

**TELECOM NOTICE OF CONSULTATION CRTC 2025-226, *CALL FOR
COMMENTS – DEVELOPMENT OF A REGULATORY POLICY ON
MEASURES TO IMPROVE THE RESILIENCY OF
TELECOMMUNICATIONS NETWORKS AND THE RELIABILITY OF
TELECOMMUNICATIONS SERVICES***

**REPLY

OF

CANADIAN TELECOMMUNICATIONS ASSOCIATION**

26 AUGUST 2026

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1. Introduction and Executive Summary

1. The Canadian Telecommunications Association (“CTA”) is pleased to provide these reply comments in the proceeding initiated by Telecom Notice of Consultation CRTC 2025-226 (the “Notice”). To the extent this reply conflicts with the position of a CTA member, the member’s position prevails with respect to that member.

2. In its initial intervention, CTA agreed that resilient and reliable communications are essential to Canadians' safety, economic participation and quality of life. CTA submitted, however, that the relevant question in this proceeding is not whether resiliency matters, as it unquestionably does, but whether the evidence demonstrates the need for new regulatory mandates and whether such mandates would meaningfully improve outcomes compared with the existing framework of extensive industry practices and voluntary measures, supplemented by targeted legislative and regulatory measures.

3. The expanded record reinforces CTA's initial position. Despite the breadth of the Commission's questions and the opportunity provided to parties to identify deficiencies in existing resiliency practices, the record does not demonstrate a systemic or widespread resiliency problem that requires the Commission to prescribe how telecommunications service providers (“TSPs”) design and operate their networks.

4. Only a limited number of interveners advocate broad mandatory technical and operational requirements. However, what is largely absent from these interventions is evidence establishing that existing TSP practices are deficient, that the measures proposed would remedy an identified deficiency, and that imposing those measures as regulatory requirements would be practical, technically feasible and proportionate to their costs and benefits.

5. The contrast with the evidence provided by TSPs is significant. TSP interventions and responses to the Commission's requests for information (“RFIs”) describe extensive investments, planning processes, network-design practices and operational measures directed at preventing outages, limiting their effects and restoring service when outages occur. Evidence from TSPs also demonstrates that the measures used to achieve resiliency appropriately vary based on the characteristics and risks of individual networks and sites.

6. This is consistent with the incentives created by facilities-based competition. TSPs invest billions of dollars annually in networks whose value to customers depends fundamentally upon their reliability. An unreliable network causes customer dissatisfaction, reputational harm and competitive disadvantage. TSPs therefore have strong commercial incentives to invest in resiliency and continually improve the reliability of their networks.

7. Significantly, even Build Nova Scotia, which advocates extensively for mandatory requirements, acknowledges this dynamic. Build Nova Scotia states that most TSPs already invest in resiliency because failing to meet customer expectations risks losing customers and recognizes that TSPs are actively enhancing their networks to improve reliability.¹ The record therefore provides no basis for concluding that market forces have failed to incentivize TSPs to take resiliency seriously.

8. The expanded record also confirms that resiliency cannot appropriately be reduced to a uniform set of technical inputs. Network architecture, technology, geography, customer concentration, existing redundancy, commercial power availability, exposure to hazards and numerous other factors affect both the nature of the risk and the most effective means of mitigating it. Different technical measures can therefore produce appropriately resilient outcomes in different circumstances.

9. These considerations reinforce CTA's original recommendation that the Commission should not impose uniform technical or operational resiliency mandates. The more appropriate approach is to promote recognized industry best practices, building on the considerable work already undertaken through collaborative technical forums such as the Canadian Security Telecommunications Advisory Committee ("CSTAC"). Two additional considerations support that approach, but for different reasons.

10. First, Parliament has enacted Bill C-8, which provides the Government with significant statutory powers to respond where an identified threat to the security or resiliency of the Canadian telecommunications system warrants mandatory action. This provides an important regulatory backstop where the evidence demonstrates that intervention is necessary and further weighs against imposing broad precautionary requirements in this proceeding. Commission staff itself drew parties' attention to Bill C-8's Royal Assent in establishing the reply phase of this proceeding.²

11. Second, Ofcom's recently issued *Network and Service Resilience Guidance for Communications Providers* provides a useful example of the practical advantages of a flexible, outcomes-based approach to telecommunications resiliency. Ofcom expressly recognizes that networks differ, that different technical approaches can achieve appropriate resiliency outcomes, and that it is not feasible to capture all network variations in a single

¹ Build Nova Scotia, Intervention regarding Telecom Notice of Consultation CRTC 2025-226 (3 December 2025) at 3–4 [Build Nova Scotia Intervention].

² Canadian Radio-television and Telecommunications Commission, "Telecom Notice of Consultation 2025-226 – Development of a regulatory policy on measures to improve the resiliency of telecommunications networks and the reliability of telecommunications services – Deadline for reply comments" (27 July 2026), 1011-NOC2025-0226 at paras 2–3, online: CRTC <<https://crtc.gc.ca/eng/archive/2026/lt260727a.htm>>.

regulatory framework.³ Its treatment of mobile RAN backup power is particularly instructive given proposals in this proceeding for mandatory backup-power requirements.

12. CTA therefore submits that the expanded record confirms the need for a proportionate and evidence-based regulatory policy. Before converting any resiliency measure into a mandatory requirement, the Commission should require evidence demonstrating a clearly defined problem, that the proposed measure would materially address that problem, that the measure is technically and operationally feasible across the entities and network elements to which it would apply, and that its incremental benefits justify its costs.

107. The record of this proceeding does not satisfy that standard for broad technical or operational resiliency mandates. CTA therefore recommends that the Commission:

- a. refrain from imposing mandatory technical or operational resiliency measures as the record does not establish a clearly defined problem or demonstrate that the proposed requirement is necessary, effective, feasible and proportionate;
- b. establish appropriate voluntary industry best practices that preserve TSP flexibility as to how those practices are implemented within their networks;
- c. continue to support CSTAC and other collaborative technical forums as the principal means of developing and updating resiliency best practices;
- d. recognize that collaborative development of best practices, such as those developed by CSTAC, does not, without more, establish that the recommendation should become a mandatory regulatory standard;
- e. take account of the new statutory framework enacted through Bill C-8 and the Government's ability to impose targeted mandatory measures where an identified security or resiliency risk warrants intervention; and
- f. continue to recognize that telecommunications resiliency is a shared responsibility involving TSPs, electricity providers, governments, emergency-management authorities, municipalities and other critical-infrastructure stakeholders.

2. The Record Does Not Establish a Systemic Resiliency Problem Requiring New Mandatory Measures

13. CTA submitted in its initial intervention that a foundational requirement for regulatory intervention is reliable evidence that a systemic or widespread problem exists and that it cannot reasonably be addressed through market forces, voluntary measures or existing

³ Office of Communications, [Network and Service Resilience Guidance for Communications Providers](#) (16 June 2026) at 17-18 [Ofcom Network and Resilience Guidance].

industry practices. That principle is consistent with paragraph 7(f) of the *Telecommunications Act*, which calls for increased reliance on market forces and efficient and effective regulation where required,⁴ and with the 2023 Policy Direction's direction that Commission decisions be based on sound and recent evidence.⁵

15. The Commission appropriately placed evidence at the centre of this proceeding. The Notice states that the proceeding will build on expert reports and industry best practices and asks parties to address the measures TSPs should consider in designing and operating their networks. The Commission subsequently issued extensive RFIs to develop a more fulsome record.

16. The resulting record does not demonstrate that existing TSP resiliency practices are systematically inadequate. Nor does it establish that specific categories of outages are occurring because TSPs have failed to implement technical measures that could appropriately be prescribed as uniform regulatory requirements.

17. This distinction is crucial. Evidence that telecommunications outages occur is not, by itself, evidence of a regulatory failure. No network can reasonably be designed to prevent every service disruption regardless of cause, duration or severity. Outages may result from extreme weather and natural disasters, widespread commercial power failures, third-party fibre cuts, vandalism and theft, equipment or software failures, access restrictions, or failures of infrastructure and services upon which telecommunications networks depend. CTA discussed these external dependencies extensively in its initial intervention.

18. The interventions of the Government of British Columbia and Build Nova Scotia illustrate the gap between identifying desirable resiliency practices and establishing an evidentiary case for making those practices mandatory.

19. Build Nova Scotia recommends that all resiliency design measures listed in Appendix 1 of the Notice be made mandatory, explaining only that those measures strengthen network security and meet customer expectations.⁶ It further states that all resiliency measures should apply to every TSP and all parts of their networks, principally to ensure that customers receive a similar experience.⁷

⁴ *Telecommunications Act* S.C. 1993, c. 38.

⁵ *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23 [2023 Policy Direction].

⁶ Build Nova Scotia Intervention at 5.

⁷ Build Nova Scotia Intervention at 5-6.

20. Yet Build Nova Scotia does not establish that TSPs are systematically failing to implement appropriate resiliency measures today. Indeed, as noted above, its own evidence recognizes the opposite: most TSPs already invest in resiliency because failure to provide reliable service risks losing customers, and TSPs are actively improving their networks.

21. Nor does Build Nova Scotia assess whether every measure identified in Appendix 1 is relevant to every TSP and every portion of every network; whether universal implementation is technically feasible; the incremental resiliency benefit that would result from converting each recommendation into a regulatory obligation; the implementation and ongoing costs of doing so; and the impact of such costs on consumer prices.

22. The Government of British Columbia proposes a more differentiated, but nevertheless extensive, set of mandatory requirements. These include diverse routing for fibre and transport networks, backup-power standards, minimum service-continuity requirements, physical infrastructure hardening, mandatory risk assessments and stress testing, satellite failover and emergency traffic prioritization.⁸ In remote areas, the Government of British Columbia proposes, among other things, multiple transport paths involving fibre, microwave and satellite and mandatory satellite connectivity for emergency services.⁹

23. The Government of British Columbia's recommendations identify important resiliency considerations, particularly considering British Columbia's experience with wildfires, floods, seismic risk and remote communities. However, identifying those risks does not establish that the Commission should prescribe the technical solutions the Government of British Columbia recommends.

24. For example, the Government of British Columbia recommends a minimum of 72 hours of backup power for certain core, access and remote sites and suggests up to 120 hours as a best practice in some remote areas.¹⁰ But its intervention does not provide analysis establishing why 72 hours represents the appropriate regulatory threshold, how many material outages would have been avoided or shortened had such a requirement already existed, the cost and physical feasibility of upgrading affected facilities, or whether alternative resiliency investments would provide greater benefit.

⁸ Government of British Columbia, Response to Telecom Notice of Consultation CRTC 2025-226 (28 November 2025) at 4–5, 7–9, 14–15 [Government BC Intervention].

⁹ Government BC Intervention at 11.

¹⁰ Government BC Intervention at 4, 11, 13.

25. Similarly, the Government of British Columbia proposes that remote networks deploy multiple transport paths involving fibre, microwave and satellite,¹¹ but does not assess whether each of those technologies is technically available, physically feasible or economically reasonable in every location to which the proposed mandate would apply.

26. The Government of British Columbia also proposes an extensive compliance regime involving quarterly reporting, audits and inspections, annual stress testing and performance benchmarks.¹² Again, however, the intervention does not identify evidence of systemic deficiencies in existing TSP practices that would justify the associated regulatory and administrative burden or assess whether such requirements would materially improve resiliency outcomes.

27. While there is broad agreement among stakeholders on the importance of resilient telecommunications networks, the fact that a particular measure may improve resiliency in some circumstances is only the beginning of the analysis required to determine whether that measure should become a mandatory regulatory requirement.

28. Before doing so, the Commission must have evidence not only about the desirability of the objective, but about the problem to be addressed, the causal relationship between that problem and the proposed regulatory solution, technical and operational feasibility, costs, incremental benefits and reasonable alternatives.

29. As CTA stated in its initial intervention, without clear evidence of a specific resiliency problem, its cause and compliance costs, mandating resiliency measures would be speculative rather than evidence based. Nothing subsequently added to the record provides such evidence.

3. The TSP Evidence Demonstrates Extensive Existing Resiliency Measures and Strong Incentives to Continue Improving Them

32. In contrast to the limited evidentiary support for broad mandates, the TSP interventions and responses to the Commission's RFIs provide detailed information concerning the measures currently used to build, operate and maintain resilient telecommunications networks.

33. Viewed collectively, TSP evidence demonstrates that resiliency is already integrated into network planning and operations. Depending upon the provider and network, measures include network and route diversity, equipment redundancy, backup power, geographically

¹¹ Government BC Intervention at 11.

¹² Government BC Intervention at 38.

diverse facilities, capacity planning, real-time monitoring, automated failover, preventive maintenance, spare equipment and replacement strategies, emergency preparedness, business continuity and disaster-recovery processes, emergency restoration capabilities, and coordination with utilities, governments and emergency-management authorities.

34. The record also provides concrete examples of why uniform requirements may be inappropriate across materially different networks and operating environments. For example, Eastlink explains that a measure relevant in rural Newfoundland may be inapplicable in downtown Vancouver and that, in some remote communities, constructing a second road and pole line to obtain route diversity could make service economically infeasible.¹³ Iristel similarly cautions that requiring every TSP to adopt the same architecture and processes could constrain innovation, particularly because smaller providers often differentiate themselves through novel approaches.¹⁴

35. The record therefore does not disclose an industry that has failed to recognize or invest in resiliency. It demonstrates that providers devote substantial financial, technical and operational resources to reducing the likelihood of disruptions, limiting their scope and duration when they occur, and restoring service as quickly as reasonably possible.

36. Those investments reflect strong market incentives. TSPs compete on network quality and reliability as well as price, speed and coverage. Customers expect communications services to work when needed, and significant outages can cause immediate dissatisfaction, reputational damage and loss of customers.

37. Build Nova Scotia itself recognizes precisely this incentive, stating that most TSPs already invest in resiliency because failing to meet expectations risks losing customers.¹⁵ That acknowledgement is significant because it comes from an intervener that nevertheless advocates extensive mandatory regulation.

38. As CTA explained in its initial submission, Canadian TSPs make substantial annual capital investments that directly support resiliency, including network expansion, increased wireless capacity, enhanced redundancy in backhaul and core networks, modernization of legacy equipment, and continuous refinement of network monitoring and response systems.

39. The Gartner *Telecommunications Resilience Analysis Benchmarks Report*, commissioned by ISED and the Commission, similarly recognizes competitive pressure,

¹³ Eastlink Intervention at paras 18–19.

¹⁴ Iristel Intervention at paras 8–10.

¹⁵ Build Nova Scotia Intervention at 3–4.

evolving customer expectations, dependence on digital connectivity and technological innovation as important drivers of resiliency investment.¹⁶ It also observes that regulators in the jurisdictions examined generally take a light-touch approach to operational and technical resiliency practices and that industry is usually left to identify and implement best practices within its networks.¹⁷

40. The TSP evidence submitted in this proceeding provides practical confirmation of those observations. TSPs are already making the kinds of network-specific risk assessments, design choices and investment decisions that prioritize resiliency.¹⁸ As risks evolve, technologies change and lessons are learned, TSPs continuously evaluate and adapt their practices to further improve outcomes. The record provides no basis for concluding that this improvement requires the Commission to prescribe the technical means by which it must occur.

4. Resiliency Is an Outcome, Not a Particular Network Design

41. The TSP evidence is also important because it demonstrates that there is no single technical configuration that constitutes a resilient telecommunications network.

42. As CTA explained in its initial submission, networks differ significantly in geography, climate, topology, customer density and technological configuration. Measures appropriate in a dense urban core may not be appropriate or cost-effective in a remote area, and requirements suited to FTTP architecture may not apply in the same manner to HFC, fixed wireless, mobile wireless or satellite networks.

43. The appropriate resiliency measure at a particular location may depend on the network technology and architecture; whether the facility is part of an access, aggregation/backhaul or core network; the number and type of customers dependent upon it; geographic location and remoteness; existing route diversity or overlapping coverage; exposure to local hazards; the availability and reliability of commercial power; physical site constraints; site ownership and access arrangements; access during emergencies; availability of fuel and qualified personnel; dependencies upon utilities, municipalities, landlords and other third parties; existing redundancy elsewhere in the network; the probability and likely duration of

¹⁶ Gartner Canada Co, Telecommunications Resilience Analysis Benchmarks Report, Engagement No 330081153 (30 June 2023) at 3, 32–33 [Gartner Report].

¹⁷ Gartner Report at 52.

¹⁸ Cogeco Intervention at paras 20–24; Bell Canada Intervention at paras 2–5, 10; Rogers Communications Canada Inc, Intervention at paras 3, 7, 14–18; TELUS Communications Inc, Intervention at paras 109–20.

particular failure modes; and the cost and incremental benefit of competing mitigation measures.

44. These differences are not peripheral. They determine what resilience investments are technically feasible and where additional investment is most likely to produce meaningful benefits.

45. Different measures can therefore appropriately address the same underlying risk. For a power outage, additional battery capacity may be appropriate at one facility; permanent generation may be appropriate at another; temporary generation or rapid restoration may be more effective elsewhere; while overlapping wireless coverage, network diversity or another mitigation measure may substantially reduce the consequences of the loss of a particular site.

46. Even Build Nova Scotia implicitly recognizes this principle in its discussion of backup power. Although it recommends that all network sites have backup power, it states that TSPs should determine the appropriate backup technology for each site based on “operational needs and site conditions” and determine the necessary backup runtime based on the requirements of the particular site.¹⁹

47. That recognition is inconsistent with the proposition that resiliency can generally be improved by prescribing uniform technical inputs. It instead supports a risk-based framework in which providers identify the relevant risks and determine the measures most appropriate to address them.

48. Resiliency should therefore be understood as an outcome to be achieved, rather than a particular network design to be prescribed. A common objective does not require a common technical solution. Prescriptive requirements can undermine this principle by requiring significant investments in measures that provide limited incremental benefit in particular circumstances while diverting resources from measures that would address greater risks elsewhere in the network.

49. Telecommunications investment is finite. Every dollar directed toward compliance with a prescribed technical requirement is unavailable for other investments, including fibre route diversity, modernization, capacity expansion, rural deployment, replacement of legacy infrastructure, cybersecurity, site hardening or other resiliency measures.

50. Prescriptive metrics may also distort investment decisions. Bell cautions that a prescriptive compliance regime could create an incentive to “engineer to the metric,”

¹⁹ Build Nova Scotia Intervention at 5.

directing resources toward achieving a regulatory score rather than the measures network engineers consider most effective.²⁰

51. CTA's initial intervention emphasized this opportunity cost. Requiring practices that are only marginally relevant to a provider's geography, network design or risk profile can create significant unfunded capital obligations and divert resources away from initiatives likely to produce greater benefits.

52. Prescriptive technical rules may also become obsolete as networks evolve. A regulatory requirement based on today's architecture, equipment or technology may prove unnecessary or inefficient as new solutions emerge. An outcomes-based framework that relies on voluntary best-practices is better able to accommodate technological development and allow providers to adopt new approaches that deliver equivalent or superior resiliency.

5. The Commission Should Promote Best Practices Rather Than Convert Recommendations into Mandates

55. The conclusion that broad technical mandates are not justified does not mean that the Commission has no role in promoting resiliency. The Commission can identify industry best practices, encourage TSPs to consider those practices in their risk-management and network-planning processes, and support continued collaboration among TSPs, governments and other critical-infrastructure stakeholders.

56. That approach is consistent with how the Commission framed this proceeding. The Notice expressly says that the Commission will build on the work of ISED and CSTAC, expert recommendations, and industry best practices.

57. Best practices are particularly appropriate in the resiliency context because they can identify measures that TSPs should consider without assuming that each measure should be implemented in precisely the same manner by each TSP or at every network location regardless of circumstances. They are also more adaptable than formal regulatory requirements. Technical practices can be revised in response to experience, technological developments, emerging risks and changes in network architecture without requiring the Commission to repeatedly amend detailed regulatory requirements.

58. Canada already has collaborative technical structures well suited to that work. CSTAC and its resiliency and cyber protection working groups provide an established forum through

²⁰ Bell Canada Intervention at para 10; see also para 53.

which TSPs and federal agencies can draw on technical expertise to develop recommendations, emergency-coordination protocols and resiliency practices. As CTA noted in its initial intervention, the 2023 *Telecommunications Network Resiliency in Canada: A Path Forward* report itself contains numerous recommendations directed to both TSPs and governments.²¹

59. Build Nova Scotia argues that the recommendations developed through these working groups should become mandatory because service providers participated in developing them and the recommendations therefore reflect industry consensus.²² That conclusion does not follow from the collaborative process through which the recommendations were developed or from the fact that the recommendations are expressly presented as guidance and best practices, not obligations.

60. Agreement that a measure constitutes a practice to be considered is materially different from agreement that it is necessary, proportionate and technically appropriate as a legally enforceable requirement for every provider and network element within its proposed scope.

61. Build Nova Scotia's own intervention demonstrates why that distinction matters. Although it relies on prior collaborative development as a reason to mandate CSTAC recommendations, it separately recognizes that the 2020 Security Incident Response Standard and Vendor Management Standard should not simply be adopted as they currently exist because technology and operational requirements have evolved.²³

62. That is precisely one of the advantages of best-practice guidance. It can evolve as technologies, risks and operational experience change. A technical recommendation should not become a permanent regulatory requirement merely because it represented a useful practice when developed.

63. There is also a broader institutional consideration. Collaborative technical forums are most valuable when participants are encouraged to exchange information openly, examine emerging practices and develop ambitious recommendations without having to assume that every recommendation may subsequently be transformed into a legally enforceable regulatory obligation. Treating collaborative recommendations as presumptive

²¹ Canadian Telecommunications Network Resiliency Working Group, *Telecommunications Network Resiliency in Canada: A Path Forward* (March 2023) at 4–6, online: <Innovation, Science and Economic Development Canada <https://ised-isde.canada.ca/site/spectrum-management-telecommunications/sites/default/files/attachments/2023/CTNR%20Recommendations%20v1.0%20Final%20%28EN%29.pdf>>.

²² Build Nova Scotia Intervention at 4.

²³ Build Nova Scotia Intervention at 6, 9-10.

regulatory floors risks discouraging the very kind of candid, forward-looking technical collaboration the Commission should seek to foster.

64. The Commission should therefore continue to build upon CSTAC and other collaborative work but should not equate the existence of a technical recommendation with evidence that the recommendation should become mandatory.

6. Bill C-8 Provides a Regulatory Backstop Where Evidence Demonstrates a Need for Mandatory Action

65. A further relevant development since CTA filed its initial intervention is Parliament's enactment of Bill C-8, which received Royal Assent on 15 June 2026. Commission staff expressly drew parties' attention to that development in its 27 July 2026 procedural letter.²⁴

68. Bill C-8 establishes broad authorities under the *Telecommunications Act* that permit the Government to require TSPs to take, or refrain from taking, actions necessary to secure the Canadian telecommunications system.

69. Importantly, the Government has made clear that these authorities are not confined to cybersecurity. In parliamentary briefing materials, ISED describes Bill C-8 as directed to the security and resilience of the Canadian telecommunications system and explains that its objective includes making Canadian networks more reliable and resilient against threats that may be deliberate or accidental.²⁵ It specifically identifies natural disasters and extreme weather, alongside high-risk suppliers and cyber threats, as risks to which the new authorities can respond.

70. The new statutory framework is therefore directly relevant to the broader concept of telecommunications resiliency under consideration in this proceeding. While Bill C-8 does not displace the Commission's jurisdiction or eliminate its role in promoting resilient telecommunications networks, Parliament has now equipped the responsible Minister and the Governor-in-Council with substantial tools to impose mandatory measures where evidence demonstrates that an identified threat or risk to the security or resilience of the Canadian telecommunications system warrants intervention.

²⁴ See footnote 2.

²⁵ Innovation, Science and Economic Development Canada, "Appearance before the Standing Committee on Public Safety and National Security" (27 January 2026), under "Bill C-8, An Act Respecting Cyber Security: Questions and Answers", Q1 and "Ongoing Stakeholder Concerns", online: ISED <<https://ised-isde.canada.ca/site/ised/en/parliamentary-committee-briefing-materials/appearance-standing-committee-public-safety-and-national-security>>.

71. Accordingly, a best-practices-based approach by the Commission would not create a regulatory vacuum. Where evidence demonstrates a specific resiliency concern that cannot adequately be addressed through existing practices, the Government now has authority to impose targeted mandatory measures directed to that concern. This supports an approach in which the Commission promotes resiliency best practices across the industry, while mandatory intervention by Government is reserved for limited circumstances in which the evidence demonstrates that it is necessary.

72. Against that backdrop, there is less justification for the Commission to convert a broad range of technical best practices into universal *ex ante* obligations simply because a particular resiliency concern could potentially arise.

73. This approach would also reduce the risk of overlapping or inconsistent requirements between different federal regimes. More fundamentally, however, it recognizes the distinction between guidance intended to improve resiliency across diverse networks and mandatory intervention justified by evidence of a particular risk or deficiency.

7. Ofcom's Final Approach to Mobile RAN Backup Power Supports a Best-Practices Approach

74. In its initial intervention, CTA referred to Ofcom's then-ongoing consideration of whether minimum backup-power requirements should be established for mobile radio access network (RAN) sites in the United Kingdom. Ofcom had identified power resilience as an area of concern and was considering whether more prescriptive requirements were warranted. CTA noted that Ofcom's technical analysis demonstrated the significant practical and economic implications of such an approach, including an estimate that providing just one hour of battery backup across all UK mobile RAN sites would cost approximately £1 billion.

79. Ofcom has since completed that work and published its final *Network and Service Resilience Guidance for Communications Providers* in June 2026. The outcome is instructive. Having considered whether more prescriptive expectations for mobile RAN backup power were appropriate, as well as the technical evidence and submissions received through its consultation process, Ofcom did not prescribe a uniform minimum backup-power duration for mobile RAN sites. Instead, it adopted a flexible and risk-based approach through guidance.

80. Ofcom's path from considering more prescriptive requirements to adopting risk-based guidance reinforces CTA's submissions in this proceeding. Backup power unquestionably contributes to network resiliency. But recognizing the value of a particular

resiliency measure does not establish that the measure should be converted into a uniform regulatory requirement. The appropriate level of backup power depends on the role and characteristics of the site, the likelihood and expected duration of commercial power failures, the consequences of losing the site, other forms of network redundancy, physical and logistical constraints, and the costs and relative benefits of alternative resiliency investments.

81. The significance of Ofcom's experience is not that the United Kingdom's statutory and regulatory framework is the same as Canada's. Rather, it provides a practical and recent example of a regulator examining the kind of issues now before the Commission, including whether and how backup-power expectations should be prescribed across diverse mobile network sites, and ultimately adopting an approach that preserves flexibility for operators to address the relevant risks according to their particular circumstances.

82. That experience is particularly relevant to proposals in this proceeding for mandatory backup-power requirements. The Government of British Columbia, for example, recommends a minimum of 72 hours of autonomous operation for certain core and high-priority sites and identifies up to 120 hours as a best practice for some remote locations. Build Nova Scotia recommends backup power at all network sites. Yet neither intervention provides the type of technical, economic and practical analysis necessary to establish that a particular minimum duration should be prescribed as a regulatory requirement.

87. Ofcom performed such an analysis, and such analysis reinforces the distinction CTA has drawn throughout this proceeding between identifying measures that can enhance resiliency and establishing that those measures should be mandatory. This is the appropriate distinction for the Commission to draw. Backup power can appropriately be identified as a resiliency best practice without prescribing how or where in their network TSPs implement such measures.

88. The same evidentiary deficiencies that undermine proposals for mandatory backup-power requirements apply to the other proposed mandatory resiliency measures in this proceeding. While such measures may enhance resiliency in particular circumstances, the record does not establish that imposing them as mandatory requirements is necessary, effective or proportionate, having regard to their technical and operational feasibility, costs, incremental resiliency benefits and available alternatives.

8. Identifying a Best Practice Is Not Sufficient to Justify Making It Mandatory

89. The broader lesson from the record is that the Commission should resist the proposition that identifying a practice as desirable is sufficient reason to make it mandatory.

There is a material distinction between a best practice and a regulatory minimum. A best practice identifies an approach that providers should consider and encourages its implementation where appropriate. It can accommodate different network circumstances, competing technical solutions and technological evolution.

99. A regulatory requirement creates a legally enforceable obligation applicable to every provider or facility within its scope, potentially requiring substantial expenditures regardless of whether the mandated solution provides meaningful incremental benefit in the circumstances. Moving from the former to the latter therefore requires a substantially stronger evidentiary foundation.

100. Before imposing a mandatory technical or operational resiliency requirement, the Commission should be satisfied that:

- a. a clearly defined and material resiliency problem has been demonstrated;
- b. the problem is sufficiently widespread or significant to warrant regulatory intervention;
- c. existing market incentives, industry practices, collaborative mechanisms and other regulatory tools are insufficient to address the problem;
- d. there is evidence establishing a reasonable causal relationship between the identified problem and the proposed regulatory solution;
- e. the proposed requirement would produce a material incremental resiliency benefit;
- f. the requirement is technically and operationally feasible across the TSPs and network elements to which it would apply;
- g. reasonable alternative means of addressing the problem have been considered;
- h. the implementation and ongoing costs are understood and proportionate to the anticipated benefits; and
- i. the requirement would not materially divert resources from alternative investments that would provide greater resiliency or consumer benefits or result in increased consumer prices.

105. This is not an unusually demanding standard. It reflects ordinary principles of evidence-based and proportionate regulation and the 2023 Policy Direction's requirement that Commission decisions be based on sound and recent evidence.

106. The record of this proceeding does not satisfy the above standard for any of the proposed technical or operational resiliency mandates.

9. Conclusion

108. The expanded record of this proceeding confirms the central proposition advanced in CTA's initial intervention. It does not demonstrate a systemic failure by Canadian TSPs to invest in and plan for network resiliency. To the contrary, TSP interventions and RFI responses demonstrate extensive existing measures, substantial ongoing investment, sophisticated risk-management practices and strong commercial incentives to continuously improve network reliability.

109. Even parties advocating extensive mandatory regulation acknowledge these incentives and investments. Build Nova Scotia recognizes both that TSPs are actively enhancing their networks and that failure to meet customer expectations creates a direct risk of losing customers.

110. The record also demonstrates why resiliency measures appropriately differ among providers. Telecommunications networks vary materially in technologies, architectures, geographic footprints, customer concentrations, external dependencies and exposure to risks. Different approaches to resiliency can therefore produce equally appropriate resiliency outcomes.

111. The Commission should not treat that diversity as a regulatory deficiency to be eliminated through uniformity. Resiliency is an outcome to be achieved, not a particular network design to be mandated.

112. Parties advocating mandatory technical requirements have not provided the evidence necessary to justify the broad intervention they propose. Their submissions provide little, if any, assessment of the specific deficiencies to be addressed, the incremental benefits of their proposed requirements, feasibility across different networks, implementation costs or the opportunity costs associated with directing finite capital toward prescribed measures.

113. The appropriate regulatory response is therefore to promote industry best practices, building upon the extensive work already undertaken through CSTAC and other collaborative expert forums. The fact that technical experts agree that a measure constitutes a useful practice should not be confused with evidence that the measure is necessary and proportionate as a mandatory minimum standard.

114. Parliament's enactment of Bill C-8 provides a separate and additional reason for regulatory restraint in the absence of demonstrated need. Where evidence establishes a particular threat to the security or resiliency of the Canadian telecommunications system requiring targeted intervention, the Government now possesses substantial statutory tools to act.

115. Ofcom's recent experience independently demonstrates why flexible, outcomes-based guidance is particularly appropriate for telecommunications resiliency. Ofcom recognizes that network architectures differ, that different technical solutions may appropriately achieve the same outcome, and that it is not feasible to capture all network variations through uniform technical prescriptions. Its decision to address mobile RAN backup power through a risk-based approach rather than a common minimum duration mandate provides a particularly relevant example.

116. CTA therefore recommends that the Commission:

- a. refrain from imposing mandatory technical or operational resiliency measures as the record does not establish a clearly defined problem or demonstrate that the proposed requirement is necessary, effective, feasible and proportionate;
- b. establish appropriate voluntary industry best practices that preserve TSP flexibility as to how those practices are implemented within their networks;
- c. continue to support CSTAC and other collaborative technical forums as the principal means of developing and updating resiliency best practices;
- d. recognize that collaborative development of a best practice, such as those developed by CSTAC, does not, without more, establish that the recommendation should become a mandatory regulatory standard;
- e. take account of the new statutory framework enacted through Bill C-8 and the Government's ability to impose targeted mandatory measures where an identified security or resiliency risk warrants intervention; and
- f. continue to recognize that telecommunications resiliency is a shared responsibility involving TSPs, electricity providers, governments, emergency-management authorities, municipalities and other critical-infrastructure stakeholders.

117. Such an approach would promote continued improvement in telecommunications resiliency while avoiding regulatory requirements that could divert resources from higher-value resiliency investments, constrain technological innovation, impose substantial costs without demonstrated benefits, and increase costs for consumers.

118. CTA appreciates the opportunity to provide these reply comments.

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