



21 February 2023

Filed online

Claude Doucet
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

Re: *Call for comments on an application by Bell Canada, Cogeco Communications Inc., Bragg Communications Incorporated, carrying on business as Eastlink, and Saskatchewan Telecommunications regarding the increase of the maximum retail price of the basic service, [Broadcasting Notice of Consultation CRTC 2022-267](#) (Ottawa, 28 September 2022), [2022-267-1](#) (Ottawa, 27 October 2022), [2022-267-2](#) (Ottawa, 17 November 2022) and [2022-267-3](#) (Ottawa, 20 February 2023) – Procedural request re Cogeco Communications response*

- 1 The Forum for Research and Policy in Communications (FRPC) intervened in the above-noted broadcasting notice of consultation.
- 2 On 24 January 2023 the CRTC asked the BDU parties to this proceeding for additional information:

1. In order to quantify the potential impact on the Canadian broadcasting distribution undertaking (BDU) subscribership, please indicate the number of BDU subscribers that could be subjected to an increase of any kind in their monthly bill should the Commission approve the proposed increase to the maximum price of the basic package. Please provide your underlying assumptions and implementation scope(s) by **listing the types of subscribers (e.g. those who only subscribe to the small basic service, those who only subscribe to the small basic service without any discount, those who subscribe to other packaging options alongside the small basic service, those who subscribe to a different package altogether, those who bundle their services, etc.)** who will be immediately (or eventually) impacted by the proposed increase.

Similarly to the aggregated numbers provided in Broadcasting Notice of Consultation 2022-267-2, the Commission is intending to publish the aggregated numbers to the above question. Please confirm your agreement with this approach. If you have concerns with this approach, please explain.

[bold font added]

- 3 On 20 February 2023 the CRTC added information to the 2022-267-3 proceeding, re-opened the proceeding and invited “interventions in regard to the new information only” (para. 13).

- 4 On 1 February 2023 Cogeco Communications (Cogeco) responded to the CRTC. It asked the Commission to place a redacted version of its responses on the 2022-267 proceeding’s record because the company treats the redacted information “consistently in a highly confidential manner” and disclosure of this information would give its “existing and potential competitors” useful “strategic information”:

Pursuant to section 39 of the Telecommunications Act and section 32 of the Canadian Radio-Television and Telecommunications Commission Rules of Practice and Procedure, certain information provided in this submission has been provided in confidence to the Commission. **This information is commercially sensitive and is treated consistently in a highly confidential manner by Cogeco. Public disclosure of this information would provide existing and potential competitors with strategic information that would enable competitors to develop marketing strategies, sales tactics and compensation plans which could prejudice Cogeco’s competitive position and hence cause specific direct harm to Cogeco.** Therefore, Cogeco requests that the Commission neither publish nor reveal this confidential information. An abridged version of these responses is being provided for the public record.

Cogeco (DM#4298185, pp. 1-2)

- 5 Aggregated financial summaries submitted by Cogeco and published by the CRTC on its website provide the following information about the company’s BDU subscribers:

2020 Aggregated financial return for Cogeco’s BDU services		
Informations complémentaires sur les abonnés - par facture mensuelle moyenne (hors taxes et équipements)	Nombre d'abonnés	Revenus de base et non de base
14 25 \$ ou moins	38035	\$510
15 25,01 \$ à 50 \$	250755	\$9,298
16 50,01 \$ à 100 \$	309806	\$21,060
17 Plus de 100 dollars	20458	\$2,526
18 Total des abonnés et des revenus par facture mensuelle moyenne	619054	\$33,395

2021 Aggregated financial return for Cogeco’s BDU services		
Informations complémentaires sur les abonnés - par facture mensuelle moyenne (hors taxes et équipements)	Nombre d'abonnés	Revenus de base et non de base
13 25 \$ ou moins	43740	558 \$
14 25,01 \$ à 50 \$	223499	8,412 \$
15 50,01 \$ à 100 \$	305182	20,620 \$
16 Plus de 100 dollars	23043	2,781 \$
17 Total - abonnés et revenus par facture mensuelle moyenne	595464	32,371 \$

2022 Aggregated financial return for Cogeco’s BDU services		
Informations complémentaires sur les abonnés - par facture mensuelle moyenne (hors taxes et équipements)	Nombre d'abonnés	Revenus de base et non de base
13 25 \$ ou moins	96348	2,720 \$
14 25,01 \$ à 50 \$	204873	7,532 \$
15 50,01 \$ à 100 \$	328698	22,245 \$
16 Plus de 100 dollars	22671	2,802 \$
17 Total - abonnés et revenus par facture mensuelle moyenne	652590	35,299 \$

- 6 FRPC is therefore asking that the Commission deny Cogeco’s request for confidentiality because
 - a. the information that Cogeco has redacted from its response is either the same as or highly similar to information that the CRTC has already published, and because
 - b. disclosing the Cogeco BDU information as proposed by FRPC will enable interested parties and organizations such as FRPC to evaluate the evidence and arguments on the basis of a more complete record, thereby facilitating informed participation by the public in a proceeding whose cumulative impact could be a significant increase in the price that Canadian BDU subscribers must pay merely to retain the small basic BDU service.

- 7 Pursuant to section 33 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice of Procedure* (see below) FRPC respectfully requests that the information that has been redacted from Cogeco’s responses to the CRTC be disclosed to the extent that such information has already been substantively disclosed in the Cogeco aggregated annual returns published by the CRTC.

[Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure](#) (SOR/2010-277)

Request for disclosure
 33 (1) A party that files a request with the Commission for the disclosure of information that has been designated as confidential must provide reasons, as well as any supporting documents, why the disclosure would be in the public interest, including how the information is relevant to the Commission’s regulatory responsibilities.

Service
 (2) The requesting party must serve the request on the author of the designation.

Reply
 (3) The author of the designation may file a reply with the Commission within 10 days after the day on which the request is filed, and must serve the reply on the requesting party.

Reply to request from Commission
 (4) If the Commission requests disclosure of the information, the author of the designation may file a reply with the Commission within 10 days after the day on which they receive the request.

Sincerely,



Monica Auer, M.A., oo.M.

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Executive Director

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