Telecom Order CRTC 2026-197

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Gatineau, 5 August 2026

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Determination of costs award for the Canadian Anti-Monopoly Project's participation in the proceeding initiated by Fibernetics Corporation regarding Bragg Communications Inc., carrying on business as Eastlink, decommissioning copper facilities

Application

1. By letter dated 15 May 2026, the Canadian Anti-Monopoly Project (CAMP) applied for costs to participate in the proceeding initiated by the Part 1 application filed by Fibernetics Corporation (Fibernetics) regarding Bragg Communications Inc., carrying on business as Eastlink (Eastlink), decommissioning copper facilities (the proceeding). In the proceeding, Fibernetics requested relief from the Commission regarding Eastlink's planned decommissioning of copper/coaxial facilities in the Sydney, Nova Scotia area, serving Fibernetics' end-users.

2. CAMP submitted that it had met the criteria for an award of costs set out in section 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) because it represented a group or class of subscribers that had an interest in the outcome of the proceeding, it assisted the Commission in developing a better understanding of the matters that were considered, and it participated in a responsible way.

3. With respect to the group or class of subscribers that CAMP has submitted it represents, CAMP explained that this group or class includes more than 1,400 Canadians who subscribe to its newsletter and more than 2,000 social media subscribers. In particular, CAMP submitted that it represented the interests of telecommunications consumers who rely on competitive wholesale-based Internet services for affordable connectivity.

4. CAMP explained that it assisted the Commission in developing a better understanding of the matters that were considered by providing a distinct point of view and analysis of the issues under consideration.

5. CAMP also submitted that it participated in the proceeding in a responsible way.

6. CAMP requested that the Commission fix its costs at $2,846.89, consisting entirely of consultant fees. CAMP's claim included the Ontario Harmonized Sales Tax (HST) on fees less the rebate to

which CAMP is entitled in connection with the HST. CAMP filed a bill of costs with its application.

7. CAMP claimed 16.6 hours at a rate of $165 per hour for a consultant for work related to research and analysis, managing the case, preparing its intervention, and for its costs application ($2,739 plus the HST and associated rebate).

8. CAMP submitted that Bell Canada (including its affiliates), Cogeco Communications Inc. (Cogeco), Eastlink, Rogers Communications Canada Inc. (Rogers), and TELUS Communications Inc. (TELUS) are the appropriate parties to be required to pay any costs awarded by the Commission (the costs respondents), because, in the applicant's view, each is a national or regional carrier with a direct interest in wholesale decommissioning policy and Eastlink is the named respondent.

9. The Commission did not receive any answers in response to the application for costs.

Commission's analysis

10. The criteria for an award of final costs are set out in section 68 of the Rules of Procedure, which reads as follows:

> 68. The Commission must determine whether to award final costs and the maximum percentage of costs that is to be awarded on the basis of the following criteria:
>
> (a) whether the applicant had, or was the representative of a group or a class of subscribers that had, an interest in the outcome of the proceeding;
>
> (b) the extent to which the applicant assisted the Commission in developing a better understanding of the matters that were considered; and
>
> (c) whether the applicant participated in the proceeding in a responsible way.

11. In Telecom Information Bulletin 2016-188, the Commission provided guidance on how an applicant may demonstrate that it satisfies the first criterion with respect to its representation of interested subscribers. In the present case, CAMP has demonstrated that it meets this requirement. The Commission considers that CAMP demonstrated that it represents consumers who depend on wholesale-based alternatives in the affected Nova Scotia market and, following the Commission's determination in this proceeding, consumers across all markets where incumbents are retiring legacy access facilities. CAMP also met this criterion through its submissions discussing the implications that the enforceability of wholesale access obligations has on consumers and on competitive choice.

12. CAMP has satisfied the second criterion through its participation in the proceeding. In particular, CAMP's submissions on the interpretation of paragraph 52 of Telecom Regulatory Policy 2024-180,[1] situating the issue of decommissioning within the broader framework of the Commission's wholesale high-speed access policies, and on the impact on consumer choice and competition, assisted the Commission in developing a better understanding of the matters that were considered.

13. Finally, CAMP has satisfied the third criterion by participating in the proceeding in a responsible way. Accordingly, the Commission finds that the applicant meets the criteria for an award of costs under section 68 of the Rules of Procedure.

14. The rates claimed for consultant fees are in accordance with the rates established in the *Guidelines for the Assessment of Costs* (the Guidelines), as set out in Telecom Regulatory Policy 2010-963. The Commission finds that the total amount claimed by CAMP was necessarily and reasonably incurred and should be allowed.

15. This is an appropriate case in which to fix the costs and dispense with taxation, in accordance with the streamlined procedure set out in Telecom Public Notice 2002-5.

16. The Commission has generally determined that the appropriate costs respondents to an award of costs are the parties that have a significant interest in the outcome of a proceeding and have participated actively in that proceeding. The Commission therefore considers that the following parties are the appropriate costs respondents: Bell Canada; Cogeco, Eastlink, Fibernetics, Purple Cow Internet Inc., Rogers, TekSavvy Solutions Inc., and TELUS.

17. The Commission considers that, consistent with its practice, it is appropriate to allocate the responsibility for payment of costs among costs respondents based on their telecommunications operating revenues (TORs) as an indicator of the relative size and interest of the parties involved in the proceeding.[2]

18. However, as set out in Telecom Order 2015-160, the Commission considers $1,000 to be the minimum amount that a costs respondent should be required to pay, due to the administrative burden that small costs awards impose on both the applicant and costs respondents.

[1] In paragraph 52 of Telecom Regulatory Policy 2024-180, the Commission recognized the impact of cable carries not being required to offer wholesale aggregated fibre-to-the-premises services could have on competitive choice where existing copper is decommissioned.

[2] TORs consist of Canadian telecommunications revenues from local and access, long distance, data, private line, Internet, and wireless services as filed with the Commission.

19. Accordingly, the Commission finds that the responsibility for payment of costs should be allocated as follows:[3]

Company	Proportion	Amount
Rogers	53.61%	$1,526.22
TELUS	46.39%	$1,320.67

Directions regarding costs

20. The Commission approves the application by CAMP for costs to participate in the proceeding.

21. Pursuant to subsection 56(1) of the *Telecommunications Act*, the Commission fixes the costs to be paid to CAMP at $2,846.89.

22. The Commission directs that the award of costs to CAMP be paid forthwith by Rogers Communications Canada Inc. and TELUS Communications Inc. according to the proportions set out in paragraph 19.

Secretary General

Related documents

- *Competition in Canada's Internet service markets*, Telecom Regulatory Policy CRTC 2024-180, 13 August 2024
- *Guidance for costs award applicants regarding representation of a group or a class of subscribers*, Telecom Information Bulletin CRTC 2016-188, 17 May 2016
- *Determination of costs award with respect to the participation of the Ontario Video Relay Service Committee in the proceeding initiated by Telecom Notice of Consultation 2014-188*, Telecom Order CRTC 2015-160, 23 April 2015
- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *New procedure for Telecom costs awards*, Telecom Public Notice CRTC 2002-5, 7 November 2002

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[3] In this order, the Commission has used the TORs of the costs respondents based on their most recent audited financial statements.