveness and productivity of the Canadian economy.

TELUS commends the Governor in Council for moving quickly to issue the proposed direction for public comment. This action represents an important first step in the implementation of the far-reaching and forward-looking recommendations outlined in the Telecommunications Policy Review Panel Final Report 2006 (the "TPR Final Report") issued on March 22, 2006.

Section 8 of the *Telecommunications Act* provides that the Governor in Council may, by order, issue to the CRTC "directions of general application on broad policy matters with respect to the Canadian telecommunications policy objectives." The proposed direction is consistent with the section 8 of the *Telecommunications Act* to the extent that the Governor in Council is providing a direction of general application on broad policy matters with respect to the Canadian telecommunications policy objectives.

The proposed policy direction draws heavily from the TPR Panel's proposal for a policy direction. However, the proposed direction omits two key clauses – sub-clauses 1(b) and 1(e) – from the TPR Panel's proposal. Sub-clause 1(b) states that regulatory measures shall only be applied where market forces are unlikely to achieve a policy objective within a reasonable timeframe and where the costs of such measures do not outweigh the benefits. This is important in order to guard against the potential for overly slow or cautious forbearance from regulation in competitive markets, and for overregulation in markets where some regulation may still be required but where market forces may be sufficient to supplement some or all of it. Sub-clause 1(e) states that the CRTC should continuously review telecommunications markets on a timely basis to ascertain the appropriate degree of regulation or forbearance from regulation. This is important because the sub-clause requires that economic regulation shall only apply if there is a finding of significant market power by a Canadian carrier. If the CRTC does not undertake the reviews set out in sub-clause 1(e), the objective of increased reliance on market forces will be at significant risk.

TELUS submits that the missing sub-clauses should be included in the proposed direction. They are consistent with section 8 of the *Telecommunications Act* in that they would provide regulatory guidance with respect to the section 7 policy objectives therein.

A further concern with the proposed direction is that the language is suggestive rather than mandatory – that is, some elements of the proposed direction are constructed so that they *should* be undertaken. A direction that is permissive has the potential to be ineffective. In order to correct this deficiency, TELUS recommends that the word “should” be replaced with the word “shall” in order to render the direction mandatory.

In addition to the direction under consideration in these comments, the TPR Panel proposed a direction to the CRTC stating that regulating the availability and pricing of new, non-essential facilities and ancillary services is inconsistent with policy objectives set out in section 7 of the *Telecommunications Act*. TELUS urges the Governor in Council to issue this policy direction as quickly as possible.

TELUS notes that the TPR Panel’s recommendations are a coherent and consistent set of reforms designed to provide Canada with a policy and regulatory framework that reflects today’s and tomorrow’s dynamic telecommunications industry. TELUS urges the Government of Canada to issue a policy statement that generally adopts the remaining recommendations. TELUS also urges the Government to take the steps necessary to proceed with legislation to implement the majority of the Panel’s recommendations.

1.0 Introduction

1. TELUS Communications Company (“TELUS” or the “Company”) hereby submits its comments with respect to the Governor in Council’s proposed policy direction (the “proposed direction”) to the Canadian Radio-television and Telecommunications Commission (the “CRTC”).¹ TELUS supports the proposed direction and welcomes this opportunity to comment on it. TELUS trusts that the following remarks will assist the Governor in Council in moving forward with this important initiative.
2. TELUS commends the Governor in Council for moving quickly to issue the proposed direction for public comment. This action represents an important first step in the implementation of the far-reaching and forward-looking recommendations outlined in the Telecommunications Policy Review Panel Final Report 2006 (the “TPR Final Report”) issued on March 22, 2006. The proposed direction is one of a number of actions put forward by the Telecommunications Policy Review Panel (the “TPR Panel”), in addition to the 127 recommendations that it formulated, for the consideration of the Government of Canada to fundamentally reshape the Canadian telecommunications policy and regulatory framework.
3. In the following comments, TELUS outlines why the proposed direction is required in Section 2. TELUS then considers the legal authority under which the proposed policy direction is being issued which justifies the inclusion of the clauses incorporated into the proposed direction in Section 3. In Section 4 TELUS focuses on selected clauses that have been omitted from the proposed policy direction – but that were included in the text of the TPR Panel’s proposed policy direction outlined in the TPR Final Report. In Section 5 TELUS comments on other recommendations related to the proposed policy direction put forward in

¹ Published in the Canada Gazette, Part I, Volume 140, No. 24, June 17, 2006: Proposed Order under Section 8 of the Telecommunications Act – Policy Direction to the Canadian Radio-television and Telecommunications Commission.

the TPR Final Report, including the issuance of policy statements, a second policy direction to the Commission, and the remaining recommendations in the TPR Final Report. TELUS concludes its Comments in Section 6.

2.0 Proposed Policy Direction Is Required

4. The principal reason that the proposed direction is required was pointed out by the Honourable Maxime Bernier, Minister of Industry, in his remarks accompanying the release of the proposed policy direction. As indicated by Minister Bernier, the TPR Panel noted that some of the existing policy objectives set out in the *Telecommunications Act* (the “Act”) have been interpreted in contradictory ways over the years. Given this confusion, the proposed direction “will help clarify the meaning of these objectives when they are debated again in the regulatory proceedings of the CRTC.”² As indicated in the Regulatory Impact Analysis Statement (the “RIAS”) accompanying the proposed policy direction, the proposed policy direction will provide guidance to the CRTC as to how it should exercise its regulatory mandate to take a more market-based approach to implementing the requirements of the *Telecommunications Act*,³ with a focus on sections 7(c) and 7(f) of the Act. Such a clarification will provide a significantly improved focus for the regulator in carrying out its mandate under the *Telecommunications Act*. This improved focus will lead to reduced and more targeted regulation, which will in turn reduce regulatory cost and burden, resulting in fewer regulatory proceedings, more streamlined tariff approval processes and more competitive markets.⁴ In short, the policy direction will contribute to more effective and efficient regulation of the telecommunications services industry.⁵

² “Canada’s New Government Tables Proposed First-of-its-Kind Policy Direction on Telecommunications to CRTC Calling for Greater Reliance on Market Forces,” Industry Canada News Release, June 13, 2006.

³ RIAS, Description, paragraph 4

⁴ RIAS, Benefits and Costs, paragraph 2.

⁵ RIAS, Benefits and Costs, paragraph 3.

5. It is also significant that the concept of reliance on market forces to the maximum extent feasible fits with the Government of Canada's overall objective of improving the competitiveness and productivity of the Canadian economy.⁶ As noted by the TPR Panel, telecommunications technologies and markets today are in the midst of a profound transformation, and the telecommunications policy and regulatory framework should change to reflect the new environment.⁷ The proposed policy direction will assist in this change.
6. The Government of Canada is correct in recognizing that there is an urgency to this initiative. As indicated in the RIAS, "delaying the release of the policy direction until the government is prepared to respond in full to the Panel's report would delay regulatory change, and means that Canadians are delayed in seeing the benefits of a regulatory regime that relies more on market forces."⁸ TELUS concurs that issuing a policy direction now "enables timely change toward more market-oriented regulation in advance of any legislative change which would inevitably take longer."⁹

3.0 The Governor in Council's Authority to Issue Directions under Section 8

7. The authority for the Governor in Council to issue a policy direction to the CRTC derives from section 8 of the *Telecommunications Act*. Any direction proposed to be made under the Act must, of course, fall squarely within the ambit of the power prescribed by Parliament. In other words, the proposed order from the Governor in Council must be "within the boundary of [its] parliamentary grant and in accordance with the terms of [its] parliamentary mandate."¹⁰
8. Section 8 of the *Telecommunications Act* states

⁶ RIAS, Description, paragraph 3.

⁷ TPR Final Report, Executive Summary, page 3.

⁸ RIAS, Alternatives, paragraph 1.

⁹ RIAS, Alternatives, paragraph 2.

¹⁰ *Attorney-General of Canada v. Inuit Tapirisat of Canada et al.* (1980), 115 D.L.R. (3d) 1 (S.C.C.). See also *Re Public Utilities Review Commission Act (Sask.)* (1986), 52 Sask. R. 53 (Sask C.A.) and *Gulf Canada Resources Ltd. v. Alberta*, [2001] A.B.Q.B. 286.

The Governor in Council may, by order, issue to the Commission directions of general application on broad policy matters with respect to the Canadian telecommunications policy objectives.

9. From the plain language of this section, it is apparent that there are two jurisdictional pre-conditions for the Governor in Council to validly exercise its direction power: (a) the direction must be referable to the “Canadian telecommunications policy objectives” given in section 7 of the *Telecommunications Act*; and (b) the direction must be “of general application on broad policy matters.”¹¹

3.1 The Proposed Policy Direction Is Within the Governor in Council’s Section 8 Powers

10. It is clear that the Governor in Council was mindful of the section 8 requirements when drafting the proposed policy direction. First, regarding the requirement that a direction be referable to the Canadian telecommunications policy objectives, the proposed policy direction explicitly acknowledges the Canadian telecommunications policy objectives and, in fact, directs the CRTC in how they are to be interpreted and implemented.
11. Regarding the second requirement under section 8, the critical question is the meaning of the phrase “of general application on broad policy matters.” The courts have indicated that in situations such as these, “a statute should be interpreted to give effect to its ordinary meaning.”¹² The plain and ordinary meaning of “general application on broad policy matters” is therefore quite clear - a policy direction must be one that applies generally, and not one that is issued in

¹¹ In addition, pursuant to section 10 of the *Telecommunications Act*, the Governor in Council must satisfy certain procedural requirements with respect to the issuance of a direction under section 8. In the case of the proposed order, TELUS presumes that the Governor in Council will be acting in accordance with the procedural requirements as given in section 10. As a result, TELUS will focus its comments on the proposed order in relation to the Governor in Council’s jurisdiction as given in section 8.

¹² *Gulf Canada Resources, supra*, at paragraph 26.

order to resolve a specific application or dispute between particular parties. The proposed policy direction meets this requirement.

3.2 The Proposed Policy Direction Is Consistent with the Interpretation Act

12. A further consideration is section 12 of the *Interpretation Act*, R.S., c. I-23, s. 1 which provides that all federal legislation “shall be given such fair, large and liberal construction and interpretation as best ensures the attainment of its objects.” This consideration points to the fact that the powers of the Governor in Council under section 8 of the Act must be interpreted liberally. In this light, it is further evident that the proposed direction is “of general application on broad policy matters.”
13. In summary, the proposed policy direction involves the general manner in which the CRTC is to interpret and implement the Canadian telecommunications policy objectives in the exercise and performance of its duties. The proposed policy direction is not limited to particular circumstances or issues and does not require the CRTC to make a determination on an existing application. As such, the proposed policy direction meets the substantive requirements of section 8 of the *Telecommunications Act*.

4.0 Missing Elements

14. TELUS notes that the proposed policy direction draws heavily from the proposal for a direction recommended by the TPR Panel (the “proposal”).¹³ However, the proposed policy direction differs in a number of respects, omitting two key clauses from the TPR Panel’s proposal. Furthermore, the proposed policy direction uses language which is suggestive, rather than mandatory, in nature.

¹³ RIAS, Description, paragraph 3.

4.1 Key Sub-clauses Omitted

15. Two key sub-clauses are omitted in the proposed direction from the TPR Panel's proposal. The missing sub-clauses from the TPR Panel's proposal are sections 1(b) and 1(e) which read:

- (b) Regulatory measures shall be applied only where
 - (i) market forces are unlikely to achieve a telecommunications policy objective within a reasonable time frame; and
 - (ii) the costs of such measures do not outweigh the benefits.

...

- (e) Economic regulation shall apply only if there is a finding of significant market power in respect of a telecommunications service or class of services provided by a Canadian carrier. The Canadian Radio-television and Telecommunications Commission should continuously review telecommunications markets on a timely basis to ascertain the appropriate degree of regulation or forbearance under section 34 of the *Telecommunications Act*.¹⁴

16. For the reasons outlined below, TELUS believes that these two sub-clauses should also be included in the proposed policy direction.

4.1.1 Sub-clause 1(b) – Application of Regulatory Measures

17. Sub-clause 1(b) of the TPR Panel's proposal outlines a two-part test, where both parts of the test must be satisfied before regulatory measures can be applied. It states that regulatory measures shall only be applied where market forces are unlikely to achieve a policy objective within a reasonable timeframe and where the costs of such measures do not outweigh the benefits.
18. Sub-clause 1(b) satisfies the substantive criteria of section 8 of the *Telecommunications Act*. It is eminently proper for the language of sub-clause

¹⁴ TPR Final Report, Chapter 10 (Implementation), Proposed Text of Policy Direction, pages 10-7 and 10-8.

- 1(b) to be incorporated in a direction to the CRTC because it is a direction of general application of the CRTC's powers and duties with regard to the one of the Canadian telecommunications objectives - section 7(f) of the Act. As explained above, this is precisely what the direction power in section 8 of the Act contemplates.
19. Furthermore, the TPR Panel's view -- that regulatory measures ought to be confined to circumstances where market forces are unlikely to achieve a given policy objective in a reasonable time frame and that, where imposed, the costs of such measures ought not outweigh the benefits -- is entirely consistent with Parliament's exhortation to the CRTC set out in section 7(f) of the *Telecommunications Act*. In section 7(f), Parliament urges the CRTC "to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective." The language of this provision exhibits an unquestionable Parliamentary intent that the CRTC rely increasingly on market forces as the prime agent for achieving objectives for the sector and that, in those circumstances where regulation is determined to be required, such regulation be "efficient and effective." This statutory language projects a vision of telecommunications in which the market gradually becomes the "default" and regulation becomes exceptional and must be justified on the basis (a) that it is necessary ("required") and (b) that it passes a cost-benefit test ("efficient and effective").
20. There is no material inconsistency between the language of section 7(f) and language proposed by the TPR Panel in sub-clause 1(b) above. In other words, both Parliament (*via* the *Telecommunications Act's* policy objectives) and the TPR Panel (*via* its proposal) are seeking substantially similar outcomes, namely, that market forces should be relied upon, to the maximum extent feasible, to achieve the Act's policy objectives and, where regulation must be imposed to achieve a policy objective, that such regulation must be efficient and effective. Accordingly, it is eminently proper for the language of sub-clause 1(b) to be

- incorporated in a direction to the CRTC – as this would be equivalent to giving the CRTC a direction on the general application of section 7(f) of the *Telecommunications Act* in the exercise of the CRTC’s power and duties. This is, of course, precisely what the direction power in section 8 of the Act contemplates.
21. TELUS therefore urges the Governor in Council to incorporate the language of sub-clause 1(b), above, into its direction. There is no question, in the present case, as to the Governor in Council’s jurisdiction to do so and the incorporation of this language will provide important direction to the CRTC.
22. TELUS’ reasoning, above, is additionally buttressed by the language of section 34(1) of the *Telecommunications Act* – which clearly contemplates that the CRTC will substantially withdraw from regulation where the Canadian telecommunications policy objectives can be satisfied by means other than direct regulatory oversight. Section 34(1) states
- the Commission may make a determination to refrain, in whole or in part and conditionally or unconditionally, from the exercise of any power or the performance of any duty under sections 24, 25, 27, 29 and 31 in relation to a telecommunications service or class of services provided by a Canadian carrier, where the Commission finds as a question of fact that to refrain would be consistent with the Canadian telecommunications policy objectives.
23. Section 34(1) of the Act provides further evidence that the TPR Panel’s language in sub-clause 1(b) aligns with Parliamentary intent. This is a further basis for the Governor in Council to consider adopting this language in its direction.
24. In light of the above, TELUS urges the Governor in Council to proceed with implementation of the TPR Panel’s sub-clause 1 (b) in its direction.
- 4.1.2 Sub-clause 1(e) – Findings of Significant Market Power**
25. As noted in the RIAS, “a fundamental finding of the TPR Panel was that competition in telecommunications markets has evolved to the point where market forces can be relied upon to achieve many telecommunications policy

- objectives and the need for regulation can no longer be presumed.¹⁵ However, while making note of this important point, the proposed policy direction contains no provisions relating to the finding of significant market power in respect of a telecommunications service or class of services provided by a Canadian carrier. This is a fundamental concern given that the purpose of the proposed policy direction is to illuminate sections 7(f) and 7(c) of the Act.¹⁶ As noted above, section 7(f) of the Act states that an objective of Canadian telecommunications policy is “to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective.” Section 7(c) sets out as an objective “to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications.”
26. TELUS considers that sub-clause 1(e) meets the criteria required under section 8, namely that it be a direction of general application on broad policy matters with respect to the Canadian telecommunication policy objectives. As in the case of sub-clause 1(b), there is no jurisdictional impediment for the inclusion of this clause in the proposed policy direction and it is the type of direction that is contemplated by Parliament under section 8.
27. Given the objective of increased reliance on market forces, it is perfectly reasonable (as the TPR Panel proposes) to direct the CRTC to “review telecommunications markets on a timely basis to ascertain the appropriate degree of regulation or forbearance under section 34 of the *Telecommunications Act*.” Indeed, it is difficult to imagine how the CRTC can satisfy the dictates of sections 7(c) and 7(f), and discharge its powers and duties under the Act with a view to implementing these objectives, absent regular reviews of telecommunications markets to determine the extent of forbearance that may be appropriate.

¹⁵ RIAS, Description, paragraph 3.

¹⁶ TPR Final Report, Chapter 10, Phase I, Direction to the CRTC, page 10-6.

28. It is fully within the Governor in Council's jurisdiction to incorporate the language of sub-clause 1(e) in a direction to the CRTC. In light of the above, TELUS urges the Governor in Council to proceed with the implementation of the TPR Panel's clause 1(e) in its direction to ensure that telecommunications markets are reviewed in a timely and continuing manner in order to ascertain that the appropriate degree of regulation or forbearance.

4.2 Mandated Direction Required

29. As noted in the RIAS, "the power to issue policy directions was designed to be an instrument to provide timely policy guidance to the regulator."¹⁷ However, the proposed policy direction risks not providing concrete "policy guidance to the regulator" in that it appears to be suggestive and not mandatory in nature. In this regard, TELUS notes that the introductory paragraph of each of sub-clauses (a), (b) and (c) in section 1 of the proposed policy direction are constructed in such a manner that they "should" be undertaken. A direction that is permissive, rather than mandatory, has the potential to be ineffective to the extent that the regulator elects not to implement it – and the use of the word "should" risks sending a signal to the regulator that the direction is not intended to be binding. In TELUS' view, an "optional" direction will not accomplish the Governor in Council's important goals for the telecommunications sector. Accordingly, TELUS suggests that the word "should" be replaced in every instance with the word "shall" in order to render the proposed policy direction mandatory.^{18 19}

¹⁷ RIAS, Alternatives, paragraph 2.

¹⁸ Sub-clauses (i) to (iv) in clause (b) are also all suggestive in nature.

¹⁹ TELUS notes that section 7 of the *Broadcasting Act* contains a policy direction power cast in language substantially similar to the language in section 8 of the *Telecommunications Act*. The Governor in Council's various directions to the CRTC under the *Broadcasting Act* evince an unequivocally mandatory tone and there is no jurisdictional obstruction, in the present circumstances, to the adoption of a similarly mandatory tone (given that the direction power in both acts is cast in substantially similar terms). The Governor in Council has the scope to give binding instructions to the CRTC – such instructions need not be framed in permissive terms.

5.0 Other Issues

30. TELUS also wishes to take this opportunity to comment on other recommendations related to the proposed policy direction put forward in the TPR Final Report, including the issuance of policy statements, a second policy direction to the CRTC, and the remaining recommendations in the TPR Final Report.

5.1 Policy Statements

31. A critical part of the TPR Final Report is the TPR Panel's counsel on steps to be taken to implement its recommendations. In this regard, the TPR Panel states that "a critical first step in the reform process is for the government to signal to the industry and the regulatory institutions what is its intended course of action on the reforms recommended in the report."²⁰ The TPR Panel believed that "such a statement of government policy should include the government's general response to the report and an indication of the broad policy directions that the government intends to pursue in relation to the telecommunications sector."²¹ This could be accomplished by means of issuing "one or more statements addressing the policy-oriented recommendations of the report"²² which "would set the overall approach to be followed in the implementation of those recommendations and would serve to put the industry, regulators and investors on notice as to that approach."²³
32. With the exception of the proposed policy direction, the Government of Canada has yet to issue any formal indication of its response to the TPR Final Report.²⁴ To the extent possible, TELUS urges the Government of Canada to adopt the recommendations made in the TPR Final Report as a complete package since the

²⁰ TPR Final Report, Chapter 10 (Implementation), Phase I, Policy Statements, page 10-6.

²¹ TPR Final Report, Chapter 10 (Implementation), Phase I, Policy Statements, page 10-6.

²² TPR Final Report, Chapter 10 (Implementation), Phase I, Policy Statements, page 10-6.

²³ TPR Final Report, Chapter 10 (Implementation), Phase I, Policy Statements, page 10-6.

²⁴ Noting the Governor in Council's reference to the Telecommunications Policy Review Panel's report to the Minister of Industry "recommending reliance on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives affirmed in section 7 of the Act" in Order in Council P.C. 2006-305, dated May 4, 2006, wherein the Governor in Council referred Telecom Decision CRTC 2005-28 back to the Commission for reconsideration within 120 days.

recommendations have been developed to be an internally coherent and consistent set of reforms to modernize the Canadian telecommunications policy and regulatory framework and urges the Government of Canada to issue policy statements to this effect at the earliest possible opportunity.

5.2 Second Policy Direction

33. In addition to recommending the proposed direction that focuses on paragraphs 7(c) and 7(f) of the *Telecommunications Act*, the TPR Panel also recommended that the Governor in Council also issue a second policy direction. In particular, Recommendation 3-25(c) of the TPR Final Report states that

The Governor-in-Council should issue a policy direction to the CRTC stating that regulating the availability and pricing of new, non-essential facilities and ancillary services is inconsistent with policy objectives set out in section 7 of the *Telecommunications Act*, particularly paragraphs 7 (f) and (g). [footnotes omitted]

34. As noted in the TPR Final Report, the availability and pricing of wholesale arrangements, other than arrangements involving essential facilities and interconnection services, should not be regulated but instead be left to market forces and commercial negotiations.²⁵ TELUS urges the Governor in Council to issue this second policy direction called for by the TPR Panel as quickly as possible.

5.3 Remaining Recommendations in the TPR Final Report

35. As noted above, the Government of Canada has yet to issue its official response to all of the recommendations in the TPR Final Report, and has yet to issue policy statements endorsing the report. In addition to these actions, TELUS urges the Government of Canada to proactively contemplate arrangements for drafting legislation to implement the bulk of the recommendations in the TPR Final Report, which TELUS generally supports. As noted in the RIAS, “these

²⁵ Existing non-essential services would continue to be subject to regulation during the transitional period called for by the TPR Panel in the TPR Final Report.

recommendations involve complex issues that will require in-depth analysis and consultations before the Government can proceed.”²⁶ However, this should not preclude groundwork preparations so that the Government of Canada can proceed as quickly as possible with legislation after it has concluded its analysis. TELUS urges the Government of Canada to take the necessary steps to proceed with legislation to implement the majority of the TPR Panel’s recommendations. In the very near term, TELUS urges the Government of Canada to take steps to ensure that economic regulation of both retail and wholesale services is limited to circumstances where market forces are insufficient to protect consumers and competition. This is a matter of urgency given that “maintaining the current regulatory framework is not a viable option if the Government wants to improve the productivity and competitiveness of the Canadian economy and ensure a strong, internationally competitive telecommunications industry.”²⁷

6.0 Conclusion

36. TELUS supports the proposed policy direction and concurs with the Minister of Industry’s assessment that “it is a significant step forward in making Canada’s telecommunications regulatory system more modern, flexible and efficient.”²⁸ TELUS urges the Government of Canada to proceed as quickly as possible with the steps necessary to implement the proposed policy direction and, as well, with the additional steps necessary to respond to the balance of the recommendations in the TPR Final Report.

²⁶ RIAS, Alternatives, paragraph 2.

²⁷ RIAS, Alternatives, paragraph 1.

²⁸ “Canada’s New Government Tables Proposed First-of-its-Kind Policy Direction on Telecommunications to CRTC Calling for Greater Reliance on Market Forces,” Industry Canada News Release, June 13, 2006.