



Telecom Order CRTC 2025-60

PDF version

Gatineau, 27 February 2025

Public record: 1011-NOC2022-0325

Broadband Fund – Acceptance of statement of work for the Government of Nunavut’s transport fibre project in Nunavut

Background

1. In Telecom Decision 2024-149, the Commission awarded up to \$271,937,242 to the Government of Nunavut (GN) for its project to build a 1,300-kilometre fibre connection to four remote Inuit communities in Nunavut, including one official language minority community.
2. The Commission recognizes the significance of the project to Nunavut. The Commission also notes the importance of the relationship between the GN and Nunavut Tunngavik Incorporated (NTI), the Designated Inuit Organization responsible for ensuring that the rights and responsibilities set out in the Nunavut Land Claims Agreement are respected. The Commission therefore made funding conditional on the GN providing evidence of NTI’s support before approval of the project’s statement of work.
3. On 30 October 2024, the GN submitted its completed statement of work package for Commission approval.
4. On 31 January 2025, the GN provided the Commission with a letter of support from NTI. In the letter, NTI stated that the project is aligned with its mandate to improve Inuit wellbeing and that it is vital for addressing connectivity challenges in Nunavut. The letter explained how this project will contribute to providing more equitable access to education, healthcare, and economic opportunities. It also detailed how improved connectivity will facilitate the preservation and strengthening of Inuit culture and self-determination. The letter emphasized the opportunity this project presents for meaningful collaboration and partnership between the GN and NTI. NTI has expressed its commitment to continuing to work with the GN towards this important goal.

Commission’s analysis

5. The Commission finds that the statement of work package does not present any significant variances from the original funding application.
6. The Commission recognizes that to proceed with a public tender and prevent delays, the GN did not list specific equipment and vendors in its statement of work documents. Instead, it provided a general list of the major equipment required.

Conclusion

7. The Commission approves the statement of work, subject to the condition set out below:
 - Within **90 days** of its network equipment vendor selection under the public tendering process, the GN must submit updated versions of its project solution workbook, logical network diagram, and project budget workbook. All documents must detail the exact equipment selected through the public tender. The equipment must fall into the generic categories provided by the GN and must not exceed the dollar amount included in the statement of work.
8. The Commission notes that the GN will be required to submit a change request to the Commission if there are material changes regarding the details of tendered equipment provided in its updated documents.
9. The Commission will provide the statement of work separately and in confidence to the GN.
10. Provided that the GN complies with all conditions of funding set out in Telecom Decision 2024-149, the Commission will direct the Central Fund Administrator to make payments to the GN for its transport fibre project. Failure to comply with these conditions could result in funding being delayed or not being disbursed.
11. The GN is required to submit quarterly progress reports and expense claims beginning no later than **26 May 2025**, or as otherwise agreed to with the Commission until the project is completed.
12. The Commission notes the expressed commitment by both the GN and NTI to continue working together to ensure the project's success. This project provides an opportunity for a more connected Nunavut, as well as advancing the goals of economic reconciliation, partnership, and collaborative governance. Accordingly, the Commission expects the GN to continue to work closely with NTI towards these shared goals.
13. Finally, in accordance with the Commission's determinations in Telecom Decision 2024-149, the GN 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 described in the approved statement of work with the conditions of service established in that decision.
14. The dissenting opinion of Commissioner Claire Anderson is attached to this order.

Secretary General

Related documents

- *Broadband Fund policy review – New policy for funding capital projects*, Telecom Regulatory Policy CRTC 2024-328, 12 December 2024

- *Broadband Fund – Project funding approval for the Government of Nunavut’s transport fibre project in Nunavut*, Telecom Decision CRTC 2024-149, 4 July 2024
- *Development of the Commission’s Broadband Fund*, Telecom Regulatory Policy CRTC 2018-377, 27 September 2018

Dissenting opinion of Commissioner Claire Anderson

1. In Telecom Decision 2024-149, the Commission awarded nearly \$300 million in funding to the Government of Nunavut (GN) for a Broadband Fund project to build fibre infrastructure to four Inuit communities in Nunavut. Although that decision was decided by majority, I wrote a dissenting opinion that I would have required meaningful consultation with the Nunavut Inuit rights holder, Nunavut Tunngavik Incorporated (NTI), prior to providing conditional acceptance of the funding application, which is more in line with the Commission's constitutional and international legal obligations.
2. However, the majority of the Commission in that decision decided to award funding "with the condition that the GN provides evidence of NTI's support before the Commission approves the project's statement of work."¹ As noted by the majority in the current order, the GN provided a letter of support from NTI with its statement of work documents. However, there were significant elements and representations made in the letter about NTI's support that I believe ought to be considered and acknowledged in our determinations on whether to accept the GN's statement of work prior to providing funding for the project.
3. While the order reiterates that NTI's letter of support states that the project will provide equitable access to health, education, and economic opportunities, and speaks about opportunities for collaboration between the GN and NTI, it misses what I believe is NTI's main message—that economic participation in the form of co-ownership and co-management is needed for all major projects on Nunavut Inuit land, particularly when it comes to critical infrastructure projects.
4. NTI underlines the importance of taking concrete action to advance equitable and sustainable development, using co-ownership models as a vehicle to reach those objectives. NTI noted the missed opportunity, in Telecom Decision 2024-149, for the GN to prioritize Inuit co-ownership and decision-making and reminded the GN, the Commission, and the federal government that the time is now for infrastructure development that prioritizes Inuit co-ownership and partnership. However, due to time limitations, NTI and the GN were unable to arrive at a firm partnership arrangement or agreement-in-principle. As a result, NTI provided their support for the project while expecting the GN to work in genuine partnership with NTI and the regional Inuit associations, including by establishing a co-ownership and co-management model for this project.
5. Had we taken a stricter interpretation of our Telecom Regulatory Policy 2018-377 and considered community consultation with the Inuit rights holder as part of the eligibility requirement, NTI wouldn't be in the position of supporting a project with total reliance on the proponent government's good-faith intentions.² A stricter approach to community consultation with Indigenous communities seems to me to be more in line with NTI's call

¹ See Telecom Decision 2024-149, paragraph 46.

² See Telecom Regulatory Policy 2018-377, paragraphs 141 and 216 to 224.

for concrete action over symbolic action, as well as our constitutional and international obligations that I lined out previously.³ Since this is not a request for reconsideration of Telecom Decision 2024-149⁴, the purpose of my dissent is limited to this: we need to do better when it comes to supporting Indigenous self-sufficiency and self-determination.

6. As a Commission, this might require writing and interpreting our policies with our constitutional and moral obligations in mind. Other government actors or infrastructure proponents may similarly challenge themselves to consult and engage more proactively, whether required by a golden rulebook or not. Often, differences in understanding these rules lead to costly litigation anyway, so setting minimum standards for ourselves when working in collaboration with Indigenous communities is too limiting. We need to be responsive and holistic in our approach to working with Indigenous communities, as the legal landscape continues to evolve.
7. I would have accepted the statement of work but set a check-in date not only for administrative tasks like progress reports and expense claims⁵, but also a deadline for the proponent to report on the progress of work being done to achieve NTI's outlined objectives. This is a concrete step towards advancing economic reconciliation, and one for which we can hold both ourselves and the GN accountable.

³ See Dissenting opinion of Commissioner Claire Anderson in Telecom Decision 2024-149.

⁴ Sections 12 and 62 of the *Telecommunications Act* (the Act) provide that the Governor in Council may, on petition in writing presented to them, vary, rescind or refer back to the Commission a decision for reconsideration (section 12) and that the Commission may, on application or on its own motion, review and rescind or vary any decision made by it (section 62). However, section 46.6 of the Act states that sections 12 and 62 do not apply in respect of a decision of the Commission relating to National Contribution Fund funding decisions (referred to in section 46.5 of the Act). Under section 46.7, however, the Commission **may**, on its own motion, review and rescind or vary a decision made under section 46.5, which is not the case we are faced with today (emphasis added).

See also Additional dissenting opinion of Commissioner Bram Abramson in Telecom Regulatory Policy 2024-328, at paragraphs 43 and 44, on his view of bringing a delay challenge to section 46.5 funding decisions, specifically: “44. For the Broadband Fund and aligned funding programs, a delay challenge would let a proponent petition to take over the subsidy by showing it stood ready, willing, and able to proceed.”

I understand this is also not the situation at hand but gives an interesting perspective on varying Broadband Fund decisions.

⁵ See Telecom Decision 2024-149, paragraph 51.