



Telecom Decision CRTC 2026-92

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Reference: Part 1 application posted on 11 December 2023

Gatineau, 19 May 2026

Public record: 8662-V3-202306729

Quebecor Media Inc. – Application regarding the access rates for Bell Canada’s disaggregated wholesale high-speed access services provided over its fibre-to-the-premises facilities

Summary

The Commission received an application from Quebecor Media Inc., on behalf of its affiliates Videotron Ltd. and VMedia Inc. (Quebecor). In its application, Quebecor requested that the interim access rates for Bell Canada’s disaggregated wholesale high-speed access (HSA) services provided over its fibre-to-the-premises facilities be revised to align with the access rates for the equivalent aggregated services.

When the Commission launched Telecom Notice of Consultation 2023-56, it invited comments on the issues raised in Quebecor’s application, including whether any changes should be made to existing rates for disaggregated wholesale HSA services. Given that the issues raised in Quebecor’s application are within the scope of that proceeding, the Commission will not address this application separately.

A dissenting opinion by Commissioner Bram Abramson is attached to this decision.

Regulatory background

1. In Telecom Regulatory Policy 2015-326, the Commission updated its regulatory framework for wholesale high-speed access (HSA) services. This included a requirement for incumbent carriers to make high-speed access to fibre-to-the-premises (FTTP) facilities available to competitors through the disaggregated model.
2. In Telecom Notice of Consultation 2023-56, the Commission launched a comprehensive review of the wholesale HSA framework. The Commission invited parties to comment on the future of disaggregated wholesale HSA services, the potential demand for those services, and whether the Commission should consider changes to the rates.
3. In Telecom Decision 2023-358, the Commission ordered Bell Canada to provide, on an interim basis, access to wholesale aggregated FTTP services in Ontario and Quebec. The Commission

also established interim aggregated FTTP access rates, based on cost studies filed by Bell Canada.

Application

4. The Commission received an application from Quebecor Media Inc., on behalf of its affiliates Videotron Ltd. and VMedia Inc. (Quebecor), dated 8 December 2023, requesting that the Commission revise the interim access rates for Bell Canada's disaggregated wholesale HSA services provided over FTTP facilities. Quebecor requested that the Commission revise the interim rates so that they would be no higher than the interim access rates for aggregated FTTP services that were established in Telecom Decision 2023-358.
5. Quebecor submitted that aligning interim rates for Bell Canada's disaggregated FTTP service with the rates for its aggregated equivalent would remove a regulatory asymmetry that hinders competitors' ability to offer retail Internet services over FTTP. In Quebecor's view, the relief requested would mitigate competitive harm and support the Commission's objectives with respect to wholesale competition and consumer choice.
6. The Commission received interventions from Bell Canada, Execulink Telecom Inc. (Execulink), the Public Interest Advocacy Centre (PIAC), Rogers Communications Canada Inc. (Rogers), and TekSavvy Solutions Inc. (TekSavvy).

Issue

7. The Commission has identified the following issue to be addressed in this decision:
 - How should the Commission address the issues raised in Quebecor's application?

Positions of parties

Execulink, PIAC, and TekSavvy

8. Execulink, PIAC, and TekSavvy supported Quebecor's request. Their submissions set out the following:
 - Bell Canada's disaggregated and aggregated FTTP services rely on the same underlying access facilities. Higher rates for access to disaggregated FTTP services create an unjustified differential that constrains competition with regard to disaggregated FTTP services.
 - The higher rate for access to disaggregated FTTP service is based on outdated cost assumptions. Bell Canada's interim aggregated FTTP access rates, as approved by the Commission in Telecom Decision 2023-358, could be used as a proxy to set interim

disaggregated FTTP rates. This would be a reasonable and efficient way to restore regulatory symmetry until cost-based rates for disaggregated services are established.

- Aligning the rates would promote competitive neutrality, support the development of wholesale-based FTTP competition, and help preserve consumer choice while the review of the wholesale HSA framework initiated by the Telecom Notice of Consultation 2023-56 is ongoing.

Bell Canada and Rogers

9. Bell Canada and Rogers opposed Quebecor's application. They submitted that the issues raised by Quebecor are already under consideration in the proceeding initiated by Telecom Notice of Consultation 2023-56, including the future of disaggregated wholesale HSA services and the appropriateness of the existing interim disaggregated rates.
10. Bell Canada submitted that granting Quebecor's requested relief through a separate application would be duplicative and would effectively prejudge matters that should be determined based on the full record being developed in that proceeding.
11. Rogers submitted that Quebecor participated fully in the proceeding initiated by Telecom Notice of Consultation 2023-56 and had an opportunity to raise its concerns about disaggregated FTTP access rates in that forum. Rogers stated that allowing parties to seek overlapping relief through separate applications while a comprehensive proceeding is underway would be an inefficient use of resources and could undermine procedural fairness.
12. Bell Canada also submitted that the interim aggregated FTTP access rates approved in Telecom Decision 2023-358 were established through an expedited, interim process and are not suitable to be applied mechanically as proxy rates for disaggregated FTTP services, which, in its view, differ in cost structure and configuration.

Commission's analysis

13. The proceeding initiated by Telecom Notice of Consultation 2023-56 will address both the future of the disaggregated wholesale HSA model and the associated rates. The Commission therefore considers that it would be premature to address access rates for Bell Canada's wholesale disaggregated FTTP services on a stand-alone basis, as requested in the application.
14. Accordingly, the Commission considers that the most appropriate way forward is to address the issues raised in the application within the proceeding initiated by Telecom Notice of Consultation 2023-56.

Conclusion

15. In light of all the above, the Commission denies the application, by majority decision.

Secretary General

Dissenting opinion of Commissioner Bram Abramson

1. The Commission has a statutory obligation to ensure that both interim and final rates for telecommunications services are just and reasonable. Interim rates are a tool to meet that obligation in the face of protracted proceedings.
2. Bell Canada, Rogers Communications Canada Inc., and the Telecommunications Committee majority¹ conflate two distinct tasks. Determining a final structural regime for disaggregated wholesale high-speed access (HSA) services is one. Addressing, in the meantime, interim rates that no longer reflect a reasonable approximation of costs is another.
3. The disaggregated HSA rates at issue were filed in January 2017 and approved in Telecom Order 2017-312. By December 2023, when Quebecor Media Inc. applied to have the Commission revisit those rates, they were nearly seven years old. That application relied in part on findings in Telecom Decision 2023-358 pointing to a close, if imperfect, comparator for updated rates.
4. We should have acted then. We should act now. Leaving the 2017 rates in place, despite a record that casts doubt on their continued reasonableness, is not consistent with our obligation to ensure just and reasonable rates. I therefore dissent and would update Bell Canada's interim disaggregated HSA rates by bringing them closer to the aggregated rates approved in Telecom Decision 2023-358.

Interim rates as timely risk allocators

5. The Commission operates across complex domains and faces real coordination costs in convening proceedings, developing policy, and securing decisions. It is therefore often efficient to address related issues within a single procedural cycle.
6. But that logic has limits. It requires relatively stable problem definitions, bounded scope, and decision points that cannot be deferred indefinitely. Those conditions rarely hold in bureaucratic environments, especially if marked by rapid technological change and unevenly resourced parties.
7. The result is a form of institutional inertia. Issues are held for comprehensive resolution, but the scope of the proceeding expands, timelines lengthen, and priorities evolve. What began as a rational effort to coordinate decisions can instead delay necessary action on discrete problems.

¹ On behalf of the Commission: Telecommunications Committee, By-Law No. 10 (CRTC), paragraph (e) (“[a]ny act or thing done by the Telecommunications Committee shall be deemed to be an act or thing done by the members [...]”), pursuant to paragraph 11(1)(b) and subsection 12(3) of the *Canadian Radio-television and Telecommunications Commission Act* (duties delegated to standing committees by by-law. As distinguished from assigning a particular file to a panel, such as the one with which the proceeding initiated by Telecom Notice of Consultation 2023-56 sits: *Shoan v. Canada (Attorney General)*, 2016 FCA 261, para 6).

8. Interim rate-setting is one of the Commission's tools for exiting that structure of action. Where the record raises a serious question as to whether existing rates remain just and reasonable, interim rates can serve as a corrective measure by reallocating risk pending final determinations.
9. The Commission has used this tool in analogous circumstances: where proposed rates relied on overstated cost assumptions; existing rates became suspect and interim relief preserved the ability to adjust retroactively; and prolonged uncertainty itself risked distorting market participation.
10. This file fits that logic. The question, respectfully, is not whether final determinations belong in another proceeding. It is whether the interim rate remains within a defensible range while the Commission deliberates elsewhere. There is no dispute that the proceeding initiated by Telecom Decision 2023-56 is the appropriate venue for long-term structural questions. But the rate in effect in the interim must still satisfy the Commission's obligation that rates, including interim rates, be just and reasonable.
11. The existing interim disaggregated rate set in Telecom Order 2017-312 does not. Comparing to the aggregated rate does not imply that the two services are architecturally identical. Only that a 76 percent premium on the disaggregated service, which offers thinner service but maximizes points of interconnection, must remain rational. That record does not support that conclusion.
12. On the contrary. The incremental costs unique to the disaggregated tariff reflect not only its POI-maxing architecture,² but also corrections to amortization periods and development costs. These corrections were incorporated into the aggregated tariff, but not into the disaggregated tariff. These differences are material.
13. Maintaining rates known to rest on materially deficient cost inputs is not cost-free. Interim regimes shape incentives and commercial decisions while they persist. To insist on perfect alignment across all proceedings before making any interim adjustment is to allow the perfect to become the enemy of the good. Full parity need not have been the interim solution, but the record on Quebecor's application supported some interim correction, even if narrower, and always without prejudice to the outcome of Telecom Notice of Consultation 2023-56.

Interim authority and its consequences

14. Subsection 61(2) of the *Telecommunications Act* lets final determinations take effect from the date of an interim decision, so a reversible, time-limited interim correction does not require reopening cost proceedings. Deferral was a choice, not a constraint.
15. The interim disaggregated rate was set in 2017 with the expectation that a final rate would follow. That was nine years ago. In the meantime, the Commission has corrected its underlying costing

² Point of interconnection (POI).

methodology, received revised cost inputs, and approved materially lower aggregated FTTP rates for a broadly overlapping set of facilities. At each of those points, the Commission could have acted. Taken together, they show the significance of allowing an interim regime to persist long after its foundations have eroded.

16. This analysis does not assume a particular final outcome, only that interim rates should remain within a defensible range pending such an outcome. The Commission has acknowledged the limits of a disaggregated HSA architecture when the appropriate level of disaggregation; fair, reasonable, and non-discriminatory interconnection models; and transport competition, each core to the success of the disaggregated model, remain unresolved. Noting those dependencies does not decide them here. It underscores why interim rate management matters while they remain unresolved. The service continues to be offered under interim tariffs. In that posture, interim rates should not be allowed to further undermine viability while key elements of the disaggregated model remain unsettled.
17. Interim rates are not administrative placeholders to be left to ripen for a decade. They are the operative terms of competitive engagement. Where those rates are known to rest on corrected or superseded cost assumptions, the just and reasonable mandate points toward timely correction. Instead, the majority has offered only indefinite deferral. I respectfully dissent, and would have reviewed the application on its substance rather than defer it forward.

Related documents

- *Review of the wholesale high-speed access service framework – Temporary access to fibre-to-the-premises facilities over aggregated wholesale high-speed access services*, Telecom Decision CRTC 2023-358, 6 November 2023
- *Notice of hearing – Review of the wholesale high-speed access service framework*, Telecom Notice of Consultation CRTC 2023-56, 8 March 2023, as amended by Telecom Notices of Consultation CRTC 2023-56-1, 11 May 2023, 2023-56-2, 4 July 2023, 2023-56-3, 6 November 2023, and 2023-56-4, 8 April 2024
- *Interim rates for disaggregated wholesale high-speed access services in Ontario and Quebec*, Telecom Order CRTC 2017-312, 29 August 2017, as amended by Telecom Order CRTC 2017-312-1, 12 September 2017
- *Review of wholesale wireline services and associated policies*, Telecom Regulatory Policy CRTC 2015-326, 22 July 2015, as amended by Telecom Regulatory Policy CRTC 2015-326-1, 9 October 2015