



## Telecom Order CRTC 2025-144

PDF version

Gatineau, 13 June 2025

*Public records: Cogeco Connexion Inc. Tariff Notice 68; Rogers Communications Canada Inc. Tariff Notices 81 and 81A; and Shaw Cablesystems G.P. Tariff Notices 44, 44A, 44B, 44C, 45, and 45A*

### **Various companies – Increasing upload speeds for third-party Internet access to meet the speed-matching requirement**

#### **Summary**

The Commission is working to increase choice and affordability of high-speed Internet services by promoting greater competition between Internet service providers while ensuring investment in high-quality networks.

Wholesale access helps promote competition. It allows competitors to use the Internet networks of large telephone and cable companies to provide their own Internet services to consumers. Increased competition creates more choice and leads to lower prices for Canadians.

When providing wholesale access, the Commission requires that competitors have access to the same speed options that the large telephone and cable companies make available to their own customers. This requirement is called speed-matching.

To comply with this requirement, the Commission received applications from several large telephone and cable companies to offer new speed options for wholesale high-speed access services and to cease providing speeds that the companies no longer offer to new customers.

The Commission considers that the applications comply with the speed-matching requirement and with the Commission's current framework and policies. Accordingly, the Commission approves on an interim basis:

- Cogeco Connexion Inc.'s Tariff Notice (TN) 68;
- Rogers Communications Canada Inc.'s TN 81, as amended by TN 81A; and
- Shaw Cablesystems G.P.'s (Shaw) TN 44, as amended by TNs 44A, 44B, and 44C.

The Commission also approves on a final basis:

- Shaw's TN 45, as amended by TN 45A.

The rates for the proposed speed tiers will remain interim pending the outcome of the proceeding initiated by Telecom Notice of Consultation 2023-56.

## **Background**

1. In Telecom Regulatory Policy 2010-632, the Commission concluded that incumbent local exchange carriers must provide their wholesale high-speed access (HSA) services to competitors at speeds that match all the speed options they offer to their own retail customers (the speed-matching requirement).
2. Several companies have filed applications with the Commission to comply with the speed-matching requirement. The companies propose either to make new service speeds available to competitors or to cease providing (i.e., destandardize or withdraw) service speeds they no longer offer their own retail customers. The Commission received such applications from Cogeco Communications Inc., on behalf of its subsidiary Cogeco Connexion Inc. (Cogeco); Rogers Communications Canada Inc. (Rogers); and Shaw Cablesystems G.P. (Shaw).

## **Applications**

### **Cogeco**

3. On 26 October 2023, Cogeco filed Tariff Notice (TN) 68 with the Commission. The company submitted that, in parts of its service areas, it had recently increased the upload speed of its 360 megabits per second (Mbps) and 1 gigabit per second (Gbps) downstream high-speed retail Internet services from 30 Mbps to 100 Mbps.
4. Cogeco proposed to make those speeds available on a wholesale basis through its third-party Internet access (TPIA) service, over its hybrid fibre-coaxial (HFC) network, wherever an equivalent upload speed is offered on a retail basis. No change to any rate or charge was proposed.

### **Rogers**

5. On 1 November 2023, Rogers filed TN 81 with the Commission. The company proposed new upload speeds for its aggregated TPIA service in certain areas of Ontario.
6. On 25 July 2024, Rogers filed an amended application, TN 81A. In order to reflect speeds it currently offers to its retail customers, Rogers replaced the list of upload speeds it had proposed in TN 81 with the following:
  - 100 Mbps download / 30 Mbps upload;
  - 100 Mbps download / 100 Mbps upload;
  - 250 Mbps download / 30 Mbps upload;

- 250 Mbps download / 200 Mbps upload;
  - 500 Mbps download / 200 Mbps upload;
  - 1000 Mbps download / 200 Mbps upload; and
  - 1500 Mbps download / 200 Mbps upload.
7. Rogers indicated that the new speeds would only be available in areas where it has the capability to provide them.
  8. Because Rogers did not propose any change to the download speeds available, it did not propose any change to the rates for these services.
  9. In TN 81A, Rogers also proposed to destandardize the following service speeds:
    - 75 Mbps download / 30 Mbps upload;
    - 150 Mbps download / 30 Mbps upload; and
    - 300 Mbps download / 30 Mbps upload.
  10. Rogers indicated that, as of the date of the application, it would no longer offer the above speeds to new retail customers.
  11. Rogers submitted that no resellers or their end-users would be affected by the proposed destandardization, and that wholesale end-users that subscribed to the services prior to the date of destandardization would be grandfathered at existing speeds.
  12. Rogers submitted that its obligation is to make TPIA services available to competitors at speeds that match the speeds it offers to its retail customers. However, the company indicated that it was notifying its TPIA customers of the destandardization.

## **Shaw**

### **TNs 44, 44A, 44B, and 44C**

13. On 2 November 2023, Shaw filed TN 44 with the Commission. The company proposed new speed tiers with new upload speeds for its TPIA service in areas where it made network upgrades.
14. Because Shaw did not propose any change to the download speeds available, it did not propose any change to the rates for these services.
15. On 4 April 2024, Shaw filed an amended application, TN 44A, to correct errors.
16. On 25 July 2024, Shaw filed another amended application, TN 44B. In order to reflect changes to its offerings on the retail market, Shaw updated the list of speeds it had

proposed in TN 44. Shaw filed a further amendment on 22 August 2024, TN 44C, in which it removed three of the proposed speeds. The resulting list is as follows:

- Internet 50 Mbps download / 50 Mbps upload;
- Internet 100 Mbps download / 50 Mbps upload;
- Internet 100 Mbps download / 100 Mbps upload;
- Internet 250 Mbps download / 50 Mbps upload;
- Internet 250 Mbps download / 200 Mbps upload;
- Internet 500 Mbps download / 50 Mbps upload;
- Internet 500 Mbps download / 200 Mbps upload;
- Internet 750 Mbps download / 50 Mbps upload;
- Internet 750 Mbps download / 200 Mbps upload;
- Internet 1000 Mbps download / 50 Mbps upload;
- Internet 1000 Mbps download / 200 Mbps upload;
- Internet 1500 Mbps download / 50 Mbps upload; and
- Internet 1500 Mbps download / 200 Mbps upload.

#### **TNs 45 and 45A**

17. On 2 November 2023, Shaw filed TN 45 with the Commission. In order to align the wholesale service speeds it offers with its retail service, Shaw proposed to destandardize the following service speeds:

- Internet 60 Mbps download / 6 Mbps upload;
- Internet 75 Mbps download / 7.5 Mbps upload;
- Internet 100 Mbps download / 10 Mbps upload;
- Internet 150 Mbps download / 10 Mbps upload;
- Internet 150 Mbps download / 15 Mbps upload;
- Internet 250 Mbps download / 15 Mbps upload;
- Internet 300 Mbps download / 15 Mbps upload;
- Internet 300 Mbps download / 100 Mbps upload;

- Internet 500 Mbps download / 20 Mbps upload;
  - Internet 500 Mbps download / 100 Mbps upload;
  - Internet 600 Mbps download / 20 Mbps upload;
  - Internet 600 Mbps download / 100 Mbps upload;
  - Internet 750 Mbps download / 20 Mbps upload;
  - Internet 750 Mbps download / 100 Mbps upload;
  - Internet 1000 Mbps download / 100 Mbps upload; and
  - Internet 1500 Mbps download / 100 Mbps upload.
18. Shaw indicated that, as of the date of the application, it would no longer offer the above speeds to new retail customers.
19. Shaw submitted that no existing wholesale end-users would be impacted by the proposed changes. Consistent with the treatment afforded Shaw's retail customers, wholesale end-users that subscribed to the services prior to the date of destandardization would be grandfathered at existing speeds.
20. Shaw stated that its obligation is to make TPIA services available to competitors at speeds that match the speeds it offers its retail customers. Shaw submitted that it has no obligation to make available any service speeds that it does not offer to its own retail customers. However, Shaw indicated that alternative service offerings are available to its TPIA customers, and stated that it would notify them of the destandardization.
21. On 15 January 2024, Shaw submitted an amendment, TN 45A, to remove its Internet 100 Mbps download / 10 Mbps upload service from the list of service speeds it proposed to destandardize.
22. The Commission received interventions from TekSavvy Solutions Inc. (TekSavvy) concerning Cogeco's TN 68, Rogers' TN 81, and Shaw's TNs 44 and 45.

## **TekSavvy's interventions**

### **Cogeco's TN 68**

23. TekSavvy submitted that Cogeco previously confirmed that fibre technology enables Cogeco to deliver the same services through the radio frequency over glass (RFoG) network that it delivers through its HFC network. TekSavvy noted that the same speeds should be made available for both networks.

24. Based on this, TekSavvy requested that the Commission approve the requested 100 Mbps upload speed for 360 Mbps and 1 Gbps services for Cogeco's HFC network, as well as for disaggregated HSA services that Cogeco provides over RFoG, without any change in rate. Alternatively, TekSavvy requested that the Commission require another filing from Cogeco to introduce the higher upload speeds as RFoG wholesale HSA services.
25. TekSavvy submitted that this would strike a balance between regulatory burden and benefit, while respecting long-standing Commission determinations such as the speed-matching requirement and the speed-banding approach.<sup>1</sup>
26. TekSavvy requested that whenever Cogeco proposes to introduce new HFC wholesale HSA services it should also be required to introduce equivalent RFoG wholesale HSA services. Alternatively, TekSavvy proposed that whenever the Commission approves a tariff application to introduce new HFC wholesale HSA services in the absence of an equivalent application for RFoG wholesale HSA services, the Commission could approve, at the same time and without an additional filing, those equivalent RFoG wholesale HSA services.

#### **Rogers' TN 81 and Shaw's TNs 44 and 45**

27. Regarding Rogers' TN 81 and Shaw's TN 44, TekSavvy stated its concern that neither application includes an upload increase for the 75 and 100 Mbps speeds among the proposed upgrades. TekSavvy submitted that, on both networks, the 100 Mbps speed is critical for its business because it is the fastest speed it can offer at current rates. It noted that both companies had excluded this speed from their upgrades despite proposing to upgrade lower and higher speeds with no change in rates.
28. TekSavvy added that Rogers' TN 81 and Shaw's TN 44 must be viewed together with Shaw's TN 45, in which Shaw proposed to destandardize the 100Mbps speed. It submitted that TNs 81 and 44 operate in tandem with TN 45 to either eliminate or reduce the competitiveness of the fastest remaining speeds that TekSavvy can economically offer in the serving territories of Rogers and Shaw. TekSavvy submitted that Shaw's application leaves no equivalent or higher speed at the current monthly rate of \$28.17. TekSavvy also submitted that, as a result of TN 45, the next fastest speed available on Shaw's network would be 250 Mbps, at the current rate of \$41.36.
29. TekSavvy urged the Commission to consider TNs 81, 44, and 45 together, and find that, individually and together, they constitute unjust discrimination under subsection 27(2) of the *Telecommunications Act* (the Act) by reducing and potentially removing

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<sup>1</sup> Under the speed-banding approach, various service speeds with similar costs are grouped in a band. A single access rate applies to services within each band; this rate is established on the basis of the weighted average costs of all service speeds within the band.

the ability of competitors to compete with Rogers on the combined networks of Rogers and Shaw.

30. TekSavvy requested that the Commission direct Rogers to provide symmetrical upload speeds for both its 75 Mbps and 100 Mbps services, and direct Shaw to provide symmetrical upload speeds for its 100 Mbps service, until the Commission has a complete record of the issues raised in the applications and renders its determinations on those matters.

## **Replies**

### **Cogeco**

31. Cogeco replied that the upload speeds it has proposed are not currently offered on RFoG technology. It noted that no Cogeco retail customer served via RFoG has access to upload speeds in excess of 30 Mbps, and Cogeco does not foresee introducing such speeds on its RFoG platform at this time. Cogeco submitted that, because the proposed wholesale services mirror what it currently offers to its retail customers, no TPIA customer would be disadvantaged. Cogeco added that its application is compliant with the speed-matching requirement.

### **Rogers and Shaw**

32. Rogers replied on behalf of both itself and Shaw, its affiliate. Regarding TN 81 and Shaw's TNs 44 and 45, Rogers stated that the applications were filed to comply with the companies' speed-matching obligations and that the upgrades to upload speeds would come at no additional cost to wholesale-based competitors. Rogers indicated that the changes match speeds introduced to retail customers on 1 November 2023 and 2 November 2023 in Rogers' and Shaw's respective serving areas.
33. Rogers also indicated that the availability of the new service speeds is dependent on network capabilities. Therefore, the proposed service speeds are only available in certain areas. Where new higher upload speeds are not available, existing service speeds would continue to be offered. This would apply for both retail and wholesale service. The higher upload speeds will be made available to retail and wholesale customers in additional regions as network upgrades are implemented.
34. Rogers submitted that requiring Rogers and Shaw to design and implement additional service speeds simply to accommodate one provider would be unprecedented, disproportionate, and contrary to the well-established speed-matching principle. Furthermore, it stated that it would be inappropriate for the Commission to make such a decision in the context of a narrow tariff application. Rogers noted that this could open the door for direct competitors that own wholesale-based providers to create custom speed tiers on Rogers' and Shaw's wholesale services, while the majority of their services remain excluded from wholesale access. Therefore, Rogers submitted that TekSavvy's request must be denied.

35. Regarding Shaw's TN 45, upon review of TekSavvy's intervention and reconsideration of the list of services proposed to be destandardized, Shaw proposed to remove Internet 100 Mbps download /10 Mbps upload from the list of services to be destandardized at this time.
36. Rogers submitted that it is important for the Commission, as well as TekSavvy, to bear in mind that managing additional speed tiers adds operational complexity and cost. It stated that it is infeasible and inappropriate to require Rogers and Shaw to maintain HSA service offerings to accommodate the needs of a particular competitor. However, regarding the withdrawal of the 100 Mbps download /10 Mbps upload service speed from the list of services to be destandardized in Shaw's TN 45, Rogers indicated that it can continue to support that service for all wholesale customers.
37. In addition, Rogers submitted that the Commission should disregard TekSavvy's claims that Rogers has, through the introduction of new service tiers and the destandardization of old service tiers, tried to avoid or reduce competition and unjustly discriminate against TekSavvy. It noted that the applications in question are ordinary applications intended to ensure compliance with the Commission's speed-matching requirement or to reduce operational burden.

### **Commission's analysis**

38. The Commission considers that the applications were filed in compliance with the speed-matching requirement.
39. All the companies proposed to charge the same Commission-approved monthly rates for the new speed tiers as for existing speed tiers. Those rates are currently interim and under consideration in the proceeding initiated by Telecom Notice of Consultation 2023-56. Therefore, the Commission considers that the proposals to charge the existing rates for increased upload speeds are appropriate.
40. With respect to TekSavvy's requested relief, which includes requests such as directing companies to introduce identical speeds over RFoG when they are introduced over HFC and directing companies to provide symmetrical upload speeds for wholesale service, the Commission is of the view that such requests are beyond the scope of the applications. Furthermore, given that the applications comply with Telecom Regulatory Policy 2010-632, the Commission is of the view that there is no unjust discrimination within the meaning of subsection 27(2) of the Act. The proposals ensure that competitors have access to the same speeds that Cogeco, Rogers, and Shaw offer to their retail customers.
41. As a result, the Commission considers that the companies' proposals comply with the Commission's current framework and policies. The Commission also considers that interim approval of Cogeco's TN 68, Rogers' TN 81, as amended by TN 81A, and Shaw's TN 44, as amended by TNs 44A, 44B, and 44C, would advance the objectives

found in paragraphs 7(a) and (h) of the Act<sup>2</sup> and ensure that competitors have access to services at higher speeds, as required.

42. With respect to Rogers' TN 81A and Shaw's TNs 45 and 45A, the Commission notes that in each case, in compliance with Telecom Information Bulletin 2010-455-1, the company provided (i) a description of the services proposed to be destandardized; (ii) the proposed date for the destandardization; and (iii) the rationale for the application. Moreover, all affected customers were notified. The companies did not indicate the number of existing customers for the services, but stated that those customers would not be affected by the applications. All existing HSA wholesale customers will be able to stay on their respective speed tier consistent with the treatment afforded retail customers.
43. The Commission also notes that, in response to TekSavvy's comments, Shaw has withdrawn its proposal to destandardize the 100 Mbps download /10 Mbps upload speed tier, meaning that, as requested by TekSavvy, that speed will continue to be available for competitors. As a result, the Commission considers that Shaw's proposal to destandardize certain speed tiers is consistent with the Commission's policy that service providers are only required to offer wholesale customers the speeds that they offer to their own retail customers.

## **Conclusion**

44. In light of all of the above, the Commission:
- approves on an interim basis Cogeco's TN 68, Rogers' TN 81, as amended by TN 81A, and Shaw's TN 44, as amended by TNs 44A, 44B, and 44C, effective the date of this order; and
  - approves on a final basis Shaw's TN 45, as amended by TN 45A, regarding speed destandardizations.
45. Rates for the proposed speed tiers will remain interim pending the outcome of the proceeding initiated by Telecom Notice of Consultation 2023-56.
46. Revised tariff pages are to be issued within 10 calendar days of the date of this order. Revised tariff pages can be submitted to the Commission without a description page or a request for approval; a tariff application is not required.

Secretary General

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<sup>2</sup> The cited policy objectives are the following: 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; and 7(h) to respond to the economic and social requirements of users of telecommunications services.

## Related documents

- *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
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455-1, 19 February 2016
- *Wholesale high-speed access services proceeding*, Telecom Regulatory Policy CRTC 2010-632, 30 August 2010