



Legal and Regulatory Update

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Agenda

- Wholesale Access – Aggregated High-Speed Access (FTTP / FTTN)
- Wholesale Access – Other Proceedings
- Consumer Protection Policies
- Pole Access
- Network Resiliency, Security and Reporting
- Broadband Fund
- Other Regulatory and Court Proceedings
- Legislation



Wholesale FTTP Access Background

- In TNC 2023-56, the Commission:
 - Sought comment on aggregated wholesale high speed access (HSA) services, including FTTP (“AWHSA-FTTP”);
 - Directed incumbent carriers to file interim tariffs for aggregated wholesale HSA.
- In TD 2023-358 (the interim wholesale decision), the Commission directed Bell and Telus to provide temporary FTTP access in Ontario and Quebec.
- In TO 2024-261, the Commission approved interim rates for wholesale HSA.
- In TO 2025-13, the Commission approved the AWHSA-FTTP tariff terms and conditions, on an interim basis.
- In TRP 2024-180 (the final wholesale decision), the Commission:
 - Determined that ILECs must provide AWHSA-FTTP, subject to a five-year head-start for new locations;
 - Determined that cablecos must provide aggregated wholesale access up to the highest available cable speeds, but not over FTTP;
 - Did not exclude incumbents from accessing wholesale services; and
 - Directed TSPs to file updated tariffs.



Wholesale FTTP Access Follow-up

- Several parties asked cabinet to refer the interim decision back to the Commission on the issue of whether Bell, TELUS and Rogers should have access to AWHSA-FTTP
- Cabinet referred the interim decision back to the Commission (OIC 2024-1172)
- The Commission declined to vary the interim decision (TD 2025-39)
- There were several Part 1 applications to review & vary the final wholesale decision:
 - Objecting to Bell, Rogers and Telus accessing each other's wholesale services;
 - Objecting to the head start granted to ILECs on new FTTP builds; and
 - Seeking a specified end-date to the cable carriers' exemption from the AWHSA-FTTP requirement.
- In TD 2025-154, the Commission declined to vary the final wholesale decision.
- Several parties appealed to cabinet to refer TD 2025-154 back to the CRTC, but Cabinet declined to refer the decision back to the CRTC (OIC 2026-0335).



Wholesale FTTP Access Follow-up Cont'd

Legal Proceedings

- Cogeco and Eastlink asked the Federal Court for a judicial review of the GIC's refusal to refer TRP 2024-180 back to the Commission. The Federal Court denied the application.
- SaskTel filed an application for judicial review and an application for leave to appeal TRP 2024-180 with the Federal Court of Appeal. That process is ongoing.



Wholesale FTTP Access Follow-up Cont'd

- Some final AWHSA-FTTP rates have been approved for certain ILECs (TO 2026-77)
 - Some rates for Bell Aliant, Bell MTS will be released at a later time.
 - Rates for cable carrier AWHSA-FTTN have not yet been finalized.
 - The Commission set retroactivity dates for AWHSA-FTTP.
 - The Commission commits to conduct active market surveillance to evaluate the framework's ongoing impact.
- Retroactivity was applied symmetrically for the first time, although the impact on competitors would not be expected to be that significant since rates that went up are few (i.e., three TELUS rates) and did not go up by much.
- The reductions in CBB rates seem very favourable at first glance, but most access rates and services charges did not change that much and therein lies the rub.
- **When ILEC retail rates are compared to the new wholesale rates, it appears to independent service-based competitors that their ability to compete is being extinguished.**



Wholesale FTTP Access Follow-up Cont'd

- For example, in the case of Bell, the following retail services are available:
 - 50 Mbps - \$60 per month for two years and \$85.00 per month otherwise (installation and modem rental included)
 - 150 Mbps - \$75 per month for two years and \$95.00 per month otherwise (installation and modem rental included)
 - 300 Mbps - \$90 per month for two years and \$95.00 per month otherwise (installation and modem rental included)
- On the other hand, Bell's, WHSA-FTTP rates are:
 - Access - \$68.26
 - CBB - \$44.19 per 100 Mbps
 - FTTP install - \$10.46 without a site visit
 - FTTP install - \$240.86 with a site visit
 - This does not take into account other applicable charges (e.g., interfaces, changes, diagnostic maintenance)



Wholesale FTTP Access Follow-up Cont'd

- In the case of TELUS, the following retail services are available:
 - 500 Mbps - \$70 per month for two years and \$90.00 per month thereafter (based on existing mobility and pre-authorized bank payment discounts)
 - 1.5 Gbps - \$85 per month for two years (price guaranteed for five) and \$105.00 per month otherwise thereafter (based on existing mobility and pre-authorized bank payment discounts)
 - 3 Gbps - \$100 per month for two years (price guaranteed for five) and \$120.00 per month otherwise thereafter (based on existing mobility and pre-authorized bank payment discounts)
 - 5 Gbps - \$115 per month for two years (price guaranteed for five) and \$135.00 per month otherwise thereafter (based on existing mobility and pre-authorized bank payment discounts)
- On the other hand, TELUS', WHSA-FTTP rates are:
 - Access - \$77.21 (15 Mbps to 1.5Gbps) and \$81.81 (1.501 Gbps to 5 Gbps)
 - CBB - \$42.12 per 100 Mbps
 - FTTP install - \$6.71 without a site visit
 - FTTP install - \$250.67 with a site visit
 - This does not take into account other applicable charges (e.g., interfaces, changes, diagnostic maintenance)



Wholesale FTTP Access Follow-up Cont'd

- It is not surprising that CNOC reacted to the final rate decision with a press release bearing the following headline:

CRTC Final Fibre Rates End Independent Internet Competition for Consumers in Canada

Independent ISP market share has halved since 2020. Today's rates guarantee the rest will follow.



Wholesale FTTP Access Follow-up Cont'd

- The Commission also ruled on certain terms and conditions of AWHSA-FTTP services, and some notable one rulings are:
 - The removal of the 3 Gbps minimum commitment condition per 10GE interfaces for aggregated FTTP services.
 - Delaying a determination on whether the distinction between residential and business AWHSA services should be maintained in the ILEC tariffs.
 - Requiring TELUS to align its tariffs with Commission-approved timelines for processing competitors requests to change the amount of capacity they require.
 - Clarifying language in certain ILEC tariffs regarding
 - Extraordinary fibre drop installation service charges;
 - Variability of ONTs used to deliver AWHSA-FTTP;
 - Service availability being conditional on the existence of requisite equipment and facilities; and
 - Clarifying the definition of “Customer” within FTTP tariff applications.



Wholesale FTTP Access Follow-up Cont'd

Barriers to entry using low retail pricing

- Bravo Telecom filed a Part 1 application alleging that Bell Canada has used low retail pricing to harm competitors.
- The Commission has suspended consideration of this matter until the reviews of the final wholesale decision are complete.
- Bravo asked cabinet to refer that decision back to the Commission, but cabinet declined to do so in OIC 2026-0057.
- **This is the critical issue flowing from TO 2026-77.**



Wholesale FTTP Access Follow-up Cont'd

Copper Decommissioning

- Certain cable carriers have begun to replace copper-based FTTN facilities, which are subject to wholesale requirements, with FTTP-based facilities, which are not (AWHSA-FTTP obligations only apply to ILECs).
- Parties including TekSavvy and Fibernetics have filed Part 1 applications asking for relief to ensure service continuity to end-users affected by copper decommissioning.
- There are some older precedents where the Commission ruled in favour of competitors, requiring the cableco to maintain access.
- The Commission plans to launch a new process related to wholesale decommissioning practices
- **In the absence of quick action, significant harm may ensue to competitive markets, because the decommissioning continues while regulatory processes continue to unfold.**



Wholesale FTTP Access Follow-up Cont'd

Other Proceedings relating to AWHSA-FTTP

- Rogers has filed a Part 1 application requesting a stay of the speed-matching requirements, arguing that the interim tariff rates were below cost. The proceeding is closed, and a decision is pending.
- In TD 2026-29, the Commission directed Bell and Telus to provide Quebecor and Rogers with locations where FTTP services are available.
- Several large service providers have filed Part 1 applications alleging that other large service providers' wholesale services and portals are not compliant with the tariff obligations.





Consumer Protection

In October 2025, changes to the *Telecommunications Act* required the Commission to implement new consumer protections, and the Commission has issued three related decisions.

TRP 2026-43 – Prohibition of fees that are a barrier to switching cellphone and Internet plans

- The Commission has prohibited service providers from charging fees whose purpose or effect is to act as a barrier to modifying, cancelling or switching cellphone or Internet service plans.
- The types of prohibited fees include activation, change-of-plan and cancellation or termination fees.
- Corresponding changes are being made to the Wireless Code and Internet Code.
- The implementation date is June 12, 2026.



Consumer Protection Cont'd

TRP 2026-67 – Enhancing customer notifications

- Cellphone and Internet service providers must provide:
 - Clear and actionable notices at least 90 days before the end of a fixed-term contract, including a hyperlink to available plans, information related to devices and service provider self-serve mechanisms, and continued disclosure through regular billing information; and
 - A notification when a customer's international data roaming charges reach \$50 together with information about available roaming options and how to access or modify those options.
- The changes are being implemented through changes to the Wireless Code and Internet Code.
- These requirements come into effect on April 13, 2027.



Consumer Protection Cont'd

TRP 2026-78 – Enhancing self-Service mechanisms

- All service providers must offer a self-service option for consumers and small business customers to cancel or modify their cellphone and Internet service plans without human intervention.
- The mechanism must be easy to use, timely and effective in enabling the requested action.
- Service providers must provide written confirmation of any self-service modification or cancellation initiated by a customer.
- Not technical mechanism has been prescribed but fees to access self-service mechanisms are prohibited.
- The changes are **not** being implemented through changes to the Wireless Code and Internet Code.
- These requirements come into effect on April 26, 2027.



Consumer Protection Cont'd

BTNC 2025-274 – Improving customer awareness of CCTS

- The Commission proposed a new process for CCTS awareness.
- Service providers would be required to inform consumers of their internal complaint process, and of the consumer's recourse to CCTS, upon receiving a complaint.
- The proceeding is ongoing. Alternate proposals may be submitted by July 23, 2026.

TBNC 2025-227 – Consumer protections in the event of a service outage or disruption

- The Commission proposed standard customer notifications and mandatory automatic refunds following service outages.
- The proceeding has closed, and a decision is pending.

Wireless Code and Internet Code

- The Commission intends to launch a proceeding regarding updating the various codes governing customer service (Wireless Code, Internet Code, Deposit and Disconnection Code, Internet Code)
- In the meantime, reporting requirements for the Wireless Code and Internet Code have been suspended.



Infrastructure Access

TD 2025-96 – Attachment of wireless facilities on support structures owned or controlled by incumbent local exchange carriers

- In TRP 2023-31, the Commission set out a process for third parties to attach to ILEC-owned poles.
- Several ILECs asked the Commission to determine that wireless equipment is the sole jurisdiction of ISED, so that TRP 2023-31 does not apply to wireless equipment.
- The Commission determined that the rules for cable attachments also apply to attachment of wireless facilities. Pole attachers can deploy small cells on poles using the attachment permitting process.

Access to Municipal Infrastructure

- Municipalities are required to make rights-of-way available to TSPs for “transmission lines”. This is regulated by the Commission.
- In CRTC 2021-130 (the MVNO Decision), the Commission determined that it does not have jurisdiction mandate municipal access for wireless equipment, since wireless equipment does not constitute “transmission lines”.
- Telus sought a judicial review of this determination. The determination was upheld by the Federal Court of Appeal and Supreme Court of Canada. Both courts found that “transmission line” does include wireless equipment.



Network Resiliency & Security

TD 2025-225 – Mandatory notification and reporting of major telecommunication service outages

- The Commission established outage reporting requirements for all service providers who own or operate transmission facilities or exempt transmission apparatus, replacing the temporary regime and small operators are not exempt.
- Service providers must notify the Commission and relevant government emergency management authorities within prescribed timeframes when a major telecommunications service outage occurs.
- The framework defines triggers for what constitutes a major outage and establishes clear expectations around the timing and recipients of notifications.
- TSPs must file comprehensive post-outage reports detailing the cause of outage, scope and duration of service impacts, steps taken to restore service and measures adopted to prevent similar outages in the future.
- The requirements came into effect on November 4, 2025.
- Two Part 1 applications were filed requesting changes to the regime. Large carriers requested a higher reporting threshold and more confidentiality of reports. A decision is pending.



Network Resiliency & Security Cont'd

TNC 2025-226 – Development of a regulatory policy on measures to improve the resiliency of telecommunications networks and the reliability of telecommunications services

- The Commission proposed a new network resiliency policy, with mandatory practices and resiliency measures.
- Under consideration are:
 - Establishing guiding principles for network resiliency regulation;
 - Network design and operational expectations;
 - Public safety and emergency considerations; and
 - Integration with the CRTC's broader outage strategy.
- The proceeding has closed, and a decision is pending.



Network Resiliency & Security Cont'd

CETD 2025-142 – Development of a framework to limit botnet traffic

- The Commission established a framework to authorize Canadian carriers to block botnets using authorized blocklists.
- The purpose is limited strictly to cybersecurity protection.
- Blocking must be based on the use of vetted, objective threat indicators (e.g., known malicious domains or IP addresses).
- Mandatory safeguards are included against over-blocking.
- Blocking is permitted without case-by-case prior authorization.
- The framework applies across all carriers.
- The framework took effect on August 12, 2025.

CETNC 2025-143 – Proposed modifications to the framework to limit botnet traffic

- The Commission sought feedback on whether the framework should be expanded to permit other additional blocking methods or threat categories.



Network Resiliency & Security Cont'd

CETD 2026-52 – Mandatory call traceback participation for all providers of voice telecommunications services

- Call traceback allows calls from spoofed numbers to be traced back to the source (within Canada). Participation in the call traceback process has been voluntary since 2021.
- All providers of voice services must participate in the call traceback process.
- Onboarding takes place when a TSP receives its first traceback request from the Commission.
- Commission staff has been directed to assist TSPs with onboarding and related procedures.
- The mandatory participation requirement comes into effect on June 25, 2026.
- CISC has been tasked with exploring further automation of the traceback process, with a report due by September 28, 2026.



Network Reporting

TD 2026-8 – Making broadband Internet and mobile service information available to Canadians – British Columbia Ministry of Citizens’ Services’ application to disclose certain Annual Facilities Survey data

- The BC Ministry of Citizens’ services asked for greater transparency of the Annual Facilities Survey data.
- The Commission determined that it would provide more granular service information through the ISED National Broadband Map. The Commission will work with ISED to publish data based on 250-metre road segments.
- The Commission denied the Ministry’s request for disclosure of facilities datasets and transport data.

TNC 2026-9 – Mobile reporting standard

- The Commission has proposed to develop a new standardized mobile coverage reporting methodology.
- The goal is to improve the accuracy, consistency and usefulness of mobile coverage data collected by the Commission and used by ISED, including for the national broadband map.
- The proceeding is closed, and a decision is pending.



Broadband Funding

TRP 2025-9 – Telecommunications in the Far North

- In TRP 2025-9, the Commission announced a retail internet subsidy for households in the Far North. The per-subscriber subsidy is paid to the service provider, who provides a monthly discount to each subscriber, with the amount and details to be determined in a follow-up proceeding.
- New quality and reliability and service outage reporting requirements have been imposed on Northwestel Inc., and that carrier must provide automatic bill credits to customers for outages that exceed 24 hours in duration.
- The Commission determined that Northwestel's Wholesale Connect Service needs to be improved and signalled that there would be further work on wholesale access and rates.
- Matawa First Nation Management filed a Part 1 application asking that the subsidy be extended to remote Indigenous communities throughout Canada. A decision is pending.



Broadband Funding Cont'd

TNC 2026-63 – Broadband fund - fourth call for applications

- The focus is on:
 - Fixed broadband projects that deliver 50 Mbps and greater upload and 10 Mbps and greater download speeds
 - Improving telecommunications services to communities that rely on satellite infrastructure (i.e., via projects that increase satellite transport capacity, thereby improving telecommunications service speeds beyond the highest speeds currently available in a satellite-dependent community (operational expenses only) and capital projects that build or upgrade earth station equipment and/or access infrastructure to improve telecommunications services in a satellite-dependent community.
- The focus remains on underserved areas with particular priority for Indigenous and remote communities.
- Evaluation of an application is conducted in three stages: eligibility, evaluation and selection.
- Evaluation criteria and information requirements have been simplified.
- Applicants are directed to an Application Guide and Technical and Program Details Guide, which contain the full eligibility and assessment criteria.
- **The next round of applications to the broadband fund are due August 13, 2026 at 5:00 PM Vancouver time.**



Broadband Funding Cont'd

TNC 2026-47 – Developing an Indigenous stream of the Broadband Fund

- The Commission has requested feedback regarding a new Indigenous stream of the Broadband Fund that would include operational subsidies.
- The goals of this process are:
 - Creation of a dedicated Indigenous stream of the Broadband Fund;
 - Reducing administrative and application barriers;
 - Supporting Indigenous-led connectivity solutions; and
 - Ensuring that there is meaningful Indigenous engagement in this proceeding.
- Interventions are due September 18, 2026, and replies are due December 18, 2026.

Removal of Obligation to Serve

- Bell Canada filed a Part 1 application asking the Commission to remove Bell's obligation to serve in locations where other competitors have been awarded funding to deploy fibre.
- The proceeding is closed and a decision is pending.



Other Regulatory and Court Proceedings

TNC 2026-31 – The fee structure and fee dispute mechanism at the CCTS

- The Commission requested feedback about a fee structure that would better support small service providers.
- Under examination are:
 - Review of the CCTS complaint-based fee structure;
 - Examination of the fee dispute mechanisms;
 - Market level implications; and
 - Options for reform.
- Interventions were filed last week
- Replies are due May 26, 2026.



Other Regulatory and Court Proceedings

Cont'd

TD 2026-32 – Independent Telecommunications Providers Association - Request to increase the \$10 million minimum revenue threshold for participation in the National Contribution Fund and payment of telecommunications fees

- The Commission increased the Canadian telecommunications service revenue threshold for contribution obligations from \$10 million to \$25 million.
- It is expected that the revised threshold will come into effect in 2027, pending changes to related regulations.



Other Regulatory and Court Proceedings

Cont'd

Limits on the Use of the Copyright Notice and Notice (N&N) Regime

- In *Voltage Pictures LLC v. Salna*, Voltage attempted to bring a “reverse” copyright class action against hundreds of unnamed Internet subscribers alleged to have infringed copyright via BitTorrent.
- To facilitate certification and avoid the need for individual disclosure orders, Voltage sought to use the notice-and-notice regime to have ISPs forward notices related to its proposed class proceeding, including:
 - Notices of certification, and
 - litigation-related communications beyond a simple allegation of infringement.
- ISPs resisted, arguing that such notices fell outside the statutory scope of the N&N regime.
- The Federal Court refused to certify the proposed class action and found that:
 - The notice-and-notice regime is not a litigation support tool; and
 - Notices related to class proceedings, certification, or procedural steps are not “notices of claimed infringement” within the meaning of the *Copyright Act*.
- The Court held that using the regime in this way would improperly convert ISPs into involuntary litigation intermediaries.



Other Regulatory and Court Proceedings Cont'd

Limits on the Use of the Copyright Notice and Notice (N&N) Regime Cont'd

- The Federal Court of Appeal (FCA) affirmed the lower court decision.
- The FCA held that:
 - Only notices whose sole purpose is to inform a subscriber of an alleged copyright infringement fall within the notice-and-notice regime;
 - Notices of class proceedings, certification notices, settlement communications, or other litigation documents are excluded; and
 - ISPs have no statutory obligation to forward such litigation-related notices.
- Critically, the Court stated that the regime must be narrowly construed and “cannot be repurposed to advance private enforcement strategies or procedural steps in litigation.”
- The Court emphasized that Parliament deliberately designed the N&N regime as a balanced, non-punitive, informational mechanism, not as a substitute for court-supervised service or class notice procedures.



Legislation

Bill C-8 – An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts

- The bill establishes a federal cybersecurity and national-security framework for:
 - Canada’s telecommunications system, and
 - Other federally regulated critical infrastructure sectors.
- Cybersecurity becomes an explicit telecom policy objective.
- Cabinet and the Minister of Industry can direct TSPs to do anything or refrain from doing anything required to secure the Canadian telecommunications system.
- Enforcement involves administrative monetary penalties (AMPs).
- A new *Critical Cyber Systems Protection Act* (CCSPA) is being introduced that:
 - Allows designation of “vital services” and “vital systems”;
 - Creates mandatory cybersecurity obligations for designated operators;
 - Enables greater information sharing and deals with personal information handling; and
 - Includes enforcement mechanisms and consequences for non-compliance.
- A statutory review is required every five years.



Legislation Cont'd

Bill C-22 – An Act respecting lawful access

- Part 1 updates federal investigative laws to address digital-era investigations, where critical evidence is held by telecommunications and online service providers. The emphasis is on timely, legally authorized access.
- Features include:
 - A new “confirmation of service” demand;
 - Confirms that access to subscriber information is through judicial authorization;
 - Clarifies authorities for data handling; and
 - Facilitates international cooperation.
- Part 2 introduces a new regulatory framework requiring electronic service providers (ESPs) to be capable of complying with lawful access orders when properly authorized.
- No new interception powers are created.



Legislation Cont'd

Bill C-22 – An Act respecting lawful access (cont'd)

- Designated providers may be required to:
 - Maintain systems capable of executing lawful access orders;
 - Preserve or produce data when legally required; and
 - Comply with supporting technical and security standards set by regulation.
- The bill creates authority to enact metadata retention regulations for “core” providers, subject to regulatory and oversight constraints.
- The framework includes:
 - Inspection and compliance mechanisms; and
 - A mandatory parliamentary review.



Legislation Cont'd

Bill C-268 - An Act respecting the Spectrum Policy Framework for Canada

- The bill would require the Minister of Industry to undertake a review of the Spectrum Policy Framework for Canada.
- The bill would require the CRTC to establish a formal process to verify the accuracy of mobile network coverage data submitted by Canadian telecommunications carriers.
 - This includes data on served areas and deployment obligations.
 - The intent is to ensure that spectrum and connectivity decisions are based on independently verified information, rather than self-reported coverage claims.



Legislation Cont'd

Bill C-268 - An Act respecting the Spectrum Policy Framework for Canada (Cont'd)

- The bill requires the preparation of a public report that would:
 - Assess connectivity in rural, remote, and underserved areas;
 - Examine cellular coverage along numbered roads relevant to public safety and emergency response;
 - Evaluate competition, unused spectrum, and spectrum licensing practices; and
 - Incorporate verified mobile coverage data into policy analysis.
- The report would be tabled in Parliament and made publicly available.
- A review and regular reporting would be required every five years on:
 - The implementation of the Spectrum Policy Framework; and
 - Its effectiveness in supporting connectivity, competition, and public safety.



Thank You

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