Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Telecom Decision CRTC 2026-208

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TekSavvy Solutions Inc. – Application regarding Cogeco Connection Inc.'s decommissioning of its copper facilities

Summary

The Canadian Radio-television and Telecommunications Commission (the Commission) is taking action to help ensure Canadians benefit from new choices and greater affordability of high-speed Internet services.

For more than 20 years, the Commission has helped enable greater competition by allowing competitive Internet service providers (ISPs) to sell Internet plans using the existing networks of Canada's largest telephone and cable companies. This access gives competitive ISPs a viable way to enter the market and offer new choices. With more competition in the marketplace, all providers have to work harder to win Canadians' business.

The Commission's current approach, set out in Telecom Regulatory Policy 2024-180, provides competitors with access to telephone companies' fibre and legacy copper networks. Competitors also have access to cable companies' cable networks. This ensures equitable competitor access to gigabit-speed networks across Canada, regardless of whether those networks are owned by a cable company or a telephone company. Cable companies are not required to provide access to their fibre networks, since they have deployed fibre to only 5% of Canadian homes.

In 2025, Cogeco Communications Inc. (Cogeco) announced plans to replace its legacy cable networks in four Ontario cities with new fibre networks. Cable companies across Canada are in the process of upgrading their networks and deploying more fibre to Canadians' homes to provide higher-quality services. At the same time, they are withdrawing services from their legacy networks that are quickly becoming outdated. This is a standard industry practice known as "decommissioning," and it typically takes place when networks have reached their end of life and companies face challenges in continuing to maintain and operate them.

In March 2026, TekSavvy Solutions Inc. (TekSavvy) submitted an application to the Commission asking that Cogeco either be required to maintain its existing infrastructure or provide competitor access to new fibre networks in the four Ontario cities. TekSavvy claimed that it would otherwise lose access to sell Internet plans using Cogeco's networks in these cities.

The Commission held a public proceeding on TekSavvy's application. In response to the application, the Commission received a wide range of views, including from the Canadian Anti-Monopoly Project, competitive ISPs, and large telephone and cable companies that operate across Canada.

The Commission acknowledges the important role that competitive ISPs play in ensuring a dynamic marketplace and in providing Canadians with choices for Internet services. While the Commission recognizes that TekSavvy and other competitive ISPs will no longer have access to Cogeco's legacy cable networks in the four Ontario cities, competitors will still be able to serve customers using Bell Canada's fibre networks. Additionally, the Commission notes that Cogeco offered access to its fibre networks in the four cities to TekSavvy through a commercial arrangement. The Commission finds that these options allow TekSavvy to continue to compete for and serve customers in the affected areas. The Commission therefore denies the application.

Background

1. In Telecom Regulatory Policy 2024-180, the Canadian Radio-television and Telecommunications Commission (the Commission) directed cable carriers to continue providing aggregated wholesale high-speed access (HSA) over their hybrid fibre-coaxial (HFC) networks but exempted them from the obligation to provide such access over their fibre-to-the-premises (FTTP) networks.

2. The Commission recognized that there could be situations where a competitor loses access to higher-speed aggregated HSA services if, for example, an incumbent cable carrier upgrades its HFC network to FTTP while the incumbent local exchange carrier (ILEC) continues to rely on legacy copper facilities. To address this situation, the Commission indicated that incumbents were expected to avoid situations where competitors could lose access to higher-speed aggregated HSA services pending completion of a Commission proceeding on decommissioning practices. The Commission also indicated that, should such situations arise, it would seek to address them expeditiously on a case-by-case basis.

Application

3. On 3 March 2026, the Commission received an application from TekSavvy Solutions Inc. (TekSavvy) regarding Cogeco Communications Inc.'s (Cogeco) plan to replace its HFC facilities with a fibre-based Ethernet passive optical network in four locations in Ontario. The network upgrades were expected to take place at specific sites in Chatham and Windsor on 1 April 2026, and in Burlington and Kingston on 2 June 2026 and 1 September 2026, respectively.

4. TekSavvy stated that Cogeco notified it of the planned network upgrades in Chatham and Windsor on 1 August 2025. The upgrades were planned for 1 February 2026. At TekSavvy's request, Cogeco extended the date to 1 April 2026. TekSavvy also noted that Cogeco notified it of the planned network upgrades in Burlington on 2 December 2025, and of the planned network upgrades in Kingston on 27 February 2026.

5. In support of its application, TekSavvy submitted that, in some of the affected areas, Cogeco is the only provider offering mandated wholesale HSA services. According to TekSavvy, the planned network decommissioning would effectively remove mandated wholesale HSA services in these areas and, in other affected locations, would result in outcomes such as lower service speeds for customers, increased prices, potential service disruptions, and less competitive choice.

6. TekSavvy further submitted that replacing regulated HFC facilities with FTTP would eliminate competitors' regulated access to Cogeco's network, granting Cogeco an undue preference contrary to subsection 27(2) of the *Telecommunications Act* (the Act). TekSavvy indicated that the Commission had made a similar determination in Telecom Decision 2016-446. In that decision, the Commission determined that Rogers Communications Canada Inc. (Rogers), in planning to remove its coaxial facilities, conferred an undue preference on itself by denying competitors the ability to seek new end-users on Rogers' fibre infrastructure.

7. TekSavvy also stated that the outcomes of Cogeco's planned decommissioning are contrary to the 2023 Policy Direction[1], which requires the Commission to promote affordability, consumer choice, and competition.

8. TekSavvy indicated that Cogeco had proposed to explore a solution. However, TekSavvy noted that a commercially negotiated solution would limit its bargaining power and likely result in increased prices for customers.

9. To ensure that it did not lose customers at the affected locations in Ontario, TekSavvy requested that the Commission issue an order granting expedited interim relief before 1 April 2026. Specifically, TekSavvy requested that the Commission issue an order requiring Cogeco to maintain its wholesale HSA services at the affected locations by either (i) maintaining existing wholesale infrastructure at all impacted premises until the Commission issues a decision in this application or (ii) providing access to the newly installed fibre facilities on an aggregated basis at the currently available HFC speeds and rates to all impacted premises. TekSavvy also requested final relief similar to the interim relief to remain in effect until the Commission issues a decision in a future proceeding on decommissioning practices.

10. TekSavvy also requested that the Commission impose administrative monetary penalties (AMPs) on Cogeco given similar previous conduct and to deter such conduct in the future.

11. On 20 March 2026, Commission staff requested that Cogeco preserve TekSavvy's access to all premises at the affected locations to ensure competitive choices for customers and to avoid disconnection or other service issues. On 26 March 2026, Cogeco responded that it would be economically unreasonable and, in many cases, technically unfeasible to implement either of

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[1] *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23, 10 February 2023.

TekSavvy’s proposed solutions. Cogeco ultimately decommissioned its Chatham and Windsor sites on 1 April 2026, as planned.

12. Given that TekSavvy submitted its application shortly before the 1 April 2026 decommissioning date, it had already migrated some of its affected customers to Bell Canada’s wholesale HSA FTTP network. TekSavvy indicated that it was not able to retain most of the customers whose addresses were served by the decommissioned Windsor and Chatham sites.

13. The Commission received interventions from one individual, the Canadian Anti-Monopoly Project (CAMP), Bell Canada, Bragg Communications Inc., carrying on business as Eastlink (Eastlink), Cogeco, Fibernetics Corporation (Fibernetics), Rogers, and TELUS Communications Inc.

Positions of parties

14. CAMP and Fibernetics supported TekSavvy’s application, with Fibernetics stating that the decommissioning of copper facilities by cable carriers removes the requirement to provide wholesale HSA services, and that these activities confer an undue preference. CAMP submitted that the Commission should not allow carriers to decommission facilities subject to wholesale access obligations until equivalent obligations are attached to the replacement facilities or until interim rates have been set for those replacement facilities.

15. Bell Canada, Cogeco, Eastlink, and Rogers opposed the application. These parties generally submitted that granting the requested relief would directly harm incumbents such as Cogeco, as they would have to maintain HFC networks for the sole benefit of wholesale customers or be forced to make their FTTP network available on a wholesale basis, despite there being no existing regulatory obligation to do so. They submitted that this would contravene the statutory requirement for just and reasonable rates and disincentivize cable carriers from investing in network upgrades. Cogeco, Eastlink, and Rogers noted that granting the requested relief would eliminate the balance established by Telecom Regulatory Policy 2024-180 between increasing competition while ensuring continued investments in high-quality networks.

16. Cogeco further submitted that maintaining wholesale access to its FTTP network would require it to either provide wholesale aggregated FTTP access (which has not been mandated and which would represent a significant operational undertaking) or continue to maintain its radio frequency over glass technology, which is generally obsolete, expensive, and unsupported by manufacturers and for which, in some cases, the rights of way have expired.

17. Cogeco added that it provided TekSavvy with more than six months’ notice of the upgrades and extended the implementation date for Chatham and Windsor at TekSavvy’s request. Cogeco indicated that it offered TekSavvy a commercial solution to access Cogeco’s FTTP network, and TekSavvy rejected this option. Cogeco also noted that, in all affected areas, TekSavvy can continue serving its customers using Bell Canada’s mandated wholesale HSA service.

18. Finally, Cogeco submitted that TekSavvy has not established a *prima facie* case. Cogeco further submitted that (i) there is no undue preference and (ii) there is no requirement for cable carriers to provide aggregated access to replacement FTTP when an alternative ILEC option exists.

Commission's analysis

19. Regarding the request for interim relief, the Commission notes that Cogeco decommissioned its sites in Chatham and Windsor on 1 April 2026, and in Burlington on 2 June 2026, rendering interim relief moot in these cases. With respect to the decommissioning in Kingston, the Commission considers that the interim relief and final relief requests are effectively the same and therefore only addresses the final relief request in this decision.

Undue preference

20. The Commission analyzes allegations of undue or unreasonable preference or disadvantage and of unjust discrimination under subsection 27(2) of the Act in two phases. First, the Commission determines whether the conduct in question constitutes a preference or subjects a person to a disadvantage or discrimination. If so, the Commission must decide whether the preference or disadvantage is undue, unreasonable, or unjust. Under the Commission's general approach to such allegations, the party making the allegation must first establish preference, disadvantage, or discrimination. Once this is done, the onus then shifts to the respondent party to establish that the preference, disadvantage, or discrimination is not undue, unreasonable, or unjust, as required by subsection 27(4) of the Act.

21. In this case, the Commission considers that the record of the proceeding does not demonstrate preference, disadvantage, or discrimination resulting from Cogeco's decommissioning of legacy HSA networks in Chatham, Windsor, Burlington, and Kingston.

22. According to TekSavvy, decommissioning regulated HFC facilities will cause it to lose access to these networks and lead to outcomes such as lower service speeds for customers, increased prices, potential service disruptions, and less competitive choice.

23. However, several alternatives were made available to TekSavvy to continue to provide competitive choices to consumers. These included a proposed commercial arrangement from Cogeco as well as access to Bell Canada's FTTP network in the affected areas. In the Commission's view, these options were sufficient for TekSavvy to continue to serve its customers.

24. Given that TekSavvy has not shown that Cogeco's actions would prevent it from seeking or serving customers on high-speed networks, the Commission cannot conclude that there is a preference, disadvantage or discrimination in this case.

25. Further, the Commission considers that, even if there were a measure of preference, disadvantage or discrimination, Cogeco has provided sufficient evidence to demonstrate that it would not be undue, unreasonable, or unjust.

26. The Commission notes that cable carriers are upgrading their networks across Canada to maintain a quality of service and speeds that are comparable to those provided by ILECs over FTTP. This is a result of market competition, which ultimately benefits consumers with greater choice of high-quality networks.

27. In this particular case, Cogeco also provided evidence demonstrating that these network upgrades are necessary. The technology being decommissioned by Cogeco is no longer supported by manufacturers, and, in some locations, Cogeco is legally required to relocate its network due to the expiration of rights of way.

28. Moreover, Cogeco also made good-faith efforts to minimize disruption to TekSavvy's customers, including providing advance notice and extending timelines for its 1 April 2026 planned upgrade.

29. The Commission is of the view that the circumstances and underlying facts of this case differ from that of Telecom Decision 2016-446 in which the Commission found that Rogers did not provide enough notice to TekSavvy of the network change and that Rogers' removal of coaxial access facilities effectively denied competitors access to new end-users to be served over FTTP facilities.

30. As a result, the Commission concludes that these upgrades were not undertaken to, and do not, confer undue preference on Cogeco (by eliminating its wholesale obligations) or discriminate or disadvantage unreasonably or unjustly against others in the provision of wholesale HSA services. In this regard, the Commission finds that Cogeco's decommissioning of its facilities in Chatham, Windsor, Burlington, and Kingston does not result in an undue preference under subsection 27(2) of the Act.

Policy objectives

31. In Telecom Regulatory Policy 2024-180, the Commission established that the strategic objectives for the wholesale HSA framework include supporting vigorous competition, promoting investments in high-quality networks, and applying regulations efficiently, proportionally, and equitably, with a focus on providing a transparent, predictable, and coherent path forward for the industry. The Commission will therefore assess whether Cogeco's decommissioning activities would materially impact the achievement of those objectives.

32. In terms of supporting vigorous competition, the Commission notes that options were available to TekSavvy for it to continue providing competitive choices to consumers. First, TekSavvy had the option to use Bell Canada's wholesale HSA service. Second, Cogeco's proposed alternative commercial solution provided TekSavvy with a way to ensure service continuity for its customers without relying on Bell Canada's network.

33. In terms of promoting investment, Cogeco upgrading its network to FTTP is an example of a carrier making investments in high-quality networks to improve service delivery to Canadians. By contrast, mandating that Cogeco maintain its HFC facilities at the affected locations would likely disincentivize Cogeco's FTTP investment, as Cogeco would incur additional costs to maintain both platforms.

34. In terms of being transparent, predictable, and equitable, the Commission notes that cable carriers are exempt from the obligation to make aggregated wholesale HSA over FTTP available as part of the wholesale HSA framework established in Telecom Regulatory Policy 2024-180. Maintaining that determination ensures a consistent regulatory approach in support of achieving the objectives of the wholesale HSA framework.

35. In this case, the Commission therefore considers that Cogeco's decommissioning activities will not have a material negative impact on the achievement of the wholesale HSA framework's policy objectives and it would not be reasonable to require Cogeco to maintain wholesale HSA services over HFC for the locations in question.

36. Accordingly, the Commission denies the request for final relief. Finally, since no violation of the Act has been established, AMPs are not warranted in this case.

Red tape reduction

37. In this decision, the Commission has considered the strategic policy objectives of the wholesale HSA framework established in Telecom Regulatory Policy 2024-180. In doing so, the Commission has balanced the potential regulatory burden of the requirements considered against the achievement of these objectives. Based on the Commission's assessment of the record, this decision will have little impact on administrative burden for stakeholders, given that it does not introduce new regulatory requirements.

38. Regarding the strategic policy objectives of the wholesale HSA framework, this decision strikes a balance between ensuring competitive ISPs are able to continue offering choices for Internet services to Canadians, while maintaining incentives for companies to invest in high-quality networks.

Conclusion

39. In light of all of the above, the Commission finds that the record does not demonstrate that Cogeco is conferring upon itself an undue preference. The Commission therefore denies the requested relief.

Secretary General

Related documents

- *Competition in Canada's Internet service markets*, Telecom Regulatory Policy CRTC 2024-180, 13 August 2024
- *TekSavvy Solutions Inc. – Application regarding transitional access to aggregated wholesale high-speed access service*, Telecom Decision CRTC 2016-446, 9 November 2016