

ITEM

128

Provision of Company Services to Company Affiliates

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ITEM

128.1

Service Description

This Tariff Item specifies the general conditions for the provision of the Company's tariffed telecommunications services to Company affiliates that are not Canadian carriers (i.e., non-carrier resellers) and that are under common control with the Company.

Definitions

For the purposes of this Tariff item:

"*Company Affiliate*" means a person who is not a Canadian carrier (as defined in section 2 of the Telecommunications Act) and who Controls (or is Controlled by) the Company or who is Controlled by a person who also Controls the Company.

"*Control*" means, in all cases, control in any manner that results in control in fact, whether directly through the ownership of securities or indirectly through a trust, agreement or arrangement, the ownership of any body corporate or otherwise.

ITEM
128**Provision of Company Services to Company Affiliates - Continued**

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ITEM
128.2**Conditions of Service**

1. The provision of a non-forborne telecommunications service by the Company to a Company Affiliate which the Company Affiliate resells to provide telecommunications services to the public is conditional on the following:
 - a. The Company obtaining prior CRTC approval of a tariff which specifies the rates, terms and conditions under which the relevant telecommunications services are provided by the Company Affiliate to the public; and
 - b. Those rates, terms and conditions must be identical to the rates, terms and conditions which would apply if the telecommunications services in question were provided to the public by the Company, instead of by the Company Affiliate.
2. The conditions set out in Item 128.2.1 do not apply where:
 - a. the CRTC has forborne from regulating the telecommunications services provided by the Company that are the same or equivalent to the telecommunications services provided by the Company Affiliate.
 - b. the Company Affiliate resells the Company's asymmetric digital subscriber line (ADSL) access services to competing Internet Service Providers.
3. A Company Affiliate that resells a non-forborne Company telecommunications service shall abide by the terms and conditions, rates and charges specified for non-Company affiliated resellers in the following tariff items to the extent that any such provisions are applicable:
 - a. Former TCI General Tariff (CRTC 18001), Item 130 - Resale and Sharing (including information to its subscribers per Item 130.3.15); or
 - b. TCBC General Tariff (CRTC 1005), Item 24 - Resale and Sharing, (including information to its subscribers per Item 24.B.4b).

In the event of any conflict or inconsistency between Item 128 and former TCI Item 130 or TCBC Item 24, Item 128 shall apply.