



## Telecom Order CRTC 2022-187

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Ottawa, 19 July 2022

*Public record: 1011-NOC2019-0372*

### **Broadband Fund – Acceptance of statement of work for TELUS Communications Inc.’s access and mobile project in British Columbia (Xeni Gwet’in)**

#### **Background**

1. In Telecom Decision 2021-253, the Commission awarded up to \$1,522,352 to TELUS Communications Inc. (TCI) to build access and mobile infrastructure for the project proposed in its application filed in response to the second call for applications for funding from the Broadband Fund. The Commission later received written acceptance of this funding award from TCI.
2. The Commission received TCI’s proposed statement of work, including the information package regarding its access and mobile project in British Columbia (Xeni Gwet’in) [the project].

#### **Commission’s analysis**

3. Having reviewed the documents submitted, the Commission approves the finalized statement of work and will provide it separately and in confidence to TCI.
4. Provided that TCI complies with all conditions of funding set out in Telecom Decision 2021-251, constructs the project as described in Schedule A: Statement of Work, and complies with all procedural requirements to submit reports, invoices, and requests for funding, the Commission will direct the Central Fund Administrator to make payments to TCI in respect of the project. Failure to comply with these conditions and requirements could result in funding being delayed or not being disbursed.
5. The Commission reminds TCI of the condition of funding set out in subparagraph 35(f) of Telecom Decision 2021-251. This condition is that if TCI becomes aware of a risk of adverse impact on an Aboriginal or treaty right and a duty to consult exists, TCI must advise the Commission within **20 days** and submit a plan detailing the form and process for fulfilment of the duty. Should such circumstances arise, release of any additional funding will be contingent on TCI demonstrating that any necessary consultations were held to the Crown’s satisfaction.
6. TCI is required to submit, quarterly, a progress report and expense claim beginning no later than **17 October 2022**, or as otherwise agreed to with the Commission, and every **three months** thereafter until the project is completed.

7. Further, in accordance with the Commission's determinations in Telecom Decision 2021-251, TCI must offer and provide broadband services using facilities funded through the Broadband Fund once the infrastructure is built, as committed to in its application and approved in Schedule B: Project Services.

## Policy Directions

8. The 2006 Policy Direction<sup>1</sup> and the 2019 Policy Direction<sup>2</sup> (collectively, the Policy Directions) state that the Commission, in exercising its powers and performing its duties under the *Telecommunications Act* (the Act), shall implement the telecommunications policy objectives set out in section 7 of the Act, in accordance with the considerations set out therein,<sup>3</sup> and should specify how its decisions can, as applicable, promote competition, affordability, consumer interests, and innovation.
9. The Commission considers that its approval of funding from the Broadband Fund for the project described in this order is consistent with the Policy Directions. Specifically, the decision to allocate funding towards improving broadband services in British Columbia will help to close the gap in connectivity in underserved areas and will respond to the social and economic needs of consumers. In doing so, this order will implement the telecommunications policy objectives, including those set out in paragraphs 7(a), (b), and (h) of the Act.<sup>4</sup>

Secretary General

## Related documents

- *Broadband Fund – Project funding approval for TELUS Communications Inc.'s and TELUS Mobility's access and mobile projects in Alberta and British Columbia*, Telecom Decision CRTC 2021-252 encompassing Telecom Decisions CRTC 2021-253, 2021-254, and 2021-255, 4 August 2021

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<sup>1</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

<sup>2</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

<sup>3</sup> The relevant considerations are subparagraph 1(a)(i) of the 2006 Policy Direction, which states that the Commission should rely on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives, and paragraph 1(a) of the 2019 Policy Direction, which states that the Commission should consider how its decisions can promote competition, affordability, consumer interests and innovation.

<sup>4</sup> The cited policy objectives of the Act are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; and 7(h) to respond to the economic and social requirements of users of telecommunications services.

- *Broadband Fund – Second call for applications – Introductory decision regarding the third round of project funding approvals, Telecom Decision CRTC 2021-251, 4 August 2021*