

***Call for comments – Consumer protections in the event  
of a service outage or disruption – Telecom and  
Broadcasting Notice of Consultation CRTC 2025-227***

**Reply Comments**

**by**



**Independent  
Telecommunications  
Providers Association**

**and**



**15 December 2025**

## **Executive Summary**

*ES1. CCSA/ITPA supports arguments that the CRTC's authority to impose consumer protections is clearer in telecommunications than in broadcasting. Regulatory measures such as mandatory outage compensation constitutes rate regulation, which should not apply to small providers, as market forces already protect consumers in these markets.*

*ES2. Regulatory measures, such as automatic bill credits, are justified only in unique cases like the Far North, where outages are more frequent and severe. Extending such measures to other regions without similar evidence is unreasonable.*

*ES3. CCSA/ITPA oppose proposals from groups like the Canadian Anti-Monopoly Project which suggest punitive fines and broad refund obligations. These would be unworkable and unfair for small providers, especially when outages are caused by third parties or force majeure events.*

*ES4. While The CCSA/ITPA acknowledges the concerns of the Indigenous Connectivity Institute, they recommend that issues of access and infrastructure resiliency in rural and Indigenous communities be addressed separately from outage compensation policies.*

*ES5. The CCSA/ITPA disagrees with proposals to expand the mandate of the Commission for Complaints for Telecom-television Services (CCTS), warning that this would disproportionately burden small providers and the CCTS itself.*

*ES6. The CCSA/ITPA reject calls for uniform consumer protections across all providers, advocating instead for exemptions for small providers.*

*ES7. The CCSA/ITPA highlights the impracticality of imposing outage-related rebates and notifications on Independent Small Service Providers that rely on wholesale services, due to the complexity of responsibility and compensation chains.*

*ES8. CCSA/ITPA urge the CRTC to maintain its current approach for small service providers, relying on competitive market forces and existing protections, rather than*

*introducing new obligations that could disproportionately impact small and independent providers.*

## Introduction

1. Canadian Communications Systems Alliance (“the CCSA”) and the Independent Telecommunications Providers Association (“the ITPA”) thank the Commission for the opportunity to participate in this process. Many intervenors have argued on both sides for considerations from the Commission. As organizations representing Independent Small Service Providers (ISSPs), including in rural, and remote areas, CCSA and ITPA want to ensure that in the Commission’s final decision is consistent with the letter from the Secretary General of the Commission, dated 8 December 2025, as it pertains to ISSPs.

## Interventions we support

2. Many intervenors have challenged the Commission’s jurisdiction to impose the consumer protections contemplated in this proceeding - *Call for comments – Consumer protections in the event of a service outage or disruption* – Telecom and Broadcasting Notice of Consultation CRTC 2025-227, 4 September 2025 (“NoC 2025-227”) – in either the broadcasting or telecommunications markets.

3. While the ITPA takes no position on broadcasting matters, the CCSA finds intervenors’ arguments regarding the BDU element compelling.<sup>1</sup> NoC 2025-227 does not clarify the authority it seeks to rely on regarding the policy objectives or powers in the Broadcasting Act.<sup>2</sup> There appears to be no justification in the Policy Direction<sup>3</sup>, the *Broadcasting Act* (“the Act”) or NoC 2025-227 to bind broadcasting. The Commission’s reference to 9.1(1)j, is insufficient *prima facie* as there is no support from sections 3(1) or 5(2) of the Act.

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<sup>1</sup> CTS, FRPC, Eastlink, Telus etc.

<sup>2</sup> As noted in the FRPC submission to 2025-227.

<sup>3</sup> Policy Direction [SOR/ 2023-239](#)

4. Regarding telecommunications, the CCSA and ITPA (collectively, “the CCSA/ITPA”) believe the Commission does have broad authority under sections 24 and 24.1. However, as stated by TELUS at paragraph 25 of its intervention:

Section 24 is a basket clause, stating that “[t]he offering and provision of any telecommunications service” is “subject to any conditions imposed by the Commission”, including those included in a tariff approved by the Commission. Section 24 does not address rates, and as held by the Supreme Court of Canada—in the context of the Commission’s powers—a “broadly drafted basket clause ... or an open-ended power to insert ‘such terms and conditions as the [regulatory body] deems appropriate’ ... cannot be read in isolation... Rather, ‘[t]he content of a provision is enriched by the rest of the section in which it is found . . .’” The context of the *Telecommunications Act* is clear. Section 24 exists to empower the Commission to regulate residual matters that are not subject to any other specific provisions, and rate regulation is plainly addressed in section 25.

5. The CCSA/ITPA agrees that imposing regulatory measures such as mandatory outage compensation is a form of rate regulation and reiterates its position that, with regards to small service providers, market forces will exert adequate pressure to protect the interests of customers.

6. Additionally, the CCSA/ITPA agrees with Bell Canada’s arguments in paragraphs 6 and 17 of its 13 November 2025 intervention that the Commission’s decision in *Telecommunications in the Far North – Telecom Regulatory Policy CRTC 2025-9*, 16 January 2025 (“TRP 2025-9”), to require Northwestel, the dominant service provider in the Far North, to issue automatic bill credits was a unique scenario. This is supported by the Commission’s own determinations in that decision. Paragraph 135 states that:

While all Canadians are affected by outages, those living in the Far North experience them with both a higher frequency and longer duration, which has a significant impact on residents and businesses. In recognition of this, the Commission is implementing measures to help improve reliability in the Far North.

7. The Commission cannot recognize a problem as unique to one area of Canada and then choose to apply the remedy in other areas of the country where the unique circumstances do not exist. The situation in the Far North is not the same as Renfrew Ontario, Halifax Nova Scotia, or Victoria British Columbia, and the Commission has clearly already acknowledged that difference.

8. While paragraph 138 of the same decision does discuss (presumably) this process, and that consumers in the rest of Canada do experience disruptions, the Commission has already determined that they are less significant than those in the Far North. As such, CCSA/ITPA would reiterate that it would be unreasonable to consider rebates unless some additional evidence by the Commission supports its preliminary view.

### **Intervenors we oppose**

#### Canadian Anti-Monopoly Project

9. The proposed applications in Part VI of the intervention by the Canadian Anti-Monopoly Project (“CAMP”) lack a full explanation of how the wholesale elements would work practically. For instance, in paragraph 154, there is a proposal for smaller providers having reduced obligations, including “phone calls, email, or text messages.”<sup>4</sup> However, phone calls would be either labour-intensive (if handled by an in-house team)

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<sup>4</sup> CAMP intervention, Para 154

or costly if automated and outsourced. Additionally, there was no consideration of social media or company websites as more financially efficient alternatives, which is already done by many smaller providers.

10. In Part VII of the CAMP submission, under the “enforcement” section, in paragraph 172, CAMP proposes fines of up to \$10,000 for failures of notification, and \$500,000 for failures to refund. These fines would still be required based on third-party factors, or force majeure events.<sup>5</sup> The CCSA/ITPA fundamentally reject a punitive approach to enforcement. The rates CAMP proposes are untenable for ISSPs, and in general. For example, if an outage lasts one full day, a potential proportionate refund (assuming 30 days in a month) of 1/30<sup>th</sup> of a \$100 monthly bill would be approximately \$3.33. The Commission then imposing a failure to refund fine of \$500,000 would be untenable.

11. This proposal for enforcement is untenable. Small service providers operate in a highly competitive marketplace. The Commission has rarely, if ever, seen fit to threaten fines as a proverbial sword of Damocles as a means to enforce regulatory compliance. Competition has and continues to be a superior market driver; one that the Commission can continue to rely on.

12. Additionally, CAMP’s position seems to be that fault for service disruptions, regardless of cause, ultimately always lies with the service provider and that refunds and notifications are always reasonable. For example if a contractor were to accidentally cut a fibre cable, or there is an outage on the local power utility’s network, CAMP’s position is that the service provider should be required to issue a rebate. Furthermore, in the event of an active hurricane, or wildfire, notifications providing updates about restoration of services need to be provided.<sup>6</sup> Customer notification messages such as “We are not working to restore any outages as a result of an active wildfire, but will reassess once

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<sup>5</sup> Ibid. Paras 49-50

<sup>6</sup> Ibid Para 90

crews can investigate safely,” does not appear to be a sufficient answer according to CAMP’s proposals.<sup>7</sup>

13. The Commission has long recognized that broadcasting and telecommunication services, while ideally offered as being available 24/7, cannot be guaranteed to be free of disruptions or outages. Disruptions and outages can happen for a myriad of reasons, and as long as best efforts are made to restore services, service providers should not be penalized.<sup>8</sup>

14. Finally, the CCSA/ITPA objects to paragraph 181 of the CAMP submission. A 3-6 month extension for ISSPs to submit Part 1’s while well-intentioned would cause significant regulatory obligations for each provider and the Commission. The 3-6 month window, if required, would be far too narrow. Given the number of ISSPs across the country (including those not represented by the CCSA/ITPA), the Commission would likely need more time just to interact with and review all of the Part 1 applications it receives. As a result, the CCSA/ITPA does not believe this is the most prudent approach, and continues to seek exemption for ISSPs.

### Indigenous Connectivity Institute

15. CCSA/ITPA is sensitive to the arguments made by the Indigenous Connectivity Institute (“the ICI”). The issues identified in its response to Q18<sup>9</sup> seem to have already been resolved by TRP 2025-9, at least in part, so while we do not disagree with that point, we suggest the Commission has already addressed it.

16. In the more detailed response to Q18 starting on page 9, CCSA/ITPA would suggest that ICI has conflated two distinct but legitimate issues. Access to Internet services as opposed to outages and disruptions experienced by underserved rural

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<sup>7</sup> Ibid Para 91.

<sup>8</sup> This position is supported in paragraph 145 of CRTC decision 2025-9.

<sup>9</sup> ICI submission to 2025-227 Page 2.

communities should be separated and addressed by the Commission as distinct issues. Infrastructure development and resiliency in rural communities should be the subject of a separate process.

17. In concert with its indigenous member companies, the CCSA would welcome the opportunity to assist the Commission alongside ICI in developing an approach to facilitate federal funding to better support more robust service provision to remote and rural indigenous communities.

18. Regarding notifications and refunds, ICI appears to support protections on the whole<sup>10</sup>, but also seeking specific considerations for Indigenous communities based on their remote and rural nature.<sup>11</sup>

19. The CCSA/ITPA would ask the Commission to reserve judgement on the duality of the ICI position until a more detailed explanation of how implementation can be achieved that would “ensure that Indigenous-owned community networks are not made financially worse off nor administratively over-burdened”<sup>12</sup>, while being simultaneously fair to ISPs serving remote and rural areas (including Indigenous Communities) that are not Indigenous owned.

### Option Consommateurs

20. Option consommateurs (“OC”) argued that the Commission for Complaints for Telecom-Television Services (“the CCTS”) should be the agency to enforce any new regulatory measures. At paragraph 55 of its intervention, OC states:

Les questions en matière de prestations des services et de service intermittent tombent d’ores et déjà sous l’égide de la CPRST et nous

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<sup>10</sup> Ibid. Answer to question 1. Pages 3-4

<sup>11</sup> ICI submission to 2025-227 First paragraph page 2

<sup>12</sup> Ibid. Q1 answer, last paragraph.

considérons qu'il serait plus cohérent et simple pour les consommateurs de pouvoir s'adresser au même organisme dans les cas de mésententes avec le FST à ce sujet.

21. The CCSA/ITPA disagrees with this position. The CCTS' Mission statement is as follows:

To provide impartial, fair, and effective complaint resolution services, data, and insights to telecommunications and television consumers and service providers.<sup>13</sup>

22. If the Commission determines that the CCTS should be responsible for dealing with outage and disruption complaints, a potentially new and incremental area of oversight, it would add a substantial burden on the CCTS and the industry alike. The CCSA/ITPA and other parties have argued that circumstances beyond the control of a service provider (e.g. an outage in the network of a hydro electricity utility) should not be held against a service provider. However, this will not stop customers from making complaints about such outages to the CCTS and consuming the CCTS' limited resources and the service providers, who fund the CCTS will only incur greater costs with a disproportionate impact on small service providers. CCSA/ITPA does not believe this is a good use of resources for any party involved. Therefore, no additional responsibilities should be delegated to the CCTS as a result of this process.

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<sup>13</sup> CCTS website. <https://www.ctcs-cprst.ca/about-ctcs/mission-vision-and-values/>

Public Interest Advocacy Centre

23. In paragraph 6 the Public Interest Advocacy Centre (“PIAC”) stated:

PIAC has consistently argued for uniform standards and protections to be available for all consumers regardless of the service provider, and maintains this position in this proceeding.<sup>14</sup>

24. CCSA/ITPA suggests that this has never been a view adopted by the Commission and should not be adopted now. The Commission has always considered and applied a more nuanced view of both the broadcasting and telecommunications industries through exemptions and protections for small service providers. For example, the Commission has determined that the Internet Code of Conduct should be directly imposed on only the largest incumbent telephone companies and cable companies. As recently as TRP 2025-9 the Commission exempted small service providers from a new regulatory measure:

In contrast, small ISPs provide service in areas where there is some degree of competition, and may have more limited resources available to apply automatic bill credits. Therefore, to balance the benefit to customers with the burden on small ISPs, the automatic bill credit requirement should be imposed on only Northwestel’s terrestrial retail Internet services.<sup>15</sup>

25. The CCSA/ITPA would ask the Commission to reject PIAC’s one-size-fits-all approach and acknowledge that small providers merit different treatment from the large ILECs and cable companies. The CCSA/ITPA notes that PIAC does acknowledge smaller service providers in paragraph 26 of its intervention:

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<sup>14</sup> This view is reiterated in paragraph 24.

<sup>15</sup> TRP 2025-9, paragraph 144.

The Commission should work with smaller service providers and/or any BDUs to assist with this transition process, but must not allow any exemptions. Loss of service is a serious consumer issue that raises public safety, social, economic and health concerns. Thus, any and all protections set in relation to outages or service disruption should be available to all Canadians.

26. Having said that, PIAC fails to clarify what work should be done and the CCSA/ITPA has grave concerns with regards to the approach suggested by the Commission in Q29 of NoC 2025-227.

27. CCSA/ITPA asks the Commission to instead take a simpler path. Do not impose any new obligations on service providers. If the Commission does not conclude that that is possible, we would ask the Commission to focus any new regulatory measures on the group of companies that dominate approximately 90% of the telecommunications markets.

### **Final Thoughts**

28. Rebates and notifications with regards to wholesale service outages is a Gordian Knot that the Commission cannot reasonably cut. Therefore, the CCSA/ITPA believes that IISPs that operate via wholesale services should be exempted entirely from any new regulatory measures.

29. If a Vertically Integrated company (“VI”) has an outage, the VI will not know until a customer reports it to the IISP, who then will report it to the VI. In these cases, it is unclear how refunds or credits will be handled, if retail prices differ, which is inevitably the case. For example, if a customer should get a \$5 refund from the IISP, but the IISP’s costs are \$2, it is unclear as to who should absorb the \$3 difference and why. For

notifications, the VI should not be contacting the IISP's customers directly, but then the IISP is at the mercy of the VI. As a result, the IISP who might compete with the VI has an angry customer, but it is not the fault of the IISPs for the service disruption, and it will be unable to provide accurate information to customers, because it is third-party information.

30. The problem is only compounded if there is third-party interference on a VI's wholesale service. If a VI has a line cut by a city construction crew, and that creates an outage, should the IISP seek compensation from the VI and should the VI then sue the municipality, who then sues the contractor used? This will not benefit customers nearly as much as it will benefit lawyers.

## **Conclusion**

31. Over the last decade, there have been considerable improvements regarding network resiliency and notifications provided to customers. The CCSA/ITPA would ask that the Commission not change things for the sake of change. When issues or gaps arise<sup>16</sup> the Commission has responded quickly and efficiently. The CCSA/ITPA believes that the approach taken by the Commission has been the correct one. Through relying on competitive market forces, and existing regulatory protections, the Commissions' objectives are and will continue to be met for Canadian consumers.

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<sup>16</sup> For example, the Commissions' response to the Rogers outage.