



## Telecom Decision CRTC 2025-245

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Gatineau, 18 September 2025

*Public record: 1011-NOC2024-0235*

### **Available footprint for Bell Mobility Inc.'s and TELUS Communications Inc.'s wholesale roaming services**

#### **Summary**

Roaming allows Canadians to temporarily use their cellphone on other networks when they travel outside of their service provider's local coverage area.

In this decision, the Commission is updating its wholesale roaming framework to allow regional wireless carriers to obtain access to Bell Mobility Inc. (Bell Mobility) and TELUS Communications Inc.'s (TELUS) entire shared radio access network when subscribing to either company's roaming services.

This change will give regional carriers more choice when setting up national roaming coverage for their customers, help regional carriers negotiate better rates for wholesale roaming services, and reduce regional carriers' administrative costs.

Previously, through Telecom Decision 2022-288, the Commission made a similar determination with respect to its mobile virtual network operator (MVNO) access framework. That decision allows regional carriers to negotiate MVNO access with either Bell Mobility or TELUS to obtain access to the entire shared network. Adopting a consistent regulatory approach provides predictability and certainty for regional carriers.

This decision will ultimately benefit Canadians by improving competitive conditions for regional carriers in the wireless market. Allowing regional carriers to bargain with Bell Mobility, Rogers Communications Canada Inc., or TELUS to obtain national roaming coverage at the most competitive rate will improve their ability to compete and reduce their administrative costs.

#### **Background**

1. Roaming is a critical service for mobile wireless carriers and their customers. It allows Canadians to access mobile services when outside of their service provider's local coverage area. The Commission requires Bell Mobility Inc. (Bell Mobility), Rogers Communications Canada Inc. (Rogers), and TELUS Communications Inc. (TELUS) to provide wholesale roaming services to regional wireless carriers. The terms and conditions for these three national wireless carriers' wholesale roaming services are set out in Commission-approved tariffs.

2. In Telecom Decision 2024-233, the Commission changed its rate-setting approach for wholesale roaming. Instead of continuing with cost-based rates, the Commission adopted commercial negotiations with final offer arbitration (FOA) as a backstop if negotiations fail.
3. During that proceeding, certain parties raised concerns about Bell Mobility and TELUS's shared national wireless network<sup>1</sup> when negotiating wholesale roaming rates. Currently, under the terms and conditions of their tariffs, when a regional carrier subscribes to either Bell Mobility or TELUS's roaming service, that regional carrier only gets access to Bell Mobility or TELUS's portion of the shared network. Giving regional carriers access to the full shared network would allow them to have the option of negotiating with three national network providers (Bell Mobility, Rogers, and TELUS) rather than just one (Rogers) to obtain national roaming coverage. Having more national-level negotiating options could improve wholesale supply conditions for regional wireless carriers.
4. As a result, the Commission issued Telecom Notice of Consultation 2024-235 to consider extending the available footprint for Bell Mobility and TELUS's wholesale roaming services to include the full shared network. The Commission indicated that failure by Bell Mobility and TELUS to provide regional carriers with access to their full shared national network would likely raise serious concerns of undue preference under subsection 27(2) of the *Telecommunications Act* (the Act). The Commission took the preliminary view that, as with the mobile virtual network operator (MVNO) access framework, regional wireless carriers should have access to Bell Mobility and TELUS's full shared national network (the shared network) when subscribing to either company's wholesale roaming service. The Commission invited parties to show cause why this should not be the case.
5. The Commission received interventions from Bell Mobility; Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink); the Competitive Network Operators of Canada (CNOC); Cogeco Communications inc. (Cogeco); Ecotel inc. (Ecotel); the Independent Telecommunications Providers Association (ITPA); the Public Interest Advocacy Centre (PIAC); Quebecor Media Inc., on behalf of Videotron Ltd. (Quebecor); Rogers; and TELUS.

## **Issue**

6. The Commission has identified the following issue to be addressed in this decision:

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<sup>1</sup> Bell Mobility and TELUS have what they generally refer to as a network reciprocity agreement with each other. It is a type of network-sharing agreement. The Bell Mobility-TELUS network-sharing agreement allows for the efficient joint build-out of a single national network for use by both carriers.

- Should regional carriers have access to Bell Mobility and TELUS's full shared national network when subscribing to either company's wholesale roaming service?

### **Positions of parties**

7. Bell Mobility and TELUS were opposed to the Commission's preliminary view. They submitted that regulatory intervention is unnecessary because the Commission and Innovation, Science and Economic Development Canada's (ISED) wholesale roaming regulatory regimes already ensure that regional carriers have access to Bell Mobility and TELUS's networks at competitive rates and have mechanisms for dispute resolution and arbitration. TELUS indicated that it lacks network control over Bell Mobility's facilities, which creates forecasting and capacity planning challenges.
8. TELUS submitted that the Commission's preliminary view raises legal and practical challenges, including potentially violating competition laws, and that Bell Mobility and TELUS are not legally allowed to coordinate access rates to their respective network facilities. In Bell Mobility's opinion, regulation that would interfere with highly complex, confidential, and competitively sensitive network-sharing agreements would distort market dynamics and undermine economic incentives for network investment.
9. Cogeco, CNOOC, Eastlink, Ecotel, the ITPA, PIAC, Quebecor, and Rogers supported the Commission's preliminary view.
10. They argued that access to the shared network would ensure regulatory symmetry with the MVNO framework. Cogeco, Eastlink, and Quebecor explained that there are no technical or operational reasons to exclude the shared network from Bell Mobility and TELUS's roaming footprint. Cogeco argued that wireless network-sharing agreements are in place across Canada and carriers successfully roam on each other's networks despite using different technologies. Rogers noted that wholesale roaming access and facilities-based MVNO access are technically the same type of network access, though the regimes feature differing terms, conditions, and rates.
11. In response, Bell Mobility and TELUS disagreed with the need for regulatory symmetry with the MVNO regime. They argued that the MVNO access service and roaming service have separate mandates with different regulatory purposes.
12. Several parties, including CNOOC, Eastlink, PIAC, and Quebecor, submitted that restricting access to the shared network raised concerns of undue preference and unjust discrimination. CNOOC and PIAC explained that Bell Mobility and TELUS serve their own retail end-users over the full shared network while regional carriers are excluded from accessing that same full shared network.
13. Bell Mobility and TELUS contended that there are no undue preference or disadvantage concerns that would warrant regulatory intervention. They indicated that requiring regional carriers to negotiate directly with network owners for access is a normal business practice, not unjust discrimination, and that every regional carrier

has successfully secured wholesale roaming arrangements under the current framework.

14. Some parties, including CNOC and Rogers, submitted that access to the full shared network would allow regional carriers to have the option of negotiating with three national network providers (Bell Mobility, Rogers, and TELUS) rather than just one (Rogers) to obtain national roaming coverage. CNOC added that more options could improve wholesale supply conditions for regional wireless carriers, which would translate into lower wholesale rates. Eastlink and the ITPA further submitted that access to the shared network would also reduce the burden of negotiating with large service providers. Similarly, CNOC and Cogeco argued that it would be administratively more efficient to negotiate one roaming agreement with either Bell Mobility or TELUS, rather than separate agreements.
15. In response, TELUS submitted that access to two networks through a single agreement could distort market dynamics and weaken network expansion because facility owners would not receive compensatory rates for access to their network. In TELUS's opinion, carriers should negotiate directly with the facility owner for access to their network.
16. Ecotel submitted that having to enter into two separate agreements to roam on a single network prevents Canadians from having access to more competitive wireless markets. In TELUS's view, however, its network-sharing agreement increases competition by reducing capital costs and accelerating network construction. TELUS submitted that regulatory intervention would potentially harm facilities-based competition because wholesale roaming is not subject to a phase-out period, unlike the MVNO access framework. According to TELUS, this could potentially discourage carriers from investing and innovating in the long run.

## **Commission's analysis**

### **Unjust discrimination and undue preference concerns**

17. Bell Mobility and TELUS made the commercial decision to enter into a network sharing arrangement, which has resulted in certain advantages, including allowing both companies to market themselves as having national networks while benefitting from significant cost advantages. As a result of this arrangement, the Commission has, from a regulatory perspective, generally treated Bell Mobility and TELUS's shared network as a single national network.<sup>2</sup>
18. With respect to market power, the Commission has recognized in the past that Bell Mobility and TELUS's shared network is effectively one national network that results

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<sup>2</sup> The Commission has found that the shared network of Bell Mobility and TELUS qualifies them as national wireless carriers with market power (see Telecom Regulatory Policies 2021-130 and 2015-177 and Telecom Decision 2022-288, paragraphs 278-281).

in both carriers being national wireless carriers that possess market power.<sup>3</sup> To address the national carriers' wholesale market power, the Commission mandated the provision of wholesale roaming in Telecom Regulatory Policy 2015-177, and to address their retail market power, the Commission mandated the provision of MVNO access in Telecom Regulatory Policy 2021-130.

19. In the case of MVNO access, the Commission found that where a wireless carrier with both upstream and downstream market power fails to provide meaningful access to a wholesale MVNO service, it is conferring upon itself an undue or unreasonable preference with respect to facilities-based regional wireless carriers and subjecting those regional carriers to an unreasonable disadvantage.
20. Subsequently, the Commission found in Telecom Decision 2022-288 that if carriers serve their own customers using the facilities of another through a network sharing agreement, then regional wireless carriers and their end-users may be unjustly discriminated against, and the carriers may be conferring upon themselves an undue preference. Essentially, the Commission found that a failure to provide MVNO access using radio access networks (RANs), subject to the Bell Mobility-TELUS network-sharing agreement, amounted to unjust discrimination and undue preference and was therefore contrary to subsection 27(2) of the Act.
21. The Commission considers that the shared network is effectively one national network and results in both carriers being national wireless carriers. Therefore, those same unjust discrimination and undue preference determinations are also relevant in the case of wholesale roaming. If either carrier were to deny a regional carrier access to the shared network, such a denial would raise similar concerns of undue preference and unjust discrimination.
22. TELUS argued that there are no undue preference or unjust discrimination concerns because all regional carriers can obtain wholesale roaming under the Commission and ISED's regulatory frameworks, which provide for dispute resolution and arbitration. However, the Commission is not persuaded by this argument. When rates are subject to commercial negotiation, restricting access to the shared network raises concerns of undue preference and unjust discrimination because it limits the number of viable options available to regional carriers to obtain national roaming coverage (i.e., they would need to negotiate with either Rogers for access to its one national network, or with Bell Mobility and TELUS separately for access to each of their respective portions of the national network). This weakens regional carriers' negotiating

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<sup>3</sup> The Commission has found that Bell Mobility and TELUS are national wireless carriers that possess market power regarding retail mobile wireless services (see Telecom Regulatory Policy 2021-130) and wholesale roaming services (see Telecom Regulatory Policy 2015-177). In Telecom Decision 2022-288, the Commission indicated that Bell Mobility and TELUS's shared network is one national network which qualifies them as national wireless carriers with market power in the provision of retail mobile wireless services in all provinces, except Saskatchewan, and in the three territories, where Bell Mobility has sole market power.

positions compared to a scenario where regional carriers have three potential national network providers to negotiate with. In addition, a key reason the Commission first mandated Bell Mobility and TELUS to provide wholesale roaming in Telecom Regulatory Policy 2015-177, is the national coverage they obtain from their network-sharing agreement.

23. The Commission considers that if Bell Mobility and TELUS serve their own customers using each other's facilities through a network-sharing agreement, then regional wireless carriers and their end-users may be unjustly discriminated against, and Bell Mobility and TELUS may be conferring upon themselves an undue preference. Therefore, in light of the above, the Commission finds that if Bell Mobility and TELUS were permitted to deny regional carriers access to the shared network for wholesale roaming, this would raise concerns of unjust discrimination and undue preference and would be contrary to subsection 27(2) of the Act.

#### **Consistency in regulating wholesale MVNO access and roaming**

24. Wholesale MVNO access and wholesale roaming are similar services in that both services provide access to the RAN of a national carrier but for different reasons. Wholesale roaming provides incidental roaming access when a subscriber is outside of their home carrier's network. MVNO access provides regional carriers with non-incidental roaming access to a national carrier's network.<sup>4</sup>
25. Due to their similarities, in Telecom Regulatory Policy 2021-130, the Commission instructed the national wireless carriers to use their wholesale roaming tariffs as the basis for their MVNO access tariffs. Subsequently, in Telecom Decision 2022-288, the Commission made a number of determinations on MVNO access that were consistent with the way the Commission regulates roaming services. For example, the Commission determined that MVNO access should be made available on fifth-generation (5G) networks and that MVNO access should be subject to seamless hand-off. Likewise, in Telecom Decision 2024-233, the Commission adopted the same rate setting approach for wholesale roaming that it has in place for MVNO access.
26. The issue of access to the shared network was previously considered in the context of MVNO access in Telecom Decision 2022-288, and many of the same arguments were raised. Specifically, the Commission considered whether incumbents (including Bell Mobility and TELUS) should be required to provide wholesale MVNO access in areas where they use another carrier's RAN as part of a network-sharing agreement. The Commission ultimately determined that the available footprint for MVNO access should include joint networks and directed Bell Mobility and TELUS to modify their tariffs to clarify that their available footprint for MVNO access service includes the

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<sup>4</sup> In Telecom Regulatory Policy 2021-130, the Commission required Bell Mobility, Rogers, and TELUS to provide regional wireless carriers with access to their networks for a period of seven years. During this time, regional wireless carriers can use the incumbents' networks to serve new customers while they build out their own networks.

RAN owned and operated by the other carrier under their shared network agreement. In the Commission's view, adopting a consistent approach to regulating similar services provided greater regulatory certainty and predictability.

27. In addition, many of the same considerations apply to both services, including technical and traffic forecasting considerations. In this regard, the Commission considers that there are no technical or operational reasons that would prevent Bell Mobility and TELUS from providing access to the full shared network for wholesale roaming. This is supported by the fact that Bell Mobility and TELUS already provide regional carriers with access to the shared network for MVNO access. In addition, as Cogeco submitted, network-sharing agreements are currently in place between Rogers and TBayTel and between Quebecor and Rogers, and this demonstrates that from a technical and operational standpoint, even carriers whose services are based on different technologies can successfully roam on each other's networks.
28. While the Commission acknowledges that traffic forecasting is an important consideration for network planning purposes, it is not a valid reason to deny regional carriers access to the shared network in this case. First, according to Bell Mobility and TELUS, they do not presently exchange traffic forecasts with each other for capacity planning purposes, despite both having much larger customer bases than any regional carrier. Second, given that wholesale roaming provides only incidental access, it only accounts for a small portion of total network activity and Bell Mobility and TELUS should be able to manage any unforeseen traffic associated with regional carriers whose customers are roaming on the shared network.

#### **Benefits to competition**

29. The Commission also considers that mandating access to the shared network would be beneficial for competition. Mandating access to Bell Mobility and TELUS's shared network could lead to lower wholesale roaming rates since regional carriers would be able to bargain with either Bell Mobility, Rogers, or TELUS to obtain national roaming coverage and could select the most competitive rate. Having lower wholesale costs for regional carriers makes them more effective competitors because it improves their margins and ability to compete on price.
30. Additionally, regional carriers, especially those that are smaller, will benefit because they will only need to negotiate one roaming agreement (with either Bell Mobility or TELUS) to obtain access to the shared network. This can reduce administrative costs for those carriers because they can choose to avoid negotiating two separate agreements with both Bell Mobility and TELUS.

#### **Other considerations**

31. Regarding TELUS's argument that competition law prevents the parties from discussing rates for access to their respective network facilities, the Commission notes that TELUS has already negotiated MVNO rates with regional carriers for access to Bell Mobility's network. Furthermore, Bell Mobility and TELUS have collaborated to determine compensatory arrangements that allow both parties to offer

roaming services to their retail customers. TELUS also did not explain why the regulated conduct doctrine would not apply in this context.<sup>5</sup>

32. TELUS also raised concerns about subsection 25(2) of the Act, which requires an attestation of agreement to a joint tariff that is filed by two or more carriers.<sup>6</sup> In the Commission's view, this provision permits two or more carriers to file a joint tariff, should they wish to, and it is not an impediment to allowing regional carriers to have access to the shared network.
33. Bell Mobility's arguments regarding interference with contractual agreements are similar to the arguments that were raised in the proceeding that established the terms and conditions for MVNO access in Telecom Decision 2022-288.<sup>7</sup> In the Commission's view, the same conclusion applies in the case of wholesale roaming.

### **Conclusion**

34. In light of the above, the Commission confirms its preliminary view and directs Bell Mobility Inc. and TELUS Communications Inc. to include the RAN owned and operated by the other carrier under their shared network agreement as part of each company's available footprint for wholesale roaming as a condition in their wholesale roaming tariffs under section 24 of the Act.
35. In addition, the Commission directs Bell Mobility Inc. and TELUS Communications Inc. to file, for Commission approval, revised tariff pages that reflect the Commission's determinations in this decision within 30 days. Once filed, the revised tariff pages will follow the process for competitor tariff applications set out in Telecom Information Bulletin 2010-455-1.

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<sup>5</sup> This is a doctrine that parties can, in certain circumstances, benefit from in the context of a potential contravention of the *Competition Act*. It becomes relevant where impugned conduct is regulated by valid legislation and directed or authorized by that legislation.

<sup>6</sup> TELUS submitted that, according to Parliament's intention, when a single rate is meant to apply to services provided by two carriers, both carriers must agree. Therefore, the Commission should not overlook this intention by requiring the carriers to offer their separate roaming services at a single negotiated rate.

<sup>7</sup> In that case, the Commission noted at paragraph 292 that "Contractual agreements between regulated entities cannot displace the Commission's authority under the Act. This authority includes section 24 of the Act: the jurisdiction to impose or include in a tariff any conditions on Canadian carriers offering and providing a telecommunications service. The Commission's authority extends to regulation of carriers' services offered and provided to their end-users, irrespective of whether the services are provided on a RAN owned or operated by the carrier."

## Policy Direction

36. The Commission considers that its determinations in this decision support the 2023 Policy Direction.<sup>8</sup> In particular, this decision aligns with paragraphs 2(b) and 2(c) since it will improve bargaining power for regional carriers, which could lead to lower wholesale roaming prices and reduced administrative costs. This could, in turn, result in increased competition, lower wholesale rates, and ultimately lower prices and more affordable access for Canadian wireless customers.
37. The decision is also consistent with paragraph 2(e) since regional carriers will only have to negotiate with either Bell Mobility or TELUS to obtain access to the full shared network, thereby reducing barriers to entry and expansion, and increasing administrative efficiency for those regional carriers.

Secretary General

## Related documents

- *Show cause and call for comments – Available footprint for Bell Mobility Inc. and TELUS Communications Inc.’s wholesale roaming services*, Telecom Notice of Consultation CRTC 2024-235, 7 October 2024
- *Wholesale roaming service – Review of rates and rate-setting approach*, Telecom Decision CRTC 2024-233, 7 October 2024
- *Facilities-based wholesale mobile virtual network operator (MVNO) access tariffs – Commission determinations on proposed terms and conditions*, Telecom Decision CRTC 2022-288, 19 October 2022, as amended by Telecom Decision CRTC 2022-288-1, 31 October 2022
- *Review of mobile wireless services*, Telecom Regulatory Policy CRTC 2021-130, 15 April 2021
- *Regulatory framework for wholesale mobile wireless services*, Telecom Regulatory Policy CRTC 2015-177, 5 May 2015
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455-1, 19 February 2016

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<sup>8</sup> *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23, 10 February 2023.