



Telecom Order CRTC 2025-116

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Gatineau, 23 May 2025

Public record: 1011-NOC2022-0325

Broadband Fund – Acceptance of statement of work for TBayTel’s mobile wireless project in northwestern Ontario (Highway 527)

Background

1. In Telecom Decision 2024-191, the Commission awarded up to \$5,156,270 to TBayTel for its project to upgrade five cellular sites to serve approximately 39 kilometres of Highway 527 in northwestern Ontario.
2. In accordance with the conditions of approval set out in Telecom Decision 2024-191, TBayTel confirmed in writing its acceptance of the funding award. On 18 December 2024, TBayTel submitted its completed statement of work package for Commission approval.

Commission’s analysis

3. The Commission finds that the statement of work package does not present any significant variances from the original funding application.
4. The Commission recognizes that as a result of relocating one cellular tower site within the project area, the mobile wireless signal coverage along Highway 527 will improve from the original estimated 39 kilometres to approximately 51 kilometres of coverage.

Conclusion

5. The Commission approves, by majority, the finalized statement of work.
6. The Commission will provide the statement of work separately and in confidence to TBayTel.
7. Provided that TBayTel complies with all conditions of funding set out in Telecom Decision 2024-191, the Commission will direct the Central Fund Administrator to make payments to TBayTel for its mobile wireless project. Failure to comply with these conditions could result in funding being delayed or not being disbursed.
8. The Commission reminds TBayTel of the following condition of funding set out in Telecom Decision 2024-191: Where a risk of adverse impact on an Aboriginal or

treaty right becomes known and a duty to consult exists, TBayTel must advise the Commission within **20 days** and submit a plan detailing the form and process for fulfilment of the duty. The release of any additional funding will be contingent on TBayTel demonstrating that any necessary consultations were held to the Crown's satisfaction.¹

9. TBayTel is required to submit quarterly progress reports and expense claims beginning no later than **21 August 2025**, or as otherwise agreed to with the Commission, until the project is completed.
10. Finally, in accordance with the Commission's determinations in Telecom Decision 2024-191, TBayTel must file for Commission approval a final implementation report within **90 days** of construction being complete and broadband services being offered. In the report, TBayTel must confirm that project construction is complete and that broadband services are being offered. The date on which the final implementation report is submitted will be considered the project completion date. TBayTel must also demonstrate in the report that the project has met the requirements set out in all related decisions.²
11. A dissenting opinion by Commissioner Bram Abramson is attached to this order.

Secretary General

Related documents

- *Broadband Fund policy review – New policy for funding capital projects*, Telecom Regulatory Policy CRTC 2024-328, 12 December 2024
- *Practice and procedure for final offer arbitration to determine wholesale roaming rates*, Telecom Information Bulletin CRTC 2024-234, 7 October 2024
- *Wholesale roaming service—Review of rates and rate-setting approach*, Telecom Decision CRTC 2024-233, 7 October 2024
- *Broadband Fund – Project funding approval for TBayTel's mobile wireless project in northwestern Ontario (Highway 527)*, Telecom Decision CRTC 2024-191, 28 August 2024
- *Review of mobile wireless services*, Telecom Regulatory Policy CRTC 2021-130, 15 April 2021

¹ See subparagraph 43(i) of Telecom Decision 2024-191.

² See subparagraph 43(k) of Telecom Decision 2024-191.

- *Modern telecommunications services – The path forward for Canada’s digital economy*, Telecom Regulatory Policy CRTC 2016-496, 21 December 2016

Dissenting opinion of Commissioner Bram Abramson

1. A resident of Shuniah, Ontario, sets out for Armstrong, at the far end of Highway 527. Halfway there, their car breaks down. They know someone in Gull Bay First Nation who could help: but how to reach them?
2. Campers in Gull River Provincial Park, fleeing what they believe is a slow-approaching fire, are able to make their way to Highway 527 en route to Thunder Bay. Is there a radio station they can tune in to in order to find out what is happening? Can they phone loved ones to let them know they are okay? What about accessing websites?
3. On questions like these, our job at the Commission has two parts. We should know the answer. And we should make sure that, when held up against the policy objectives that give us our marching orders,¹ it is a good answer.
4. The Commission directs Broadband Fund² funding towards otherwise uneconomic mobile coverage along three kinds of roads: (i) key provincial and international corridor roads, (ii) key linkages to these roads from population and economic centres, and (iii) key linkages from major roads that provide the primary means of access to northern and remote areas. We do so because the presence or absence of coverage along as many such roads as possible is, in our view,³ a criterion for assessing progress towards reaching the universal service objective.⁴
5. What coverage have we funded alongside Highway 527? We know, from the detailed information on TBayTel's statement of work, that subscribers to TBayTel will have

¹ In respect of mobile telecommunications coverage, see *Telecommunications Act*, S.C. 1993, c. 38, section 7, noting paragraphs 7(a), 7(b), and 7(h); and *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23, 10 February 2023, noting paragraphs 2(c) and 2(d), section 8, and paragraph 20(c). In respect of radio coverage, see *Broadcasting Act*, S.C. 1991, c. 11, subsections 2(3), 3(1), and 5(2), noting paragraph 3(1)(a.1); subparagraphs 3(1)(d)(i), 3(1)(i)(ii), and 3(1)(i)(ii.1); and paragraphs 3(1)(k), 5(2)(b), and 5(2)(h).

² We would do well to rename the fund to avoid unnecessary confusion. For example, Innovation, Science and Economic Development Canada—a telecommunications regulator—has in recent years operated a Universal Broadband Fund. The CRTC, also a telecommunications regulator, administers a Broadband Fund to support universal service. Given the similarity in names, some conflation is inevitable; a name change would reduce the potential for it.

³ See Telecom Regulatory Policy 2016-496, paragraphs 39 and 64, including footnote 26. With respect to future projects, see also Telecom Regulatory Policy 2024-328, paragraph 70 and paragraph 9, section E, of Appendix 1.

⁴ The universal service objective was established in Telecom Regulatory Policy 2016-496, at paragraph 37: “Canadians, in urban areas as well as in remote and rural areas, have access to voice services and broadband Internet access services, on both fixed and mobile wireless networks.”

coverage. But we do not know whether subscribers to other mobile carriers will. Nor do we have a position on whether they ought to.

6. In my view, this—while specific to the project at issue on this decision—is not much different from other mobile projects funded by the Broadband Fund thus far. It puts us in a position where we know neither the whole answer, nor whether it is a good answer. That is why I am dissenting from this majority decision made by the Telecommunications Committee on behalf of the Commission.⁵ In doing so, it is important to distinguish between two things.
7. It is one thing for non-recipient mobile carriers to have the ability, or right, to secure the coverage that would let their subscribers experience universal service along this mobile road coverage project. That is something to which both of Canada’s telecommunications regulators have attended. The Minister of Industry acting through Innovation, Science and Economic Development Canada (ISED)—which, in addition to the Minister’s policy role, uses spectrum regulatory authority to advance broader telecommunications policy goals directly⁶—mandates both tower-sharing and roaming.⁷ The Commission requires major mobile carriers, though not TBayTel, to provide roaming on tariffed terms and conditions, with rates backstopped by final offer arbitration.⁸

⁵ See *Telecommunications Committee*, By-Law No. 10, paragraph (e): “Any act or thing done by the Telecommunications Committee shall be deemed to be an act or thing done by the members.” Decisions in respect of Broadband Fund allocations are generally assigned to one of three levels. At the lowest level, non-material (administrative) project changes—including non-material changes in the location of project sites within a community, and late funding claims made within a limited window that do not comprise more than 5 percent of project funding—were delegated by the Telecommunications Committee to the Director-General, Telecommunications, in 2020. At the intermediate level, material project changes—as defined in the Application Guide—are delegated by the Chairperson to a Broadband Fund Review Panel pursuant to subsection 6(2) of the *Canadian Radio-television and Telecommunications Commission Act*, R.S.C., 1985, c. C-22 (the CRTC Act), as set out in *Shoan v. Canada (Attorney General)*, 2016 FC 1003, paragraph 6 (but note subsection 12(3) of the CRTC Act). Other decisions in respect of Broadband Fund allocations are generally those of the Telecommunications Committee.

⁶ In designating the Minister of Industry as Canada’s telecommunications sector regulator alongside the Superintendent of Financial Institutions, Bank of Canada, Canadian Nuclear Safety Commission, Canadian Energy Regulator, and Minister of Transport, the Critical Cyber Systems Protection Act contemplated by Part 2 of *An Act respecting cyber security, amending the Telecommunications Act and making consequential amendments to other Acts*, Bill C-26 (44th Parl., 1st Sess.), would have further entrenched this dual-regulator structure.

⁷ Relevant spectrum licences generally incorporate by reference the *Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements*, CPC-2-0-17 (ISED), 7 March 2013, which in turn incorporate *Industry Canada’s Arbitration Rules and Procedures*, CPC-2-0-18 (ISED), 7 March 2013.

⁸ See Telecom Decision 2024-233 and Telecom Information Bulletin 2024-234.

8. However, it falls to competing providers to initiate commercial negotiations for such coverage. There is no obligation to seek it, nor to provide it. Mandating such coverage would be something entirely different.
9. Should the Commission mandate such coverage as part of its Broadband Fund, so that when industry funds are directed towards subsidizing otherwise-uneconomic roadside mobile coverage, Canadians subscribing to any of the major wireless service providers might expect to be able to phone a friend whenever there is such coverage within those providers' incumbent territories?⁹ Indeed, should the Commission mandate such coverage more broadly? If so, where? If not, then should recipients of funding intended to provide such coverage at least detail what steps, if any, they have undertaken to promote cross-carrier access?
10. Most of these questions are clearly beyond the scope of TBayTel's statement of work. They are the kinds of questions that could have been addressed by the Broadband Fund policy review decision (Telecom Regulatory Policy 2024-328), on which I dissented in respect of other matters. They could likely form part of the Commission's ongoing review of Broadband Fund matters. They should likely be part of a broader inquiry that relates both to Broadband Fund projects and to coverage in areas with limited market viability more generally. They raise a basic question as to the kinds of coverage Canadians should expect.
11. These are not new questions. For instance, long-irked subway commuters in Toronto flagged them for years until ISED, having seen the Commission move with something less than dispatch, took matters into its own hands:

The availability of mobile wireless services within the TTC Subway System is critical for public safety and recent incidents have only served to highlight the pressing need for immediate action. While 9-1-1 service is currently available in parts of the TTC Subway System, ISED considers it necessary for users to be able to access the full suite of wireless services to enhance their safety and security throughout. To date, only a single carrier has provided its services along portions of the TTC Subway System, leaving a large number of residents unable to access critical mobile wireless services.¹⁰

12. The same policy question (whether access to 9-1-1, and perhaps one day 9-8-8, ought to suffice) is raised wherever one major carrier provides access but others have declined to do likewise, whether through capital-intensive parallel builds or tower-sharing, operations-focussed roaming arrangements, or otherwise. In some areas, competing coverage may best be left to market competition: consider a residential neighbourhood where switching carriers is a viable response. In other

⁹ See Telecom Regulatory Policy 2021-130, paragraphs 152, 154, and 156.

¹⁰ See *Consultation on Conditions of Licence relating to the Provision of Service within the Toronto Transit Commission (TTC) Subway System*, DGSO-005-23 (ISED), July 2023, paragraph 7.

areas, market competition is unlikely to fulfil our policy objectives, translated through the more specific considerations captured by the ISED consultation paper: consider remote roads where traffic is more likely to be just passing through. What is the bright line between these? What other measures, whether technological (like ubiquitous, affordable, and persistent direct-to-device connectivity), informational (better and more automated advance information to consumers about where their phones will and won't work), or other, might help mitigate the need for regulatory intervention?

13. These are broad issues. I hope we will tackle them. It is, in my view, our job to do so if we are to begin giving better answers. But, in the meantime, we certainly ought to ask that detailed statements of work for already-committed mobile road coverage funding include information on what efforts, if any, have been undertaken to secure cross-carrier coverage—and, perhaps more straightforwardly, information on which carriers' subscribers should expect to access the new connectivity being subsidized by the Broadband Fund. Asking, and publishing the relevant parts of the answer on the public record, would, it seems to me, put the Commission in a position to do the first part of our job.