



Telecom Order CRTC 2025-278

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Gatineau, 24 October 2025

Public record: Tariff Notice 1247

Northwestel Inc. – Changes to terms and conditions for Site Space, Power and Tower Attachment Rates

Summary

The Commission received an application from Northwestel Inc. (Northwestel) proposing changes to its Special Services Tariff. Specifically, Northwestel proposed changes to Item 702 – Site Space, Power and Tower Attachment Rates, which outlines the descriptions and rates associated with acceptable attachments to Northwestel’s towers.

Northwestel proposed updating the definitions of acceptable attachments to its towers and permitting additional non-antenna attachments where appropriate. These updates will help ensure that Northwestel’s tariff pages accurately reflect the services available in its region. The Commission therefore approves Northwestel’s application.

A dissenting opinion by Commissioner Bram Abramson is attached to this order.

Application

1. On 15 April 2025, the Commission received an application from Northwestel Inc. (Northwestel) proposing changes to its Special Services Tariff, Item 702 – Site Space, Power and Tower Attachment Rates. The Special Services Tariff accommodates equipment owned by or leased to an outside party, under the terms and conditions of that tariff, where there is excess capacity beyond what is required for normal growth.
2. In its application, Northwestel proposed to modify the description of acceptable attachments to its towers as set out in Item 702.5. The purpose of the proposed modification is to bring the attachment definitions up to date and in line with new technological developments, and to allow additional non-antenna attachments where appropriate.
3. Northwestel added that it is not proposing any rate changes associated with the proposed updates.
4. Northwestel requested an effective date of 15 May 2025.
5. The Commission did not receive any interventions regarding the application.

Commission's analysis

6. The Commission notes that Item 702 – Site Space, Power and Tower Attachment Rates was last updated over seven years ago in July 2018. The Commission considers that technological advancements since that time, as highlighted by Northwestel in its application, warrant the update of the terms and conditions.
7. The Commission further considers that competitor tariff pages should accurately reflect the most up-to-date service information, definitions, and terms and conditions. This allows current and potential customers to make informed choices about the services available in their region.
8. Lastly, the Commission notes that Northwestel uses the term “antennae”. The Commission considers “antenna” to be the appropriate term to be used.

Conclusion

9. In light of all of the above, the Commission approves, by majority decision, Northwestel's application.
10. The Commission also directs Northwestel Inc. to amend its proposed definition of the “Type 1 Antenna or Special Attachment” item as follows: “Any antenna or attachment that is less than 12 square feet of projected area and 40 kgs, and is attached directly to the radio tower”.
11. 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

Related documents

- *Bell Aliant Regional Communications, Limited Partnership – Implementation of thousand-block pooling*, Telecom Order CRTC 2025-240, 12 September 2025
- *Northwestel Inc. – Introduction of Winback Discount for Residential Unlimited Internet Packages*, Telecom Order CRTC 2025-74, 10 March 2025
- *Various companies – Removal of print directory obligation and Service Improvement Plan*, Telecom Order CRTC 2024-219, 25 September 2024
- *Northwestel Inc. – Interim approval of a tariff application*, Telecom Order CRTC 2024-82, 23 April 2024
- *Regulatory measures to make access to poles owned or controlled by Canadian carriers more efficient*, Telecom Regulatory Policy CRTC 2023-31,

15 February 2023, as amended by Telecom Regulatory Policy CRTC 2023-31-1,
22 March 2023

- *Updates to national wireless carriers' GSM-based wholesale mobile wireless roaming tariffs to incorporate seamless hand-off and 5G roaming*, Telecom Decision CRTC 2022-102, 6 April 2022
- *Terms and conditions of access to the cable carriers' aggregated wholesale high-speed access services*, Telecom Order CRTC 2020-60, 14 February 2020
- *TELUS Communications Inc. - Changes to co-location tariffs and central office license agreements*, Telecom Decision CRTC 2003-73, 31 October 2003
- *Rates set for access to telephone companies' support structures*, Order CRTC 2000-13, 18 January 2000
- *Colins Inc. et al. v. Bell Canada*, Telecom Decision CRTC 79-12, 7 June 1979

Dissenting opinion of Commissioner Bram Abramson

1. Tariffed collocation on Northwestel Inc. (Northwestel) towers expedites connectivity providers', broadcasters', and others' communications deployments across the Far North.
2. Northwestel's monthly rates for third-party attachers, once the initial set-up is complete, are \$60 per tower for small antennas, \$300 for large antennas, and \$3.90 per square foot (ft²) for other attachments.¹ But the tariff's core definitions have not been updated since 2018. Equipment then uncommon is now in the market. So Northwestel is proposing to redefine what counts as small ("Type 1"), large ("Type 2"), and "Special" attachments:
 - Small: from <4 feet in diameter, to: <12 ft² projected area and <40 kg.
 - Large: from 4-10 feet in diameter, to: 12-78 ft² projected area and 40-68 kg.
 - Special: anything outside those ranges, but now "[t]he Company, at its sole discretion, must approve in writing any Special Attachment prior to the installation of the Special Attachment".
3. My colleagues on the Telecommunications Committee² approve these changes. I dissent. The tariff grants too much discretion, the applicant built too thin a record, and the parties best placed to complete that record were not notified.

Too much discretion

4. First, we should not have permitted an unconditioned "sole discretion" clause. A tariff reflects market power. Competitors and large customers depend on it. For competitors, such a clause fuses the offering carrier's existing incentive to discriminate with the opportunity to do so. For large customers, such a clause further weakens already-limited bargaining power across the services they buy.

¹ Northwestel's Special Services Tariff CRTC 3010, item 702.

² On behalf of the Commission: *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"), adopted pursuant to the *Canadian Radio-television and Telecommunications Commission Act*, R.S.C. 1985, c. C-22, subsection 12(3). The latter provides for duties to be delegated to standing committees by by-law, as opposed to assigning particular cases to panels per *Shoan v Canada (Attorney General)*, 2016 FCA 261, para 6.

5. Tariffs are standing offers. They ought to include the essential terms and conditions of service,³ not defer them to the offering carrier's discretion. Even confined to safety, engineering feasibility, and network integrity, "sole discretion" in the hands of an intermediary with market power warrants caution. For example, the narrow question of whether operations endanger support structures or attached facilities may, if attached to unchecked discretion, "give the [tariffed] compan[y] too much discretion".⁴
6. Approving a tariff with an unqualified "sole discretion" clause does not, it should be underlined, convey that discretion untrammelled. Carriers are to exercise it reasonably on objective, non-discriminatory terms. The Commission retains oversight to ensure they do. But language that implies otherwise delays and prolongs negotiations, even in the shadow of regulation. At a time when red-tape reduction is a stated priority, we should avoid schemes that shift and multiply process in the hands of intermediaries with market power. I would have required leavening of this phrase to rely on objective, reviewable conditions.

Too thin a record

7. Second, Northwestel should have filed structural, market-, or code-based rationale for the revised cut-offs: without it our ability to decide that these criteria are reasonable, or if arbitrary at least do no harm, is a leap of faith. Are 12-78 square feet and 40-68 kilograms the right ranges? Will denser classes of equipment challenge these ranges or, on the contrary, slot nicely into them? Is consigning such equipment to discretion-led "Special Antenna or Special Attachment" treatment the most reasonable approach?
8. It helps that Northwestel confirmed, in response to a staff inquiry, that no customer's current category or rate will change under the new criteria. But if the inquiry stopped at whether today's customers were affected, why change the criteria at all?

Too little notification

9. Third, my Telecommunications Committee colleagues note that no interventions were filed. That silence is not a balm. If Northwestel's customers or their equipment vendors had had concerns, they may not have known to participate. Because our tariff

³ Telecom Decision 79-12, page 21 ("tariff" as "the publication by the company of the terms and conditions relating to its offering of services and facilities"), Telecom Order 2024-82, paragraph 3 ("tariff pages are to include the essential terms and conditions of the tariffed services").

⁴ Order 2000-13, paragraph 161. See also, e.g., Telecom Decision 2003-73, paragraphs 79-83 (no sole discretion to decide which company is the customer of record); Telecom Order 2020-60, paragraphs 117-119 (no sole discretion to unilaterally set and change credit limits); Telecom Decision 2022-102, paragraphs 30-34 (no discretion to decide unilaterally whether offering seamless roaming is feasible); and Telecom Regulatory Policy 2023-31, paragraphs 224-227 (provisions to limit incumbent local exchange carrier [ILEC] discretion to deny access requests and, when they do, requiring fulsome justifications)

processes are obscure by design—a trade-off to move routine tariff applications more quickly—it is short-sighted to understand no interventions as quiescence. It is at least as plausible that it reflects gaps in our own procedures.⁵

10. There was a simple fix. Because this tariff engages competition both directly and indirectly, Northwestel could have served it on connectivity providers and broadcasters serving the Far North—or, failing that, we could have varied Rule 59(2) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* to require it. Either path aligns with Commissioner Claire Anderson’s and my dissent to Telecom Order 2025-74.
11. Neither occurred. The Committee nevertheless noted the lack of interventions en route to concluding that the new measurements are reasonable, lack of affirming evidence notwithstanding; and augmented them in accepting an unconditioned “sole discretion” criterion that, in my respectful view, conflicts with the form and function of such a tariff.

Conclusion

12. On this record I would have required express limits on the offering carrier’s discretion, at least a modicum of technical evidence, and targeted service. In their absence, I dissent. Ushering through tariffs on thin files risks signalling that oversight is lighter when the spotlight is dim, inviting doubts about consistency.⁶

⁵ This view is set out in greater detail in my dissenting opinion to Telecom Order 2024-219, paragraphs 12-14, and in Commissioner Anderson’s and my dissenting opinion to Telecom Order 2025-74, paragraphs 11-15.

⁶ See my dissenting opinion attached to Telecom Order 2025-240.