



## Telecom Decision CRTC 2022-83 encompassing Telecom Decisions CRTC 2022-84, 2022-85, 2022-86, and 2022-87

PDF version

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

Ottawa, 29 March 2022

*Public record: 1011-NOC2019-0372*

### **Broadband Fund – Project funding approval for ATG Arrow Technology Group Limited Partnership’s access projects in Alberta (Peerless Trout First Nation and Little Red River Cree Nation)**

The Commission **approves** four funding applications by ATG Arrow Technology Group Limited Partnership for a total of up to \$15,749,719 to build and/or upgrade local fixed access infrastructure in a total of five communities in Alberta. The individual funding awards are set out in the following decisions, which are encompassed by this decision:

- In Telecom Decision 2022-84, the Commission **approves** up to \$4,023,405 for the communities of Peerless Lake and Trout Lake (Peerless Trout First Nation).
- In Telecom Decision 2022-85, the Commission **approves** up to \$997,072 for the community of Garden Creek (Little Red River Cree Nation).
- In Telecom Decision 2022-86, the Commission **approves** up to \$4,309,297 for the community of John D’Or Prairie (Little Red River Cree Nation).
- In Telecom Decision 2022-87, the Commission **approves** up to \$6,419,945 for the community of Fox Lake (Little Red River Cree Nation).

#### **Applications**

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, ATG Arrow Technology Group Limited Partnership (Arrow) filed various applications. In the four applications discussed in this decision, Arrow requested funding to implement projects to improve the broadband Internet access services available to eligible areas in five communities in Alberta. Arrow proposed to use fibre-to-the-home (FTTH) technology to offer services consistent with the universal service objective, which the Commission defined in Telecom Regulatory Policy 2016-496.<sup>1</sup>

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<sup>1</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

2. Details for each application are provided in the individual funding decisions included in the Appendix to this decision:<sup>2</sup> Telecom Decision 2022-84, Telecom Decision 2022-85, Telecom Decision 2022-86, and Telecom Decision 2022-87.

### **Commission's analysis and determinations**

3. In Telecom Regulatory Policy 2018-377, the Commission established the eligibility and assessment criteria for the Broadband Fund. In Telecom Decision 2022-81, the introductory decision accompanying the round of funding decisions issued today, 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.

### **Eligibility criteria**

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

### **Assessment criteria**

5. On the basis of its evaluation of Arrow's projects against the assessment criteria for access projects,<sup>4</sup> as set out below and in the Appendix to this decision, the

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broadband Internet access service subscribers to access speeds of at least 50 megabits per second (Mbps) download and 10 Mbps upload, and to subscribe to a service offering with an unlimited data allowance.

<sup>2</sup> The content of each of these applications 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 applications remain confidential but were considered when the Commission evaluated the applications.

<sup>3</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>4</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).

Commission finds that the projects are all of high quality and will assist in achieving the goals of the Broadband Fund.

6. The projects are all technically sound and capable of delivering speeds and data allowances consistent with the universal service objective. The proposed equipment is capable of delivering the proposed services, and the projects are all scalable and resilient. In addition, the projects will implement widely adopted and supported technologies with good long-term sustainability.
7. The Commission considered various financial indicators to assess the financial viability of Arrow's projects and finds the projects to be financially sound and the proposed project costs to be reasonable. In addition, the Commission considers that for each project, a suitable proportion of the funding for the proposed total project costs comes from sources other than the Broadband Fund and finds that the cost per household to the Broadband Fund is reasonable for each project.
8. The remaining evaluation details and the conclusions specific to each Arrow application are set out in the individual funding decisions for the projects, which are included in the Appendix to this decision.

## Conclusion

9. As indicated in the funding decisions in the Appendix, the Commission **approves** four funding applications by Arrow for a total of up to \$15,749,719 to build and/or upgrade local fixed access infrastructure in a total of five communities in Alberta. The Commission's approvals in the individual funding decisions are subject to the directions and conditions set out in paragraphs 29 to 39 of the introductory decision (Telecom Decision 2022-81).
10. The Commission reminds Arrow of the funding condition related to the duty to consult (see paragraph 35(f) of Telecom Decision 2022-81) and expects Arrow to keep local Indigenous groups informed of its projects so that the Commission can be satisfied that any adverse impact on Aboriginal or treaty rights will be identified and addressed.

## Policy Directions

11. 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

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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

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.

12. The Commission considers that its decision to approve funding from the Broadband Fund for the projects described in detail in this decision and in the individual funding decisions encompassed herein is consistent with the Policy Directions.
13. Specifically, this decision to approve funding for four projects to build and/or upgrade infrastructure in order to improve fixed broadband Internet access services in eligible areas in five communities in Alberta will help to close the gap in connectivity in underserved areas. There would be no business case for the projects without funding from the Broadband Fund. Funding the projects will enable approximately 755 households to access Internet services that meet 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>

Secretary General

### **Related documents**

- *Broadband Fund – Second call for applications – Introductory decision regarding the March 2022 round of project funding approvals*, Telecom Decision CRTC 2022-81, 29 March 2022
- *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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<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; 7(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada; and 7(h) to respond to the economic and social requirements of users of telecommunications services.

## Appendix to Telecom Decision CRTC 2022-83

### Telecom Decision CRTC 2022-84

Ottawa, 29 March 2022

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### **Broadband Fund – Project funding approval for ATG Arrow Technology Group Limited Partnership’s access project in Alberta (Peerless Lake and Trout Lake)**

#### **Application**

1. ATG Arrow Technology Group Limited Partnership (Arrow) requested \$4,023,405 from the Broadband Fund to implement a project to improve the broadband Internet access services available to eligible areas in two communities in Alberta. Arrow indicated that it will offer services with unlimited data, with speeds ranging from 50 megabits per second (Mbps) download and 10 Mbps upload (50/10 Mbps) to 100/50 Mbps, in Peerless Lake and Trout Lake, two communities of the Peerless Trout First Nation.

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

2. As noted in Telecom Decision 2022-83 above, this application to serve eligible areas in two communities in Alberta has met all the relevant eligibility criteria, and the Commission has found it to be of high quality based on an evaluation of the project against the relevant assessment criteria.
3. Arrow provided evidence of support for the project from the Peerless Trout First Nation, which represents both of the affected communities.

#### **Conclusion**

4. In selecting the project for funding, the Commission applied the social consideration that the project will serve Indigenous communities. The Commission concludes that, in providing broadband Internet access services with speeds of up to 100/50 Mbps and an unlimited data allowance, the project is consistent with the universal service objective and will have a significant positive impact on the eligible areas to be served, which encompass approximately 195 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.
5. 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 2022-81), up to a maximum of \$4,023,405 from the Broadband Fund to be distributed to Arrow for the purpose of the access project described above and as set out in the approved statement of work.

## Telecom Decision CRTC 2022-85

Ottawa, 29 March 2022

*Public record: 1011-NOC2019-0372*

### **Broadband Fund – Project funding approval for ATG Arrow Technology Group Limited Partnership’s access project in Alberta (Garden Creek)**

#### **Application**

1. ATG Arrow Technology Group Limited Partnership (Arrow) requested \$997,072 from the Broadband Fund to implement a project to improve the broadband Internet access services available to eligible areas in one community in Alberta. Arrow indicated that it will offer services with unlimited data, with speeds ranging from 50 megabits per second (Mbps) download and 10 Mbps upload (50/10 Mbps) to 100/50 Mbps, in Garden Creek (also known as Garden River), a community of the Little Red River Cree Nation.

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

2. As noted in Telecom Decision 2022-83 above, this application to serve eligible areas in one community in Alberta has met all the relevant eligibility criteria, and the Commission has found it to be of high quality based on an evaluation of the project against the relevant assessment criteria.
3. Arrow provided evidence of support for the project from the Little Red River Cree Nation, which represents the affected community. Arrow also secured third-party funding for the project.

#### **Conclusion**

4. In selecting the project for funding, the Commission applied the social consideration that the project will serve an Indigenous community. The Commission concludes that, in providing broadband Internet access services with speeds of up to 100/50 Mbps and an unlimited data allowance, the project is consistent with the universal service objective and will have a significant positive impact on the eligible areas to be served, which encompass approximately 80 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.
5. 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 2022-81), up to a maximum of \$997,072 from the Broadband Fund to be distributed to Arrow for the purpose of the access project described above and as set out in the approved statement of work.

## Telecom Decision CRTC 2022-86

Ottawa, 29 March 2022

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### **Broadband Fund – Project funding approval for ATG Arrow Technology Group Limited Partnership’s access project in Alberta (John D’Or Prairie)**

#### **Application**

1. ATG Arrow Technology Group Limited Partnership (Arrow) requested \$4,309,297 from the Broadband Fund to implement a project to improve the broadband Internet access services available to eligible areas in one community in Alberta. Arrow indicated that it will offer services with unlimited data, with speeds ranging from 50 megabits per second (Mbps) download and 10 Mbps upload (50/10 Mbps) to 100/50 Mbps, in John D’Or Prairie, a community of the Little Red River Cree Nation.

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

2. As noted in Telecom Decision 2022-83 above, this application to serve eligible areas in one community in Alberta has met all the relevant eligibility criteria, and the Commission has found it to be of high quality based on an evaluation of the project against the relevant assessment criteria.
3. Arrow provided evidence of support for the project from the Little Red River Cree Nation, which represents the affected community. Arrow also secured third-party funding for the project.

#### **Conclusion**

4. In selecting the project for funding, the Commission applied the social consideration that the project will serve an Indigenous community. The Commission concludes that, in providing broadband Internet access services with speeds of up to 100/50 Mbps and an unlimited data allowance, the project is consistent with the universal service objective and will have a significant positive impact on the eligible areas to be served, which encompass approximately 225 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.
5. 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 2022-81), up to a maximum of \$4,309,297 from the Broadband Fund to be distributed to Arrow for the purpose of the access project described above and as set out in the approved statement of work.

## Telecom Decision CRTC 2022-87

Ottawa, 29 March 2022

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### **Broadband Fund – Project funding approval for ATG Arrow Technology Group Limited Partnership’s access project in Alberta (Fox Lake)**

#### **Application**

1. ATG Arrow Technology Group Limited Partnership (Arrow) requested \$6,419,945 from the Broadband Fund to implement a project to improve the broadband Internet access services available to eligible areas in one community in Alberta. Arrow indicated that it will offer services with unlimited data, with speeds ranging from 50 megabits per second (Mbps) download and 10 Mbps upload (50/10 Mbps) to 100/50 Mbps, in Fox Lake, a community of the Little Red River Cree Nation.

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

2. As noted in Telecom Decision 2022-83 above, this application to serve eligible areas in one community in Alberta has met all the relevant eligibility criteria, and the Commission has found it to be of high quality based on an evaluation of the project against the relevant assessment criteria.
3. Arrow provided evidence of support for the project from the Little Red River Cree Nation, which represents the affected community. Arrow also secured third-party funding for the project.

#### **Conclusion**

4. In selecting the project for funding, the Commission applied the social consideration that the project will serve an Indigenous community. The Commission concludes that, in providing broadband Internet access services with speeds of up to 100/50 Mbps and an unlimited data allowance, the project is consistent with the universal service objective and will have a significant positive impact on the eligible areas to be served, which encompass approximately 255 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.
5. 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 2022-81), up to a maximum of \$6,419,945 from the Broadband Fund to be distributed to Arrow for the purpose of the access project described above and as set out in the approved statement of work.