



## Telecom Decision CRTC 2025-22

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Reference: Part 1 application posted on 30 April 2024

Ottawa–Gatineau, 28 January 2025

*Public record: 8633-M168-202402171*

### **Regional County Municipality of D’Autray – Application regarding costs for corrective work to support structures**

#### **Background**

1. In Telecom Regulatory Policy 2023-31 (the Policy), the Commission made several determinations to facilitate access to support structures<sup>1</sup> owned or controlled by incumbent local exchange carriers (ILECs). The Commission directed ILECs to file revised support structure tariff pages stating, among other things, that new parties seeking access to poles (attachers) are not responsible for the costs associated with corrective work.
2. In paragraph 40 of the Policy, the Commission defined corrective work as “any work required to correct pre-existing anomalies resulting in non-compliance with applicable Construction Standards by a support structure or the attachments thereon.”
3. Bell Canada filed its revised support structure tariff pages on 3 April 2023, under Tariff Notices (TNs) 977 and 978.

#### **Application**

4. On 18 April 2024, the Regional County Municipality of D’Autray (D’Autray) filed an application requesting that the Commission apply its determinations from the Policy concerning the responsibility for corrective work costs. D’Autray indicated that Bell Canada has continued to charge it for corrective work despite these determinations. D’Autray requested that Bell Canada refund all corrective work costs charged to it since the publication of the Policy, asserting that the policy placed the cost responsibility on the pole owners.
5. The Commission received interventions in response to D’Autray’s application from Bell Canada and Quebecor Media Inc. (QMI).

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<sup>1</sup> Support structures include the poles and strands that support the weight of communications lines and other facilities. Strands are groups of uninsulated wires twisted together and strung between two or more poles, or between a pole and a building to support communications cables and facilities.

6. QMI supported the application, arguing that Bell Canada should pay for the corrective work as the pole owner. QMI added that Bell Canada acted in bad faith by not adopting the intent of the Policy prior to the tariff's final approval. It also argued that delays in the issuance of the order approving the ILECs' tariffs benefit ILECs while impeding competition.
7. Bell Canada submitted that its revised tariff, submitted following the directives in the Policy, has not yet received Commission approval. Therefore, it processed D'Autray's permit applications based on the pre-existing tariff, which did not distinguish between make-ready and corrective work, allowing ILECs to charge attachers for such work.

### **Commission's analysis**

8. In order to offer a service, telecommunications service providers must have a Commission-approved tariff in place. This tariff remains in effect until a new one is approved or until the service has been forborne from regulation. The Commission approved Bell Canada's TNs 977 and 978 in Telecom Order 2025-21 on 28 January 2025.
9. In this case, all permit applications processed before the publication of Telecom Order 2025-21 were governed by the previous tariff, which did permit Bell Canada to charge for corrective work.
10. Charging for corrective work was not prohibited by the tariff and, as such, Bell Canada did not violate the tariff in effect at the time by doing so. However, any applications processed after the publication of Telecom Order 2025-21 are subject to the terms and conditions of the revised tariff.
11. In light of the above, the Commission denies D'Autray's application.

Secretary General

### **Related documents**

- *Bell Canada, Saskatchewan Telecommunications, and TELUS Communications Inc. – Amended support structure service tariffs*, Telecom Order CRTC 2025-21, 28 January 2025
- *Regulatory measures to make access to poles owned or controlled by Canadian carriers more efficient*, Telecom Regulatory Policy CRTC 2023-31, 15 February 2023; as amended by Telecom Regulatory Policy CRTC 2023-31-1, 22 March 2023