Telecom Decision CRTC 2026-163

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Gatineau, 7 July 2026

Public record: 8622-E119-202600189

Every-Day Computers Inc. – Application regarding barriers to mobile virtual network operator access service eligibility and TELUS Communications Inc.'s refusal to provide mandated service

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.

To help promote competition and investment for cellphone services, in Telecom Regulatory Policy 2021-130, the Commission required Bell Mobility Inc., Rogers Communications Canada Inc. (Rogers), TELUS Communications Inc. (TELUS), and Saskatchewan Telecommunications (collectively, the incumbents) to offer a wholesale facilities-based MVNO access service (the mandated MVNO access service). The mandated MVNO access service framework enables eligible regional wireless carriers to use the networks of incumbents to serve new areas while they build out their own networks.

Under the Commission's framework, regional wireless carriers must meet certain criteria to be eligible to use the mandated MVNO access service. To be eligible, a regional wireless carrier must hold a spectrum licence from Industry, Science and Economic Development Canada at the tier 4 level or higher in a given area. It must also be registered with the Commission as a wireless carrier. Finally, a regional wireless carrier must have invested its own home Public Mobile Network (PMN) and it must be actively offering its own cellphone services to retail customers somewhere in Canada. This means that the regional wireless carrier has built and is operating its own network somewhere in Canada, and that it is using that network to offer cellphone services to Canadians.

In an application dated 22 January 2026, Every-Day Computers Inc. (Every-Day Computers) requested that the Commission confirm its eligibility for the mandated MVNO access service.

The Commission received interventions from Bell Canada, the Canadian Anti-Monopoly Project, Quebecor Media Inc., on behalf of Videotron Ltd., Rogers and TELUS. Most interveners submitted that Every-Day Computers should not be deemed eligible for the mandated MVNO access service.

Based on the record of this proceeding, the Commission finds that Every-Day Computers does not meet all the eligibility criteria for the mandated MVNO access service. While Every-Day Computers is registered with the Commission as a wireless carrier and it holds a spectrum licence at the tier 4 level, it has not fully established a home PMN and is not using its own network to offer cellphone services to customers.

Background

1. A mobile virtual network operator (MVNO) is a service provider that uses the spectrum and radio access network (RAN)[1] of a wireless carrier to provide mobile wireless services to customers. There are different kinds of MVNOs, such as facilities-based MVNOs that own spectrum and operate their own RAN as part of their network, and full MVNOs that do not operate any RAN and must rely on other providers' RANs.

2. In Telecom Regulatory Policy 2021-130, the Commission required Bell Mobility Inc., Rogers Communications Canada Inc. (Rogers), TELUS Communications Inc. (TELUS), and Saskatchewan Telecommunications (collectively, the incumbents) to offer a wholesale facilities-based MVNO access service (the mandated MVNO access service) to eligible regional wireless carriers.[2] This service enables regional wireless carriers to use incumbents' networks to serve new areas while they build out their own networks. In reaching that decision, the Commission opted for a targeted approach by only mandating the incumbents to make MVNO access services available to regional wireless carriers that possess a spectrum licence at the tier 4 level[3] or higher in a given area. By mandating a wholesale MVNO access service for these carriers, the Commission aimed to reduce barriers to entry, particularly for regional wireless carriers, while maintaining proper incentives for incumbents to continue making the significant investments required to build networks and upgrade existing networks and, ultimately, promote sustainable competition and the availability of affordable retail prices for consumers.

3. In Telecom Decision 2022-288, the Commission considered the issue of eligibility with regard to the mandated MVNO access service. The Commission determined that to be eligible for the mandated MVNO access service, companies must first make the necessary network investments to enter the retail market as a regional wireless carrier, such as by investing in a home public

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[1] The RAN consists of spectrum, towers, and related facilities and equipment located at tower sites.

[2] Regional wireless carriers are smaller, facilities-based carriers that compete with incumbent carriers.

[3] That is, spectrum at the tier 4 level, as defined by Innovation, Science and Economic Development Canada. The Commission considered that tier 4 areas represent a significantly more localized geographic area than the national market and are a reasonable proxy for local markets because they are roughly approximate to a city and its surrounding area, a regional municipality, or a larger rural area with several small towns.

mobile network (PMN).[4] The Commission added that requiring regional wireless carriers to build and operate their own networks to be eligible for the mandated MVNO access service would encourage ongoing network building and operation.

4. The Commission therefore determined that, to be eligible for mandated MVNO access service, in addition to possessing a spectrum licence at the tier 4 level, a regional wireless carrier must:

    - be registered with the Commission as a wireless carrier;
    - have a home PMN somewhere in Canada, including a RAN and a core network; and
    - be actively offering mobile wireless services commercially to retail customers (active service).

Application

5. The Commission received an application from Every-Day Computers Inc. (Every-Day Computers), dated 22 January 2026, regarding access to TELUS's mandated MVNO access service. According to Every-Day Computers, it met all regulatory requirements to access the mandated MVNO access service, but TELUS refused to negotiate or execute an agreement.

6. Every-Day Computers requested that the Commission:

    - find that, for the purpose of entering into a mandated MVNO access agreement, a registered wireless carrier with tier 4 spectrum, a mobile network code (MNC),[5] and a core network satisfies the active service requirement;
    - find that an incumbent carrier does not have the authority to audit the technical viability of a spectrum licence issued by Innovation, Science and Development Canada (ISED) as a condition of access;
    - direct TELUS to sign an MVNO access agreement within 10 business days of the date of this decision;

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[4] A PMN is a telecommunications network that includes a RAN and a core network and provides mobile wireless services like voice, data, and messaging to the public.

[5] An MNC is a 3-digit code used alongside a Mobile Country Code to uniquely identify a specific mobile service provider within a country.

- order that the commercial launch of a wireless service be treated as a condition subsequent to signing an MVNO access agreement, not as a condition of eligibility to sign the agreement;

- acknowledge that TELUS's proposed rate for the service is discriminatory; and

- refer determination of the final rate to final offer arbitration if the parties cannot agree on a rate within 30 days of the date of this decision.

7. On 30 January 2026, Every-Day Computers filed a procedural request with the Commission requesting that it expedite the process for the application by shortening the timeline for TELUS to answer to 10 days from the date of the procedural request. Every-Day Computers also asked that the Commission immediately render an interim decision on Every-Day Computers' eligibility for the mandated MVNO access service to allow commercial negotiations to resume.

8. On 6 February 2026, in a letter to Every-Day Computers, Commission staff indicated that the application raises important issues that warrant affording all interested persons the opportunity to respond in a fulsome manner, and, therefore, that it would be in the public interest to maintain standard timelines. The letter noted that interested parties could comment on the request for an interim decision in their interventions.

9. On 9 February 2026, Every-Day Computers filed a second procedural request with the Commission. It requested that the Commission require TELUS to produce data on the number of residential subscriber contracts that expired and the percentage of those contracts that were renewed or re-signed to new term contracts with TELUS or its flanker brands[6] between 1 November 2025 and 1 February 2026 in the exchange of Terrace, British Columbia. Every-Day Computers submitted that this information would help the Commission assess whether TELUS was engaging in undue preference and unjust discrimination by delaying the provision of the mandated MVNO access service.

10. The Commission received interventions from Bell Canada, the Canadian Anti-Monopoly Project (CAMP), Quebecor Media Inc., on behalf of Videotron Ltd. (Quebecor), Rogers and TELUS.

Issue

11. To assess Every-Day Computers' requests, the Commission must determine whether Every-Day Computers is eligible for the mandated MVNO access service. The Commission has therefore identified the following issue to be addressed in this decision:

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[6] Flanker brands are subsidiary brands operated by or affiliated with wireless carriers. TELUS currently offers services under the brands Koodo and Public Mobile.

- Is Every-Day Computers eligible for the mandated MVNO access service?

Is Every-Day Computers eligible for the mandated MVNO access service?

Positions of parties

12. Every-Day Computers submitted that it meets the criteria for the mandated MVNO access service for the following reasons:

    - The Commission approved Every-Day Computers' registration as a wireless carrier on 8 January 2026.
    - Every-Day Computers holds a tier 4 wireless broadband services (WBS) licence.
    - Every-Day Computers operates an independent core network with an assigned MNC.

13. Every-Day Computers submitted that, although Telecom Decision 2022-288 mentions actively offering service, it must be read together with Telecom Regulatory Policy 2021-130. According to Every-Day Computers, "actively offering service" cannot be interpreted to mean that a carrier must build a fully functional national roaming product before it can sign an MVNO access agreement because it would make the policy inoperative for new entrants. It added that, for the purpose of entering into the agreement, "active service" must be defined as "technical readiness," i.e., possession of spectrum, a core network, and an MNC, with the commercial launch of the service following the execution of the agreement. It submitted that a launch is commercially impossible without a roaming agreement, since the mobile service would only work within the 5-kilometre radius of a single tower.

14. CAMP supported Every-Day Computers' application. It submitted that a carrier holding ISED-issued spectrum, operating a core network, and holding an MNC has invested in infrastructure and therefore satisfies the conditions for the mandated MVNO access service. CAMP added that requiring new regional entrants to actively offer mobile wireless services commercially to retail customers produces a structural impossibility, since regional carriers cannot offer a commercially viable mobile service without roaming access on incumbent networks.

15. TELUS submitted that, despite its registration as a wireless carrier, Every-Day Computers has not met all the regulatory obligations for wireless carriers, and that its spectrum holdings do not support a sustainable facilities-based wireless carrier strategy, since Every-Day Computers' spectrum holdings consist of (i) a WBS spectrum licence that will not be renewed beyond March 2027 and (ii) non-competitive local spectrum that lacks interference protection and is not intended for broader public wireless retail service.

16. Quebecor submitted that Every-Day Computers does not have a spectrum licence at the tier 4 level. Instead, it holds WBS spectrum licences, which are not commercial mobile spectrum

licences. It added that Every-Day Computers' MNC is not pertinent to the application, since it is not a criterion for eligibility with respect to the mandated MVNO access service.

17. Regarding the requirement to have a home PMN (including a RAN and core network), Bell Canada submitted that Every-Day Computers is not eligible to enter into either an MVNO access agreement or a roaming agreement with TELUS because it has not demonstrated that it is operating a core network and a RAN. TELUS and Quebecor also noted that Every-Day Computers had not yet deployed its RAN.

18. Regarding the active service requirement, Bell Canada, Quebecor, Rogers, and TELUS submitted that Every-Day Computers is not actively offering mobile wireless services commercially to retail customers and is therefore not eligible for the mandated MVNO access service. Rogers submitted that the requirement to be actively offering service is not a procedural formality but an essential element of the Commission's facilities-based MVNO framework because it ensures that mandated access is reserved for competitors that have taken steps to establish themselves as wireless service providers.

19. TELUS further submitted that, without an active retail customer base served by its own home PMN, Every-Day Computers is indistinguishable from the resellers that the Commission excluded in the MVNO framework.

Other issues

20. TELUS submitted that Every-Day Computers' request for confidential TELUS customer data must be struck from the record, since it is not permitted under section 24 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure). Alternatively, TELUS indicated that the request should be denied, given that its retail wireless teams are not privy to confidential wholesale negotiations.

21. Regarding its claim that TELUS engaged in undue preference and unjust discrimination under subsection 27(2) of the *Telecommunications Act* (the Act), Every-Day Computers submitted that TELUS has refused to negotiate or execute a mandated MVNO access agreement despite Every-Day Computers' eligibility. It added that TELUS proposed wholesale rates that exceed the retail rates of its own brands and that TELUS has refused to participate in the Commission's staff-assisted mediation.

22. TELUS submitted that verifying the eligibility of regional wireless carriers is a necessary and important element of offering the mandated MVNO access service, since it is the primary means to ensure that the Commission's objectives are being met. It submitted that denying access to an ineligible company is not unjust discrimination but rather the application of the Commission's eligibility criteria. Quebecor supported this position.

23. TELUS added that, because Every-Day Computers is not eligible for the mandated MVNO access service, the Commission should not make a determination on MVNO rates with regard to Every-Day Computers' application.

Commission's analysis

24. It is important to make the distinction between mandated facilities-based MVNO access service and mandated wholesale mobile wireless roaming service, given that the two services were mentioned, sometimes interchangeably, on the record. Both mandated services require that facilities-based wireless carriers own and operate their own network to be eligible.

25. The wholesale mobile wireless roaming service enables a wireless carrier's (i.e., the home network carrier) end-user to automatically access voice, text, and data services using another wireless carrier's network (also referred to as the "host network"), including its RAN, when they travel outside their home carrier's network footprint. Roaming is supposed to be temporary; end-users should mainly be using their home carrier's network.

26. The mandated facilities-based MVNO access service, on the other hand, grants permanent access to a host carrier's RAN. It allows a regional wireless carrier to offer its services outside of its network footprint in the geographic area where it has spectrum. Although access to the incumbent's RAN is mandated, all other facilities and equipment required by an MVNO beyond the RAN are not mandated but supplied or otherwise obtained by the MVNO itself, including the core network, billing systems, customer care, and devices.

27. The Commission considers that Every-Day Computers fulfills some of the requirements for eligibility with respect to mandated MVNO access service because:

   - Every-Day Computers is publicly registered as a wireless carrier on the Commission's website; and
   - Every-Day Computers holds a spectrum licence at the tier 4 level.

28. Regarding the requirement to have a home PMN somewhere in Canada, including a RAN and a core network, although Every-Day Computers has indicated that it has a core network and an MNC, the evidence on the record of this proceeding does not demonstrate that it has deployed other RAN facilities, such as towers or radio antennas. Further, the Commission notes that while it is necessary for wireless carriers to have an MNC for the purposes of network identification, possession of an MNC does not in itself satisfy this eligibility criterion for the mandated MVNO access service. This is because MNCs are available to both wireless carriers and full MVNOs (which do not, by definition, have their own RANs), pursuant to Telecom Regulatory Policy 2015-177. Accordingly, the Commission finds that Every-Day Computers does not meet this requirement.

29. Regarding the requirement to be actively offering mobile wireless services commercially to retail customers, the Commission notes that Every-Day Computers has acknowledged that it does not currently offer these services to any customers. The Commission therefore finds that Every-Day Computers does not meet this requirement.

30. Every-Day Computers submitted that its technical readiness should make it eligible for the mandated MVNO access service. The Commission notes that the purpose of the service is to foster the growth of regional wireless carriers, maintain their incentive to invest in and encourage the deployment of their networks, and accelerate sustainable competition. In Telecom Regulatory Policy 2021-130, the Commission considered that a company must first invest in and build its network and enter the retail market as a regional wireless carrier before it can be eligible for the mandated MVNO access service. In Telecom Decision 2022-288, the Commission aimed to prevent situations where a company could, through an auction process or an arrangement with other carriers, acquire any amount of spectrum and use the mandated MVNO access service without building or expanding its own network. The Commission specified that regional wireless carriers must be actively offering retail services to be eligible. Allowing the service's commercial launch to occur after the conclusion of a mandated MVNO access agreement would be contrary to that objective.

31. Therefore, the Commission finds that Every-Day Computers' claimed technical readiness does not make it eligible for the mandated MVNO access service.

32. In light of the above, the Commission finds that Every-Day Computers is not eligible for the mandated MVNO access service, since it does not meet all the eligibility criteria.

33. The Commission is not addressing Every-Day Computers' request for interim relief, since the Commission is making a determination on Every-Day Computers' eligibility for the mandated MVNO service on a final basis in this decision.

Other issues

34. Regarding Every-Day Computers' request that TELUS disclose specific subscriber data, the Commission does not consider that this information would have been helpful in either assessing Every-Day Computers' eligibility or determining whether it was subjected to unjust discrimination. Further, the Commission notes that this request is out-of-process.[7]

35. Finally, the Commission notes that claims of unjust discrimination are usually assessed by comparing how a company is treated in relation to others. Every-Day Computers has not provided evidence that TELUS treated it differently from any other entity. The Commission is of the view

[7] The Rules of Procedure and the Act do not allow a party to request, as part of its application, the disclosure of information from another party if that information is not already referred to on the record.

that, because Every-Day Computers does not meet the eligibility criteria for the mandated MVNO access service, TELUS does not have an obligation to negotiate or enter into an agreement with Every-Day Computers. Moreover, TELUS is under no obligation to participate in the Commission's staff-assisted mediation or final offer arbitration to determine the MVNO rate. Therefore, the Commission considers that TELUS's actions do not constitute unjust discrimination.

Conclusion

36. In light of all of the above, the Commission finds that Every-Day Computers is not eligible for the mandated MVNO access service and that TELUS's refusal to enter into an agreement with Every-Day Computers does not amount to unjust discrimination. The Commission also denies Every-Day Computers' request for disclosure of information by TELUS.

Secretary General

Related documents

- *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