



## Telecom Decision CRTC 2021-263

PDF version

References: 2019-372, 2019-372-1, and 2019-372-2

Ottawa, 4 August 2021

*Public record: 1011-NOC2019-0372*

### **Broadband Fund – Project funding approval for Rogers Communications Canada Inc.’s access project in New Brunswick**

The Commission **approves** RCCI’s funding application for up to \$964,024 to build and/or upgrade local fixed access infrastructure in one community in New Brunswick.

#### **Application**

1. In response to the Commission’s second call for applications for funding from the Broadband Fund set out in Telecom Notice of Consultation 2019-372, Rogers Communications Canada Inc. (RCCI) filed an application, submitted 1 June 2020, in which it requested approximately \$964,000 from the Broadband Fund to implement a project that will provide a significant improvement in the broadband Internet access services available to eligible areas in one community in New Brunswick.<sup>1</sup> RCCI indicated that it will use fibre-to-the-home (FTTH) technology to offer services with unlimited data, with speeds ranging from 75 megabits per second (Mbps) download and 10 Mbps upload (75/10 Mbps) to 1,000/30 Mbps, in the community of Storeytown.

#### **Commission’s analysis and determinations**

2. In Telecom Regulatory Policy 2018-377, the Commission established the eligibility and assessment criteria for the Broadband Fund. In Telecom Decision 2021-251, the introductory decision accompanying the round of funding decisions issued today (the introductory decision), the Commission provided background information and described the eligibility and assessment process and selection considerations used to evaluate and select projects to be funded. In that decision, the Commission also set out the conditions that funding recipients must meet in order to receive funding for their projects. The introductory decision should be read in conjunction with this decision.

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<sup>1</sup> The content of the application was designated confidential pursuant to section 39 of the *Telecommunications Act*, but certain details are being disclosed in this decision, consistent with section 11 – *Confidentiality* of the Application Guide, set out in the Appendix to Telecom Notice of Consultation 2019-372, and as agreed to by the applicant. Other elements of the application remain confidential but were considered when the Commission evaluated the application.

## Eligibility criteria

3. RCCI's application met each of the relevant eligibility criteria applicable to access projects.<sup>2</sup> First, as a financially solvent and reliable Canadian carrier with more than three years' experience deploying and operating broadband infrastructure in Canada, RCCI met each of the criteria for eligible applicants. In addition, RCCI demonstrated that it will invest more than a nominal amount in the project, and that the project would not be financially viable without funding from the Broadband Fund. Further, RCCI provided evidence that it consulted or attempted to consult with communities affected by the project, either directly or through community representatives. Finally, the project will serve eligible geographic areas and will meet the requirements regarding service speeds and pricing for broadband Internet access services.

## Assessment criteria

4. On the basis of its evaluation of RCCI's project against the assessment criteria for access projects,<sup>3</sup> as set out below, the Commission finds that the project is of high quality and will assist in achieving the goals of the Broadband Fund.
5. The project is technically sound and capable of delivering speeds and data allowances consistent with the universal service objective, which the Commission defined in Telecom Regulatory Policy 2016-496.<sup>4</sup> The proposed equipment is capable of delivering the proposed services, and the project is scalable and resilient. In addition, the project will implement widely adopted and supported technologies with good long-term sustainability.
6. The Commission considered various financial indicators to assess the financial viability of RCCI's project and finds it to be financially sound and the proposed project costs to be reasonable. In addition, the Commission considers that RCCI has made a significant commitment of its own funds to the project and finds that the cost per household to the Broadband Fund is reasonable for the project.
7. RCCI provided evidence of support for the project from the relevant provincial Member of the Legislative Assembly and the mayor of the affected community.

## Conclusion

8. In selecting the project for funding, the Commission concludes that, in providing broadband Internet access services with speeds of up to 1,000/30 Mbps and an unlimited data allowance,

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<sup>2</sup> Specifically, the Commission used the eligibility criteria set out in sections 6.1.1(a) to (d) of the Application Guide, applicable to applicants; in sections 6.1.2(a) to (c), applicable to all project types; and in sections 6.1.3(d) to (f), applicable to access projects. Because the applicant does not comprise a partnership, joint venture, or consortium, the criterion set out in section 6.1.1(e) does not apply.

<sup>3</sup> Specifically, the assessment criteria set out in the Application Guide in sections 6.2.1(a) to (d) and in sections 6.2.2(f) to (j).

<sup>4</sup> The universal service objective is that Canadians, in urban areas as well as in rural and remote areas, have access to voice services and broadband Internet access services, on both fixed and mobile wireless networks. To help achieve this objective, projects funded by the Broadband Fund should enable fixed broadband Internet access service subscribers to access speeds of at least 50/10 Mbps, and to subscribe to a service offering with an unlimited data allowance.

the project is consistent with the universal service objective and will have a significant positive impact on the community to be served, which encompasses approximately 460 households. In addition, the Commission concludes that supporting this project represents an efficient use of the funding available from the main component of the Broadband Fund.

9. In light of the above, the Commission **approves**, to the extent and subject to the directions and conditions set out in paragraphs 29 to 39 of the introductory decision (Telecom Decision 2021-251), up to a maximum of \$964,024 from the Broadband Fund to be distributed to RCCI for the purpose of the access project described above and as set out in the approved statement of work.

## Policy Directions

10. The 2006 Policy Direction<sup>5</sup> and the 2019 Policy Direction<sup>6</sup> (collectively, the Policy Directions) state that the Commission, in exercising its powers and performing its duties under the *Telecommunications Act* (the Act), shall implement the telecommunications policy objectives set out in section 7 of the Act, in accordance with the considerations set out therein,<sup>7</sup> and should specify how its decisions can, as applicable, promote competition, affordability, consumer interests, and innovation.
11. The Commission considers that its decision to approve funding from the Broadband Fund for the project described in detail in this decision is consistent with the Policy Directions.
12. Specifically, this decision to approve funding for a project to build and/or upgrade infrastructure in order to improve fixed broadband Internet access services in eligible areas in one community in New Brunswick will help to close the gap in connectivity in underserved areas. There would be no business case for the project without funding from the Broadband Fund. Funding the project will enable approximately 460 households to access broadband Internet access services that meet or exceed the universal service objective level and thus respond to the social and economic needs of consumers. In doing so, this decision will implement the telecommunications policy objectives, including those set out in paragraphs 7(a), (b), and (h) of the Act.<sup>8</sup>

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<sup>5</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives*, SOR/2006-355, 14 December 2006

<sup>6</sup> *Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227, 17 June 2019

<sup>7</sup> The relevant considerations are subparagraph 1(a)(i) of the 2006 Policy Direction, which states that the Commission should rely on market forces to the maximum extent feasible as the means of achieving the telecommunications policy objectives, and paragraph 1(a) of the 2019 Policy Direction, which states that the Commission should consider how its decisions can promote competition, affordability, consumer interests and innovation.

<sup>8</sup> The cited policy objectives of the Act are 7(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions; (b) to render reliable and affordable telecommunications services of high quality accessible to

Secretary General

### **Related documents**

- *Broadband Fund – Second call for applications – Introductory decision regarding the third round of project funding approvals*, Telecom Decision CRTC 2021-251, 4 August 2021
- *Broadband Fund – Second call for applications*, Telecom Notice of Consultation CRTC 2019-372, 13 November 2019; as amended by Telecom Notices of Consultation CRTC 2019-372-1, 20 March 2020; and 2019-372-2, 27 April 2020
- *Development of the Commission’s Broadband Fund*, Telecom Regulatory Policy CRTC 2018-377, 27 September 2018
- *Modern telecommunications services – The path forward for Canada’s digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016

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Canadians in both urban and rural areas in all regions of Canada; and (h) to respond to the economic and social requirements of users of telecommunications services.