



## Telecom Decision CRTC 2026-29

PDF version

Reference: Part 1 application posted on 30 October 2024

Gatineau, 11 February 2026

*Public record: 8663-V3-202405018*

### **Quebecor Media Inc. – Application to require the disclosure of locations where fibre-to-the-premises services are available**

#### **Summary**

The Commission is working to increase choice and affordability of high-speed Internet services by promoting greater competition between Internet service providers while maintaining incentives for companies to invest in high-quality networks.

In support of these objectives, through Telecom Regulatory Policy 2024-180, the Commission took action to increase Canadians' choice of Internet service providers by allowing competitors to sell Internet plans using the existing fibre-to-the-premises (FTTP) networks of Canada's largest telephone companies.

To enable this access, Telecom Regulatory Policy 2024-180 required the incumbent local exchange carriers (ILECs) to compile lists of locations within their traditional wireline incumbent serving territories where FTTP services were available. Telecom Regulatory Policy 2024-180 also required ILECs to make those lists available to competitors upon request, conditional upon entering into a reasonable non-disclosure agreement (NDA) if desired.

On 20 September 2024, the Commission received an application from Quebecor Media Inc. (Quebecor) asking that Bell Canada and TELUS Communications Inc. (TELUS) be directed by the Commission to disclose their lists of locations in full to Quebecor. Quebecor indicated that the companies had previously imposed unreasonable conditions for disclosure in certain areas.

This public proceeding included a range of views requiring follow-up requests for information. Ultimately, on the basis of this record, the Commission approves Quebecor's application. Accordingly, the Commission directs Bell Canada and TELUS to conclude reasonable NDAs, if not already completed. The Commission also directs Bell Canada and TELUS to provide Quebecor and Rogers Communications Canada Inc. with a list of all wholesale FTTP-available locations before **13 March 2026**.

The Commission also clarifies that, under the wholesale HSA framework, incumbents who are mandated to disclose wholesale FTTP-available locations cannot require the reciprocal disclosure of served locations.

This decision advances the framework established in Telecom Regulatory Policy 2024-180 by further facilitating competition and increasing choice for consumers for high-speed Internet services.

## **Background**

1. In Telecom Regulatory Policy 2024-180, the Commission mandated incumbent local exchange carriers (ILECs) to provide aggregated wholesale fibre-to-the-premises (FTTP) access. The goal of this policy is to promote competition so that Canadians benefit from affordable access to high-quality Internet services.
2. To support continued network investments, the Commission determined that incumbent carriers could only use another incumbent's wholesale high-speed access (HSA) services in areas where they do not have a network footprint (also known as in-territory restriction).
3. To implement its framework, the Commission directed ILECs to compile a list of locations within their traditional wireline incumbent serving territories where FTTP services are available as of the date of this regulatory policy. Such lists were to be made available to competitors upon request and access to those lists could be made conditional to entering into a reasonable non-disclosure agreement.<sup>1</sup>
4. In August 2024, Bell Canada informed Quebecor Media Inc. (Quebecor) that it was willing to provide a list of its FTTP locations in Quebec once Quebecor signed a non-disclosure agreement (NDA) and identified its own wireline incumbent footprint in Quebec. Quebecor objected, stating that it was not required to provide this information. Subsequent discussions between the parties did not resolve the issue.
5. In September 2024, TELUS Communications Inc. (TELUS) also informed Quebecor that it would be willing to provide its own FTTP locations in Quebec, provided that Quebecor signed an NDA and identified its own incumbent-serving footprint, particularly within Quebec.

## **Application**

6. On 20 September 2024, Quebecor submitted an application to the Commission requesting that it:

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<sup>1</sup> Telecom Regulatory Policy 2024-180, paragraph 58.

- require Bell Canada and TELUS to disclose the locations where wholesale FTTP access is available without the reciprocal network disclosure condition; and
  - impose administrative monetary penalties (AMPs) on Bell Canada and TELUS for malicious regulatory obstruction.
7. The Commission received interventions from Bell Canada, Rogers Communications Canada Inc. (Rogers), TekSavvy Solutions Inc. (TekSavvy), TELUS, and Vaxination Informatique. The record of the proceeding closed on 28 March 2025.

## **Issues**

8. The Commission has identified the following issues to be addressed in this decision:
- Does Telecom Regulatory Policy 2024-180 require incumbents to share their in-territory network footprint with an ILEC to obtain access to wholesale FTTP locations?
  - Should the Commission impose AMPs on Bell Canada and TELUS?

### **Does Telecom Regulatory Policy 2024-180 require incumbents to share their in-territory network footprint with an ILEC to obtain access to wholesale FTTP locations?**

#### **Positions of parties**

9. Bell Canada submitted that it is only required to provide a list of wholesale FTTP-available locations outside of Quebecor's traditionally served wireline territory. Bell Canada argued that Telecom Regulatory Policy 2024-180 must be interpreted in its entirety rather than solely in terms of its explicit wording.
10. Bell Canada asserted that when read as a whole, the obligation to provide FTTP locations applies only to areas where a competitor is eligible to access wholesale service. Bell Canada stated that it therefore needs to know a competitor's incumbent wireline footprint to determine which locations can be shared. Bell Canada further noted that FTTP location data is sensitive competitive information and could give competitors an undue competitive advantage if unnecessarily disclosed.
11. TELUS concurred with Bell Canada. In order for Quebecor to receive a list of FTTP locations, TELUS maintained that Quebecor needed to identify specific communities in Quebec outside of its traditional wireline network.
12. Quebecor was able to conclude NDAs with Bell Canada and TELUS and receive FTTP location lists from both competitors outside of Quebec. Quebecor submitted that Bell Canada and TELUS refused to provide their respective FTTP location lists in Quebec unless Quebecor agreed to a reciprocal disclosure condition. Quebecor stated that the reciprocal disclosure condition has

hindered its ability to implement its business plans and to offer FTTP services to consumers, thereby depriving consumers of the benefits of competition.

13. Quebecor argued that NDAs provide sufficient protection for the sensitive business information contained within FTTP location lists that Bell Canada and TELUS are required to disclose. As well, Quebecor submitted that neither Bell Canada nor TELUS has the authority to determine if the in-territory restriction has been respected. Instead, it is the responsibility of the Commission to enforce the in-territory restriction.
14. Rogers supported Quebecor's request for disclosure of FTTP locations without additional conditions other than the conclusion of a reasonable NDA. Rogers submitted that Bell Canada and TELUS had made similar requests to Rogers and that as a result, Rogers had made no progress toward concluding reasonable NDAs with the companies.
15. TekSavvy also supported Quebecor's position. TekSavvy argued that the obligation under Telecom Regulatory Policy 2024-180 is clear and that this disagreement should have been resolved without the need for an application.

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

16. In Telecom Regulatory Policy 2024-180, the Commission directed ILECs to compile a list of FTTP locations within their traditional wireline incumbent-serving territories, and to make those lists available to competitors upon request. The Commission allowed access to these lists to be made conditional upon parties entering into a reasonable NDA.
17. The Commission recognizes that Quebecor has wireline facilities throughout much of Quebec (and Rogers throughout much of Alberta and British Columbia), making them incumbents in some of those territories and therefore ineligible to use wholesale HSA services in those areas as per the in-territory restriction. However, there are areas within Quebec, such as areas served by Cogeco Communications Inc. and Câblevision du Nord de Québec inc., where Quebecor does not have wireline facilities and would therefore be eligible to obtain wholesale FTTP access.
18. While location data can reveal insight into an incumbent's business, the Commission considers that reasonable NDAs provide sufficient protection to prevent misuse. The NDAs developed by Bell Canada and TELUS restrict how and importantly, with whom ILEC information can be shared within the competitor's organization.
19. Moreover, if an incumbent were to provide service to an end-user using the wholesale FTTP service of another incumbent within its own traditional wireline incumbent territory, an application could be filed to determine whether the terms of the in-territory restriction were violated, and if so, whether an AMP should be applied.
20. To meet its objectives, the wholesale HSA framework needs to be implemented in a timely and effective manner. To that end, the Commission considers that this matter could have been

resolved more effectively through the Commission's dispute resolution process or by alternative approaches on an interim basis pending a Commission determination. For example, Bell Canada or TELUS could have met their respective obligations by providing a searchable database. The most effective solution now is to require ILECs to fully disclose the requested FTTP location lists.

21. Considering the application by Quebecor and intervention raising similar issues from Rogers, the Commission directs Bell Canada and TELUS to conclude reasonable NDAs, if not already completed, and to disclose all wholesale FTTP-available locations to Quebecor and Rogers before **13 March 2026**.
22. In addition, the Commission clarifies that the mandated disclosure of wholesale FTTP-available locations under the wholesale HSA framework is not to be made conditional on the reciprocal disclosure of the traditional serving territory of a competitor or the communities a competitor seeks to serve through the wholesale framework.

### **Should the Commission impose AMPs on Bell Canada and TELUS?**

23. Quebecor indicated that this proceeding is part of a series of regulatory delay tactics and requested that the Commission impose AMPs on Bell Canada and TELUS in response to such delays. Quebecor argued that Bell Canada and TELUS violated Telecom Regulatory Policy 2024-180, constituting anti-competitive conduct warranting AMPs.
24. Bell Canada maintained that it has met its obligations and that its behaviour demonstrates that it did not intend to delay compliance.
25. TELUS submitted that there is no basis for the Commission to impose AMPs on it or Bell Canada by way of this application. TELUS argued that it is compliant with Telecom Regulatory Policy 2024-180 and it has already concluded agreements with other competitors. TELUS considers that this application involves the interpretation of a law, regulation, or policy and is not a case of intentional non-compliance.
26. In addition, TELUS submitted that AMPs are serious enforcement measures that require procedural fairness, including a dedicated proceeding with evidence and investigation, before being applied.

### **Commission's analysis**

27. The Commission recognizes that incumbents are not eligible to use the wholesale HSA services of another incumbent within their incumbent serving territories, given the in-territory restriction. The Commission also recognizes that its direction to ILECs to make location lists "available to competitors upon request" provided some flexibility to incumbents and competitors to establish a reasonable approach for incumbents to share location lists. In this case parties were unable to come to an agreement.

28. While the Commission does not agree with Bell Canada and TELUS's approach to implementing the in-territory restriction in this case, it also considers that the implementation of a new framework can present challenges. Moreover, the Commission notes that both Bell Canada and TELUS made lists of locations available in other areas, including Alberta, British Columbia, and Ontario.

29. Accordingly, the Commission finds that AMPs are not warranted in this matter.

## **Conclusion**

30. In light of all of the above, the Commission approves Quebecor's application and directs Bell Canada and TELUS Communications Inc. to conclude reasonable NDAs, if not already completed, and to disclose all wholesale FTTP-available locations to Quebecor and Rogers before **13 March 2026**.

31. In addition, the Commission clarifies that the mandated disclosure of wholesale FTTP-available locations under the wholesale HSA framework cannot be made conditional on the reciprocal disclosure of another incumbent's served locations.

Secretary General

## **Related document**

- *Competition in Canada's Internet service markets*, Telecom Regulatory Policy CRTC 2024-180, 13 August 2024