

**TELECOM AND BROADCASTING NOTICE OF CONSULTATION**

**CRTC 2025-227**

***Reply – Consumer protections in the event of a service outage or  
disruption***

**CANADIAN TELECOMMUNICATIONS ASSOCIATION**

**December 15, 2025**

## Executive Summary

1. In this Reply, the Canadian Telecommunications Association (“the Association”) submits that the record of Telecom and Broadcasting Notice of Consultation CRTC 2025-227 (Consultation) does not support the Commission’s preliminary view that new consumer-protection measures are necessary in relation to service outages or disruptions.
2. The Commission has not identified evidence of a market failure, systemic consumer harm, or unfair treatment that would justify regulatory intervention. The preliminary view advanced in the Consultation was not supported by data, analysis, or comparative evidence demonstrating deficiencies in existing market outcomes. This approach is inconsistent with the 2023 Policy Direction, which requires Commission decisions to be grounded in recent and sound evidence and to adopt measures that are efficient and proportionate, as well as with paragraph 7(f) of the Telecommunications Act, which directs the Commission to rely on market forces to the maximum extent feasible.
3. The record of this proceeding confirms that the Canadian telecommunications market is functioning effectively. Service providers have made substantial, ongoing, and voluntary investments in network resiliency, redundancy, modernization, and emergency preparedness. Canadian networks perform strongly by international standards, and the Commission’s own survey data shows high and improving levels of consumer confidence in network reliability. Providers already maintain established outage-response procedures, communicate proactively with customers using multiple channels, and provide voluntary, case-by-case credits where appropriate. These practices are driven by competition and consumer expectations, not regulatory compulsion.
4. Interventions from consumer-advocacy organizations do not establish the existence of systemic problems. They do not provide evidence that existing practices are inadequate or that consumers are being treated unfairly. CCTS data demonstrates that the vast majority of complaints are resolved directly between customers and service providers, indicating that existing market-based and ex post mechanisms are working as intended.
5. International examples cited by some intervenors do not support the adoption of broad, automatic compensation regimes in Canada. The Gartner benchmarking study confirms that mandatory compensation schemes are the exception rather than the rule internationally and are typically narrow, context-specific, and tied to unique market structures not present in Canada. The UK, Australian, and EU frameworks cited by intervenors are limited in scope, rooted in different legal and market conditions, and do not reflect a global standard that would justify adoption in the Canadian context.

6. Where concerns exist, the record suggests they relate primarily to customer awareness of existing outage-related policies, not to deficiencies in provider conduct. A transparency-based approach, such as harmonized disclosure requirements across the Commission's consumer codes, would be a proportionate response, if any response is warranted, and would avoid the operational, financial, and unintended consequences associated with prescriptive communication or compensation mandates.
7. If the Commission nevertheless determines to impose new measures, despite the absence of evidence supporting such intervention, any framework must be narrow, proportionate, and technically feasible. Obligations should apply only to major, verified provider-network outages affecting a material number of customers; exclude localized or customer-specific disruptions; and recognize events beyond providers' reasonable control. Any compensation requirement, which the Association opposes, must be strictly limited to pro-rated service credits for fixed telecommunications services only and must not include mobile wireless or BDU services. They must not be automatic or extend to consequential, indirect or other forms of damages. Communication obligations, if imposed, must remain flexible and high-level, preserving providers' ability to respond effectively to diverse outage scenarios.
8. Finally, the Association submits that the Commission should not proceed to implementation until any proposed measures are fully defined and intervenors have had an opportunity to comment on feasibility, timelines, and operational impacts. In the absence of evidence demonstrating market failure or systemic consumer harm, the Association urges the Commission to refrain from imposing new outage-related consumer-protection obligations.

### **Lack of Evidence Supporting Regulatory Intervention**

#### **The Commission Has Not Identified Any Evidence of Market Failure**

9. In our Intervention to this Consultation, the Association submitted that the Commission had not provided evidence demonstrating a market failure or a systemic consumer-protection problem relating to service outages. That remains the case.
10. The preliminary view expressed by the Commission in this Consultation, that consumer-protection measures "are necessary" in the event of an outage, was advanced without any evidentiary foundation. The Commission did not present data, analysis, or comparative assessments showing that consumers are being treated unfairly, that service providers are failing to respond appropriately to outages, or that existing protections are inadequate.

11. Rather than demonstrating the existence of a problem requiring intervention, the Commission invited submissions on prescriptive regulatory outcomes. This sequencing is inconsistent with the *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy (2023 Policy Direction)*, which requires decisions to be grounded in recent and sound evidence and to rely on measures that are proportionate and efficient.<sup>1</sup> This approach is also inconsistent with the policy objectives in section 7 of the *Telecommunications Act*<sup>2</sup>, (the Act), which requires the Commission to rely on market forces to the maximum extent feasible and intervene only where clearly necessary.

### **Industry Interventions Confirm the Absence of Any Market Failure**

12. Far from demonstrating any systemic shortcomings, the interventions filed by service providers offer extensive evidence that the market is functioning well and that consumers are already protected by a combination of robust competition, substantial network investments, established operational practices, and responsive customer-care policies.

### **Significant and Voluntary Investment in Network Resiliency**

13. Every major facilities-based provider highlights substantial, ongoing investments in resiliency, redundancy, modernization, and emergency preparedness. Bell emphasizes that Canadian networks are “among the world’s most reliable and high-performing,” supported by billions of dollars in annual capital expenditures and one of the highest levels of capital intensity globally.<sup>3</sup> Despite the scale and complexity of its networks, Rogers asserts that their team works around the clock to maintain high service availability, as reliability remains a core priority and a key competitive strength.<sup>4</sup> Cogeco details its participation in federal resiliency working groups and the practical steps it has taken to incorporate resiliency best practices into its operations.<sup>5</sup>
14. These investments are not the product of regulatory mandates; they are market-driven responses to competitive incentives and consumer demand for reliable services.

### **b. Internationally Competitive Performance and Reliability**

15. The interventions in the Consultation also demonstrate that Canadian networks perform strongly relative to international peers. Bell cites the Commission’s Canadian

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<sup>1</sup> *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23 [“2023 Policy Direction”].

<sup>2</sup> *Telecommunications Act*, SC 1993, c 38 9.

<sup>3</sup> Bell Submissions at paras 1-3.

<sup>4</sup> Rogers Submissions at para 3.

<sup>5</sup> Cogeco Submissions at para 5.

Telecommunications Market Report, which reports near-universal mobile coverage, rapid 5G deployment, extensive fibre availability, and competitive broadband speeds.<sup>6</sup> TELUS references independent benchmarking (including Opensignal) confirming Canada's leadership in broadband reliability.<sup>7</sup>

16. Collectively, this evidence indicates that the existing competitive and regulatory framework is delivering outcomes consistent with the Act's objectives and does not support the conclusion that there are Canada-wide systemic issues with service outages and disruptions.

### **c. High Levels of Consumer Confidence in Network Reliability**

17. Multiple interventions highlight the Commission's own survey data showing high and improving levels of consumer confidence in network reliability. Such data shows that consumers have reported overwhelming satisfaction with reliability with only 9% of respondents in the Commission's Fall of 2024 public opinion survey disagreeing with the statement that they can count on a reliable high-speed network where they live,<sup>8</sup> and the Commission's Wave 4 Report prepared by Ipsos showing that this has fallen to 7% for high-speed internet and 6% for mobile wireless services.<sup>9</sup>
18. These indicators directly contradict any suggestion that Canadians lack confidence in their service providers' reliability, or that consumers are being treated unfairly in relation to service outages or disruptions.

### **d. Providers Already Communicate Proactively and Offer Case-by-Case Credits**

19. The record of in this Consultation demonstrates that service providers maintain well-developed outage-response processes, communicate promptly with customers using multiple channels, and provide voluntary, case-by-case credits in appropriate circumstances. Rogers and TELUS both highlight established customer-communication procedures during outage events and note that they already issue billing adjustments where customers experience material inconvenience.<sup>10</sup> Cogeco similarly describes its approach to rapid customer communication and voluntary credits.<sup>11</sup>

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<sup>6</sup> Bell Submissions at para 7.

<sup>7</sup> TELUS Submissions at para 14.

<sup>8</sup> CRTC, *Canadian Telecommunications Market Report 2025*, [https://crtc.gc.ca/pubs/cmrc\\_ctmr\\_2025-en.pdf](https://crtc.gc.ca/pubs/cmrc_ctmr_2025-en.pdf) p37

<sup>9</sup> Ipsos Limited Partnership for the CRTC, *Public opinion research tracker: Wave 4*, POR 022-24, 18 June 2025, [https://publications.gc.ca/collections/collection\\_2025/crtc/BC92-129-4-2025-eng.pdf](https://publications.gc.ca/collections/collection_2025/crtc/BC92-129-4-2025-eng.pdf).

<sup>10</sup> Rogers Submissions at paras 29-30, TELUS Submissions at paras 41, 43.

<sup>11</sup> Cogeco Submissions at para 25.

20. These existing practices directly undermine any argument that prescriptive regulation is needed to ensure fair treatment. Collectively, the record of this proceeding demonstrates that:
- there is no evidence of widespread, persistent, or systemic consumer harm that would justify new regulatory obligations;
  - competition provides strong incentives for providers to maintain reliable networks and respond effectively to outages;
  - network resiliency is a key competitive differentiator in which providers have already invested heavily;
  - consumer confidence in reliability is high and improving; and
  - service providers routinely communicate during outages and provide compensation without regulatory compulsion.

### **Imposing New Mandates Would Contravene the 2023 Policy Direction and Policy Objectives**

21. Without evidence of market failure or systemic consumer harm, the imposition of new communication or compensation requirements would be inconsistent with the 2023 Policy Direction and paragraph 7(f) of the Act. The 2023 Policy Direction's section 4 requires the Commission to ensure that any measures it adopts are efficient and proportionate to their intended purpose,<sup>12</sup> while section 6 underscores that Commission decisions must be grounded in sound, up-to-date evidence and supported by the Commission's use of its authority to obtain whatever evidence is necessary.<sup>13</sup> Paragraph 7(f) of the Act directs the Commission to "foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective."
22. Taken together, the Commission's preliminary view does not meet the requirements of the 2023 Policy Direction or paragraph 7(f) of the Act.

### **Consumer-Advocate Interventions Do Not Provide Evidence That Existing Practices Are Insufficient**

23. As discussed above, the Commission has not identified evidence of a market failure or any indication that Canadians are being treated unfairly when service outages or disruptions occur. Interventions endorsing new consumer protection measures exhibit the same absence of supporting evidence.

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<sup>12</sup> 2023 Policy Direction, s 4.

<sup>13</sup> 2023 Policy Direction, s 6.

24. Although these parties describe the impacts of outages and recount instances of consumer dissatisfaction, they do not provide concrete evidence that current industry practices are inadequate or that consumers are not receiving fair treatment today.

**a. No evidence of systemic problems**

25. Most of the intervenors advocating for new regulatory measures focus on the fact that service outages or disruptions can be disruptive for consumers. While we do not dispute that service outages or disruptions can be disruptive for some consumers, it is not evidence that the market is failing or that existing mechanisms for communication, support, and compensation are insufficient.

26. The Commission for Complaints for Telecom-Television Services Inc. (“CCTS”) observes that customers may experience frustration during outage events or that consumer expectations may differ from those of service providers.<sup>14</sup> Frustration is not evidence of market failure, systemic harm, or inadequate provider conduct. Consumers may be disappointed when any service is interrupted, but disappointment alone does not mean that service providers have acted unfairly, that existing practices are deficient, or that additional regulation is required.

27. The CCTS does not demonstrate that service providers are failing to communicate effectively during outages, or that they are unwilling to offer compensation where warranted. On the contrary, the CCTS indicated that between 85% and 88% of complaints are resolved directly and informally between customers and service providers, without the need for investigation or formal findings.<sup>15</sup> This exceptionally high resolution rate is a strong indicator that service providers are responding appropriately to customer concerns. Existing market-based practices, including voluntary compensation, established outage-response procedures, and flexible communication protocols, are functioning as intended.

28. Much of the CCTS’ argument is based on its observation of misalignment of customer expectations. Misaligned expectations do not, by themselves, justify intervention. Consumers may hold expectations for many reasons that have nothing to do with service providers behaviour. For example, some consumers may assume, despite clear service terms which state that services are not guaranteed, that telecommunications services will never experience interruptions, even though all essential infrastructures, including electricity, and water, experience occasional disruptions despite robust maintenance and best efforts.

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<sup>14</sup> Commission for Complaints for Telecom-television Services Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, at para 5 [“CCTS Submissions”].

<sup>15</sup> CCTS Submissions at para 26.

29. The Canadian Anti-Monopoly Project (“CAMP”) cites the 2022 Rogers outage as justification for broad regulatory intervention<sup>16</sup> yet provides no evidence that this exceptional event reflects systemic issues across the industry. CAMP’s intervention contains no analysis showing that similar failures are occurring today, that providers have repeated comparable errors, or that the substantial resiliency and communication improvements implemented since 2022 have been ineffective. Notably, Rogers voluntarily issued widespread customer credits in the aftermath of the outage without any regulatory mandate to do so,<sup>17</sup> a prime example of market forces operating effectively to deliver timely redress and maintain consumer confidence.
30. Option consommateurs refers to anecdotal instances of consumer dissatisfaction to support its call for broad, mandatory outage protections.<sup>18</sup> However, isolated examples of dissatisfaction, while valuable in understanding individual experiences, do not constitute evidence of systemic unfair treatment or an industry-wide failure.
31. The Public Interest Advocacy Centre (“PIAC”) asserts that additional protections are “necessary”<sup>19</sup> but does not present empirical evidence to support this conclusion. Nothing in its submission shows that customers today are being denied appropriate redress or that existing processes are not working.
32. The 2023 Policy Direction obliges the Commission to rely on sound, up-to-date evidence and to implement measures that are efficient and proportionate, while the Act’s policy objectives similarly instruct the Commission to favour market forces and to ensure that any regulation deemed necessary is both efficient and effective. None of these submissions provide data showing that customers are systematically treated unfairly or that existing practices are inadequate. These submissions confirm that outages matter to consumers, a point the Association and its members readily acknowledge, but they do not demonstrate that additional regulation is required to ensure fair outcomes.

#### **b. International Examples Do Not Support Adopting Automatic Compensation in Canada**

33. CAMP cites international examples, notably the United Kingdom, Australia and the European Union, to argue that Canada should adopt a broad, automatic compensation regime. These examples must be understood in the context of the Commission’s own evidence. The “Telecommunications Resilience Analysis

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<sup>16</sup> Canadian Anti-Monopoly Project Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, at para 9 [“CAMP Submissions”].

<sup>17</sup> CAMP Submissions at para 9.

<sup>18</sup> Option consommateurs Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, at paras 3,6 [“Option consommateurs Submissions”].

<sup>19</sup> Public Interest Advocacy Centre Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, pg. 6 para A-2 [“PIAC Submissions”].

Benchmarks Report” (Gartner Report), prepared at the request of the Commission and Innovation, Science and Economic Development Canada (ISED), provides a comparative analysis of outage-management and resiliency frameworks across peer jurisdictions. The Gartner Report confirms that mandatory, broad-based compensation regimes are the exception rather than the rule internationally.<sup>20</sup>

34. As the Gartner Report makes clear, most foreign regulators focus on resiliency planning, outage reporting, and coordination obligations, as opposed to automatic refunds or compensation mandates.<sup>21</sup> Where compensation measures do exist, they are typically narrow, tied to fixed services, and grounded in specific market failures or statutory frameworks unique to those jurisdictions.<sup>22</sup>
35. This Commission-sponsored research therefore directly contradicts any suggestion that Canada is “behind” international practice or that automatic compensation represents a global standard. Rather, the Gartner Report reinforces that broad compensation mandates are uncommon, context-specific, and not indicative of best practices. Far from supporting CAMP’s proposal, the Commission’s own benchmarking evidence favours a measured, evidence-based approach that emphasizes resiliency and proportionality over prescriptive consumer-compensation schemes.<sup>23</sup>
36. When one examines the international examples referenced by CAMP, it becomes clear that these references are selective and de-contextualized. Properly understood, they do not support transplanting such models into the Canadian market, nor do they provide any evidence that existing Canadian practices are not working.

#### **i. United Kingdom – Targeted, Fixed-line Scheme in a Very Different Market**

37. The UK’s “automatic compensation” regime is limited in scope and was introduced in response to a specific set of market conditions that are not present in Canada. The UK scheme applies only to fixed broadband and landline services; it expressly excludes mobile and television services.<sup>24</sup> It also covers only a narrowly defined set of measurable service failures, including delayed repairs following a complete loss of service beyond two full working days, delayed activation of new fixed services, and

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<sup>20</sup> Gartner Canada Co., “Telecommunications Resilience Analysis Benchmarks Report”, June 30 2023, <<https://crtc.gc.ca/eng/publications/reports/gartner2024.htm>> [“Gartner Report”].

No specific automatic compensation frameworks were identified in Canada, the United States, Japan, New Zealand and the European Union.

<sup>21</sup> See Gartner Report, s 3.2 at pages 19-22.

<sup>22</sup> See Gartner Report, page 45 at para 6.

<sup>23</sup> See Gartner Report, pages 6-7 at s 2.1 Telecommunications Resiliency, pages 35-50 at s 3.2.2 Regulatory Obligations.

<sup>24</sup> Ofcom, “Automatic Compensation: Protecting consumers from service quality problems”, Statement 10 November 2017, at para 2.4 [“Ofcom Automatic Compensation Statement”].

missed engineer appointments.<sup>25</sup> The UK automatic compensation scheme does not function as an all-service, all-provider statutory mandate, but rather as a voluntary industry scheme administered by Ofcom among the largest fixed-line service providers.<sup>26</sup>

38. It is equally important to note that Ofcom did not introduce this framework absent a clear diagnosis of market problems. Prior to its adoption, Ofcom conducted extensive analysis and concluded that a “significant minority” of landline and broadband customers were experiencing service-quality failures and were not receiving adequate redress.<sup>27</sup> Structural characteristics of the UK market, particularly the longstanding dominance and central infrastructure role of BT/Openreach, whose network underpins many competitors’ services, meant that competitive forces alone were insufficient to resolve these challenges.
39. No comparable circumstances exist in Canada.<sup>28</sup> The Canadian market includes multiple national and regional facilities-based networks, robust intermodal competition, and performance levels that compare favourably to international peers. The Commission has not identified evidence of persistent service-quality failures, inadequate redress, or structural impediments preventing competition from functioning effectively.
40. Moreover, even within the UK, the automatic compensation scheme does not apply to wireless services or broadcasting services, remains tightly calibrated to specific fixed-line issues, and was developed only after several years of market-specific analysis and consultation. These circumstances offer no justification for extending an all-service, all-provider automatic compensation regime to the Canadian context.

## **ii. Australia – Legacy, Voice-only CSG**

41. In Australia, the Customer Service Guarantee (“CSG”) regime cited by CAMP provides no basis for adopting broad automatic compensation requirements in Canada. The CSG is a legacy framework applicable only to fixed voice services and is tied to Australia’s historic universal-service obligation.<sup>29</sup> It does not apply to broadband or mobile services.

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<sup>25</sup> Ofcom Automatic Compensation Statement at para 1.7.

<sup>26</sup> Ofcom Automatic Compensation Statement at para 6.2.

<sup>27</sup> Ofcom Automatic Compensation Statement at para 1.4.

<sup>28</sup> The Commission found that in the Far North, service disruptions are more frequent than elsewhere in Canada and that the level of competition in the Far North is insufficient to adequately address the situation. The Commission’s decision in CRTC 225-9 is unique to the circumstances of the Far North which do not exist elsewhere in Canada.

<sup>29</sup> See Gartner Report page 44 at para 4, page 45 at para 6.

42. Following the 2023 Optus outage, an independent review recommended that the Australian Government consider developing a modernized approach for “crisis or large-scale outages.”<sup>30</sup> That recommendation, however, has not been acted upon, and no determination has been made regarding its scope, feasibility, or applicability to broadband or mobile services. The review itself recognized the need for significant further analysis and did not propose the creation of an automatic compensation regime comparable to what CAMP advocates.
43. It is also important to recognize that, much like the UK, Australia’s fixed-line market is anchored by a single, nationwide wholesale network, the National Broadband Network (NBN), to which most retail service providers are structurally tied.<sup>31</sup> The Australian and UK market configurations bear little resemblance to Canada’s facilities-based competitive environment.
44. Taken together, these factors demonstrate that the Australian experience does not support imposing a broad, cross-service automatic compensation regime in Canada. The CSG is a narrow, voice-only legacy instrument; the proposed post-Optus reforms remain unimplemented and undetermined; and the structural conditions of Australia’s fixed-line market differ fundamentally from the market in Canada.

### **iii. European Union – A Framework Directive, Not an EU-wide Automatic Compensation Regime**

45. CAMP further points to the European Electronic Communications Code (EECC). This comparison is also incomplete. The EECC is a framework directive, not an automatic compensation regime. It sets out high-level consumer-protection principles and grants Member States the authority, but not the obligation, to introduce compensation or quality-of-service measures.<sup>32</sup> Very few EU countries have implemented regulations regarding compensation, and where they were they were adopted, it was in the context of each nation’s unique market structures and performance and regulatory traditions.

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<sup>30</sup> “Review into the Optus outage of 8 November 2023 – Final Report” March 2024 Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, <[https://www.infrastructure.gov.au/sites/default/files/documents/review\\_into\\_the\\_optus\\_outage\\_of\\_8\\_november.pdf](https://www.infrastructure.gov.au/sites/default/files/documents/review_into_the_optus_outage_of_8_november.pdf)>, page 36.

<sup>31</sup> “National Broadband Network” Australian Government, Department of Infrastructure, Transport, Regional Development, Communications and the Arts, < [https://www.infrastructure.gov.au/media-communications/internet/national-broadband-network#:~:text=The%20National%20Broadband%20Network%20\(NBN,on%20the%20NBN%20Co%20website.>](https://www.infrastructure.gov.au/media-communications/internet/national-broadband-network#:~:text=The%20National%20Broadband%20Network%20(NBN,on%20the%20NBN%20Co%20website.>)

<sup>32</sup> See “Summary of: Directive (EU) 2018/1972 establishing the European Electronic Communications Code”, <<https://eur-lex.europa.eu/EN/legal-content/summary/european-electronic-communications-code.html>>.

46. The EU framework provides no universal model that could justify imposing a broad compensation regime in Canada, nor does it demonstrate shortcomings in Canadian practices or market performance. The 2023 Policy Direction requires the Commission to rely on sound and recent evidence that is relevant to the Canadian market, ensure that regulatory measures are efficient and proportionate to the intended purpose. International policy choices made in different legal, economic, and geographic contexts cannot substitute for the evidentiary threshold required under the 2023 Policy Direction or the Act.

### **Responses to Consumer-Advocate Proposals**

47. In this section, we address the principal proposals advanced by consumer and advocacy groups, specifically from CAMP, the CCTS, Option consommateurs, the PIAC, and the Indigenous Connectivity Institute (ICI). While these parties raise legitimate concerns about the effects of outages, they offer no evidence of a systemic market failure, nor do they show that their proposed prescriptive regimes would deliver improvements over existing industry practices in a proportionate or feasible manner.

#### **a. Canadian Anti-Monopoly Project**

48. CAMP proposes a sweeping and highly prescriptive regulatory framework that includes mandatory automatic refunds with escalating tiers, extremely low outage-duration thresholds (as short as 4–6 hours and, for certain services, as little as 15 minutes), mandatory wholesale outage notifications within 30–60 minutes, standardized public outage metrics, enhanced protections for vulnerable populations, and a comprehensive enforcement regime.<sup>33</sup> CAMP’s submission does not provide an evidentiary foundation sufficient to justify such extensive intervention.
49. First, CAMP asserts that current protections are insufficient, relying largely on the July 2022 Rogers outage<sup>34</sup> and a general appeal to a select few international models.<sup>35</sup> It does not, however, provide evidence demonstrating that consumers are being treated unfairly on a systemic basis or that providers’ communications during service outage or disruption events are deficient. The assertion of insufficiency is thus speculative and unsupported by concrete, ongoing evidence of harm.
50. Second, CAMP treats the 2022 Rogers outage, an extraordinary and isolated event, as dispositive proof of a structural, nationwide problem. CAMP provides no analysis showing that this single event reflects current network performance, industry practices, or the present regulatory landscape. This approach disregards the fact that the industry, government and the Commission have already implemented substantial

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<sup>33</sup> CAMP Submission at ES-12.

<sup>34</sup> CAMP Submission at para 9.

<sup>35</sup> CAMP Submission at paras 20-27.

measures in response to that event, including the establishment of the Memorandum of Understanding on Telecommunications Reliability which commits signatory major service providers to protocols for emergency roaming, mutual assistance, and communications to the public and government authorities in the event of a critical network failure.<sup>36</sup>

51. Further, the Commission introduced an interim service-outage notification regime requiring carriers to report major outages (such as those impacting 911 services or affecting a large number of users) within two hours and to submit a comprehensive post-outage report within 14 days.<sup>37</sup>
52. Third, CAMP's proposed framework is exceptionally complex and operationally impractical. Its design presupposes fine-grained, real-time detection of individual outages, graduated compensation multipliers, standardized regional reliability metrics, and continuous wholesale notification obligations. CAMP does not provide any technical, operational, or cost analysis showing that such requirements are feasible at scale or that they could be implemented without diverting resources away from network resiliency, modernization, and expansions, which are critical to preventing outages in the first place.
53. Fourth, CAMP's proposal risks entrenching consumer expectations that approach a *de facto* standard of 100 percent uptime. By calling for automatic compensation after very short intervals, including 15-minute interruptions for certain services<sup>38</sup>, the proposal fails to account for the inherent variability of networked systems and the reality that all essential infrastructures, including electricity and water, experience occasional interruptions without strict-liability compensation regimes. No utility sector in Canada is held to the standard that CAMP implicitly demands of telecommunications service providers.
54. Finally, as discussed above, CAMP's reliance on a few international examples does not constitute evidence that such models are suitable for Canada. CAMP does not address the significantly different market structures, competitive dynamics, regulatory frameworks, or geographic realities in those jurisdictions. Nor does it provide any assessment of the costs, burdens, or unintended consequences associated with these international models, or whether they have produced net

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<sup>36</sup> Industry Memorandum of Understanding, effective 9 September 2022, online: <<https://ised-isde.canada.ca/site/mobile-plans/en/memorandum-understanding-telecommunications-reliability>>.

<sup>37</sup> Telecom Notice of Consultation CRTC 2023-39, "Call for comments – Development of a regulatory framework to improve network reliability and resiliency – Mandatory notification and reporting about major telecommunications service outages", February 22, 2023, at para 22 ["TNC 2023-39"]. The Commission has also issued a Telecom Decision CRTC 2025-25 which expands on the interim notification regime, but which is not yet in effect.

<sup>38</sup> CAMP Submission at ES-12.

benefits for consumers once compliance costs are accounted for. CAMP also does not acknowledge that the Gartner Report shows that mandated compensation regimes are the exception rather than the rule.

55. In summary, while CAMP presents an ambitious regulatory design, it does so without first establishing that a problem exists that warrants such an intrusive and costly intervention. CAMP's proposed measures are neither supported by the evidentiary record nor demonstrated to be workable or proportionate in the Canadian context.

#### **b. Commission for Complaints for Telecom-television Services**

56. The CCTS suggests that consumers and providers would benefit from “clear, standard requirements” for outage notification and refunds, and that minimum refund requirements might reduce consumer frustration and limit disputes.<sup>39</sup> CCTS also proposes that it be the administrator of any new protections.<sup>40</sup> While these observations reflect the CCTS's operational perspective, they do not amount to evidence that existing practices are insufficient or that regulatory intervention is necessary.
57. The CCTS relies heavily on the notion that consumers may feel frustrated during outages or when they must contact their provider to seek a credit.<sup>41</sup> Frustration is not evidence of harm, nor does it demonstrate that providers are acting unfairly or that current market-driven practices fail to protect consumers. Frustration points to a far more limited issue: in some instances, customers may not fully understand their service provider's outage policies or the recourse available to them. A gap in customer awareness is not evidence of harm, nor does it justify heavy-handed regulatory measures.
58. CCTS data shows that industry practices and current dispute resolution mechanisms are functioning effectively. The CCTS reported 1,634 “complete loss of service” issues in 2023–24, 960 of such issues in the first half of 2024–25, which represent only 8% of total complaints received.<sup>42</sup> It also indicates that between 85% and 88% of complaints of all types are resolved directly between customers and providers without the need for formal investigation.<sup>43</sup> This track record indicates that industry practices and

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<sup>39</sup> CCTS Submissions at para 3.

<sup>40</sup> CCTS Submissions at para 12.

<sup>41</sup> CCTS Submissions at paras 40-41.

<sup>42</sup> CCTS, “Mid-Year Report”, <[https://pub.ccts-cprst.ca/2024-2025-mid-year-report/?\\_gl=1\\*1w2bhgy\\*\\_gcl\\_au\\*MTMxNDYwMzQxNi4xNzUzOTg1MTk3](https://pub.ccts-cprst.ca/2024-2025-mid-year-report/?_gl=1*1w2bhgy*_gcl_au*MTMxNDYwMzQxNi4xNzUzOTg1MTk3)>, See Table 1: Summary of operational statistics; Table 4: Top 10 issues raised in complaints.

960 complaints related to total loss of service / 11,909 total complaints accepted by CCTS = 8.06%

<sup>43</sup> CCTS Submissions at para 26.

existing dispute-resolution mechanisms generally achieve fair outcomes for consumers.

59. The CCTS further implies that mandatory refund rules may be desirable because they could reduce the number of disputes submitted for review. Complaint volume on its own is not a sufficient policy basis for industry-wide regulation. The 2023 Policy Direction requires evidence of a genuine problem, an assessment of proportionality, and reliance on the least intrusive measure necessary to achieve the intended outcome.<sup>44</sup> Streamlining complaint administration is not a justification for *ex ante* rate or compensation regulation.
60. To summarize, the CCTS outlines operational observations but does not demonstrate that existing practices are failing or that consumers are being treated unfairly. Its submissions, on the contrary, tend to confirm that the current mix of market forces and *ex post* resolution is functioning as intended.

#### **i. CCTS’s Proposed “General Principle” of Provider Liability Is Unsupported and Should Not Inform Any Regulatory Measures**

61. The CCTS makes the assertion that, as a “general principle,” service providers can be required to refund customers for any loss of service, regardless of cause, and that it “typically does not consider” whether an outage occurred within or outside the provider’s control.<sup>45</sup> According to the CCTS, providers should not charge customers for any period in which service is not delivered, and it would ordinarily require a pro-rated refund in all cases.<sup>46</sup> This sweeping proposition is unprecedented and fundamentally at odds with Canadian law, long-standing regulatory practice, and the proper role of an ombuds office.
62. Under the CCTS’ Procedural Code, the CCTS Commissioner may take notions of what is “fair and reasonable” into account only when resolving specific complaints and only where the parties’ contract is silent.<sup>47</sup> The CCTS Procedural Code expressly prohibits the CCTS from requiring service providers to alter their policies or practices.<sup>48</sup> In terms of its governing Code, the CCTS’s intervention disregards these limits. By articulating a universal principle applicable to every loss-of-service incident, it seeks to transform a complaints-based process into a body capable of rewriting contracts, displacing

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<sup>44</sup> 2023 Policy Direction, s 6.

<sup>45</sup> CCTS Submissions at para 69.

<sup>46</sup> CCTS submissions at para 69.

<sup>47</sup> Commission for Complaints for Telecom-television Services, “Procedural Code”, online (PDF) <https://www.ccts-cprst.ca/wp-content/uploads/2024/05/CCTS-Procedural-Code-May-2023.pdf>, at s. 4.2 [“CCTS Procedural Code”].

<sup>48</sup> CCTS Procedural Code at s 4.3.

established industry practices, and formulating broad regulatory standards. This exceeds the intended mandate of an ombuds institution.

63. The CCTS's approach also ignores essential principles of causation, fault, and *force majeure*, as well as the operational realities of telecommunications networks. Its position would require providers to compensate customers even when outages arise from circumstances wholly outside their control, including severe weather, commercial power failures, wildfires, third-party construction damage, vandalism, upstream wholesale failures, or issues arising from customer equipment or in-home networks. No essential utility in Canada is held to an absolute obligation to provide uninterrupted service irrespective of external events. The Commission has likewise never suggested that telecommunications services are guaranteed or subject to strict liability.<sup>49</sup> The CCTS's position is inconsistent with Commission precedent, with accepted contractual allocations of risk, and with basic principles of Canadian contract and tort law.
64. If adopted as a basis for regulatory action, the CCTS's "general principle" would effectively impose a strict liability regime for all service interruptions, irrespective of fault, control, materiality, network architecture, or even the provider's ability to detect or verify the outage. Such an outcome would be incompatible with the requirements of the 2023 Policy Direction, which mandates evidence-based, proportionate, and efficient regulation. A strict liability framework would divert resources away from investment and resiliency, impose unreasonable financial risks on providers, particularly those serving rural, remote, and Indigenous communities, and increase operational complexity without corresponding consumer benefit.
65. The CCTS's position is also inconsistent with the design and purpose of the CCTS scheme itself. The CCTS was created as a complaints-driven, case-by-case dispute-resolution body, not as a regulator. It does not have the authority to establish binding rules, rewrite terms of service, or determine industry-wide liability standards. Elevating its proposed "general principle" into a prescriptive regulatory requirement would invert the proper relationship between the Commission and the CCTS.
66. The CCTS then goes further by asserting that, even if the Commission were to impose mandatory refund obligations, customers should remain free to seek additional compensation from the CCTS.<sup>50</sup> This proposition is incoherent. It would create a duplicative, two-track system in which the Commission establishes a uniform compensation framework while the CCTS simultaneously second-guesses and potentially expands it. It would expose providers to the risk of double recovery, undermine regulatory certainty, and effectively transform the CCTS into a *de facto*

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<sup>49</sup> See for example: Bell Canada General Tariff, CRTC 6716, Item 10 – Terms of Service, section 15.1, as is also reflected in other incumbent local exchange carrier (ILEC) tariffs.

<sup>50</sup> CCTS Submissions at paras 75-76.

appellate body reviewing the Commission's own policy determinations, despite having no mandate to do so.

67. The Commission should reject both the CCTS's universal liability standard and its suggestion that mandatory refunds should coexist with a separate avenue for additional compensation. There is no evidentiary, legal, or policy basis for adopting either approach. A strict-liability regime would introduce needless cost, complexity, and uncertainty, while providing minimal additional benefit over the flexible, case-by-case approach that already operates effectively under market forces and the current CCTS framework.

### **c. Option consommateurs**

68. Option consommateurs advocates for expansive outage protections, such as defining "outage" so broadly that it would include not only complete service interruptions but also routine service degradation and minor, transient disruptions.<sup>51</sup> It further suggests that providers should be required to notify customers whenever such conditions persist for 30 minutes.<sup>52</sup> These thresholds are exceptionally low and would encompass a wide range of short-lived, often unavoidable network variances inherent in modern telecommunications systems.
69. Adopting such definitions would generate extremely high volumes of notifications, overwhelming both consumers, who would inevitably experience "alert fatigue", and providers, who would be required to detect, verify, and disseminate information about countless minor incidents. The submission does not explain how saturating consumers with notifications of insignificant events would improve outcomes or address any demonstrated problem.
70. Option consommateurs also recommends mandatory pro-rated refunds for all outages "regardless of whether the situation was attributable to the WSP," with additional compensation where the provider is found at fault.<sup>53</sup> This approach effectively imposes strict liability for service continuity, making providers financially responsible for circumstances that are entirely beyond their control, including extreme weather, commercial power outages, forest fires, flooding, vandalism, fibre cuts by third parties, and disruptions arising from customer equipment or premises wiring. No critical service in Canada, whether electricity, water, or gas, is subject to such an uncompromising liability regime. The Commission itself has long recognized that telecommunications networks are exposed to external risks and that outages often

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<sup>51</sup> Option consommateurs Submissions at page 2, para 2.

<sup>52</sup> Option consommateurs Submissions at page 2, para 3.

<sup>53</sup> Option consommateurs Submissions at page 2, para 4.

occur due to factors providers cannot prevent.<sup>54</sup> The Option consommateurs proposal disregards this operational reality and the long-standing contractual and legal principles that appropriately allocate risk in such circumstances.

71. The submission further asserts that existing practices are inadequate, but it does not substantiate this claim. Option consommateurs relies primarily on the fact that “intermittent service” represents 8.7% of issues reported to the CCTS<sup>55</sup> and on anecdotal accounts of consumer dissatisfaction. These observations fall far short of demonstrating systemic unfairness, lack of communication by providers, or a pattern of consumers being dealt with unfairly.
72. As discussed above, the CCTS’s own data contradicts the conclusion that a systemic problem exists: the vast majority of complaints are resolved directly between customers and providers, without the need for investigation or findings of any breach. Nothing in Option consommateurs’ submission shows that such voluntary, case-by-case resolution is ineffective or that more intrusive regulation is required.
73. Options consommateurs submission also suggests that climate change and the increased frequency of severe weather events justify adopting strict outage compensation rules.<sup>56</sup> While climate risk is real and important, the logical regulatory response is to continue supporting investment in network resiliency, redundancy, and hardening of infrastructure. Imposing strict liability and compensation obligations for outages directly caused by climate-related hazards would have the counterproductive effect of diverting resources away from resilience-building activities, slowing the very investments needed to address the risks Option consommateurs identifies. It would also discourage service providers from building in areas that are more prone to climate risks, thus depriving affected communities of critical connectivity services.
74. Overall, Option consommateurs advances highly prescriptive and expansive regulatory obligations without providing evidence that existing industry practices are failing or that customers are systematically treated unfairly during outage events. It also does not address the significant operational challenges, costs, and consumer confusion that would result from its proposals. In our view, the intervention does not establish a factual or policy basis for the far-reaching framework it advocates.

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<sup>54</sup> Telecom Regulatory Policy CRTC 2019-269, “The Internet Code”, July 31 2019, at para. 328 [“TRP 2019-26”]; Broadcasting Regulatory Policy CRTC 2016-1, “The Television Service Provider Code”, January 7, 2016 at para. 134 [“BRP 2016-1”].

<sup>55</sup> Option consommateurs Submissions at page 5, para 6.

<sup>56</sup> Option consommateurs Submissions at page 6, para 10.

#### d. Public Interest Advocacy Centre (PIAC)

75. PIAC advocates for an extensive set of prescriptive measures, including mandatory customer communications during outages, automatic credits and refunds, uniform national standards applicable to all providers and services, and enforcement through conditions of service and consumer codes. In support of these measures, PIAC relies primarily on the 2022 Rogers outage, the Commission’s decision in TRP 2025-9 (Far North Decision), and the Gartner Report survey results. However, none of these references establish that existing practices across Canada are inadequate or that a national, one-size-fits-all regulatory regime is warranted.
76. PIAC’s reliance on the Far North Decision as a precedent for nationwide compensation obligations is misplaced. In that decision, the Commission implemented an automatic-credit regime (the key details of which have yet to be established) only after identifying a specific set of circumstances unique to the Far North: persistent and recurring outages, a lack of competitive alternatives, and structural barriers that impeded meaningful improvement. The Commission made clear that its determination was based on a robust evidentiary record unique to that region and that the remedy was narrowly tailored to those conditions.<sup>57</sup>
77. PIAC’s attempt to generalize the Far North framework to the entire country disregards the fundamental differences between that market and the rest of Canada, where consumers benefit from multiple facilities-based networks, strong competition, and some of the most reliable telecommunications services in the world.
78. PIAC also cites Canadian Telecommunications Market Report (“CTMR”) polling on the incidence of outages as evidence of a problem requiring regulatory intervention.<sup>58</sup> The existence of outages, however, is neither surprising nor indicative of market failure. Telecommunications networks, like all essential infrastructure, are exposed to external risks such as severe weather, commercial power failures, vandalism, and third-party construction damage. CTMR survey data do not show that providers have failed to respond appropriately to outages, that consumers lack effective recourse, or that providers refuse to offer compensation where warranted. They simply confirm that outages occur, something every regulator, including the Commission, has always acknowledged.
79. Throughout its submission, PIAC asserts that regulatory intervention is necessary and that voluntary measures are insufficient, yet it provides no empirical evidence that

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<sup>57</sup> TRP 2025-9, at para 121.

<sup>58</sup> *2025 Canadian Telecommunications Market Report (CTMR)*, Ottawa: October 2025  
<[https://crtc.gc.ca/pubs/cmrc\\_ctmr\\_2025-en.pdf](https://crtc.gc.ca/pubs/cmrc_ctmr_2025-en.pdf)>.

consumers are currently being treated unfairly or that existing mechanisms are failing. PIAC does not demonstrate that service providers are systemically treating consumers unfairly, that providers fail to communicate effectively during significant outages, or that the dispute-resolution pathways available today are ineffective. Assertions of insufficiency cannot take the place of evidence, particularly under the 2023 Policy Direction, which requires that any regulatory measure be justified by recent and sound evidence.

80. PIAC further proposes uniform national requirements that would apply equally to all services, technologies, and regions.<sup>59</sup> Such an approach overlooks the significant differences between wireless and wireline services, between urban and rural networks, and between regions with differing competitive dynamics and geography. A single, prescriptive model risks being over-inclusive in some contexts and misaligned or unworkable in others. PIAC does not address how a universal regime could be operationalized across networks with different architectures, outage-detection capabilities, and service realities, nor does it acknowledge the substantial compliance burden such a framework would impose.
81. Ultimately, PIAC's submission assumes that more regulation is inherently preferable, rather than demonstrating that existing competitive pressures, voluntary industry practices, and established dispute-resolution mechanisms are failing consumers. It does not show that a comprehensive, nationally uniform regulatory regime is necessary, proportionate, or supported by the evidentiary record in this proceeding.

#### **e. Indigenous Connectivity Institute**

82. The ICI draws attention to the connectivity challenges faced by First Nations, Inuit, and Métis communities, particularly in rural, remote, and northern regions. The ICI recommends a suite of consumer protections, including automatic pro-rated refunds with minimum compensation levels, mandatory and accessible outage communications, enhanced obligations where outages affect community safety or essential services, priority restoration, and the application of these obligations to wholesale-based providers.<sup>60</sup>
72. The ICI correctly notes that outages in Indigenous and remote communities can have severe consequences for health, safety, governance, and essential community services. However, these harms primarily reflect longstanding structural connectivity gaps, not a deficiency in compensation rules. The real barrier is the need for expanded infrastructure, greater redundancy, and sustained investment. Automatic refunds do

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<sup>59</sup> PIAC Submissions at para 8.

<sup>60</sup> Indigenous Connectivity Institute Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, at pages 2 at paras 4-7, page 3 at paras 2-3 ["ICI Submissions"].

not create a more robust network; they divert scarce resources away from addressing the root causes of service vulnerability.

73. While we strongly support ongoing efforts to improve resiliency, expand infrastructure, and enhance service quality in Indigenous and remote communities, we do not agree that a national automatic compensation and communication framework is the appropriate tool to achieve these objectives. The challenges the ICI identifies are real, but they are best addressed through targeted public-private infrastructure investments.

### **Clarifying Service Provider Policies, Not Creating New Mandates, Is the Proportionate Solution**

74. The CCTS argues that new, prescriptive obligations are required because customers' expectations are often not met, which may lead to frustration during outages or when customers seek compensation. However, this assertion does not demonstrate that the market is failing or that consumers are being treated unfairly. Rather, it points to a far more limited issue: in some instances, customers may not fully understand their service provider's outage policies. A gap in customer awareness is not evidence of harm, nor does it justify the regulatory measures proposed by some intervenors.
75. The record indicates that service providers already maintain clear internal policies for communicating during outages and issuing credits where appropriate, and that these practices are in some cases required by the Commission's consumer codes. Rogers notes no further measures are needed because the Commission already obliges providers to promote awareness of consumer protections Codes and suggests that website materials could be updated to more clearly identify outage-related practices.<sup>61</sup> This is a critical insight: if the concern is customer understanding, the proportionate remedy is improved transparency, not the imposition of rigid notification obligations or mandatory compensation rules.
76. The Internet Code and Television Service Provider Code already require providers to disclose their outage policies.<sup>62</sup> If additional clarity is warranted, the Commission could harmonize these disclosure requirements. A targeted amendment to the Wireless Code could require providers to disclose their outage policy for wireless services. Providers could also be required to make this information easily accessible on their websites. These modest, targeted enhancements would address any information gap directly and proportionately.
77. A transparency-based approach also avoids the pitfalls associated with prescriptive, one-size-fits-all rules. As providers have explained, outages vary significantly in scale,

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<sup>61</sup> Rogers Submissions at para 74.

<sup>62</sup> TRP 2019-269 at para 329, BRP 2016-1 at para 135.

duration, cause, detectability, and impact on individual subscribers. Requiring uniform or rigid communication protocols would be operationally impractical, particularly for brief or localized outages, many of which arise from factors outside the provider's control. Likewise, mandated compensation rules would fail to reflect the operational realities of how networks function and could impose disproportionate costs on service providers.

78. Improved disclosure, by contrast, would reduce consumer confusion, manage expectations, and preserve the flexibility necessary for providers to respond to outages effectively. It would also align with the 2023 Policy Direction's emphasis on proportionate and efficient regulation. The concern the CCTS identifies is, at most, an information gap. Where the issue is clarity, the solution is clarity, not complex regulatory intervention.

**If the Commission nevertheless imposes new measures, they must be narrow, proportionate, and focused on major, provider-network outages**

79. While the Association and its members maintain that the record does not justify new obligations, if the Commission decides to impose new measures, such measures must be narrowly scoped, technically feasible, and proportionate to the actual risks demonstrated by the evidence on the record of this Consultation.

**a. The Framework Must Apply Only to Verified Provider-Network Outages, Not Individual "Disruptions"**

80. Any regulatory obligation must be triggered by confirmed outages originating in the provider's own network or core infrastructure, affecting a material number of customers. Individual or localized disruptions, including those caused by in-home Wi-Fi conditions, customer equipment, premises wiring, local power disruptions, environmental factors, or user behaviour, cannot constitute regulatory triggers. Applying obligations to unverified issues would distort accountability, create false positives, and impose costs without generating meaningful consumer benefit. Only large-scale, verifiable provider-network outages should fall within scope of any proposed obligations.

**b. Obligations Must Be Limited to Material Outages That Exceed Defined Thresholds**

81. Regulatory obligations must apply only to material and disruptive outages that exceed clearly defined thresholds for both duration and number of affected consumers. Short-lived, highly localized, ambiguous, or intermittent events are inherent to complex network operations and should not trigger regulatory requirements. A materiality threshold ensures that obligations arise only in rare, significant circumstances, not in

response to routine operational variance. For example, in the UK, the voluntary obligations relating to service outages apply only after the service outage lasts for two working days.

### **c. Compensation Obligations Must Apply Only to Fixed Telecommunications Services**

82. If the Commission imposes any compensation requirement, which the Association opposes, it must be confined to fixed broadband and home phone services, and only in the case of major, verified provider-network outages. Wireless and broadcasting distribution services must be excluded from any compensation regime.
83. As further discussed in our Intervention, mobile wireless networks are inherently mobile and distributed, with performance affected by geography, user location, signal strength, network congestion, and device factors. A localized or temporary network event, such as an outage at a single cell site, rarely results in a total loss of service. It is also typically impossible to identify precisely which customers were affected or for how long. Mandated compensation obligation for mobile wireless services would lead to unreliable results, inconsistent consumer expectations, and disproportionate administrative burden and financial burden on service providers.
84. Similarly, broadcasting distribution undertaking (“BDU”) services BDU networks operate on different technical platforms and consumers typically have access to multiple alternative viewing platforms. For example, if a customer’s cable or satellite television service experiences a temporary outage, that customer can often continue watching programming through online streaming via mobile apps and web platforms. In such circumstances, the subscriber has not experienced a complete loss of service. Moreover, as Quebecor argues in its intervention, broadcast distribution and broadcasting services are not critical services and therefore should not be subject to the same outage-related requirements as telecommunications services.<sup>63</sup>
85. In addition, we note the arguments of Rogers and Eastlink that the Commission has no discernible authority to impose the Commission’s proposed measures for BDUs under the *Broadcasting Act*<sup>64</sup>, reinforcing that the statutory and regulatory frameworks for broadcasting differ fundamentally from those governing telecommunications and should be treated accordingly.<sup>65</sup>

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<sup>63</sup> Quebecor Submissions at para 33.

<sup>64</sup> *Broadcasting Act*, SC 1991, c 11.

<sup>65</sup> Rogers Submissions at para 70.

#### **d. Compensation Must Not Be Automatic and Must Reflect the Operational Need for Customer-Initiated Reporting**

86. Automatic compensation would be both disproportionate and impractical. Service providers often cannot detect outages on their own, especially when the issues are localized, intermittent, or specific to an individual customer.
87. As TELUS observed, providers should not be expected to always detect and compensate for when an outage is occurring and often rely on customer reports of outages.<sup>66</sup> Rogers similarly explained that many interruptions cannot be detected automatically and require verification to determine their scope and cause.<sup>67</sup>
88. As Eastlink outlines, it is not feasible to automate credits because providers often cannot reliably determine which customers were actually affected, nor can they ascertain the duration of impact for each individual end user, particularly in wireless environments where customers are mobile and network telemetry does not provide customer-specific impact data.<sup>68</sup> Eastlink also emphasizes that billing systems cannot automate individualized refund calculations due to the large number of variables involved, meaning any automatic credit regime would require extensive manual work that is grossly disproportionate to the consumer benefit and would inevitably result in overcompensating customers who experienced no outage at all.<sup>69</sup>
89. Given these operational realities, automatic compensation could result in payments being made where no provider-network outage occurred or to customers who were not impacted by the outage. Such outcomes are inconsistent with principles of causation, fairness, and proportionate regulation.

#### **e. Any Compensation Obligation Must Be Strictly Limited to Pro-Rated Service Fees and Must Exclude Damages, Losses, or Consequential Harm**

90. The Association maintains that imposing compensation requirements would create the unrealistic and misleading impression that a 100 percent uptime standard exists or ought to exist.
91. In fact, several submissions have called into question the Commission's authority to impose mandatory financial compensation.<sup>70</sup> The *Broadcasting Act* does not confer

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<sup>66</sup> TELUS Submissions at para 58.

<sup>67</sup> Rogers Submissions at para 52.

<sup>68</sup> Eastlink Submissions at para 16-17.

<sup>69</sup> Eastlink Submissions at para 16-17.

<sup>70</sup> TELUS Submissions paras 19-30, Eastlink Submissions at Appendix, Answer to Q14 citing paragraph 57 of Broadcasting Decision CRTC 2025-271 and paragraph 25 of Telecom Decision CRTC 2009-187; Rogers Submissions at para 11.

authority to compel BDUs to issue refunds, since retroactive credits do not advance the *Broadcasting Act's* objective of ensuring the efficient delivery of programming at affordable rates, nor are they grounded in any jurisdiction-conferring provision of that statute.<sup>71</sup>

92. While the Commission may impose conditions of service under sections 24 and forbear under section 34 of the Act, it has repeatedly acknowledged that it does not possess jurisdiction to order compensation awards, and it should not circumvent its own forbearance determinations by imposing refunds through conditions of service.<sup>72</sup> Competitive markets, consistent with subsections 7(f) of the Act's emphasis on reliance on market forces, already protect the interests of users, and any new obligations must remain evidence-based, proportionate, and aligned with the statutory requirement that regulation be efficient and effective.
93. However, if the Commission mandates any monetary remedy, it must be confined to a simple pro-rated service credit for the period of a confirmed major outage. Any compensation obligation must be strictly confined to a pro-rated portion of the customer's monthly service fee for the verified period during which a provider-network outage occurred and must not extend to broader forms of liability. Bell notes that for decades, Commission-approved tariffs have limited carrier liability exclusively to a refund of charges "proportionate to the length of time the problem existed,"<sup>73</sup> a principle that reflects the inherent impossibility of guaranteeing uninterrupted service and the long-standing regulatory understanding that networks operate on a best-efforts basis.
94. Likewise, it must be emphasized that refunds must apply only to the specific service affected by the outage and only for the duration of the confirmed unavailability; ancillary add-ons and unrelated charges must categorically be excluded.
95. Any attempt to require compensation for damages, lost productivity, lost revenues, inconvenience, or other indirect or consequential harms would be unworkable, inequitable, and contrary to the Commission's established liability framework. Imposing liability for such impacts would force carriers to reserve capital against unpredictable and open-ended financial exposure, ultimately driving up consumer prices and diverting resources away from network investment and resiliency, the very outcomes the Commission seeks to avoid.

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<sup>71</sup> Rogers Submissions at para 70.

<sup>72</sup> See: Telecom Decision 2004-20 "Optical fibre service arrangements", March 23, 2004; Telecom Decision 2009-187

"Rogers Cable Communications Inc. – Application to review and vary part of Telecom Decision 2008-62", April 8 2009.

<sup>73</sup> Bell Canada General Tariff, CRTC 6716, Item 10 – Terms of Service, section 15.1, as is also reflected in other incumbent local exchange carrier (ILEC) tariffs.

96. Excessive or consequential liability would undermine affordability and reduce the industry's ability to sustain the high levels of capital investment that underly Canada's strong network performance.

**f. Explicit Exemptions Must Apply for Events Beyond Providers' Reasonable Control**

97. Telecommunications networks are affected by external events such as extreme weather, wildfires, commercial power failures, vandalism and copper theft, and third-party construction damage. Any proportionate framework must include explicit exemptions for outages arising from circumstances outside a service provider's reasonable control.
98. Service providers should not be required to compensate subscribers for outages or disruptions caused by factors outside of the service provider's control, including (but not limited to) *force majeure* events like extreme weather, natural disasters, third party incidents, power outages, upstream network disruptions and customer-caused outages.
99. Even PIAC acknowledges in its submissions that "there may be situations causing outages that are not within the control of service providers, and in these situations, it would be reasonable to exempt the application of some protections, particularly bill credits or refunds."<sup>74</sup>
100. In the Far North Decision, the Commission determined that Northwestel should not be required to issue automatic credits for outages attributable to customer-caused issues or circumstances outside the provider's control, and the Association submits that the same principle must apply here.<sup>75</sup>

**e. Communication Obligations Must Remain High-Level, Flexible, and Limited to Confirmed Major Outages**

101. Any communication obligations should be confined to major outages. Providers already use a variety of communication tools, including websites, social media, automated messaging, and outage portals, to keep consumers informed during significant events. Any regulatory obligation should preserve this operational flexibility and require only that providers take reasonable steps to deliver timely and clear information using channels appropriate to the circumstances. Highly prescriptive requirements (such as fixed timelines, mandated scripts, or mandatory multi-channel

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<sup>74</sup> PIAC Submissions at para 18.

<sup>75</sup> Far North Decision at para 152.

dissemination) would be ill-suited to diverse outage scenarios and risk unnecessary duplication with other resiliency or reporting obligations.

### **Administrative and Enforcement Burdens of the Proposed Measures**

102. The Association's position continues to be that any new consumer protection regulation is unnecessary.
103. The CCTS asserts that, as the existing administrator of the Commission's Codes of Conduct and the ombuds service handling thousands of complaints per year, it is the appropriate body to administer any new outage-related consumer protection requirements. But the CCTS believes that the Commission should be responsible for enforcement and monitoring of any new compliance requirements.
104. The CCTS also notes that its authority as ombuds limits them to investigating individual consumer complaints.<sup>76</sup> Its determinations apply strictly on a case-by-case basis, and it cannot compel broad corrective action across a service provider's entire customer base.
105. In respect to enforcing the proposed consumer protection regulations, multiple service providers have voiced their concerns.
106. Rogers points out that should mandatory and standardized refunds be imposed, it may "no longer be appropriate for the CCTS to adjudicate and address complaints about the value of credits issued or whether customers should be entitled to further compensation".<sup>77</sup> Once the Commission itself defines the actions service providers must take during service disruptions outages, the CCTS would no longer have a meaningful role in determining the adequacy of credits or awarding additional compensation.
107. Bell maintains that the current division of labor should continue, for forborne retail services, CCTS administration; and for regulated services, the Commission's existing processes.<sup>78</sup>

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<sup>76</sup> CCTS Submissions at para 130.

<sup>77</sup> Rogers Submissions at para 65.

<sup>78</sup> Bell Submissions at paras 86-87.

108. Other service providers noted that the CCTS does not have the specialized expertise to adjudicate causes of network outages or disruptions, as the CCTS mandate explicitly excludes technical network issues.<sup>79</sup>
109. The Association emphasizes that the CCTS has expressly distinguished its case-by-case complaint-handling function from the Commission's responsibility for systemic oversight and rulemaking. The CCTS has been clear that it is not empowered to impose, monitor, or enforce industry-wide obligations, and that if the Commission chooses to introduce prescriptive requirements, such as mandatory reporting, standardized customer communications, or automatic compensation, responsibility for administering and overseeing those obligations must rest with the Commission, not the CCTS.
110. The Commission must remain mindful of these institutional boundaries and avoid assigning systemic regulatory functions to an ombuds body designed exclusively for case-by-case dispute resolution. Above all, any new framework should not expand the CCTS's mandate or confer new powers beyond its established role.

#### **Implementation of new consumer protections**

111. Considering the significant concerns raised about the proposed regulations and the substantial practical challenges associated with implementation if, despite the lack of evidence to support the need for new measures, the Commission decides to implement new outage-related measures, it should refrain from setting an implementation date until the measures are fully defined and intervenors are provided the opportunity to comment on what would be required to implement such measures, including the time required to do so.

#### **Conclusion**

112. For the reasons set out above, the Association submits that the record of this proceeding does not establish a market failure, systemic consumer harm, or unfair treatment that would justify the imposition of new outage-related consumer protection obligations. Existing market forces, competitive incentives, voluntary industry practices, and established dispute-resolution mechanisms are delivering effective outcomes for Canadians and are consistent with the policy objectives of the Telecommunications Act and the requirements of the 2023 Policy Direction. The Commission should therefore refrain from introducing new prescriptive measures. If, notwithstanding the absence of supporting evidence, the Commission determines that further action is warranted, any measures must be narrowly scoped, proportionate,

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<sup>79</sup> TELUS Submissions at para 85, Xplore Inc. Comments on Telecom and Broadcasting Notice of Consultation CRTC 2025-227, November 13, 2025, at para 63.

technically feasible, and grounded in the realities of network operations, with a clear opportunity for further consultation prior to implementation.

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