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

Telecom Notice of Consultation CRTC 2026-210

PDF version

Gatineau, 14 August 2026

Public record: 1011-NOC2026-0210

Show cause and call for comments – Device unlocking and related procedural matters

Deadline for submission of interventions: 14 September 2026

Deadline for submission of replies: 24 September 2026

[Submit an intervention or view related documents]

Summary

Through its Consumer Protections Action Plan, the Canadian Radio-television and Telecommunications Commission (the Commission) is working to help protect and empower Canadians in their dealings with Internet, cellphone, home phone, and television service providers.

Part of the Commission's work is to ensure that service providers comply with existing consumer protections. Telecom Regulatory Policy 2017-200 (the Wireless Code) requires that any device provided by a wireless service provider to a customer must be unlocked. The device unlocking rule plays an important role in the development of a more dynamic marketplace. Unlocked devices offer consumers more choice and convenience, provide options to consumers travelling abroad, and eliminate a significant barrier to switching plans by improving device portability.

Bell Canada and its flanker brand Virgin Plus (Bell Canada) are currently providing devices that are locked for 60 days following their purchase. Bell Canada claims that this practice is compliant with the Wireless Code and is necessary to address fraud and criminal activity at its points of sale.

After learning the details of the practice through correspondence with Bell Canada, the Commission found that the practice does not comply with the Wireless Code and directed Bell Canada to immediately stop providing locked devices. In response, Bell Canada submitted several procedural requests to have the Commission rescind the finding or stay the direction to stop providing locked devices.

Having considered Bell Canada's requests, the Commission is initiating a proceeding in which Bell Canada is required to show cause why its practice of selling locked devices is not a violation of

Canada

paragraphs F.1.i. and ii. of the Wireless Code.[1] The Commission invites interested persons who wish to become parties to this proceeding to submit an intervention.

At the same time, the Commission is granting a temporary industry-wide stay to paragraph F.1.i. of the Wireless Code, which is effective as of the date of this notice of consultation. Service providers can avail themselves of the temporary stay, provided they unlock devices automatically **within two business days** after purchase. Service providers must also make reasonable efforts to inform customers about how long devices will be locked for, what receiving a locked device means for them, and their right to request that the device be unlocked. The temporary stay will remain in effect until the Commission has issued a decision in Broadcasting and Telecom Notice of Consultation 2026-134 in which it is looking to make the consumer protections for communications services clearer and more consistent by combining them into a unified code while reducing administrative burden.

The Commission is directing service providers who avail themselves of the temporary stay to file information on the record of Broadcasting and Telecom Notice of Consultation 2026-134, by **30 October 2026**. This information will help the Commission evaluate the effectiveness of locking devices in reducing potential fraud and theft as well as the impact of this practice on customers.

Background

1. On 22 April 2025, Bell Canada and its flanker brand Virgin Plus (Bell Canada) informed staff of the Canadian Radio-television and Telecommunications Commission (the Commission) of its intention to begin selling mobile devices that are locked for 60 days following their purchase. Bell Canada submitted this practice is necessary to address an increase in crime and fraud involving wireless devices in Canada. Bell Canada began selling locked devices the next day.

2. On 9 May 2025, Commission staff asked Bell Canada to explain how it would ensure it remained in compliance with Telecom Regulatory Policy 2017-200 (the Wireless Code), which requires that any device provided by a service provider to the customer for the purpose of providing wireless services must be provided unlocked. Commission staff reminded Bell Canada that the unlocking rule encourages the development of a more dynamic marketplace -- it offers more consumer choice and convenience, decreases the risk of bill shock, provides options to consumers while travelling abroad, and reduces a significant barrier to switching wireless service providers by improving device portability.

3. Bell Canada responded that, in its view, it was in compliance with the Wireless Code. First, it submitted that devices are provided unlocked, since a consumer who obtains a device from Bell Canada without engaging in criminality or fraud will have an unlocked device available for use on other wireless networks 60 days after activation without any action required and at no cost. Second, it submitted that its practice ensures devices are unlocked for those it deems to be legitimate customers, meaning those who are purchasing the device for the purpose of obtaining

[1] See also paragraphs 261 to 316 of Telecom Regulatory Policy 2017-200.

wireless services, but not for individuals engaged in criminality and fraud. It added that Commission protections do not apply to "bad actors."

4. Bell Canada further submitted that locking mobile devices was in the best interest of consumers and necessary to address an increase in crime and financial loss experienced by the wireless industry. If the Commission were to disagree with its position, Bell Canada requested that the Commission (i) issue a decision temporarily allowing Bell Canada and other providers to continue this practice and (ii) launch a proceeding on an expedited basis to consider changes to the Wireless Code.

5. On 28 November 2025, the Commission issued a Secretary General letter (the Compliance Letter) to Bell Canada, in which it determined that Bell Canada's practice was not compliant with the Wireless Code and directed Bell Canada to immediately stop providing locked devices to customers.

6. On 22 December 2025, Bell Canada submitted evidence in support of its position that its device-locking practice is effective in addressing theft and fraud. Bell Canada questioned whether the Compliance Letter was binding and challenged the process that led to the issuance of the Compliance Letter, claiming that it was not given sufficient opportunity to explain its perspective. Bell Canada therefore requested that the Commission either state that the Compliance Letter was not binding or rescind it while providing for further process. Alternatively, Bell Canada requested that the Commission review and vary the Compliance Letter, and it asked the Commission to issue a stay of the determinations it made in the Compliance Letter pending the determination on its requests.

7. On 12 June 2026, the Commission issued Broadcasting and Telecom Notice of Consultation 2026-134, in which it is seeking comments on the harmonization of the consumer protection codes. It is also seeking comments on whether any changes to consumer protection provisions, such as those relating to device unlocking, are appropriate.

8. Paragraph F.1. of the Wireless Code addresses device locking and states the following:

> i. Any device provided by a service provider to the customer for the purpose of providing wireless services must be provided unlocked.
>
> ii. If a device is, or becomes, locked to a service provider's network, that service provider must unlock the device, or give the customer the means to unlock the device, upon request, at no charge.

9. Moreover, in Telecom Regulatory Policy 2017-200, which introduces and explains the Wireless Code, the Commission clarified, in paragraph 306, that such devices must be unlocked at or before the time of sale.

Commission’s analysis and determinations

10. As stated in Telecom Regulatory Policy 2017-200, the device unlocking rule plays an important role in the development of a more dynamic marketplace. Unlocked devices offer consumers more choice and convenience, provide options to consumers travelling abroad, and eliminate a significant barrier to switching plans by improving device portability. At the time the Commission introduced this rule, it was informed of a potential link between unlocked devices and certain criminal activity such as subscription fraud. However, the Commission considered the evidence regarding those links to not be persuasive in the circumstances.

11. Bell Canada has now submitted evidence in response to the Compliance Letter to support its claim about a recent rise in criminal activity, primarily robberies at its points of sale. Bell Canada alleges that providing unlocked devices has triggered a significant increase in criminal activity. It submitted that the evidence relating to the incidence of robberies and fraud, which Bell Canada provided on a confidential basis, shows its device-locking practice has been effective in reducing this activity.

12. Bell Canada submitted that there is a correlation between the availability of unlocked devices and criminal activity and a corresponding correlation between locking devices and a decrease in that activity.

13. While the Commission is sensitive to the important safety and security concerns raised by Bell Canada, it also notes that Bell Canada informed Commission staff of its intention to sell locked devices the day before it implemented this practice, effectively preventing any real opportunity to properly evaluate and test Bell Canada’s claims openly in a public proceeding prior to implementation.

Show cause proceeding

Bell Canada’s device-locking practice

14. The Commission notes that Bell Canada has admitted to providing locked devices at points of sale and that these devices are locked for 60 days after sale. Bell Canada appears to have implemented this practice on an uninterrupted basis since 23 April 2025. While Bell Canada submitted that this practice is necessary and compliant with the Wireless Code, the Commission nevertheless notes that paragraphs F.1.i. and ii. of the Wireless Code require the selling of devices in an unlocked state and the provision of unlocking services upon request to customers who have a locked device.

15. Until the application of that rule is stayed or otherwise amended, service providers such as Bell Canada are required to comply with the regulatory obligations relating to the provision of unlocked devices, as set out in paragraphs F.1.i. and ii. of the Wireless Code.

16. As a result, the Commission is launching a proceeding in which Bell Canada is to show cause why the Commission should not find Bell Canada in violation of paragraphs F.1.i. and ii. of the Wireless Code, which is imposed as a condition of service under section 24 of the *Telecommunications Act* (the Act), from 23 April 2025 to 14 August 2026.

17. Abridged versions of the correspondence detailed in paragraphs 1 to 6 between the Commission, Commission staff, and Bell Canada have been added to the public record of this proceeding.

If a violation is found to have been committed, what are the appropriate enforcement measures?

18. Section 72.001 of the Act provides that every contravention of a provision of the Act constitutes a violation and the person who commits the violation is liable

    (a) in the case of an individual, to an administrative monetary penalty not exceeding $25,000 and, for a subsequent contravention, a penalty not exceeding $50,000; or

    (b) in any other case, to an administrative monetary penalty not exceeding $10,000,000 and, for a subsequent contravention, a penalty not exceeding $15,000,000.

19. Section 72.002 of the Act sets out the factors that the Commission must consider in determining the appropriate amount of an administrative monetary penalty:

    (a) the nature and scope of the violation;

    (b) the person's history of compliance;

    (c) any benefit the person obtained from the commission of the violation;

    (d) the person's ability to pay;

    (e) factors established by any regulations; and

    (f) any other relevant factor.

20. Section 72.002 of the Act also sets out that the purpose of an administrative monetary penalty is to promote compliance and not to punish.

21. Section 72.008 of the Act further sets out that an officer, director or agent or mandatary of a corporation that commits a violation is liable for the violation if they directed, authorized, assented to, acquiesced in or participated in the commission of the violation, whether or not the corporation is proceeded against.

22. If Bell Canada is found to have been in contravention of the Act, it is to show cause why an administrative monetary penalty not exceeding $10,000,000 should not be imposed against Bell

Canada, and why an administrative monetary penalty not exceeding $25,000 should not be imposed against Bell Canada's directors or officers.

23. Bell Canada is directed to make submissions on the extent and number of violations that should be considered by the Commission from 23 April 2025 to 14 August 2026, if the Commission finds Bell Canada in contravention of the Act.

Other matters

24. The Commission also addresses the following related requests made by Bell Canada in its 22 December 2025 letter:

    (i) Is the Compliance Letter binding on Bell Canada?

    (ii) Should the Commission rescind, review, or vary the Compliance Letter?

    (iii) Should the Commission grant a stay and, if so, should the stay apply to the Compliance Letter or to the underlying unlocking rule established in the Wireless Code?

Is the Compliance Letter binding on Bell Canada?

Commission's analysis and determinations

25. Bell Canada questioned whether the Compliance Letter was binding and requested that the Commission clarify that the determinations contained in it were non-binding.

26. The Act defines the term "decision" as a "determination made by the Commission in any form." Communicating Commission decisions via letter signed by the Secretary General is a long-standing practice. The Compliance Letter clearly communicates determinations made by the Commission and the reasons for them (for instance, by having a heading entitled "Commission's decision"). Accordingly, the Compliance Letter represents binding determinations made by the Commission.

Should the Commission rescind, review, or vary the Compliance Letter?

Commission's analysis and determinations

27. Bell Canada requested that the Commission either rescind its Compliance Letter or consider Bell Canada's 22 December 2025 letter as a formal application to review and vary the Commission's determinations set out in the Compliance Letter. In support of this request, Bell Canada submitted that the process that led to the issuance of the Compliance Letter was procedurally unfair. Bell Canada further claimed there was substantial doubt as to the correctness of the decision due to errors of both fact and law.

28. In this proceeding, Bell Canada will have the opportunity to submit evidence and make submissions regarding both the interpretation of the Wireless Code and Bell Canada's compliance with the relevant provisions. The Commission will examine these issues based on the record of this proceeding. While the Commission takes no position on the validity of the procedural concerns raised by Bell Canada, it notes that any such concerns would be fully addressed by providing Bell Canada with an opportunity to make its case as part of this proceeding.

29. Accordingly, the Commission denies the request to rescind the Compliance Letter or to review or vary the Commission's determinations contained in it because the Commission will address any concerns raised by Bell Canada as part of this proceeding.

Should the Commission grant a stay and, if so, should the stay apply to the Compliance Letter or to the underlying unlocking rule established in the Wireless Code?

30. In its 22 December 2025 letter, Bell Canada requested that the Commission issue an immediate stay of the Compliance Letter. In support of that request, Bell Canada cited the criteria generally referred to as the RJR-MacDonald test,[2] which is the legal test typically applied by courts and administrative tribunals when determining whether to grant interim relief, for example, a stay of a decision made by the Commission.

Commission's analysis and determinations

31. A party seeking a stay of a Commission decision must meet all three criteria of the RJR-MacDonald test, which are: (i) there is a serious issue to be determined; (ii) the party seeking a stay will incur irreparable harm if the stay is not granted; and (iii) the balance of convenience, taking into account the public interest, favours granting the stay.

32. Bell Canada submitted that it meets all three criteria. Specifically:

    (i) The existence of a serious question to be determined: Bell Canada claims that it has raised serious concerns regarding the safety of wireless industry employees and consumers, as well as the interpretation of and compliance with the Wireless Code.

    (ii) Irreparable harm: Bell Canada submitted that ceasing its practice of selling locked devices would increase the risk of violent robberies and thefts and endanger employees and customers. Bell Canada added that many customers could be subject to fraudulent account takeovers in the interim, which, according to Bell Canada, could not be compensated.

    (iii) The balance of convenience: Bell Canada submitted that it favours a stay because the benefits of Bell Canada's practice outweigh the practice's negative impact on consumers. Bell Canada submitted having received only a few complaints and internal

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[2] *RJR-MacDonald Inc. v. Canada (Attorney General)* [1994] 1 S.C.R. 311.

escalations, all of which were resolved and many of which were later confirmed to originate not from legitimate customers but from actors engaged in fraud.

33. The Commission considers that Bell Canada has met the criteria in the RJR-MacDonald test. Specifically:

    (i) The existence of a serious question to be determined: Bell Canada's request for a stay raises a serious question to be determined with respect to compliance with the device unlocking rule and its potential effects on employee and consumer safety and security.

    (ii) Irreparable harm: should Bell Canada be required to reinstate the practice of providing unlocked devices, there is a potential that it could lead to losses that could not be compensated, given that Bell Canada would have no reasonable mechanism by which it could turn to possible criminal actors to make itself and its customers whole.

    (iii) The balance of convenience: On one hand, the Commission considers that there is a strong public interest in maintaining a well-established rule aimed at protecting consumers and facilitating a dynamic marketplace. In addition, the Commission notes that Bell Canada's current device-locking practice effectively requires its customers to proactively request that their device be unlocked during the first 60 days following their purchase. The Commission questions the proportionality of this practice and its effect on such a large base of customers when compared to the relatively small number of persons who may be committing fraud or conducting other criminal activities. These considerations tilt against a stay. On the other hand, Bell Canada claims that the unlocking rule may have the unintended and harmful consequence of facilitating theft and fraud. These concerns must be taken seriously, and ultimately, the Commission considers that the balance of convenience tilt slightly in favour of a stay.

34. In light of the above, the Commission is inclined to grant a stay. In the Commission's view, the interests of other service providers and customers must also be considered. Limiting the application of a stay to Bell Canada, while requiring that other service providers continue to comply with the device unlocking rule, would otherwise result in an asymmetric regulatory framework, leading to regulatory inefficiencies and confusion within the marketplace. Similarly, the significant benefits to customers and the dynamism of the marketplace of having unlocked devices cannot be overlooked.

35. Given that the safety and security concerns raised by Bell Canada may be industry-wide, a temporary stay on the underlying rule (paragraph F.1.i. of the Wireless Code) would level the playing field between all service providers and would be a more appropriate remedy than issuing a stay on the Compliance Letter, which is solely directed at Bell Canada.

36. The Commission is therefore issuing a temporary stay of paragraph F.1.i. of the Wireless Code. The stay applies to all service providers on the following conditions:

- Service providers must unlock devices automatically within **two business days** after their purchase by a customer, rather than after the 60-day period at issue in this proceeding;
- Service providers must unlock devices upon request from their customers, as currently required under paragraph F.1.ii. of the Wireless Code; and
- Service providers must make reasonable efforts to inform customers receiving a locked device of the duration of the locking, the consequences of having a locked device, and their right to request that the device be unlocked.

37. The temporary stay will remain in effect until the Commission has issued a decision in Broadcasting and Telecom Notice of Consultation 2026-134.

38. The Commission reminds interested parties that Broadcasting and Telecom Notice of Consultation 2026-134 is examining how the consumer protection codes can be harmonized and streamlined. The Commission will consider any submissions regarding the continued appropriateness of the device unlocking rule submitted on the record of that proceeding.

39. As part of that proceeding, the Commission has invited parties to comment on whether substantive changes to the consumer protection codes are necessary. The hearing is scheduled to begin on 30 November 2026. In this regard, the Commission wishes to obtain information on how the practice of providing locked devices has impacted the marketplace and customers. As a result, the Commission directs service providers who wish to avail themselves of the stay to file information on the record of Broadcasting and Telecom Notice of Consultation 2026-134, by **30 October 2026** (one month before the hearing), which details:

    (i) the number of devices sold in a locked state and the number of requests received by the service provider for these devices to be unlocked; of the requests received, how many were granted or denied; and of those how many later had their service cancelled due to non-payment or fraudulent activity; and

    (ii) the impact of this practice on occurrences of theft and fraud over that period.

40. This information will help the Commission evaluate the effectiveness of locking devices in reducing potential fraud and theft as well as the impact of this practice on customers. Service providers are reminded to disclose as much public information as possible on the record of Broadcasting and Telecom Notice of Consultation 2026-134 to allow other stakeholders to meaningfully comment on the benefits and risks associated with the sale of locked devices.

41. In light of the above, the Commission denies the request to stay the Compliance Letter.

TELUS's application seeking interim and permanent relief of device-locking rules under the Wireless Code

42. TELUS Communications Inc. (TELUS) submitted an application, dated 22 May 2026, in which it asked for temporary and permanent authorization for wireless service providers to implement a 60-day device lock on any new subsidized or financed device. Interventions were due on 28 July 2026, and TELUS' reply was due on 4 August 2026.

43. The Commission invites TELUS to address, in the context of the proceeding initiated by its application, whether it wishes to proceed with that application. The Commission will, to this effect, accept an additional reply from TELUS no later than **21 August 2026**.

What you need to know to participate in this proceeding

Procedure

44. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under Statutes and Regulations. The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

Submitting comments

45. Bell Canada is made party to this proceeding and is directed to make submissions that address the issues set out above by **14 September 2026**. The deadline for Bell Canada to file its reply to matters raised during the intervention phase is **24 September 2026**.

46. The Commission invites comments that address the issues set out above. Interested persons who wish to become parties to this proceeding must submit an intervention. The Commission will accept interventions that it receives on or before **14 September 2026**.

47. Any interested persons and parties can request accommodations to participate in this proceeding. Accommodations could be related to disability, or to other reasons, like religious observance, or to a combination of reasons. If you wish to request accommodations in filing your comments, you are encouraged to make your request **within the first 15 days** after this notice of consultation is posted on the Commission's website.

48. Interested persons and parties who require assistance submitting comments can contact the Commission's Hearings & Public Proceedings group at hearing@crtc.gc.ca.

49. For more information on accessibility and accommodations in Commission proceedings, please see Broadcasting and Telecom Information Bulletin 2025-95.

50. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all interested persons and parties, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website guidelines for preparing documents in accessible formats.

51. Interested persons and parties can coordinate, organize, and file, in a single submission, interventions by other interested persons or parties who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in Broadcasting Information Bulletin 2010-28-1.

52. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line ***End of document*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

53. All documents required to be served on parties to the proceeding must be served using the contact information contained in the interventions.

54. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

55. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[Intervention/comment/answer form]

or

by mail to
CRTC, Gatineau, Quebec K1A 0N2

or

by fax at
819-994-0218

56. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Gatineau time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if

their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

57. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

58. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that filing, or where required, service of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed or served. The Commission advises parties who file or serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

Confidentiality notice

59. The Commission's proceedings are designed to allow everyone to provide input so that it can make an informed decision in the public interest. As a result, the general rule is that all information filed with the Commission is placed on the public record so that it can be accessed by everyone.

60. However, the Commission also often needs detailed information from the companies it regulates and supervises to make an informed decision. This information can be commercially sensitive, especially as the environment in which the companies operate becomes more competitive. The Commission will therefore accept certain information as confidential.

61. Parties can designate information as confidential under subsection 39(1) of the Act and provide a detailed rationale as to why that information should be considered confidential. The Commission reminds parties that when a document is filed with confidential information, an abridged version must also be filed so that it can be included in the public record.

Privacy notice

62. Please note the following:

- Documents will be posted on the Commission's website exactly as received, in the official language and format in which they are received. This includes any personal information contained in them, such as full names, email addresses, postal/street addresses, and telephone and fax numbers.

- All personal information parties provide as part of this proceeding, except information designated as confidential, will be posted on the Commission's website and can be accessed by others.

- However, the information parties provide can only be accessed from the web page of this particular proceeding. As a result, a general search of the Commission's website using either its search engine or a third-party search engine will not provide access to the information that was provided as part of this proceeding.

- The personal information that parties provide may be used by the Commission for the purpose the information was obtained, or for a similar purpose.

Availability of documents

63. Links to interventions, as well as other documents referred to in this notice, are available on the Commission's Consultations and hearings: have your say page.

64. Interested persons can find electronic versions of the documents by clicking on Submit an intervention or view related documents at the top of this notice.

65. Documents are available upon request during normal business hours by contacting:

    Documentation Centre
    Examinationroom@crtc.gc.ca

    Client Services
    Toll-free telephone: 1-877-249-2782
    Toll-free TTY: 1-877-909-2782

Secretary General

Related documents

- *Harmonizing the consumer protection codes*, Broadcasting and Telecom Notice of Consultation CRTC 2026-134, 12 June 2026

- *Accessibility and accommodations guidelines*, Broadcasting and Telecom Information Bulletin CRTC 2025-95, 14 May 2025

- *Review of the Wireless Code*, Telecom Regulatory Policy CRTC 2017-200, 15 June 2017

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015

- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010