



## Telecom Decision CRTC 2025-96

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Gatineau, 14 May 2025

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### **Attachment of wireless facilities on support structures owned or controlled by incumbent local exchange carriers**

#### **Summary**

The Commission is working to increase choice and affordability of cellphone services by promoting greater competition between service providers, while ensuring continued investments in high-quality networks. One way it supports this is by making it easier for companies to deploy new telecommunications networks across Canada.

The Commission requires the incumbent local exchange carriers (ILECs) to allow competitors to attach network equipment on support structures that the ILECs own or control. This increases competition by reducing a barrier for competitors when they build new networks.

The Commission received three applications from cellphone service providers requesting access to support structures so that they can attach wireless network equipment, commonly known as small cells. The Commission incorporated these applications into a single public consultation to build a robust record upon which to comprehensively address the attachment of wireless network equipment on support structures.

This decision confirms that cellphone service providers are allowed to place wireless network equipment, including small cells, on support structures owned or controlled by the ILECs. This will make it easier for competitors to expand their coverage to serve more Canadians, which will help promote greater competition and foster more affordable and innovative cellphone services.

#### **Background**

1. Mobile wireless services are critically important to Canadians. The latest wireless technology – fifth-generation (5G) networks – will continue to expand faster, higher-quality wireless services across the country.

2. 5G uses a mix of high-, mid-, and low-band frequencies to provide a service that is faster, has lower latency,<sup>1</sup> and has higher capacity than previous generations. The high-band frequencies used in 5G networks use millimetre-wave signals, which can only travel short distances. This means that the cellular radio access points (commonly referred to as small cells)<sup>2</sup> will have a small coverage area. This is different from the signals used in older networks, which tend to propagate signals further, thereby requiring a smaller number of cell sites.
3. To achieve the network density required for 5G networks, thousands of small cells will need to be deployed across Canada. Finding suitable locations for this equipment can be challenging and costly. To simplify the regulations on 5G deployment, the Commission examined whether it should modify its existing rules that allow competitors to attach wireless facilities onto support structures owned or controlled by incumbent local exchange carriers (ILECs). These support structures include poles and strands. Poles are vertical structures that hold communication lines, while strands are groups of wires suspended between poles or between a pole and a building to support the weight of communication lines and other equipment. The Commission regulates competitor access to poles and strands owned or controlled by the ILECs through support structure tariffs.
4. In Telecom Decision 95-13, the Commission set out basic principles for the general right of access to the ILECs' support structures, as well as the rates for such access. The Commission directed the ILECs to make their support structures available to other telecommunications carriers and cable television undertakings where capacity is available. The Commission also considered that there should be no restrictions on the types of services provided by users of support structures as long as the services are provided in accordance with applicable legislation, regulations, and Commission decisions.
5. In Telecom Decision 2008-17, the Commission determined that support structures should continue to be made available to competitors as public good services.
6. In Telecom Regulatory Policy 2023-31, the Commission confirmed that when ILECs provide access to support structures that they own or control, they are providing a telecommunications service as defined by the *Telecommunications Act* and are therefore subject to the Commission's jurisdiction. In that policy, the Commission also determined that the ILECs' support structure service tariffs apply to joint-use poles, specifically poles owned partially or wholly by the ILECs, as well as the

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<sup>1</sup> Latency refers to the time it takes for data packets to travel from a source to a destination. Latency is usually measured in terms of the round trip (i.e., from a source to a destination and back to the source).

<sup>2</sup> Small cells are low-powered radio access points that allow high-speed 4G and 5G mobile network connectivity.

elements of other poles on which the ILECs exercise any involvement or control, or for which they control access.<sup>3</sup>

7. Requirements for access to support structures can differ between poles and strands. A permit is required to install equipment on poles. However, a licensee is not required to apply for a permit to place equipment (including Wi-Fi equipment)<sup>4</sup> on its own cables on strands leased from an ILEC, as determined by the Commission in Telecom Decisions 2014-77 and 2014-389.<sup>5</sup>

### **Part 1 applications**

8. In May 2020, Quebecor Media Inc., on behalf of Videotron Ltd. (Quebecor), and Rogers Communications Canada Inc. (Rogers), applied for an order directing Bell Canada to process and grant small cell attachment permit applications in accordance with Bell Canada's approved support structure tariff. In July 2020 and 2023, Rogers filed additional similar applications.

### **The proceeding**

9. On 5 February 2024, the Commission published Telecom Notice of Consultation 2024-25 (the Notice), which incorporated the three Part 1 applications. Through the Notice, the Commission sought to comprehensively address attachment of wireless facilities on support structures. In particular, the Commission gathered views on:
  - whether the Commission has jurisdiction over the deployment of wireless facilities on ILEC-owned or -controlled support structures;
  - the application of existing support structure tariffs to wireless facilities; and
  - what regulatory changes, if any, may be required to facilitate the deployment of advanced wireless technologies in Canada.
10. The Commission received interventions from Bell Canada; Bragg Communications Inc., carrying on business as Eastlink (Eastlink); the First Mile Connectivity Consortium (FMCC); Option Consommateurs; the Public Interest Advocacy Centre

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<sup>3</sup> The ILECs and utility companies typically use each other's poles to deploy their facilities. To do so, they can enter into joint-use agreements for the sharing of their infrastructure.

<sup>4</sup> Wi-Fi is a technology that allows an electronic device to exchange data or connect to the Internet wirelessly using radio waves.

<sup>5</sup> Licensees can attach strands to poles or lease strands from ILECs, on which they install and manage their own cables. Different types of equipment can be placed on strands, such as taps, amplifiers, nodes, power supply, and Wi-Fi devices. In these decisions, the Commission determined that permits were not required when a licensee places equipment on its own cables on strands leased from an ILEC.

(PIAC); Quebecor; Rogers; Saskatchewan Telecommunications (SaskTel); and TELUS Communications Inc. (TELUS).

## Issues

11. The Commission has identified the following issues to be addressed in this decision:

- Does the Commission have jurisdiction over the installation of wireless facilities on support structures?
- Are there significant technical differences justifying different treatment between small cells and Wi-Fi equipment?
- Do existing support structure tariffs adequately address small cell deployment?
- Should permits be required to attach small cells to poles and strands owned or controlled by the ILECs?

### **Does the Commission have jurisdiction over the installation of wireless facilities on support structures?**

12. In the Notice, the Commission issued the preliminary view that it has concurrent jurisdiction with Innovation, Science, and Economic Development Canada (ISED) over the deployment of wireless facilities, including small cell equipment, on support structures owned or controlled by ILECs. This preliminary view was issued notwithstanding Bell Canada's position that the placement of small cells on support structures falls exclusively under the jurisdiction of ISED. Since the Commission regulates competitor access to support structures owned or controlled by the ILECs through tariffs, access to these support structures for the deployment of wireless facilities would fall within the Commission's jurisdiction to regulate telecommunications services under section 24 and subsection 25(1) of the *Telecommunications Act*.

### **Positions of parties**

13. Most parties supported the Commission's preliminary view on this matter.

14. TELUS supported the Commission's jurisdiction in this area but submitted that before requiring ILECs to provide access to their support structures, the Commission should first conduct an essentiality test. This test would determine whether access to ILEC support structures is essential to competition in the relevant markets.

15. Bell Canada submitted that ISED has complete and total jurisdiction over the placement of small cells as per [Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements](#). The company submitted that the Commission has jurisdiction over the placement of

telecommunications facilities, but not over radio apparatus, and it considers small cells to be radio apparatus.

16. Based on its analysis of interrelated statutes such as the *Radiocommunication Act*, the *Department of Industry Act*, the *Canadian Radio-television and Telecommunications Commission Act*, and the *Telecommunications Act*, Bell Canada submitted that Parliament's true intent was that only ISED would regulate the attachment of radio apparatus. Bell Canada also stated that there would be both an incompatibility of purpose and an operational conflict between these statutes if the Commission and ISED exercised concurrent jurisdiction.
17. Bell Canada submitted that even if the Commission had jurisdiction over the attachment of wireless facilities on support structures, it should (i) refrain from regulating the attachment of radio apparatus on support structures owned or controlled by the ILECs, because the market for wireless services is competitive and multiple alternative locations to attach wireless facilities are available; and (ii) continue to forbear from regulating wireless services in accordance with longstanding forbearance determinations.
18. SaskTel submitted that ISED has jurisdiction over devices that use licensed spectrum. SaskTel noted that it sees little difference between the placement of 5G devices on poles and strands and the placement of larger 5G antennas on towers, where ISED sets the terms of use. SaskTel submitted that imposing a different regulatory regime for support structures would be inappropriate.

#### **Commission's analysis**

19. It is well established that the provision of access to support structures owned or controlled by telecommunications service providers, including joint-use poles, is a telecommunications service regulated by the Commission.
20. In regulating telecommunications services, the Commission is not limited to a particular technology. Section 2 of the *Telecommunications Act* defines "telecommunications service" to encompass various telecommunications transmission technologies such as wire, cable, radio, optical, or other electromagnetic systems.<sup>6</sup> The broad scope of this definition makes it clear that the Commission also has the authority to impose rates, terms, and conditions on the attachment of wireless transmission facilities when regulating access to support structures.
21. Moreover, the Commission considers that its jurisdiction in the matter remains despite the concurrent jurisdiction of the Minister of Industry (the Minister). Under sections 24 and 25 of the *Telecommunications Act*, the Commission has broad powers

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<sup>6</sup> To determine the scope of the definition of "telecommunications service" in section 2 of the *Telecommunications Act*, it must be read in conjunction with other interrelated definitions such as "telecommunications facility," "telecommunications," and "transmission facility."

to regulate the provision of telecommunications services by Canadian carriers, including the rates, terms, and conditions associated with those services. To this end, the Commission regulates access to support structures owned or controlled by the ILECs to ensure timely access by competitors and to reduce the duplication of support structures.

22. Under the *Department of Industry Act* and the *Radiocommunication Act*, the Minister is responsible for spectrum management with a view to ensuring effective management of the radio frequency spectrum resource. To this end, the Minister can fix terms and conditions of spectrum licences and is also responsible for approving the siting of radio apparatus, including antenna systems and the structures that support them. One such condition is that wireless carriers are required to share space on their antenna towers and sites; however, the particulars of these arrangements are subject to commercial negotiations.<sup>7</sup>
23. The Federal Court of Appeal has recognized that there is nothing incongruous in having an activity, a person, or a legal entity being regulated by two or more authorities, even at the same level of government.<sup>8</sup> It has also recognized that the subject matters of the *Telecommunications Act*, the *Radiocommunication Act*, and the *Department of Industry Act* will overlap, even though the Acts have different purposes.<sup>9</sup>
24. The Commission and the Minister exercise their authority to regulate wireless telecommunications services in pursuit of complementary objectives, which may result in overlap in some circumstances, but they do so on the basis of different authority and for different purposes. The Commission's support structure access regime was established based on the Commission's explicit authority to regulate telecommunications services. The Minister's siting and antenna tower and site sharing regime was established because of the Minister's responsibility for spectrum management and the operation of radiocommunication. Although these regimes may overlap in some situations, they pursue distinct policy objectives and operate concurrently without conflict in this case.
25. In addition, the *Department of Industry Act* explicitly recognizes the concurrent jurisdiction between the Commission and the Minister. Subsection 4(1) specifies that the Minister has plenary jurisdiction over telecommunications "not by law assigned to any other department, board or agency of the government of Canada."

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<sup>7</sup> See [Radiocommunication and Broadcasting Antenna Systems](#) (CPC-2-0-03, Issue 6, July 2022) and [Conditions of Licence for Mandatory Roaming and Antenna Tower and Site Sharing and to Prohibit Exclusive Site Arrangements](#) (CPC-2-0-17, Issue 2, March 2013).

<sup>8</sup> *Telus Communications Inc. v. Federation of Canadian Municipalities*, 2023 FCA 79 at para 128.

<sup>9</sup> *Ibid.*

26. With respect to TELUS's request that an essentiality test be conducted to determine whether access to support structures is essential to competition and 5G deployment, the Commission considers this request to be outside the scope of this proceeding. As outlined in the Notice, this proceeding focuses on addressing challenges related to deploying wireless facilities on support structures owned or controlled by the ILECs. Moreover, the Commission has consistently affirmed the right of access to support structures, deeming them public good services that deliver important social benefits.
27. With respect to Bell Canada's submission that the Commission should continue to forbear from regulating wireless services, the Commission agrees that it has a long history of such forbearance. However, this proceeding pertains to access to support structures, not wireless services. Support structures are used to deploy a range of technologies and services, including some that are forborne, such as retail Internet services.
28. In light of the above, the Commission confirms its preliminary view that it has concurrent jurisdiction with the Minister over the deployment of wireless facilities. Additionally, the Commission determines that access to support structures owned or controlled by the ILECs for the installation of small cell equipment is subject to the ILECs' support structure service tariffs.

**Are there significant technical differences justifying different treatment between small cells and Wi-Fi equipment?**

29. Small cell technology can take many forms. Some equipment or facilities may be attached to the strand in much the same way as Wi-Fi equipment currently is, while some must be attached to poles. The size of small cell equipment can also vary significantly, with some units being much larger than existing Wi-Fi equipment. In other cases, strand equipment can support both Wi-Fi and small cell technologies.

**Positions of parties**

30. All parties, except the ILECs, agreed that the installation of small cells on support structures does not introduce technical considerations that are significantly different from those associated with Wi-Fi equipment.
31. Comparing the size and weight of small cell and Wi-Fi equipment is difficult because small cells and their associated facilities vary widely in size and weight. SaskTel noted that the term "small cells" can refer to equipment ranging from 2 to 30 kilograms, and that the placement of 30-kilogram equipment presents far greater concerns than lighter electronics. Eastlink claimed that its small cells are similar in size to Wi-Fi equipment or, in some cases, smaller than other facilities attached to the ILECs' support structures.
32. TELUS submitted that the capacity of a support structure is determined by the weight of the equipment and its impact on the specific support structure, not by the type of attachment.

33. Eastlink, Quebecor, and Rogers submitted that all attachments to the ILECs' support structures must comply with well-established standards related to pole and strand loading, as set out in applicable construction and Canadian Standards Association standards,<sup>10</sup> including the ILEC or utility company construction standards.
34. All parties agreed that human exposure to radiofrequency (RF) emissions is a concern, regardless of whether the equipment operates on unlicensed (Wi-Fi) or licensed (small cell) spectrum.
35. Rogers submitted that there is no need to establish additional standards related to RF considerations in the ILECs' tariffs or construction standards, because these considerations are already comprehensively addressed by Safety Code 6 standards,<sup>11</sup> which must be adhered to as part of the Minister's licensing process.
36. All parties agreed that powered small cell equipment should have a shut-off switch to ensure a safe environment for workers performing operations near support structures. Rogers added that, if not already included, the requirement for a shut-off switch could be incorporated into the ILEC construction standards.
37. TELUS submitted that small cells have an output power that is at least 10 times greater than that of Wi-Fi equipment, which could result in increased interference with other wireless equipment.
38. Rogers submitted that RF coordination and interference mitigation strategies, mandated by the Minister, have been in place for many years to ensure that RF users can operate certified equipment without concerns about disruptive interference. Eastlink agreed with Rogers.

#### **Commission's analysis**

39. On the record of this proceeding, parties have submitted comprehensive lists of the types of wireless facilities and technologies they are currently deploying, or plan to deploy, on support structures. The Commission has reviewed these submissions to consider the characteristics and standards of the facilities, as well as how they compare to existing facilities. The Commission concludes that both small cell and Wi-Fi technologies require similar types of equipment, and that the size and weight of the equipment do not depend on technology.
40. Any equipment installed on support structures must comply with industry and ILEC construction standards to ensure that size and weight requirements are met, regardless of the type of technology used. These construction standards are technologically

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<sup>10</sup> The Canadian Standards Association develops standards and issues certifications related to equipment safety or performance.

<sup>11</sup> Safety Code 6, established by Health Canada, provides safety limits for human exposure to RF electromagnetic fields in the range from 3 kHz to 300 GHz.

neutral and focus solely on the structural capacity of the support structure to accommodate the equipment.

41. RF-emitting devices, including Wi-Fi and small cells, are subject to the same standards for radio frequencies (Safety Code 6). Interference issues related to RF-emitting devices fall under the purview of ISED, and [these obligations](#) must be followed as part of spectrum licensing requirements, regardless of where the equipment is installed. Consequently, small cells do not appear to have additional interference concerns when compared to Wi-Fi equipment.
42. As raised by Bell Canada, Rogers, and TELUS, having a shut-off switch for wireless equipment ensures a safe working environment for personnel performing work on support structures and is a requirement in their construction standards. The ILECs who participated in the proceeding indicated that their construction standards include the requirement for RF-emitting devices to have a shut-off switch. However, if it is not already the case, the construction standards of all ILECs should include this requirement.
43. In light of the above, the Commission determines that there are no significant technical differences between small cells and Wi-Fi equipment that would warrant different treatment for the purpose of attaching to support structures. Standards for attaching facilities to support structures, including strands and poles, are independent from the technology of the attachment. Provided that the industry and ILEC construction standards are met, all telecommunications facilities should be treated equally.
44. To ensure a safe working environment for all personnel performing work and maintenance on support structures, the Commission directs all ILECs to include the requirement for a shut-off switch for small cell equipment in their construction standards, where it is not already present.

#### **Do existing support structure tariffs adequately address small cell deployment?**

45. In the Notice, the Commission issued a preliminary view that the existing support structure tariffs are neutral as to the technology deployed and the services offered by the licensee. However, the Commission invited comments on whether modifications to these tariffs would be necessary to properly address challenges arising from deployment of wireless networks, including 5G networks.

#### **Positions of parties**

46. Eastlink, Quebecor, Rogers, and SaskTel submitted that while existing tariffs are sufficiently technology-neutral to cover the attachment of wireless facilities, they should be updated to include clearer definitions and provide more precise terms.
47. Option Consommateurs and PIAC submitted that the existing tariffs should immediately apply to the deployment of small cells.

48. Quebecor noted, citing Bell Canada's support structure tariff as an example, that nothing in the definition or terms and conditions of the tariffs restricts the type of technology to be installed on support structures, as long as it complies with applicable laws, regulations, and Commission decisions.
49. TELUS considered that the current tariffs do not cover small cells, since small cell technology was not frequently used when the tariffs were developed. TELUS noted that its rates do not reflect the market value of attaching wireless equipment to a support structure and would reduce spare capacity. TELUS stated that if the Commission determines that support structure tariff rates cover small cell installations, these rates should be modified accordingly.
50. In SaskTel's view, technologies using licensed spectrum could introduce concerns about weight and power sources that do not occur with Wi-Fi equipment. As such, SaskTel considered the technologies sufficiently different as to render the current tariffs inadequate.
51. Bell Canada submitted that it would be more appropriate to establish new tariffs specifically for the attachment of small cells. Bell Canada considers that it would be onerous and unnecessary to amend all existing support structure agreements to address the potential installation of small cells, because such concerns affect only certain wireless service providers.
52. Rogers submitted that spare capacity is being reserved on some ILEC support structures for up to 10 years, raising concerns that this violates the fairness and transparency recommendations outlined in Telecom Regulatory Policy 2023-31, particularly when access is denied.

#### **Commission's analysis**

53. As previously noted, there are no significant technical differences between small cells and Wi-Fi equipment that would justify separate or unique treatment. Since Wi-Fi equipment is already included in existing support structure tariffs, the remaining question is whether the definitions in the tariffs are sufficiently technologically neutral to also capture small cells.
54. In general, support structure tariffs allow licensees to access support structures owned or controlled by the ILECs to install equipment, provided the equipment meets construction standards and there is spare capacity. There are no restrictions on the type of service being offered by the licensee, as long as such services comply with applicable legislation, regulations, and Commission decisions.
55. Support structure tariffs do not differentiate based on technology; instead, they focus on specific characteristics. For example, the technical requirements listed in Bell Canada's construction standards, which form part of its tariff, specify characteristics such as power supply, frequency, and noise, but do not reference a specific technology. As such, the Commission considers that this tariff is sufficiently

technologically neutral to cover wireless facilities. Similarly, other ILEC support structure tariffs are broad enough to encompass wireless facilities.

56. With regard to the request from SaskTel and TELUS to update tariffs with definitions to differentiate technologies, the Commission considers this to be unnecessary and potentially restrictive. As technology and services evolve, such amendments could become outdated and inadvertently exclude new technologies. The Commission believes that amendments to the tariffs should continue to focus on defining the characteristics of the attachments – such as weight, size, technical, or safety requirements – rather than specifying a particular technology.
57. All directives pertaining to spare capacity in Telecom Regulatory Policy 2023-31 apply to the attachment of wireless facilities, including small cells. In that policy, the Commission acknowledged that network buildouts are planned on a long-term basis and that pole owners should have the ability to reserve capacity to recoup their investments. However, if access is denied due to a lack of spare capacity, ILECs must provide the Commission with detailed plans along with the date the ILEC expects to use the spare capacity. The Commission considers the requirements in Telecom Regulatory Policy 2023-31 to be appropriate and sufficient to promote fairness and transparency. Therefore, the Commission will not impose time limits for the ILECs to reserve spare capacity on a given support structure.
58. With respect to TELUS's argument that the rates in the support structure tariffs do not account for the installation of small cells and should be updated if the Commission decides otherwise, ILECs may file a new cost study if they believe the current rates are no longer just and reasonable.
59. In light of the above, the Commission:
  - finds that the existing support structure tariffs adequately address the deployment of wireless facilities on support structures owned or controlled by the ILECs, without modification; and
  - notes that the determination in Telecom Regulatory Policy 2023-31 with respect to spare capacity also applies to the installation of wireless facilities.

**Should permits be required to attach small cells to poles and strands owned or controlled by the ILECs?**

60. In Telecom Decision 2014-77, the Commission found no reason to require permits for strand equipment inserted into licensees' cabling located on an ILEC's strand. As a result, licensees do not require permits for the addition, rearrangement, transfer, replacement, or removal of their own strand equipment when they already lease space on an ILEC's strand.
61. In the Notice, the Commission requested information on whether, from a technical perspective, wireless facilities such as small cells raise new concerns, and whether these concerns would justify a departure from these determinations.

## **Positions of parties**

62. Bell Canada submitted that a permitting process should be required for both strands and poles to ensure that proper safety procedures and processes are followed when deploying small cells. Consistent with its position that ISED has sole jurisdiction over wireless facilities, Bell Canada submitted that such a permitting process should not be overseen by the Commission but should instead follow ISED's Conditions of Licence.
63. Rogers opposed permitting requirements for small cell attachments and associated equipment on strands. It submitted that such requirements add costs and delays to network deployment and that there is no evidence to support altering the current approach to require permits for attachment to poles but not strands. Additionally, Rogers stated that permits should be required for any small cell equipment deployments on the ILECs' poles. However, if permitting were to be deemed necessary on poles, Rogers requested that the Commission direct the ILECs to ensure the confidentiality of information in permit applications and comply with the permit processing times set out in Telecom Regulatory Policy 2023-31.
64. PIAC also submitted that permits should not be required for the installation of wireless facilities on support structures owned or controlled by the ILECs, whether on poles or strands, since this could lead to significant administrative work, costs, and delays.
65. Eastlink, Quebecor, SaskTel, and TELUS all agreed that a permit requirement is necessary for the deployment of small cells on poles. However, Eastlink and Quebecor submitted that the installation of small cells on licensees' own cable on strands that are leased from ILECs should be carried out without requesting a permit, as per Telecom Decision 2014-77.
66. Both SaskTel and TELUS disagreed with the exclusion of strands from a permit requirement. SaskTel submitted that small cells can be significantly heavier than Wi-Fi equipment, require more power, and cause interference issues. SaskTel added that the only exemption should be for situations such as when a licensee is seeking to replace its own strand equipment with a similar one.
67. TELUS also considered permit requirements essential to ensure the safety and integrity of support structures.

## **Commission's analysis**

68. As stated above, there are no significant technical differences between small cells and Wi-Fi that would justify different treatment. However, the Commission agrees that the safety of both workers and the telecommunications networks is of utmost importance.
69. Regarding the installation of small cells on poles, the Commission recognizes that requiring permits adds administrative work, costs, and delays to licensees. However,

there are valid reasons to require permits, such as the preservation of the structural integrity of poles and network planning and preservation, which outweigh this burden. The Commission has found no reason to deviate from the current process for installation of facilities on poles as part of this proceeding.

70. The Commission considers, as submitted by Rogers, that the information contained in permit applications should remain confidential. The Commission also considers that all previous determinations made on support structure tariffs, including the permit processing times established in Telecom Regulatory Policy 2023-31, should apply to the installation of small cells.

71. With respect to the attachment of small cells to strands, since small cells are not significantly different from Wi-Fi, they should be treated similarly. Namely, a licensee should not be required to apply for a permit to place strand equipment on its own cable on strands leased from an ILEC. While this can be done without a permit, the attachment of small cells to strands should always follow the terms and conditions of the support structure tariffs in place, including applicable construction standards.

72. These standards should be based on characteristics like size, weight, and RF emissions, as well as the available remaining capacity of the support structure, instead of the type of technology.

73. In light of the above, the Commission:

- confirms that the same rules apply for the installation of wireless facilities as for any other telecommunications device under support structure tariffs, namely that:
  - permits are required for the installation of small cells on poles owned or controlled by the ILECs; and
  - licensees are not required to apply for permits for the addition, rearrangement, transfer, replacement, or removal of equipment inserted in their own cable on strands leased from the ILECs;
- directs the ILECs to continue ensuring the confidentiality of the information contained in permit applications; and
- notes that all previous determinations made on support structure tariffs, including the permit processing times established in Telecom Regulatory Policy 2023-31, apply to the installation of all telecommunications devices, including small cells.

## **Conclusion**

74. In light of all of the above, the Commission:

- confirms its preliminary view that it has concurrent jurisdiction with ISED over the deployment of wireless facilities, and that access to support structures owned or controlled by the ILECs for the installation of small cell equipment is subject to the ILECs' support structure service tariffs;
- determines that there are no significant technical differences between small cells and Wi-Fi equipment that would require different treatment for the purpose of attachment to support structures;
- directs the ILECs to include a shut-off switch in their construction standards, to the extent that it is not already present in the ILECs' tariffs;
- finds that the existing support structure tariffs adequately address the deployment of wireless facilities on support structures owned or controlled by the ILECs;
- confirms that the same rules apply for the installation of wireless facilities as any other telecommunications device under support structure tariffs, namely that:
  - permits are required for the installation of small cells on poles owned or controlled by the ILECs; and
  - licensees are not required to apply for permits for the addition, rearrangement, transfer, replacement, or removal of equipment inserted in their own cable on strands leased from ILECs;
- directs the ILECs to continue ensuring the confidentiality of the information contained in permit applications; and
- notes that all previous determinations made in Telecom Regulatory Policy 2023-31, including those with respect to spare capacity or permit processing times, apply to the installation of all telecommunications devices, including small cells.

### **Part 1 applications**

75. All matters raised in the three Part 1 applications by Quebecor and Rogers that have been incorporated into the record of this proceeding have been addressed. The Commission therefore considers these applications to be closed.

## Policy Direction

76. Determinations in this decision align with paragraphs 2(a), (b), (e), and (f) and paragraph 18(b) of the 2023 Policy Direction.<sup>12</sup> They will contribute to the development of a more equitable and competitive framework for support structure access. In an environment where technology and consumer needs are constantly evolving, these recommendations promote competition and investment. This, in turn, supports access to affordable, high-quality, reliable, and resilient telecommunications services for Canadians.
77. In addition, these determinations are efficient and proportionate to their purpose, transparent, predictable, and coherent. They will improve access to support structures and address barriers to timely deployment of telecommunications networks, such as exclusionary practices and unreasonable administrative practices.

Secretary General

## Related documents

- *Call for comments – Attachment of wireless facilities on support structures owned or controlled by incumbent local exchange carriers*, Telecom Notice of Consultation CRTC 2024-25, 5 February 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
- *Follow-up to Telecom Decision 2014-77 – Show cause regarding permit requirements for strand equipment*, Telecom Decision CRTC 2014-389, 24 July 2014
- *Shaw Communications Inc. – Application concerning the administration of TELUS Communications Company’s tariff for support structure service*, Telecom Decision CRTC 2014-77, 20 February 2014
- *Revised regulatory framework for wholesale services and definition of essential service*, Telecom Decision CRTC 2008-17, 3 March 2008
- *Access to telephone company support structures*, Telecom Decision CRTC 95-13, 22 June 1995

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<sup>12</sup> *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23, 10 February 2023.