31 August 2026

Marc Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Filed online

Dear Secretary General,

Re: ***Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Notice of Consultation CRTC 2026-155 (Gatineau, 30 June 2026); *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Changes to procedure,* Telecom Notice of Consultation CRTC 2026-155-1 (Gatineau, 29 July 2026); *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Procedural determinations*, Telecom Notice of Consultation CRTC 2026-155-2 (Gatineau, 14 August 2026)**

The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about communications, including broadcasting and telecommunications.

FRPC is intervening in the above-noted consultation to respond to its questions about alleged breaches of the prohibited-fees provisions of the *Telecommunications Act*. Our comments are attached.

FRPC asks that the Commission post interventions it receives on or before 31 August 2026[1] both individually as it has been doing since 1968, **and also in a single zip file**. In our view, the CRTC's provision of a single zip file of interventions supports participation in its proceedings by enabling all participants to work efficiently.[2]

1 2026-155-2 (Gatineau, 14 August 2026), ¶31.
2 TNoC 2026-201, at ¶3: "The record of this proceeding demonstrates the need for substantial changes to how the Commission supports public participation in its proceedings. To that end, the Commission is analyzing how to improve its processes to increase efficiency, predictability, and effectiveness for participants. …"

FRPC also invites the Commission to ensure that its determination in this and all other CRTC telecommunications proceedings going forward are signed by the members of the Commission who have participated in the making of each determination. This single step would be an immediate, easy way for the CRTC to comply with the transparency provision in section 3 of the February 2023 *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy*, SOR/2023-23.[3]

We look forward to the opportunity to review other parties' comments and the replies of Bell, Rogers and TELUS.

Sincerely,

Monica Auer, M.A., LL.M. execdir@frpc.net
Executive Director
Forum for Research and Policy in Communications (FRPC)

[3] S. 3: "Whereas the telecommunications market and its regulation have changed since 2019 and the Governor in Council is of the opinion that new directions should be issued to the Commission as a result of those changes …. [t]he Commission should ensure that its … decisions are transparent …."

Good business is based on informed consent

***Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Notice of Consultation CRTC 2026-155 (Gatineau, 30 June 2026); *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Changes to procedure,* Telecom Notice of Consultation CRTC 2026-155-1 (Gatineau, 29 July 2026); *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Procedural determinations*, Telecom Notice of Consultation CRTC 2026-155-2 (Gatineau, 14 August 2026)**

Comments of the
Forum for Research and Policy in Communications (FRPC)

(Ottawa, 31 August 2026)

Contents

<u>Figures</u>

<u>Tables</u>

<u>Appendices</u>

Executive Summary

ES 1 The Forum for Research and Policy in Communications (FRPC) is a not-for-profit corporation established in late 2013 to undertake legal, policy and empirical research about issues related to telecommunications and broadcasting in Canada. The CRTC was established more than five decades ago to regulate and supervise Canada's communications system (including telecommunications, as of 1976) and its current Departmental Plan says that it wants to better serve Canadians.

ES 2 The CRTC administers and enforces the *Telecommunications Act* to meet Parliament's seven policy objectives – including the need to regulate efficiently and effectively and to meet users' economic and social requirements. The CRTC is also bound by Cabinet's February 2023 *Direction on a Renewed Approach to Telecommunications Policy* that mandates protection of consumer rights.

ES 3 In mid-2024 Parliament added subsection 27.04(1) to the 1993 *Telecommunications Act.* It proscribes subscriber fees "related to the activation" or change of service plans as well as fees oriented to discouraging subscribers from changing or cancelling their service contracts. Subsection 27.04(2) requires the CRTC to "specify the types of fees" set out in 27.04(1) and allows it to exempt telecommunications providers or classes of such providers from some or all of fee-prohibition provisions. These provisions came into force on 30 October 2025; the "General Administrative Monetary Penalties Scheme" of Part V of the *Telecommunications Act* empowers the CRTC to impose administrative monetary penalties (AMPs) when parties breach the *Act* or its regulations.

ES 4 After a consultation that began in November 2024 the CRTC issued TRP 2026-43 this past March. Deciding that "fees related to optional services and products do not fall under the category of "activation or modification fees" related to the telecommunications service itself"; the CRTC prohibited fees not if they are 'related to' but if they *result from* new or changed plans. (Table 2 at page 6 provides a side-by-side comparison of subsection 27.04 and the CRTC's 2026-43 definition.) TRP 2026-43 amended the *Wireless Code* and *Internet Code* to include the CRTC's definition of the "activation or modification fee"; the changes took effect on 12 June 2026.

ES 5 In May 2026 the CRTC's staff learned that Bell, Rogers and TELUS had imposed the *Act*-proscribed fees before 12 June 2026; according to the 2026-155 public record, the companies are still charging subscribers the prohibited fees on the general argument that they do not activate or modify subscribers' plans.

ES 6 2026-155 asks interested parties as well as Bell, Rogers and TELUS to answer three questions. The questions and FRPC's answers are set out below, followed by a brief summary of our conclusions and a reproduction of our recommendations.

Have violations been committed?: Yes.

Even leaving aside the CRTC's questionable reconceptualization of Parliament's actual text, the so-called optional goods and services for which subscribers are being charged are in fact necessary for their plans to work (as sold to them). Nearly all wireless subscribers rely on a mobile phone to use their plan; each phone requires a SIM or eSIM to function. What matters is not the form or name given to plans – but their function with respect to subscribers' ability to use their service plan (as sold to them).

If violations are found to have been committed, should the companies' officers or directors be held liable?: Not without evidence that they authorized or agreed to the violations

The *Telecommunications Act* permits companies' senior officers to be held liable for violations of the legislation – but only if the officers, directors or their legal representatives agreed to or approved of the violations.

The clear evidence needed to demonstrate the liability of the senior officers of Bell, Rogers and TELUS is not, to FRPC's knowledge, available on the 2026-155 public record.

The CRTC should, however, begin its enforcement of its prohibited-fees requirements by notifying a TSP's senior officers and directors of a TSP's first breach and of their responsibilities under the *Act*.

If a second breach occurs the CRTC should require a TSP to affirm in writing that their senior officers and directors were ignorant of the potential for breaching the fee prohibition.

After a third breach – and even if different persons now occupy the senior officers' positions – the CRTC should hold an offending TSP's officers and directors to account through

If violations are found to have been committed, what enforcement measures are appropriate?: order the companies to reimburse subscribers who paid the prohibited fees after 12 June 2026 and obtain written confirmation that the fees are no longer being charged

The CRTC has found that Bell, Rogers and TELUS have each breached the Unsolicited Telecommunications Rules at least twice. It is less clear whether the companies have similarly breached the non-UTRs provisions of the *Telecommunications Act* or the CRTC's telecom regulations and/or conditions.

Moreover, the CRTC has not updated its non-binding guidelines on its general administrative monetary regime in since 2015.

FRPC recommends that the CRTC order the companies

- to provide it with a complete list of all 'fees' charged since 12 June 2026 which the Commission would then post for public comment (to ensure that subscribers affected by the prohibited fees have an opportunity to agree or disagree with the companies' descriptions,
- to reimburse subscribers for the prohibited fees they paid the companies within 6 months of the date of the Commission's decision on 2026-155, along with interest beginning as of 11 July 2027 (so that the companies disgorge their unjust enrichment and so that subscribers are reimbursed for the time-value of their expenditures [similar to the way that telecommunications service providers require reimbursement for bills that are paid late]), and to
- publicize the CRTC's decision and orders on the homepage of their website for a minimum of six months

FRPC also recommends that the Commission revise its own home page by including a prominent link to company scorecards of their performance in terms of the matters the CRTC regulates, as a form of 'nutritional label' for the telecommunications sector.

Summary of recommendations

I. This consultation

A. FRPC: NFP corporation focussed the public and consumers' interest

1. The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization that since 2013 has undertaken legal, policy and empirical research and analysis about communications, including broadcasting and telecommunications. We appear before and make submissions to the CRTC and Standing Committees of both Houses of Parliament to advocate on behalf of the public interest as set out by Parliament in its communications statutes.

2. FRPC is participating in this proceeding to address questions posed by the Canadian Radio-television and Telecommunications Commission (CRTC) about fees that Parliament proscribed in late 2024 and that the CRTC prohibited as of 12 June 2026, and which Bell, Rogers and TELUS appear to have imposed on Canadians since before and after this date.

3. The remainder of this part describes the CRTC's rôle in this proceeding. Part II summarizes the current law regarding subscriber fees related to the activation or modification of their telecommunications service and addresses confusion created by the CRTC's ongoing practice of cramming its docket with proceedings whose subjects and deadlines overlap. The fact relevant to the CRTC's questions are set out in Part III, while FRPC's answers to the CRTC's questions are set out in Part IV. FRPC's conclusions and recommendations are summarized in Part V.

B. CRTC: enforce Canadian law to serve Canadians

4. The CRTC was established by Parliament in 1968 to regulate broadcasting and was assigned jurisdiction over telecommunications in the mid-1970s.[4]

5. The Commission describes itself as an independent tribunal that regulates and supervises "Canada's communications system in the public interest."[5] The CRTC's current departmental plan states that its priorities in 2026-27 are to modernize Canada's broadcasting framework,[6]

---

4 An amendment to the *Canadian Radio-television and Telecommunications Commission Act* which entered into force on 1 April 1976 provided that the CRTC "shall exercise the powers and perform the duties and functions in relation to telecommunications … vested … in the Canadian Transport Commission" (I, s. 14(2)); this provision was repealed in conjunction with Parliament's enactment of the 1993 *Telecommunications Act*.

5 CRTC, *Canadian Radio-television and Telecommunications Commission 2026–27 Departmental Plan*, Cat. No. BC9-26E-PDF, "Key Priorities". It currently consists of nine members; up to 13 members may be appointed to the Commission: *Canadian Radio-television and Telecommunications Commission Act*, s. 3(1).

6 Until, presumably, the current *Broadcasting Act* or the directions to which the Commission is subject under s. 8 of that statute are changed or repealed.

promote competition and investment for Internet and cellphone services and "to better serve Canadians".[7]

> Canadian Telecommunications Policy
> **Objectives**
> 7 It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives
> (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
> (b) **to render reliable and affordable telecommunications services of high quality accessible to Canadians** in both urban and rural areas in all regions of Canada;
> (c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
> (d) to promote the ownership and control of Canadian carriers by Canadians;
> (e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
> (f) to foster increased reliance on market forces for the provision of telecommunications services and **to ensure that regulation, where required, is efficient and effective**;
> (g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
> (h) **to respond to the economic and social requirements of users of telecommunications services**;
> (i) to contribute to the protection of the privacy of persons; and
> (j) to promote the security of the Canadian telecommunications system.
> [Bold font added]

6. More specifically, the CRTC has stated that it "is responsible for administering and enforcing the provisions of the *Telecommunications Act* (the Act) in accordance with the Canadian telecommunications policy objectives set out in the Act".[8] The *Policy's* objectives direct Canada's telecommunications system towards competitive, innovative yet affordable telecommunications services, towards efficient and effective regulation[9] and towards meeting users' economic and social requirements.[10]

7. The *Telecommunications Act* does not require the CRTC to make decisions in the public interest.[11] Rather, the Commission is in general supposed to ensure that telecommunications rates "be just and reasonable" and that telecommunications services be provided so that they do not unduly or unreasonable disadvantage any person.[12]

---

7 CRTC, *Canadian Radio-television and Telecommunications Commission 2026–27 Departmental Plan*, Cat. No. BC9-26E-PDF, "Promoting competition and investment for Internet and cellphone services".

8 *Guidelines regarding the general administrative monetary penalties regime under the Telecommunications Act*, Compliance and Enforcement and Telecom Information Bulletin CRTC 2015-111 (Ottawa, 27 March 2015), at ¶1.

9 S. 7(f).

10 S. 7(h).

11 The *Telecommunications Act* mentions determinations made "in the public interest" in s. 39(4)(a) and (5)(a) (in the context of a discretionary decision to disclose information designated as confidential. The *Act* refers to "the public interest" in s. 53, regarding involvement by Department of Justice Counsel.

12 S. 27(1) and (2).

8. Parliament has also corrected the course of Canada's telecommunications system several times to address problems raised by Canadians. It enabled the CRTC to reduce interruptions by telemarketing, to prevent fees for paper bills, to make self-service options available and to ensure subscribers receive useful information before their contracts end.

9. Finally, Parliament gave the CRTC the authority to punish and deter service providers' misconduct by enabling it to levy administrative monetary penalties or AMPs for breaches of the *Act* and its regulations.

II. Current law on subscriber-activation or -modification fees

10. Innovative financial thinking by telcos led Parliament in fall 2024 to take another step towards protecting Canadians within the telecommunications system. It amended the *Act* to proscribe subscriber fees related to the activation or modification of service plans as well as fees mainly designed to discourage subscribers from changing or cancelling their plans. [13]

A. 2024 Amendment to *Telecommunications Act*

11. TSPs may no longer charge fees "related to the activation or modification of a telecommunications service plan" or fees "whose main purpose is, in the opinion of the Commission, to discourage subscribers from modifying their service plan or cancelling their contract for telecommunications services": [14] Table 1. The CRTC must also define the types of fees that are prohibited to achieve Parliament's prohibition.[15]

Table 1 *Telecommunications Act*, 2024 amendment to prohibit certain subscriber fees

Telecommunications Act (S.C. 1993)
Prohibition
27.04 (1) A telecommunications service provider **must not charge a fee to a subscriber that is related to the activation or modification of a telecommunications service plan,** or **any other fee whose main purpose is, in the opinion of the Commission, to discourage subscribers from modifying their service plan or cancelling their contract for telecommunications services**.
Types of fees
(2) The Commission must specify the types of fees for the purposes of subsection (1).
Exemption
27.05 The Commission may, subject to any conditions that it may specify, exempt any telecommunications service provider or class of telecommunications service providers from the application, in whole or in part, of [section] 27.04.

13 Through Division 37 of *An Act to implement certain provisions of the budget tabled in Parliament on April 16, 2024* that, as Bill C-69, received Royal Assent on 20 June 2024; the *Telecommunications Act* amendments entered into force on 30 October 2025: Telecom Regulatory Policy CRTC 2026-43, ¶6.
14 Subsection 27.04(1).
15 Subsection 27.04(2).

B. 2023 Direction from Cabinet

12. The *Telecommunications Act* requires the CRTC to follow directions from Cabinet.[16]

13. In February 2023 Cabinet determined that "the telecommunications market and its regulation have changed since 2019".[17] Retaining the key objectives set out in the 2019 *Direction*, Cabinet then added clarifications, some of which are discretionary: all six "Principles of Effective Regulation", two of five "Considerations for Fixed Internet Competition", two of three "Considerations for Mobile Wireless Competition" and one of its three "Measures Supporting Deployment and Universal Access".

14. Cabinet's entire "Approach to Consumer Matters" is mandatory ("must") rather than discretionary. Among other things it requires the CRTC to take measures that

- "promote clarity and transparency of pricing information and service plan characteristics in service providers' marketing materials" (17(b)(iii)) and that
- "ensure that consumers can promptly, affordably and easily cancel, downgrade, transfer or otherwise change their services" (17(b)(iv)).

15. The *Direction* also encourages the CRTC to "base its decisions on sound and recent evidence and … exercise its powers to obtain necessary evidence" (6).

C. Telecom Regulatory Policy CRTC 2026-43

16. In late 2024 the CRTC asked the public about ensuring "that Canadians can modify or cancel their plans without fees acting as a barrier".[18] It explained that Parliament's changes to the *Telecommunications Act* "require the Commission to prohibit fees whose main purpose is to discourage subscribers from modifying or cancelling their plans."[19]

---

16 *Telecommunications Act*, s. 8: "The Governor in Council may, by order, issue to the Commission directions of general application on broad policy matters with respect to the Canadian telecommunications policy objectives."

17 *Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy* (SOR/2023-23). This Order's 2019 predecessor (*Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives to Promote Competition, Affordability, Consumer Interests and Innovation*, SOR/2019-227) similarly stated that "the telecommunications market and its regulation have changed since 2006 ….".

18 *Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans*, TNoC 2024-294 (Ottawa, 22 November 2024), "Summary"; TNoC 2024-294-1 (Ottawa, 20 December 2024; changed deadlines); TNoC 2024-294-2 (Ottawa, 14 February 2025, addressing confusion between three related but separate consultations include 2024-294); TNoC 2024-294-3 (Ottawa, 28 February 2025; revised deadlines).

19 *Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans*, Telecom Notice of Consultation 2024-294 (Ottawa, 22 November 2024), ¶2.

17. Before the consultation began the CRTC's staff asked TSPs questions about the nature of the fees they charge.[20] Bell's 23 August 2024 response,[21] for example, listed 29 fees charged by the company and its subsidiaries:[22] these are set out in Appendix 2.

18. Telecom Notice of Consultation CRTC 2024-294 stated that the Commission "must also implement the 2023 Policy *Direction* [that] emphasizes that the Commission should consider how its decisions enhance and protect the rights of consumers…"[23]

19. The CRTC issued its decision to implement Parliament's legislative change 15 months later in Telecom Regulatory Policy CRTC 2026-43. In it the Commission prohibited "fees that are a barrier to switching cellphone and Internet plans"[24] as of 12 June 2026.[25]

20. TRP 2026-43 began by clarifying that the *Wireless Code* and the *Internet Code* "are used by the Commission for Complaints for Telecom-television Services Inc. to help resolve customer complaints" ("Summary").

21. The Commission then speculated that "prohibiting fees related to installation services at a customer's premises" could adversely affect "future broadband Internet rollout" since these "services represent actual, necessary, and sometimes significant costs."[26] The CRTC did not identify the specific evidence on which it relied on this point.

22. The CRTC also addressed optional goods and services. It noted that TSPs install or configure services at subscribers' homes or businesses: "optional services (e.g., Wi-Fi configuration at a customer's premises)" and that "consumers" (not subscribers) "may expressly agree to purchase" optional products that are "not required for the delivery of the telecommunications service to the customer's premises".[27] The Commission decided that "fees related to optional services and products do not fall under the category of "activation or modification fees" related to the telecommunications service itself";[28] TRP 2026-43 did not provide examples of activation fees, modification fees or optional goods and services.

---

20 CRTC, Director, Social and Consumer Policy, *Subject: Request for information on current practices related to changes to the Telecommunications Act stemming from Budget 2024 – Prohibition of fees for the activation or modification of a service plan*, [Its] reference: 1011-NOC2016-0293, 1011-NOC2018-0422, (Ottawa, 23 July 2024.

21 DM# 4756427, Bell, *Subject: Request for information on current practices related to changes to the* Telecommunications Act *stemming from Budget 2024 – Prohibition of fees for the activation or modification of a service plan – Responses*, (Ottawa, 23 August 2024).

22 DM# 4756425 - Réponse-Response – 23 July 2024 – 240823 – Bell Canada – Activation and Modification Fees – RFI Responses -ATT_ABR.

23 ¶10.

24 *Prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Regulatory Policy CRTC 2026-43 (Gatineau, 12 March 2026).

25 *Ibid.*, "Summary", ¶40.

26 *Ibid.*, ¶17.

27 *Ibid.*, ¶18.

28 *Ibid.*, ¶18.

23. Finally, the Commission clarified that fees imposed on subscribers who wish to end their contracts early when they have financed the purchase of their devices (a practice misleadingly described for more than a decade as device subsidies) "fall under the category of fees whose main purpose is to discourage customers from switching service providers."[29]

24. Telecom Regulatory Policy CRTC 2026-43 then set out a definition for activation or modification fees in the *Wireless Code* and *Internet Code* which includes exceptions for physically installing a telecommunications service and for optional goods or services that subscribers decide to buy:

> Any fee incurred as a result of activating a new retail telecommunications service plan or modifying an existing one, except for reasonable fees related to the physical installation of a telecommunications service at a customer's premises or fees related to additional products or services the customer has explicitly chosen to purchase.[30]

25. The wording used by the Commission in 2026-43 differs from the wording in subsection 27.04 by referring to fees that

- are incurred regarding "new" service plans – rather than plans in general,
- "**<u>result</u> from**" new or changed plans – rather than fees that are "**<u>related</u> to**" new or changed plans,
- are "reasonable" – absent in Parliament's text,
- are "related to additional products or services" – absent in Parliament's text,
- agreed to because of 'explicit choices' – absent in Parliament's text, and by referring to fees
- agreed to by "customers" – rather than the subscribers identified in Parliament's text.

26. The textual differences between the *Telecommunications Act* and the CRTC in 2026-43 are set out in Table 2:

Table 2 Differences between TRP 2026-43 and subsection 27.04(1) of the *Act*

Telecommunications Act	**2026-43** "Activation or modification fee"

27.04(1) A telecommunications service provider must not
• charge a fee to a subscriber
  • that is related to [linked to] the activation or modification of a telecommunications service plan
	<u>Any</u> fee **<u>incurred</u>**
	• **<u>as a result of</u>** [caused by] activating a
	  • **<u>new</u> <u>retail</u>** telecommunications service plan
	  • or modifying an **<u>existing</u>** one,

29 *Ibid*., ¶20.
30 *Ibid*., ¶38.

• or any other fee whose main purpose is, in the opinion of the Commission,
  • to discourage subscribers from
    • modifying their service plan
    • or cancelling their contract
for telecommunications services.
Exemption
27.05 The Commission may, subject to any conditions that it may specify, exempt any telecommunications service provider or class of telecommunications service providers from the application, in whole or in part, of sections 27.01 [self-service], 27.02 [expiry notification] and 27.04.
	• **except for reasonable fees related to the physical installation of a telecommunications service at a customer's premises**
	• **or fees related to**
	  • **additional products or services the customer has explicitly chosen to purchase.**

Absent in 2026-43	
Added by 2026-43	

27. Telecom Regulatory Policy CRTC 2026-43 explained the CRTC's introduction of reasonable activation/modification fees as flowing from its discretion:

> The Commission exercised its discretion to ensure that this prohibition applies only to fees whose main purpose is to discourage customers from switching plans. **The Commission took this measure to ensure that this prohibition does not apply to reasonable fees** related to the physical installation of a telecommunications service at a customer's premises or to fees related to additional products or services the customer has explicitly chosen to purchase.[31]

28. The CRTC's reconceptualization of subsection 27.04(1) raises concerns. For example, it has now created exceptions – if not *de facto* exemptions for fees – "related to additional products or services the customer has explicitly chosen to purchase" and for "reasonable fees related to the physical installation of a telecommunications service at a customer's premises". It is unclear why the Commission chose to create an exception rather than implement an exemption as provided by subsection 27.05 (see Table 2, above).

29. Another concern is that the CRTC's text appears to permit Bell, Rogers and TELUS to charge fees whose true effect – distinct from any stated purpose – is to discourage subscribers from switching providers. Subscribers who have paid significant fees to one company, for instance, may be discouraged from switching to another provider due to the costs they have already sunk into their service plan. And, while today's data-laden telecommunication service providers can easily track subscribers' plan-related decisions to the day (and likely the time) it is unlikely that all subscribers have the same immediate access not just to their own telecommunications-service decisions but to the approaches adopted by the

31 *Ibid.*, ¶37.

companies: financial and other benefits yielded to the companies by informational asymmetry come at the literal expense of subscribers.

30. The provisions in 2026-43 took effect through the *Wireless Code* and *Internet Code* on 12 June 2026:[32] Table 3. A number of terms used in the prohibited-fees definitions are themselves not defined, as indicated by underlined text in bold font.

Table 3 *Wireless Code* and *Internet Code* activation and modification fee definitions

Wireless Code	*Internet Code*
Activation or modification fee Any fee incurred as a result of activating a **<u>new</u>** **<u>retail</u>** **<u>telecommunications service plan</u>** or modifying an existing one, except for reasonable fees related to the **<u>physical installation</u>** of a telecommunications service at a customer's premises or fees related to additional **<u>products</u>** or **<u>services</u>** the customer has **<u>explicitly</u>** **<u>chosen</u>** to **<u>purchase</u>**.	Activation or modification fee Any fee incurred as a result of activating a **<u>new</u>** **<u>retail</u>** **<u>telecommunications service plan</u>** or modifying an existing one, except for reasonable fees related to the physical installation of a telecommunications service at a customer's premises or fees related to additional **<u>products</u>** or **<u>services</u>** the customer has **<u>explicitly</u>** **<u>chosen</u>** to **<u>purchase</u>**.
Bold, underlined font	Not defined

31. Although TRP 2026-43 delegated administration of the new fee prohibitions in the *Codes* to the CCTS,[33] it also stated clearly that the CRTC "will use all available tools to monitor and ensure compliance within the industry, including conducting compliance exercises, reviewing the CCTS's reports, issuing notices of violation, and imposing administrative monetary penalties."[34]

III. Facts relevant to TNoC 2026-155's questions

32. The CRTC issued TRP 2026-43 on 12 March 2026; its provisions entered into effect on 12 June 2016.

A. CRTC learns of potential violations of its *Codes*' fee-prohibition provision

33. Just over a month before 2026-43 was to take effect, the Commission's staff became aware that Bell Canada (Bell) was imposing a device-handling charge on customers buying "a cellphone along with their wireless service".[35] In the first half of June 2026, the CRTC's staff also learned that TELUS Communications Inc. (TELUS) had introduced a fee for buying a

---

32 *Ibid.*, ¶32.

33 *Ibid.*, ¶32.

34 *Ibid.*, ¶33: "Given that the CCTS administers the Codes, it will also administer these new provisions. …"

35 *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Notice of Consultation CRTC 2026-155 (Gatineau, 30 June 2026), ¶6: "On 6 May 2026, Commission staff learned that Bell Canada had introduced a $40 device-handling charge for customers purchasing a cellphone along with their wireless service. …"

Subscriber Identity Module (SIM) card or an embedded SIM (eSIM).[36] The CRTC's staff learned in the middle of June that Rogers Communications Canada Inc. (Rogers) was charging set-up, shipping and SIM fees.[37]

34. The CRTC asked Bell, TELUS and Rogers about these matters. Each argued that the fees they are charging comply with the CRTC's *Codes*: Bell on 10 June 2026[38] -- just before 2026-43's entry into force, TELUS on 17 June 2026[39] and Rogers on 18 June 2026[40] -- just after the 2026-43's entry into force.

35. On 6 May 2026, Bell acknowledged that it had introduced a $40 Device Handling Fee. It described this fee as a "transactional charge to cover the fulfillment costs associated with an optional device order that the customer has explicitly chosen to make …."[41] By way of context, FRPC notes that in the second quarter of 2026 – when 2026-43 was nearing entry into force – Bell also reported that it lost service revenue due to "lower wireless connection fees related to the recent CRTC ruling prohibiting certain customer fees";[42] it is unclear whether the company's revenues from the Device Handling Fee are part of the 2026-155 public record..

36. On 18 June 2026, Rogers acknowledged that it has "for many years" charged $25 to customers who ask for a new, physical SIM card[43] and has also charged customers $25 in "shipping fees"[44] which it describes as "a real cost to ship merchandise or equipment to consumers"[45] arguing that if customers do not pay these costs, "the merchant is absorbing the cost of the delivery"[46] (ignoring the fact that such expenses are also recompensed in part under the *Income Tax Act*).

37. Rogers and its brand, Fido, have more recently imposed a $40 Device Setup Charge on customers who purchase a new device.[47] It described the Device Setup Charge as "the legitimate costs of the service we provide to a customer to set up the newly purchased

---

36 *Ibid.*, at ¶¶10-12.
37 *Ibid.*, at ¶13.
38 2026-155, at ¶7.
39 2026-155, ¶12.
40 DM# 5013751, Rogers, *Re: Response to Commission Staff Letter of June 16, 2026* (Toronto, 18 June 2026), at ¶¶4-9, ¶¶11 and ¶15.
41 DM# 5013743, Bell, Re: Device Handling Charge – Response to Commission Staff Letter of 6 May 2026, (10 June 2026), at ¶5.
42 BCE, "BCE reports second quarter 2026 results", News release (2nd quarter, 2026), 2026-q2-release.pdf, at page 6 of 20.
43 DM# 501375, Rogers, Re: Response to Commission Staff Letter of June 16, 2026, (Toronto, 18 June 2026), at ¶¶1 and 11.
44 DM# 501375, Rogers, ¶13.
45 DM# 501375, Rogers, ¶14.
46 DM# 501375, Rogers, ¶14.
47 DM# 5013751, Rogers, Re: Response to Commission Staff Letter of June 16, 2026, (18 June 2026), at ¶1.

device".[48] Rogers argues that because the "Device Setup Charge is only applied to the optional purchase of a device through Rogers", it "is not a charge for subscribing to a new monthly telecommunications service plan."[49]

38. To put Rogers' argument about optional device purchases into context, a 2026 CRTC report stated that 49% of Canadians bring their own device when signing up for a wireless plan, while only 35% purchase a new phone from their provider.[50] For nearly half of consumers, the device is already a separate item—it is not required for the service to be delivered. Bell's claim that the Device Handling Fee is for an "optional" product is further undermined by the fact that its own revenue decline is driven by a "greater mix of BYOD activations".[51] The fee is not about an optional purchase; it is a new barrier for the approximately 51% of Canadians who do not bring their own device, charged at the point of activation.

39. It has also been reported that Rogers charges $25 to have a device shipped – a fee it recently reduced to $9 as a "limited-time offer" that will revert to $25 on 8 September 8 2026, just before Apple's iPhone launch.[52] (The reduced fee is also waived if subscribers pick up the product in-store.) Rogers' fee imposes a cost on those who cannot easily visit a store, including those who cannot or find it difficult to walk, and those who cannot afford or do not want to drive to stores.

40. On 9 June, the CRTC's staff learned that TELUS had introduced a $15 fee for the purchase of a SIM [Subscriber Identity Module] card or eSIM [embedded SIM] as part of its wireless service.[53] On 17 June 2026 TELUS stated that if customers are buying SIMs to start a new plan, replace a damaged SIM or to obtain an additional SIM they are not activating a plan and consequently the SIM charges are not activation fees.[54] The company "added that if it were an activation fee, it would fall under the exemption articulated by the Commission under the Policy because its main purpose is to recover costs, not to discourage subscribers from modifying their plans or cancelling their contract.[55]

---

48 DM# 5013751, Rogers, Re: Response to Commission Staff Letter of June 16, 2026, (18 June 2026), at ¶5.

49 DM# 5013751, Rogers, Re: Response to Commission Staff Letter of June 16, 2026, (18 June 2026), at ¶6

50 Public Opinion Research on the CRTC's Consumer Protection Codes 2026—Final Report, 26 Mar 13, Online: https://epe.lac-bac.gc.ca/100/200/301/pwgsc-tpsgc/por-ef/crtc/2026/013-25-e/POR_013-25_Report_EN.html?nodisclaimer=1

51 BCE reports second quarter 2026 results, 26 Aug 6, Online https://financialpost.com/press-releases/pr-newswire/bce-reports-second-quarter-2026-results#2 ; BCE reports second quarter 2026 results, 20266 Aug, Online: https://www.bce.ca/cs-assets/2026-q2-release.pdf-bltbd57c8069aac4e30

52 Rogers, Fido cut phone shipping fees amid CRTC scrutiny, 26 JUL 10, Online: <https://mobilesyrup.com/2026/07/10/rogers-fido-cut-phone-shipping-fee-amid-crtc-scrutiny/>

53 2026-155, ¶10.

54 DM# 5013746, TELUS Response to Commission Staff RFI of 12 June 2026.pdf, at ¶3.

55 *Ibid.*, ¶4.

B. Fees charged by Bell, Rogers and TELUS

41. The CRTC issued TNoC 2026-155 on 30 June 2026. The notice listed three sets of fees now being charged by 2026-155 and asked, "Have violations been committed?", "If a violation is found to have been committed, should the officers or directors of the Companies be held liable?" and "If a violation is found to have been committed, what are the appropriate enforcement measures?".[56]

42. (FRPC notes that the CRTC's 2023 bulletin setting out Commission practices in Compliance and Enforcement sector review proceedings[57] does not apply to this proceeding as it involves alleged violations of the *Telecommunications Act*.)

43. After receiving procedural requests from FRPC, PIAC[58] and TELUS[59] between 8 and 17 July, the Commission temporarily suspended the proceeding on 29 July 2026. The CRTC then revised the TNoC 2026-155 deadlines on 14 August 2026 (see Appendix 1), extending the deadline for interventions to 31 August 2026 and the deadline for replies to 10 September 2026.[60] It stated that "… a greater degree of procedural fairness is owed to the Companies given the nature of the Proceeding" and that Bell, Rogers and TELUS "should have the right to a final reply to provide them with a final and meaningful opportunity to respond to all of the information on the record before the Commission makes a decision".[61]

C. An intermingled and overlapping mélange à trois, quatre and cinq …

44. TNoC 2026-155 has been taking place amidst a range of other proceedings whose outcomes are linked: Appendix 1. Four relate to actual or potential breaches of requirements imposed by the CRTC through its *Codes*: Table 4.

Table 4 CRTC compliance-related processes

2024-294	*Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans* (Nov/24)[=> resulting in 2026-43]		
2026-43	*Prohibition of fees that are a barrier to switching cellphone and Internet plans* (Mar/26)		

56 2026-155, headings preceding ¶¶15, 18 and 20.

57 Compliance and Enforcement Information Bulletin CRTC 2023-368, (Ottawa, 16 November 2023), at ¶12: "These procedural guidelines do not apply to proceedings before the Commission under other sections of the Telecommunications Act or under any other Acts. …"

58 FRPC and PIAC noted their inability to access the public record of this proceeding; FRPC notes that the CRTC's website continues to appear to restrict access to the website to different parties at different times.

59 TELUS asked the CRTC to exclude certain CRTC staff members from the proceeding (2026-155-2, ¶22).

60 *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Procedural determinations*, Telecom Notice of Consultation CRTC 2026-155-2 (Gatineau, 14 August 2026), at ¶31.

61 2026-155-2, ¶10.

Part 1	TELUS Part 1 application 8665-T66-202603464 seeking interim suspension of the device-locking prohibition (filed 22 May/26)		
2026-134	*Call for comments on harmonizing the consumer protection Codes* (12 Jun/26) including the TELUS Part 1 application 8665-T66-202603464 request for deletion of the current device-locking prohibition		
Part 1	TELUS Part 1 application 8665-T66-202603464 seeking interim suspension of the device-locking prohibition (filed 22 May/26))		
2026-134	*Call for comments on harmonizing the consumer protection Codes* (12 Jun/26) including the TELUS Part 1 application 8665-T66-202603464 request for deletion of the current device-locking prohibition		
	2026-155: This proceeding (30 Jun/26)		
2026-210	*Show cause and call for comments – Device unlocking and related procedural matters* (8 Aug/26)		
Not mentioned in 2026-155			

45. The proceedings include:

- TELUS' 22 May 2026 part 1 application seeking temporary relief from the *Codes*' device-locking prohibition which the CRTC first published on 8 July 2026,
- the 2026-134 proceeding seeking to 'harmonize' the CRTC's various *Codes* which began on 12 June 2026 including TELUS' 22 May 2026 part 1 application for permanent relief from the *Codes*' device-locking prohibition, and
- the 'show-cause' 2026-210 proceeding which the CRTC posted on 8 August 2026 involving Bell's device locking activity and which the CRTC had already queried by letters on 9 May 2025 and 17 June 2025 and had prohibited by letter on 28 November 2025.

46. The mingling and intertwining of the same parties in similar issues in different proceedings with different deadline and superficially compartmentalized matters has complicated all three processes. Imagine if vandals removed the locks, windows and seats from a car: would it be acceptable for the police to launch four separate investigations – one each for the stolen equipment and a fourth dealing with the damage to the vehicle in general?

47. In our view, the CRTC's continuing practice of docket-cramming public consultations – which FRPC has raised and opposed in several CRTC proceedings – is unnecessary, is inefficient and contravenes the Commission's repeated commitments to empower consumers: "[t]he CRTC will … empower consumers ….".[62]

[62] CRTC, Canadian Radio-television and Telecommunications Commission 2026–27 Departmental Plan, Cat. No. BC9-26E-PDF, "Promoting competition and investment for Internet and cellphone services".

FRPC Recommendation 1 The CRTC should stop cramming its docket with proceedings whose subjects are related and whose deadlines overlap.

48. If the CRTC wants to empower Canadians to participate in its proceedings it should adopt a rational approach to scheduling its proceedings, in particular by ending its docket-cramming practice. Deadlines in CRTC proceedings regarding its policies, regulations and major renewals (whenever these happen to occur) should be separated by a minimum of five working days.

FRPC Recommendation 2 Deadlines for CRTC policy, regulatory and major-renewal proceedings should not be scheduled within five working days of each other

IV. 2026-155 questions

49. On 14 August 2026 the CRTC stated in 2026-155-2 "that the case to be met is whether the Companies' practices are in compliance with the exemption for fees set out in the Act and implemented in the Wireless Code and the Internet Code through Telecom Regulatory Policy 2026-43." As noted earlier, the CRTC asked three specific questions:

1. Have violations been committed?

2. If violations have been committed, should the officers or directors of companies that committed the violations be held liable?

3. If violations have been committed, what are the appropriate enforcement measures?

A. "Have violations been committed?": yes.

50. The Commission must decide whether fees related to "device handling" in the case of Bell, device set-up fees in the case of Rogers, physical SIM cards in the case of both TELUS and Rogers or shipping in the case of Rogers are prohibited fees under the *Telecommunications Act*, as interpreted by 2026-43: Table 5.

Table 5 Fees prohibited by *Telecommunications Act* and TRP 2026-43

***Telecommunications Act*, s. 27.04(1)**	**2026-43**
Prohibition 27.04 (1) A telecommunications service provider **must not charge a fee to a subscriber that is related to the activation or modification of a telecommunications service plan,** or **any other fee whose main purpose is, in the opinion of the Commission, to discourage subscribers from modifying their service plan or**	**Any fee incurred as a result of activating a new retail telecommunications service plan or modifying an existing one, except for reasonable fees related to the physical installation of a telecommunications service at a customer's premises or fees related to additional products or services the customer has explicitly chosen to purchase.**[63]

[63] *Ibid.*, ¶38.

cancelling their contract for telecommunications services. Types of fees (2) The Commission must specify the types of fees for the purposes of subsection (1). Exemption 27.05 The Commission may, subject to any conditions that it may specify, exempt any telecommunications service provider or class of telecommunications service providers from the application, in whole or in part, of [section] 27.04.	

51. Bell, Rogers and TELUS argue that fees for “device handling”, SIM cards and “device setup” are not activation fees because they relate to optional products.[64] This is not so: both a phone and a SIM card are required to use wireless service; those purchasing a phone from Bell – for some, the only way they can obtain service – must pay the $40 handling charge. These are costs to activate the service – they are not optional add-ons.

52. The CRTC's own Vice-President put it plainly: “You need a phone for your plan. It's no more complicated than that”.[65] The same logic applies to a SIM card – subscribers require a SIM card for their wireless plan to work. TELUS argues that the SIM is a “product” that customers purchase for many reasons, including “replacing a damaged SIM, acquiring an additional SIM for travel” and that the fee is non-waivable”[66] – yet the fee applies to *all* new activations: a subscriber cannot activate the service of their plan without a SIM. Charging subscribers for a component required to use a service is an activation fee, and we have yet to see written confirmation from individual service providers that their SIM and eSIMs function across all wireless devices.

53. Further, the way in which TSPs implement their fees treat subscribers impose differential costs on those subscribers. The prohibited fees are ‘waived’ for subscribers who obtain their services through the companies’ online portals, penalizing subscribers who cannot, choose not to or do not know how to use these portals: a group that includes senior citizens, people without reliable Internet access as well as those who do not want, cannot get or cannot afford Internet service.

54. The CRTC must look beyond the ‘form’ of the fees at issue in this proceeding to their function. For example, plans may be ‘activated’ not just when an unknown, new subscriber

64 Sophia Harris, “Regulator launches inquiry into contentious fees charged by Rogers, Bell and TELUS”, CBC News (1 July 2026, 4:00 A.M. EDT), online: <https://www.cbc.ca/news/business/roger-bell-telus-fees-9.7254328>
65 *Ibid.*
66 Telus Plans Mandatory $15 SIM Fee Days Before CRTC Ban [Update], Online: <https://www.iphoneincanada.ca/2026/06/08/telus-15-sim-fee-crtc-ban/>

is involved, but also when a plan is activated for a former subscriber whose service was disconnected (for whatever reason). The cases are the same insofar as 'activation' is concerned, because each is effectively beginning a new plan: why would separate fees be imposed?

55. In many cases identical or very similar functions have different names. Appendix 2 reproduces the information provided by Bell to the Commission in mid-2024 [67] to describe the fees charged for a range of services and goods. Fees for service plan activations were labelled not just as 'Activation' fees, but also as 'hardware upgrades', "SIM card fees" or "Order Processing": Table 6. These fees include charges related to Internet plan activations that Bell in 2026 described to the CRTC as not being optional.[68]

Table 6 Eight names for the same function - 'activation'

Brand	Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)
POSTPAID - Bell Mobility - Virgin Plus	**Activation** Fee (New Customers)	This fee is included as part of the cost of wireless services as there are costs associated with the activation of a wireless device including labour, supply chain (shipping), and real estate for physical stores or investment in online self serve tools.	When customers **activate** a wireless device, (including when subscribers move between brands and from prepaid to postpaid).
POSTPAID - Bell Mobility - Virgin Plus	Hardware Upgrade (HUG) Fee (Existing Customers)	This fee is included as part of the cost of wireless services as there are costs associated with the activation of a wireless device including labour, supply chain (shipping), and real estate for physical stores or investment in online self serve tools.	When existing customers **activate** a wireless device.
PREPAID - Bell Mobility - Virgin Plus - Lucky Mobile	SIM Card Fee ($0 for eSIM)	This fee reflects the costs of purchasing and packaging/handling of the SIM card.	When customers **activate** prepaid services.
Oricom	VoIP **Activation** Fee (standalone)	This fee is only charged for VoIP service when purchased on its own, to cover cost of provisioning and setting up service.	When customers request to **activate** a new VoIP service without Internet.
Acanac	Internet **Activation** Fee	This fee reflects the administrative costs to provision and fulfill new Internet connections.	When customers order new Internet services.
Distributel	Internet **Activation** Fee	This fee reflects the administrative costs to provision and fulfill new Internet connections.	When customers order new Internet services.
Primus	Internet **Activation** and Installation Fee	This fee reflects the 3rd party, internal, and administrative costs to provision, fulfill and install new Internet connections.	When customers order new Internet services.

67 *Call for comments – Making it easier to choose a wireless phone or Internet service – Enhancing customer notification*, Telecom Notice of Consultation CRTC 2024-293 (Ottawa, 22 November 2024), DM#4756425 - Réponse-Response – 23 July 2024 – 240823 – Bell Canada – Activation and Modification Fees – RFI Responses -ATT_ABR.

68 DM# 5013743, Bell, *Subject: Device Handling Charge – Response to Commission Staff Letter of 6 May 2026,* (Ottawa, 10 June 2026), ¶9. Bell argued that "Unlike modems and routers that a service provider must deploy for an Internet service to function and that may not be optional for an Internet customer, the wireless context is fundamentally different" [underlining added].

Brand	Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)
Northwestel	Order Processing Residential	This fee reflects the costs associated for the work done in receiving, recording and processing information necessary to comply with customer's request.	When customers completes [sic] a service order or makes changes to their service.
NorthernTel	Self Install Internet only Fee (Dry DSL)	This fee reflects the costs associated of technician work at the Central Office.	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).
Telebec	Self Install Internet only (Dry DSL)	This fee reflects the costs associated of technician work at the Central Office.	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).

56. The companies' fee labels clearly will not assist the Commission in enforcing the *Telecommunications Act* and 2026-43; rather, they are an element of the companies' marketing campaigns. The central issue is whether customers who do not pay these fees are then able or unable to use their plan as sold to them.

57. There is (currently) no requirement for the companies to use 'standard' names that establish whether the fees they are charged are for activation or modification – except, apparently, in each company's recent annual reports which refer simply to 'activations' rather than processed order or dry loops. Consequently it is more than likely that subscribers do not know whether the fees they pay or have paid are prohibited or permitted – one of the reasons that marketing nomenclature is so widespread. Some subscribers might write off the fees as a cost of living in Canada, or perhaps feel too embarrassed to complain to either the CCTS or the Commission that they were so easily misled into accepting something they either did not need, did not want or did not understand.

58. Even if subscribers noticed the fees and understand they are now prohibited, would the majority, most or even some know what to do? In 2026 86% of Canadians were unaware of the Codes[69] and 69% were not well-informed about the CRTC;[70] in 2025 80% were unaware of the CCTS.[71]

59. Rather than imposing DIY regulation on millions of individual subscribers, the CRTC bears the duty of protecting subscribers' interests as the *Telecommunications Act* requires. Do-it-yourself (DIY) enforcement by subscribers assumes but cannot ensure that subscribers will be aware of and enforce the fee-prohibition limitations of Parliament or the CRTC when they attempt to negotiate the price of their service with companies whose average total income in 2024 ($17.2 billion) is some 280,000 times larger than a Canadian's average total income

69 Phoenix SPI,, CW2413996, Registration Number: POR 013-25, at page 7.

70 *Ibid*., page 34.

71 Nanos Research, *Understanding consumer awareness and satisfaction with the Commission for Complaints for Telecom-television Services (CCTS) 2024-2025: FINAL Report*, CW2374443, Registration Number: POR 039-24, Cat. No.: BC92-131/2025E-PDF, page 25 of 42.

in 2024 ($61,600).[72] The companies' size relates to the degree to which information and negotiating asymmetry exists, and must be countered with firmer, clear and continuing regulation to reduce the impact of this asymmetry.

60. In reality, Canadians do not understand telecommunications – how many of us are engineers?, are unfamiliar with the 'fine-print' regulations that may protect them – how many people read CRTC policies and decisions?, and also cannot explain their problems using the language of those policies and decisions – leading to their complaints being misunderstood?. Even offering a complete list of fees they are being charged may be insufficient, thanks to marketing-language dexterity.

61. FRPC recommends that, assuming the CRTC's interpretation of subsection 27.04(1) of the *Telecommunications Act* is correct, the question the CRTC should answer for each fee is whether

1) the goods or services for which fees have been imposed <u>are required</u> to enable a telecommunications service to begin or to be changed

=> If yes, the fees should not have been charged as of 12 June 2026;

2) the information provided to each subscriber <u>clearly identifies</u> whether the goods or services are necessary or unnecessary for that subscriber's service to function as sold

=> If not, the fees should not have been charged as of 12 June 2026, and

=> fees clearly identified as necessary for the subscriber's service to function should not have been charged as of 12 June 2026; and whether

3) the companies have provided the Commission with <u>documentary evidence of each subscriber's informed agreement</u> to choose to pay for an optional good or service that will function as sold.

=> If not, the fees should not have been charged as of 12 June 2026.

62. To put this another way, the CRTC should find that a fee imposed on subscribers is permissible if and only if it is not required to begin or change a telecommunications service plan, or if and only if the good or service for which a subscriber fee is imposed is entirely

---

72 Bell: $10,589 million (2024 *Integrated Annual Report*, page 105);
Rogers: $20,604 million (2024 *Annual Report*, page 18);
<u>TELUS: $20,386 million (2025 *Annual Report*, page 33)</u>
Average: $17,193 million
Average pre-tax income of Canadians: $61,600 in 2024 (constant 2024 dollars) - Statistics Canada, *Income of individuals by age group, gender and income source, Canada, provinces and selected census metropolitan areas* (Table 11-10-0239-01).

unnecessary for the subscriber's telecommunications service to operate as described to the subscriber.

63. The CRTC should exercise significant care when considering fees charged for 'handling' or 'shipping. Bell, for example, has stated to the Commission that because customers could buy their devices elsewhere, the fee it charges "recovers real and legitimate costs related to the provision of the device" (2026-155, ¶7) – if the fee must be paid before the service plan is activated or changed, the fee should no longer have been charged as of 12 June 2026. In 2024, moreover, Bell described the Bell Mobility and Virgin Plus Wireless Activation Fees (New Customers) as including shipping:

> This fee is included as part of the cost of wireless services as there are costs associated with the activation of a wireless device including labour, supply chain (**shipping**), and real estate for physical stores or investment in online self serve tools.[73]
>
> [Bold font added]

64. The CRTC should therefore closely scrutinize claims that subscribers have agreed to 'optional' fees because the basis of this agreement is unknown and because the concept of 'informed consent' is based on assumptions that may not apply. Subscribers may not know the rates and charges of each of the competitors of Bell, Rogers and TELUS, for example, and may therefore be unable to undertake the detailed cost-benefit analysis in which the CRTC appears to believe most people engage before entering into a service plan contract. Section 1.i of the *Wireless Code*, for instance, does not require service providers to provide prospective subscribers with a copy of the Critical Information Summary – they need only provide it to actual subscribers (who have already agreed to a contract). An easy, low-cost way to empower consumers would be for the CRTC to mandate that each potential subscriber be offered the Critical Information Summary.

FRPC Recommendation 3 Revise s. 1(i) of the *Wireless Code* to require each service provider to offer to give a printed or e -mailed copy of the Critical Information Summary to customers who have not yet formed a contract with the provider

B. "If a violation is found to have been committed, should the officers or directors of the Companies be held liable?": not yet

65. Section 72.008 of the *Telecommunications Act* empowers the Commission to hold individual officers, agents or authorized representatives of Bell, Rogers and TELUS liable for breaches of the *Telecommunications Act*.[74]

---

73 DM# 4756425 - Réponse-Response – 23 July 2024 – 240823 – Bell Canada – Activation and Modification Fees – RFI Responses -ATT_ABR.

74 Excluding violations related to unsolicited telecommunications: s. 72.01.

66. The *Act* establishes, however, that liability only exists if these individuals knew of and agreed to these breaches:

> Officer, director or agent or mandatary of corporations
>
> 72.008 An officer, director or agent or mandatary of a corporation that commits a violation is liable for the violation if they **directed, authorized, assented to, acquiesced in or participated** in the commission of the violation, whether or not the corporation is proceeded against.
>
> [Bold font added]

67. Evidence as to the involvement of the companies' Directors and officers is to the best of our knowledge not currently part of the 2026-155 proceeding, even if one might assume at least some familiarity with these issues due to media coverage.

68. Absent minutes or transcripts of the meetings of the Boards of Bell, Rogers and TELUS or evidence from officers or agents of Bell demonstrating knowledge and agreement to the commission of any breaches of the *Act*, the officers and directors of the Companies should not be held liable.

FRPC Recommendation 4 The companies' officers and authorized representatitves should not be held liable for breaching the Act's provisions regarding prohibited fees due to the absence on the 2026-155 record of their authorizing such fees

69. At the same time, the *Act* enables the Commission "to advise any person with respect to any other matter within its jurisdiction".[75] The CRTC should establish a practice of notifying TSPs' directors and senior officers of the breach, to ensure that, going forward, they are aware of their responsibilities under the *Act*.

FRPC Recommendation 5 The CRTC should advise in writing directors and officers of TSPs that have breached the prohibited-fees provision for the first time of the breach and warn that subsequent violations may attract more serious measures or AMPs

70. Suppose, moreover, that the Commission decides now or going forward that TSPs have breached the *Act*'s fees prohibition – and that the same TSP in the future again breaches this prohibition. Serial violations cannot be ignored or lightly dismissed (telcos will be telcos!): Parliament's *Canadian Telecommunications Policy* requires that regulation be efficient and effective.

71. If a second breach occurs, the CRTC should – to be an efficient regulator – require TSPs to affirm (in writing) that and explain why their officers and directors remained ignorant of the potential for breaches of the fee prohibition. After a third breach, the CRTC should – to be an effective regulator – hold the offending TSP's officers and directors liable for the breach ;

75 S. 59(2).

the fact that different people may occupy these positions should be irrelevant, as the purpose of enforcement with respect to senior management is to hold the 'guiding mind' of telecommunications companies' to account.

C. "If a violation is found to have been committed, what are the appropriate enforcement measures?": notifications and escalating AMPs

72. 2026-155 concerns itself directly with the possibility that three companies have charged subscribers fees that have been prohibited by the CRTC since 12 June 2026.

1. Paradigmatic shift in CRTC's duty to consumer interests and their rights

73. More broadly, this consultation reaches to the core of the Commission's mandate – which is to ensure that Canadians pay only just and reasonable amounts for telecommunications services.[76] Parliament's objectives for Canada's *Telecommunications Policy* include efficient and effective regulation[77] and responding "to the economic and social requirements of users of telecommunications services".[78]

74. A key factor in deciding the specific question in 2026-155 is that the regulatory approach desired by Parliament and the Governor in Council has shifted. For much of the 20th century their overriding concern was the literal (terrestrial lines) or figurative (satellite-based) wiring of Canada.

75. The 2023 *Direction* delineates a fundamental shift in this paradigm. Cabinet's goal today is for the CRTC to ensure – not hope for, not expect, nor encourage – that telecommunications service providers serve Canadians' needs.

76. This paradigmatic shift is evident in the *Direction*. Although its <u>four</u>-step approach to consumer matters and rights is outnumbered by the *Direction*'s <u>five</u> "Principles of Effective

---

76 *Telecommunications Act*, PART III "Rates, Facilities and Services"

> …
> Provision of Services
> Meaning of telecommunications service
> 23 For the purposes of this Part and Part IV, telecommunications service has the same meaning as in section 2 and includes any service that is incidental to the business of providing telecommunications services.
> …
> Just and reasonable rates
> 27 (1) Every rate charged by a Canadian carrier for a telecommunications service shall be just and reasonable.
> …
> (5) In determining whether a rate is just and reasonable, the Commission may adopt any method or technique that it considers appropriate, whether based on a carrier's return on its rate base or otherwise.
> ….

77 S. 7(f).

78 S. 7(h).

Regulation”, the effective-regulation principles are discretionary – the consumer-rights provisions are **mandatory**:[79] Table 7.

Table 7 Cabinet’s 2023 *Direction* mandates consumer rights protecton by the CRTC

2023 *Direction* by the Governor in Council	
Principles of Effective Regulation Transparency, predictability and coherence 3 [1] The Commission **should** ensure that its proceedings and decisions are transparent, predictable and coherent. Efficiency and proportionality 4 [2] The Commission **should** ensure that the measures that it imposes through its decisions are efficient and proportionate to their purpose. Market monitoring, research and strategic foresight 5 [3] The Commission **should** further develop strong and timely market monitoring, research and strategic foresight skills and use the results that it obtains from these activities in the exercise of its powers and the performance of its duties. Decisions based on sound and recent evidence 6 [4] The Commission **should** base its decisions on sound and recent evidence and should exercise its powers to obtain necessary evidence. Timely proceedings and decisions 7 [5] The Commission **should** conduct proceedings and issue decisions in a timely manner, in	Approach to Consumer Matters: Consumer rights 17 The Commission **must** enhance and protect the rights of consumers in telecommunications markets by (a) [1] **strengthening the ability of the Commission for Complaints for Telecom-television Services to better fulfill its mandate**, including by (i) increasing its operational capacity, (ii) ensuring that the perspectives of consumer and civil-society groups are better reflected in its governance, (iii) improving compliance with its rules, and (iv) increasing public awareness of its complaint-resolution process; (b) [2] **strengthening the position of consumers in their relationships with service providers**, including by (i) taking additional measures to protect consumers from unacceptable sales practices, such as the measures identified in the Commission’s Report on Misleading or

[79] Ruth Sullivan, *Statutory Interpretation*, 3d ed., (Irwin Law Inc., 2016), at page 90: “’Shall’ is always imperative in the sense that it always imposes binding duties or requirements. The same can be said of ‘must’.”, citing to *Lovick v. Brough*, [1998] BCJ No. 539 (BC SC) at 7:

> [6] Mr. Mortimer cited two cases, *Morin v. Morin* [1986] B.C.L.R. 261 (S.C.B.C.) and *Richardson v. Richardson* [1994] B.C.J. No. 256, Vancouver Registry No. A920060 as authority for the proposition that the word "shall" in section 53(1), the predecessor section to the present section 67(1) was subject to the same tests as any other interim injunction. That means that the applicant must show some urgency, a fair case to be tried, the likelihood of irreparable harm that cannot be compensated by damages and must come to the Court with clean hands. The section, as late as the 1994 Richardson decision used the word "shall" in the second line where it now uses the word "must".
> [7] I am bound to ask myself why the legislature made so limited a change in the wording. I conclude that it could only have been to strengthen the imposition of the duty on a Judge to take the action mentioned there. I reject Mr. Mortimer's contention that in this context "must" means precisely the same as "shall". **In my opinion "must" entails a more mandatory obligation admitting of less discretion in the Court.** I am therefor of the opinion that the two cases are not authority for the interpretation of the section as it now stands.
> ….
> [bold font added]

recognition of the need for market clarity. The Commission should consider whether adopting new processes or engaging external experts would help reach this objective.	Aggressive Communications Retail Sales Practices, (ii) adjusting its consumer codes by harmonizing the provisions of its codes if doing so would be advantageous to consumers and providing for consumer protection measures in the event of a service outage or disruption, (iii) taking measures to promote clarity and transparency of pricing information and service plan characteristics in service providers' marketing materials, and (iv) taking measures to ensure that consumers can promptly, affordably and easily cancel, downgrade, transfer or otherwise change their services; (c) [3] **proactively identifying, removing and preventing barriers relating to telecommunications services**, in particular for persons with disabilities; and (d) [4] **regularly collecting, reporting publicly and making available to consumers information relating to mobile wireless coverage and fixed Internet services**, including service quality metrics during peak periods and any other information that the Commission considers to be in the public interest, by (i) requiring that service providers participate in the testing of the performance of their fixed Internet services, including services based on commonly used technologies in rural areas, and (ii) developing and implementing a standardized and robust approach for reporting mobile wireless coverage.

77. The CRTC is therefore specifically required to ensure Canadians' needs are met by Cabinet's 2023 *Direction* and Parliament's *Canadian Telecommunications Policy*:[80] hesitating to do so signals not just tolerance for what might be described as sharp selling practices, not just

[80] S. 47:

> [t]he Commission must exercise its powers and perform its duties under this Act and any special Act — in accordance with any orders made by the Governor in Council under section 8 or any standards prescribed by the Minister under section 15, and taking into account any orders made under section 15.1 or 15.2 and any regulation made under paragraph 15.8(1)(a) — with a view to implementing the Canadian telecommunications policy objectives and ensuring that Canadian carriers provide telecommunications services and charge rates in accordance with section 27.

disinterest in consumers and their daily cares, but the appearance of a deference towards the companies that effectively tilts the decision-making balance in their favour regardless of the law or the facts before it.

78. Parliament's decisions to amend the *Telecommunications Act* and Cabinet's decisions to amend its *Directions* to the CRTC are unmistakable signals that the Commission's long-established approach – one that served Canada well in the 1980s and 1990s – must adapt to a new reality created by legislation. It must escape the groove of what is currently a very well-worn path.

79. This new reality does not limit the CRTC's discretion except to require that the measures it takes when service providers breach the *Telecommunications Act* and its regulations comport with the *Act* and the *Direction* by protecting consumers' interests.

2. 2015 enforcement guidelines and 2023 Direction

80. Compared to the early 1990s, today's Commission has a very large regulatory toolkit and discretion as to its use.[81]

81. The CRTC explained eleven years ago that it enforces the *Telecommunications Act* to provide predictability and to foster trust:

> [t]he Commission's compliance and enforcement approach provides a degree of predictability to Canadians and entities so that they know what measures may be used in response to non-compliance. It also fosters trust in the enforcement process by providing transparency regarding how the Commission may apply such measures.[82]

82. Administrative monetary penalties almost immediately come to mind when thinking about regulatory breaches. How many drivers have perfect records? Traffic or highway fines are nearly a fact of life.

83. If the CRTC finds that the companies have breached the *Telecommunications Act*, the *Wireless Code* or the *Internet Code*, it can impose penalties[83] to encourage their compliance and to discourage non-compliance by others[84] -- as long as it does so within three years of

---

[81] S. 60: "The Commission may grant the whole or any portion of the relief applied for in any case, and may grant any other relief in addition to or in substitution for the relief applied for as if the application had been for that other relief."
[82] *Ibid.*, ¶5.
[83] S. 72.001, "General Administrative Monetary Penalties Scheme".
[84] S. 72.002(2): "The purpose of the penalty is to promote compliance with this Act, the regulations or the decisions made by the Commission under this Act, and not to punish."

June 2026[85] -- and may also publicize such breaches.[86] (It has occasionally required those in breach of its *Unsolicited Telecommunications Rules*[87] to make substantial donations.[88])

84. The Commission issued guidelines in 2015 to explain its approach to fines[89] apart from the unsolicited-telecommunications matters. It noted that it may not levy fines at all, but might use one or more "numerous tools to ensure appropriate, timely, and effective responses. The appropriate tool to use in a particular situation will depend on the factual context of each case" [bold font added].[90] These numerous tools include "a warning letter, an AMP, or a mandatory order, or prosecution".[91] The CRTC may also require Canadian carriers to identify, track and report the charges they impose on subscribers[92] and may explicitly forbid the companies from levying specific types of charges.[93]

85. Regardless, the 2015 enforcement *Guidelines* also note that an AMP may be necessary "to bring a person into compliance, deter future non-compliance, and prevent harm."

3. AMPs

86. Parliament's scheme for monetary penalties regarding contraventions of the *Telecommunications Act* or the CRTC's regulations states that parties other than individuals are liable for 'every' contravention to penalties of up to $10 million, and for subsequent contraventions to penalties of up to $15 million. Bearing in mind that penalties are supposed "to promote compliance",[94] the *Act* then requires the Commission to determine the amount of a penalty based on six factors:

---

85 S. 72.0091(1): "A proceeding in respect of a violation may not be commenced later than three years after the day on which the subject-matter of the proceedings becomes known to the Commission"; while the Commission has presumably been aware of fees charged since Parliament amended the *Telecommunications Act*, it did not expressly enforce the amendments until 12 June 2026.

86 S. 72.0092:

> [t]he Commission may make public
> (a) the name of a person who enters into an undertaking, the nature of the undertaking including the acts or omissions, the provisions or the decisions at issue, the conditions included in the undertaking and, if applicable, the amount of the penalty; and
> (b) the name of a person who committed the violation, the nature of the violation including the acts or omissions and provisions or decisions at issue and the amount of the penalty.

87 S. 72.01, "Administrative Monetary Penalties Scheme for Unsolicited Telecommunications".

88 In October 2010 the Commission required TELUS to make a charitable donation to establish a scholarship at Carleton University's School of Public Policy and Administration because of unsolicited telecommunications the company had made; in March 2011 the CRTC required Rogers to donate $275,000 to the École Polytechnique de Montréal and the British Columbia Institute of Technology for the same general reason.

89 *Guidelines regarding the general administrative monetary penalties regime under the* Telecommunications Act, Compliance and Enforcement and Telecom Bulletin CRTC 2015-111 (Ottawa, 27 March 2015).

90 *Ibid*., ¶12.

91 *Ibid*., at ¶15.

92 S. 37(1)(a) and (b).

93 S. 51.

94 S. 72.002(2).

(a) the nature and scope of the violation;

(b) the history of compliance with this Act, the regulations or the decisions made by the Commission under this Act, by the person who committed the violation;

(c) any benefit that the person obtained from the commission of the violation;

(d) the person's ability to pay the penalty;

(e) any factors established by any regulations; and

(f) any other relevant factor.[95]

87. In 2019 the CRTC found support for the use of AMPs when companies breach regulatory requirements more than once:

> [m]any parties suggested that the CRTC should consider applying enforcement mechanisms, up to and including AMPs, for instances of repeated non-compliance with existing consumer protections.[96]

88. The Commission has found each of Bell, Rogers and TELUS in breach of the *Telecommunications Act* or its regulations on more than one occasion:

Table 8 Bell, Rogers and TELUS: previous breaches

Companies	**Type of breach**	**Penalties**
Bell Canada	UTRs breach (20 December 2010)	$1,300,000 AMP (Bell charged $2.80 for touch-tone services since October/10)
	UTRs breach (17 May 2016) (Bell Nordia)	UTR citation
Rogers:	UTRs breach ((24 March 2011)	$375,000 donations
	UTRs (20 November 2015)	$200,000 CASL compliance program
TELUS:	UTRs (28 October 2010)	$200,000 donation Review compliance policies
	Act, s. 27(2) (25 March 2023)	$600,000 NOC2020-0269-2

89. The Commission has nevertheless cautioned, however, that it would never automatically apply AMPs:

> The CRTC always considers AMPs on a case-by-case basis for non-compliance with service providers' regulatory requirements, and it intends to maintain this approach. If the CRTC develops further regulations and tools to address misleading or aggressive

95 S. 72.002(1).

96 CRTC, *Report on MISLEADING OR AGGRESSIVE COMMUNICATIONS RETAIL SALES PRACTICES*, (Ottawa, 2019), Cat. No.: BC92-103/2019E-PDF, at 38.

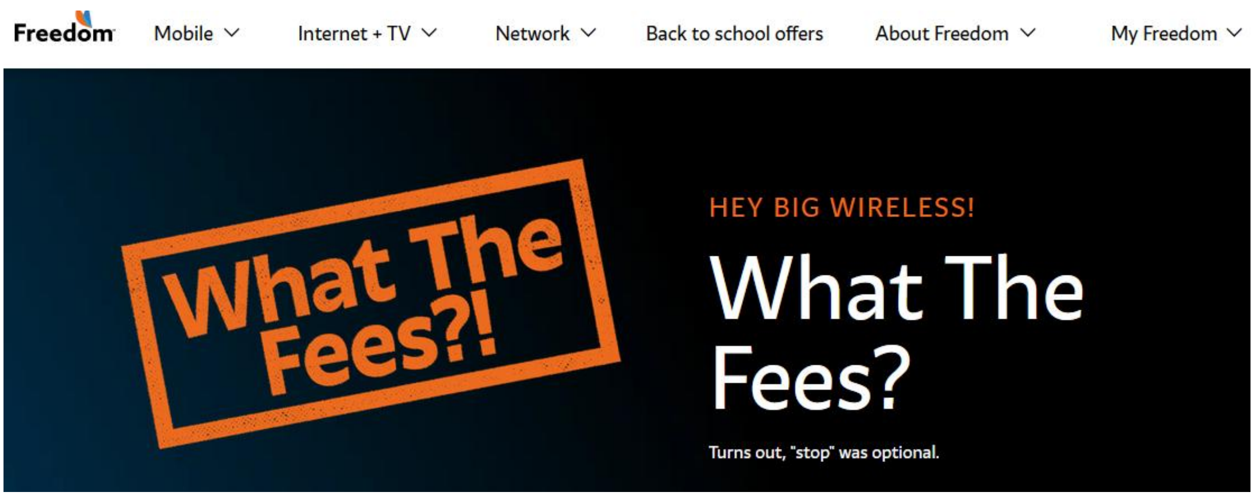
sales practices (such as mandatory compliance measures), AMPs could be used to promote future compliance by service providers.[97]

90. FRPC notes that when paid, AMPs are remitted to the Receiver General of Canada, not to the individual subscribers whose trust was betrayed.

4. *Take impact on subscribers into account when enforcing*

91. Many consumers who commented in the proceeding that led to 2026-43 mentioned their experience with and opposed the fees described in 2024-294.[98] This suggests that by 2024 extraneous, 'optional', fees had become a telecom business practice. So widespread is the practice that Quebecor launched a marketing campaign to highlight the practice:[99]

Figure 1 Freedom Mobile's campaign mocking 'big wireless' fees



Description of image: Freedom mobile (owned by Quebecor) mocking Bell, Telus and Rogers with a marketing campaign called "*What The Fees?!*" [In reference to fees that were supposed to stop]. Freedom states, "Turns out, "stop" was optional".

92. It is currently unknown how many subscribers from 13 June 2026 to 31 August 2026 paid fees that were actually prohibited. The absence of this fact from the public record leads logically to a recommendation that TSPs be required to document the date and amount of each charge they impose on individual subscribers so that, going forward, subscribers may

---

[97] CRTC, *Report on MISLEADING OR AGGRESSIVE COMMUNICATIONS RETAIL SALES PRACTICES*, (Ottawa, 2019), Cat. No.: BC92-103/2019E-PDF, at 38.

[98] See, for example, Telecom Notice of Consultation CRTC 2024-294, Intervention # 292, Online: <https://applications.crtc.gc.ca/portail-portal/eng/listes-lists/public-proceedings/18#2024-294>

[99] Freedom Mobile, What the Fees?! Online: <https://www.freedommobile.ca/en-CA/what-the-fees> ; Freedom Mobile Slams Rogers, Bell and Telus Over New Junk Fees, Online: <https://www.iphoneincanada.ca/2026/07/20/freedom-mobile-calls-out-rogers-bell-and-telus-over-new-junk-fees/> ; Freedom Mobile Drops Junk Fees While Rogers, Telus, Bell Push CRTC Boundaries, Online: <https://www.iphoneincanada.ca/2026/06/18/freedom-mobile-drops-junk-fees-big-three-crtc/>

be reimbursed for expenditures they should not have had to make. TSPs should be required to retain these records for at least four years.[100]

FRPC Recommendation 6 The CRTC should require TSPs to document the date and amount of each charge imposed or paid by individual subscribers and to retain these records for four years.

5. Proposed approach

93. The absence of a current compliance enforcement approach by the CRTC – rather than its 2015 *Guidelines* – leads to temptation insofar as penalties are concerned. The companies are large, wealthy and seem privileged; how many would loudly object if they were fined?

94. Yet due to the CRTC's management of its work, the fee-prohibition amendments made to the *Telecommunications Act* in 2024 did not take effect until June 12, 2026.

95. Even if the companies knew – as they did – that Parliament had amended the *Telecommunications Act*, the simple fact is that they first became bound by the prohibition in mid-June 2026.

96. The CRTC should begin by ordering the companies to provide it with a complete list of all 'fees' charged since 12 June 2026, with descriptions of the relationship between the fees and individual subscribers' plans. The Commission should invite public comment on this list – to ensure that marketing descriptions of the fees do not create confusion as to whether plan activation or modification is enabled by the fees. The Commission should then order the companies' to reimburse subscribers for charges they paid and which should not have been levied.

97. It seems reasonable to assume that the companies will protest the time and expense of this work.

98. Yet the companies knew about the amendments before June 2026, persisted in applying the fees after the *Telecommunications Act* was amended, and have also continued to apply these fees after the 12 June 2026 deadline. The true victims in this matter are not the companies but the subscribers who paid the fees.

FRPC Recommendation 7 The CRTC should order Bell, Rogers and TELUS to reimburse subscribers who paid the prohibited fees

99. The CRTC should encourage timely re-payment of the prohibited fees by requiring that the repayment be made within six months of its decision or, regardless of the date of its

[100] *Telecommunications Act*, s. 72.0091 (1): "A proceeding in respect of a violation may not be commenced later than three years after the day on which the subject-matter of the proceedings becomes known to the Commission." A requirement to retain records for 3 years may lead to misconduct not being identified because it may take time for the subject-matter to become known in the first place to the Commission.

decision, by 11 June 2027, along with interest beginning from 11 July 2027. (In other words, the companies should not be permitted to retain their unjust enrichment).

100. The pace of the CRTC's decision-making has slowed in recent years – but ignoring the effect of slow decision-making on the time-value of the charges subscriber were unlawfully required to pay further victimizes subscribers. It may well take the Commission more than a year to decide this matter.[101] The CRTC should spur reimbursement speed by requiring that subscribers receive interest beginning one year from the date that the changes to the *Wireless Code* and *Internet Code* took effect.

FRPC Recommendation 8 The CRTC should order Bell, Rogers and TELUS to calculate and pay subscribers interest on the charges they were unlawfully required to pay, beginning 11 July 2027 and to include the cumulative amount of this interest when reimbursing indivdual subscribers.

101. Transparency helps the public to believe that they can rely on the CRTC to enforce its policies in the public interest. Candour is a positive attribute for all regulatory authorities.

102. The CRTC should take all possible measures to inform members of both Houses of Parliament of its decision and orders, informing the news media, publicizing its decision and orders on it's the first page of its home page. It should also order the companies to publicize the decision and the CRTC's orders on the first page of their home page.

FRPC Recommendation 9 The CRTC should order Bell, Rogers and TELUS to post their summaries of the CRTC's decision and orders on the home page of their website for at least six months (as affected subscribers may not regularly visit the companies' websites)

103. In TRP 2026-43 the CRTC wrote (paragraph 34) that it "will use all available tools to monitor and ensure compliance within the industry, including conducting compliance exercises, reviewing the CCTS's reports, issuing notices of violation, and imposing administrative monetary penalties." The CRTC should establish a report-card system for the ten largest telecommunications service providers separate from that of the CCTS. Only the Commission can provide summary information that would enable members of the public, Parliament and the government to understand the degree to which large companies' meet their legislative and regulatory requirements.

104. While it is true that the CRTC currently publishes companies' reports about their compliance with its requirements, it does so across a wide, disjointed and unadvertised range of pages of its website.

---

[101] See *e.g.* the times between discovery, investigation and decision in Compliance and Enforcement Decisions CRTC 2019-111, 2022-132 and 2024-176.

105. The practical result of this process is that Canadians – lacking time to read CRTC documents explaining why compliance reports have been requested and to read thousands of pages of reports – wind up intuiting that their interests are not being served by either the CRTC or the companies.

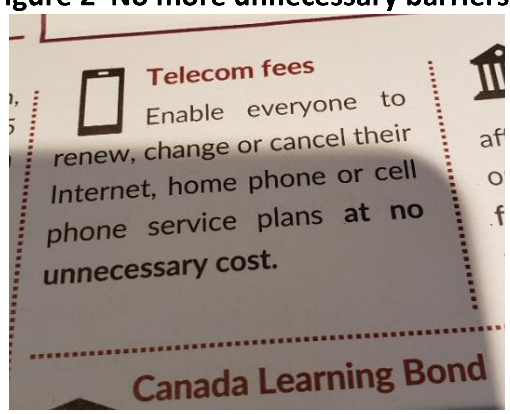
106. The CRTC should revise the first screen of its front page by including a prominent link to information about these companies – something along the lines of, 'How is your service provider doing?'.

FRPC Recommendation 10 The first screen of the CRTC's home page should include a link to a 'How is your service provider doing?' page that sets out a CRTC scorecard for companies' performance with respect to each issue it regulates, showing its performance for the most recent and all preceding years for which reports were filed.

107. Ideally, TSP, WSP and BDU companies and undertakings would also report the CRTC's decisions about their performance in a structured fashion on their websites, as a kind of communications-system nutritional label similar to that used when food-safety inspection reports are posted at restaurants' entrances.

V. Conclusions

Figure 2 No more unnecessary barriers



108. In May 2024 Liberal MP Steven MacKinnon circulated a flyer to his constituents. It included a note about the additional fees now prohibited by Parliament and the Commission. As it notes, these fees "are **unnecessary, contrary to 2026-43 and are a barrier."**[102]

Description of image: The words in the above picture state "Telecom fees - Enable everyone to renew, change or cancel their Internet, home phone or cell phone service plans **at no unnecessary cost**" (emphasis in original document).

109. The government's mandate to the CRTC was clear: "stop unnecessary charges" – the industry's response was to invent new costs. The Commission should enforce the law, reject

[102] This flyer was sent to constituents by Steven MacKinnon in May 2024. The government's own words are clear: the mandate is "at no unnecessary cost". Bell's $40 device handling charge, Telus's $15 SIM fee, and Rogers' $25 shipping fee are unnecessary costs. They are barriers to switching.

the industry's procedural delays, and close the loophole the industry is exploiting. The public interest demands nothing less.

110. Innovative and competitive telecommunications services should ensure that what subscribers pay for telecommunications service is just and reasonable. Innovation should not be focussed on extracting the last possible penny from subscribers, but on ensuring that all Canadians benefit from the best communications system on the planet.

111. FRPC is frankly concerned, however, that due to regulatory entanglement, the decision about this proceeding may not emerge until after the 2026-134 hearing concludes. Our concern on that point is that if this happen, the CRTC may be unable to claim plausibly that it empowered consumers in 2026 – while consumers may argue that it empowered Bell, Rogers and TELUS to extract excess profits from subscribers.

112. These are effectively platitudes, much in the line of 'competitive forces serve Canadians' interests'. It is somewhat difficult to agree that the Commission is working to empower consumers when its approach to describing its 'consumer-protection' *Codes* is itself confusing. For example, Telecom Regulatory Policy CRTC 2026-43 refers to the *Wireless Code* with a link that sends users to the *Wireless Code, simplified*. Its reference to the *Internet Code* sends users to the *Internet Code, simplified*. Using two names for the same document is confusing. If the CRTC wishes to market its Codes as 'simplified', it should do so in their description or preamble, but not in their titles.

113. What Canadians actually need is effective regulatory practices that, as the *Direction* mandates, protects consumers. The CRTC must take measures to require clear, transparent pricing information along with service-plan characteristics. And, as its decisions must be based on evidence, it must collect that evidence. (If the question 2 matter of officer/director liability were on the table, how much evidence did the Commission require or obtain on this point?)

FRPC Recommendation 11 To minimize subscribers' confusion, name *Codes* consistently and reserve descriptors such as 'simplified' for preambles.

114. To reduce confusion further, the CRTC should ensure that its current Codes include "Current as of" date and that previous versions of these Codes include a notification (perhaps in brace brackets to indicate their addition at a later date) that these versions are not longer effective, along with a link to the current version.

FRPC Recommendation 12 To minimize confusion for those using the CRTC's website, the CRTC should distinguish between versions of its regulations and Codes that are in force or are no longer in force.

Appendices

Appendix 1 Chronology of events related to TNoC 2026-155

31 October 2013	Policy clarification on how the Wireless Code applies to tab contracts (Policy 2013-586)
8 October 2014	Policy clarification on how the Wireless Code applies to corporate plans (Decision 2014-528)
27 March 2015	*Guidelines regarding the general administrative monetary penalties regime under the Telecommunications Act*, Compliance and Enforcement and Telecom Information Bulletin CRTC 2015-111 (Ottawa, 27 March 2015)
21 May 2015	Policy clarification on how the Wireless Code applies to early upgrade programs "Rogers Next" and "T-UP!" (Decision 2015-212)
15 June 2017	CRTC completes review of the *Wireless Code* (Telecom Regulatory Policy CRTC 2017-200) and ends locked cellphones as well as unlocking fees
14 August 2017	Policy clarification on how the disconnection rules apply to suspensions (Decision 2015-376)
23 May 2019	Policy Clarification of the device unlocking rules (Decision 2019-169)
11 March 2020	Policy clarification on the rules regarding prepaid balanced (Decision 2020-91)
4 March 2021	Policy clarification on how the Wireless Code applies to device financing plans (Decision 2021-98)
28 October 2022	Clarification of the term "manufacturer's suggested retail price" (Decision 2022-294)
22 November 2024	*Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans*, Telecom Notice of Consultation CRTC 2024-294 (Ottawa, 22 November 2024)
20 December 2024	*Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans – Changes to procedure*, Telecom Notice of Consultation CRTC 2024-294-1 (Ottawa, 20 December 2024) – extends deadlines
9 January 2025	=> initial deadline for interventions in removing switching plan barriers [2024-294]
24 January 2025	=> initial deadline for replies in removing switching plan barriers [2024-294]
14 February 2025	*Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans – Changes to procedure*, Telecom Notice of Consultation CRTC 2024-294-2 (Ottawa, 14

February 2025) – adds interventions from Telecom Notices of Consultation CRTC 2024-293 (*Call for comments – Making it easier to choose a wireless phone or Internet service – Enhancing customer notification*), 2024-295 (*Call for comments – Making it easier to choose a wireless phone or Internet service – Enhancing self-service mechanism*) and 2024-318 (*Notice of hearing – Making it easier for consumers to shop for Internet services*)

24 February 2025 — *Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans – Changes to procedure*, Telecom Notice of Consultation CRTC 2024-294-3 (Gatineau, 28 February 2025) – extends deadlines

28 February 2025 — => revised deadline for interventions in removing switching-plan barriers [2024-294-1]

28 February 2025 — *Call for comments – Making it easier to choose a wireless phone or Internet service – Removing barriers to switching plans – Changes to procedure*, Telecom Notice of Consultation CRTC 2024-293-3 (Gatineau, 28 February 2025) - extends deadlines

17 October 2025 — *Call for comments – Improving customer awareness of the Commission for Complaints for Telecom-television Services Inc.*, Broadcasting and Telecom Notice of Consultation CRTC 2025-274 (Gatineau, 17 October 2025)

12 November 2025 — *Call for comments – Improving customer awareness of the Commission for Complaints for Telecom-television Services Inc. – Changes to procedure*, Broadcasting and Telecom Notice of Consultation CRTC 2025-274-1 (Gatineau, 12 November 2025) – suspends deadlines

17 November 2025 — => initial deadline for interventions on improving customer awareness [2025-274]

2 December 2025 — => initial deadline for replies on improving customer awareness [2025-274]

12 March 2026 — *Prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Regulatory Policy CRTC 2026-43 (Gatineau, 12 March 2026)

12 March 2025 — => re-revised deadline for interventions in removing switching-plan barriers [2024-294-3]

14 March 2025 — => revised deadline for replies in removing switching-plan barriers [2024-294-1]

26 March 2025 — => re-revised deadline for replies in removing switching-plan barriers [2024-294-3]

27 April 2026	*Call for comments – Improving customer awareness of the Commission for Complaints for Telecom-television Services Inc. – Reinstating the proceeding with changes to procedure*, Broadcasting and Telecom Notice of Consultation CRTC 2025-274-2 (Ottawa, 23 April 2026)
June 2026	CRTC website begins to malfunction
12 June 2026	2026-43 prohibition on activation or modification fees enters into effect (¶¶32, 40)
12 June 2026	*Harmonizing the consumer protection codes*, Broadcasting and Telecom Notice of Consultation CRTC 2026-134, *Notice of hearing* (Gatineau, 12 June 2026)
30 June 2026	CRTC issues *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans*, Telecom Notice of Consultation CRTC 2026-155 (Gatineau, 30 June 2026)
13 July 2026	*Call for comments – Improving customer awareness of the Commission for Complaints for Telecom-television Services Inc. – Changes to procedure*, Broadcasting and Telecom Notice of Consultation CRTC 2025-274-3 (Gatineau, 13 July 2026) – extends deadlines
23 July 2026	=> new deadline for proposals customer awareness of CCTS [2025-274-2]
29 July 2026	CRTC suspends 2026-155 deadlines in *Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Changes to procedure*, Telecom Notice of Consultation CRTC 2026-155-1 (Gatineau, 29 July 2026)
30 July 2026	=> initial deadline for interventions on prohibited-fees show-cause proceeding [2026-155]
10 August 2026	=> initial deadline for replies on prohibited-fees show-cause proceeding [2026-155]
11 August 2026	=> initial deadline for interventions on harmonized codes [2026-134]
	Harmonizing the consumer protection codes – Change to procedure, Broadcasting and Telecom Notice of Consultation CRTC 2026-134 (Gatineau, 11 August 2026) – extends deadline
14 August 2026	=> revised deadline for interventions on harmonized codes [2026-134]
	Show cause and call for comments – Compliance with the prohibition of fees that are a barrier to switching cellphone and Internet plans – Procedural determinations, Telecom Notice of Consultation CRTC 2026-155-2 (Gatineau, 14 August 2026)

24 August 2026	=> revised deadline for interventions customer awareness of CCTS [2025-274-2]
24 August 2026	*Call for comments – Improving customer awareness of the Commission for Complaints for Telecom-television Services Inc. – Procedural request to suspend the proceeding*, Broadcasting and Telecom Notice of Consultation CRTC 2025-274-4 (Gatineau, 24 August 2026) – denies request to suspend proceeding
31 August 2026	=> revised deadline for interventions on prohibited-fees show-cause proceeding [2026-155-2]
8 September 2026	=> revised deadline for replies on prohibited-fees show-cause proceeding [2026-155-2]
8 September 2026	=> revised deadline for replies re customer awareness of CCTS [2025-274-2]
7 October 2026	=> re-revised deadline for interventions for customer awareness of CCTS [2025-274-3]
13 November 2026	=> re-revised deadline for replies for customer awareness of CCTS [2025-274-3]
30 November 2026	CRTC Broadcasting and Telecom Public Hearing on *Harmonizing the consumer protection codes* [see Broadcasting and Telecom Notice of Consultation CRTC 2026-134]

Appendix 2 DM# 4756425 - Réponse-Response – 23 July 2024 – 240823 – Bell Canada – Activation and Modification Fees – RFI Responses -ATT_ABR.

Service Type	Brand	[Bell] Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)	Amount of the Fee or Range Q.1(c)
Wireless	POSTPAID - Bell Mobility - Virgin Plus	Activation Fee (New Customers)	This fee is included as part of the cost of wireless services as there are costs associated with the activation of a wireless device including labour, supply chain (shipping), and real estate for physical stores or investment in online self serve tools.	When customers activate a wireless device, (including when subscribers move between brands and from prepaid to postpaid).	$60.00
Wireless	POSTPAID - Bell Mobility - Virgin Plus	Hardware Upgrade (HUG) Fee (Existing Customers)	This fee is included as part of the cost of wireless services as there are costs associated with the activation of a wireless device including labour, supply chain (shipping), and real estate for physical stores or investment in online self serve tools.	When existing customers activate a wireless device.	$60.00
Wireless	POSTPAID - Bell Mobility - Virgin Plus	Service Adjustment Fee	This fee solely applies when a customer requests to change their rate plan or data add-on and that the change take effect retroactively (or immediately). The rationale for the cutomer's request is that the larger data allotment of their new arrangement is retroactively (or immediately) applied, eliminating the usage charges they may have otherwise incurred (or are impending) under their previous plan. Customers are not charged to change their rate plan or data add-on when that change is made effective to the start date of their next billing cycle.	Solely when a rate plan or a plan feature is backdated at the customer's request rather than applied effective the start date of their next billing cycle.	$20.00
Wireless	POSTPAID - Bell Mobility - Virgin Plus	Employee Purchase Plan (EPP) Migration Fee	This fee reflects the work involved for our call center agents performing the migration of the customer from non-EPP plans to EPP plans. In our IT systems EPP Plans are not typically available as a rate plan change and this process allows customers to switch rate plans without cancelling their current account and activating a new account on EPP. There are incremental costs with this migration as it requires additional validation by customer care reps to ensure the customers qualify for the EPP plans.	When customers move from a Non-EPP to Consumer EPP plan.	$50.00
Wireless	PREPAID - Bell Mobility - Virgin Plus - Lucky Mobile	Postpaid to Prepaid Migration Fee	This "fee" represents the initial balance that a customer migrating from our postpaid services to our prepaid services will have applied to their prepaid account (i.e., the customer's prepaid account will start with a $50 balance) and ensures their will be continuity of service for the migrating customer.	When customers migrate from a prepaid Wireless plan to a postpaid Wireless plan.	$50.00
Wireless	PREPAID - Bell Mobility - Virgin Plus	SIM Card Fee ($0 for eSIM)	This fee reflects the costs of purchasing and packaging/handling of the SIM card.	When customers activate prepaid services.	$10.00 (SIM) $0 (ESIM)

Service Type	Brand	[Bell] Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)	Amount of the Fee or Range Q.1(c)
	- Lucky Mobile				
Wireline	Bell MTS	Line Connection Residential	This fee reflects the work involved in initially receiving, recording and processing the customer's request and the subsequent provisioning of service to connect the customer's telephone line to our network, including the work in our Central Office or reconnecting facilities.	When customers order new home phone services.	$12.00
Wireline	Bell Aliant	Line Connection Residential (NB)	This fee reflects the work involved in initially receiving, recording and processing the customer's request and the subsequent provisioning of service to connect the customer's telephone line to our network, including the work in our Central Office or reconnecting facilities.	When customers order new home phone services.	$22.00
Wireline	Bell Aliant	Line Connection Residential (NS & PEI)	This fee reflects the work involved in initially receiving, recording and processing the customer's request and the subsequent provisioning of service to connect the customer's telephone line to our network, including the work in our Central Office or reconnecting facilities.	When customers order new home phone services.	$35.00
Wireline	Bell Aliant	Line Connection Residential (NL)	This fee reflects the work involved in initially receiving, recording and processing the customer's request and the subsequent provisioning of service to connect the customer's telephone line to our network, including the work in our Central Office or reconnecting facilities.	When customers order new home phone services.	$43.30
Wireline	Bell Canada	Line Connection Residential	This fee reflects the work involved in initially receiving, recording and processing the customer's request and the subsequent provisioning of service to connect the customer's telephone line to our network, including the work in our Central Office or reconnecting facilities.	When customers order new home phone services.	$49.95
Wireline	Bell Canada	Self Install Fee	This fee reflects the postage and labour required to mail out Internet hardware. This fee was only applied for new Bell Canada customers residing in Ontario from July 5 2024 to July 19 2024 and is not currently assessed. Nevertheless, we have provided the requested information for the sake of completeness.	When customers selected self Install option during new Internet orders.	$20.00
Wireline	EBOX	Outside Inventory Modem Fee	This fee reflects the added costs of supporting a customer-provided modem instead of the standard EBOX provided modem.	When customers opt to provide their own modem.	$20.00
Wireline	EBOX	Dry-loop Activation Fee	This fee reflects the costs to provision and fulfill new Internet connections that require dry loops.	When customers order a DSL Internet service that requires a dry loop.	$20.00

Service Type	Brand	[Bell] Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)	Amount of the Fee or Range Q.1(c)
Wireline	EBOX	Outside Inventory Modem Fee (Videotron resale)	This fee reflects the added costs of supporting a customer-provided modem instead of the standard EBOX provided modem.	When customers opt to provide their own modem.	$20.00
Wireline	EBOX	Installation Fee (Cablevision, Cogeco, ROGERS, Videotron resale)	This fee reflects the costs to provision and fulfill new Internet connections.	When customers order new Internet services.	$49.95
Wireline	EBOX	Port Number Fee	This fee reflects the administrative costs of completing a number port-in (which involves more cost than provisioning a new phone number).	When customers choose to port-in an existing number for VoIP service.	$20.00
Wireline	Oricom	VoIP Activation Fee (standalone)	This fee is only charged for VoIP service when purchased on its own, to cover cost of provisioning and setting up service.	When customers request to activate a new VoIP service without Internet.	$9.95
Wireline	Oricom	Plan Change fee (Telus Resale)	This fee reflects the cost charged to Oricom by Telus.	When customers request to change a service plan that is resold from Telus.	$25.00
Wireline	Acanac	Internet Activation Fee	This fee reflects the administrative costs to provision and fulfill new Internet connections.	When customers order new Internet services.	$30.00
Wireline	Acanac	Internet Installation Fee	This fee eflects [*sic*] the 3rd party and internal costs to install new Internet connections.	When customers order new Internet services.	$49.95
Wireline	Distributel	Internet Activation Fee	This fee reflects the administrative costs to provision and fulfill new Internet connections.	When customers order new Internet services.	$30.00
Wireline	Distributel	Internet Installation Fee	This fee reflects the 3rd party and internal costs to install new Internet connections.	When customers order new Internet services.	$50.00
Wireline	Primus	Internet Activation and Installation Fee	This fee reflects the 3rd party, internal, and administrative costs to provision, fulfill and install new Internet connections.	When customers order new Internet services.	$59.95
Wireline	B2B2C	VOIP Activation Charge	This fee is only charged for VoIP service when purchased on its own, to cover cost of provisioning and setting up service.	When customers request to activate a new VoIP service without Internet.	$35.00
Wireline	Northwestel	Line Connection Residential	This fee reflects the costs associated for work done in the Company's Central Office and elsewhere necessary to connect the customer's service to the network. Involves the costs associated with connecting the customer's premise to the Central Office and the connections made within the Central Office.	When customers connect individual services to the network, have bridged connections in the Central Office, change telephone numbers, or have services restored after suspension.	$45.31
Wireline	Northwestel	Order Processing Residential	This fee reflects the costs associated for the work done in receiving, recording and processing information necessary to comply with customer's request.	When customers completes a service order or makes changes to their service.	$41.30

Service Type	Brand	[Bell] Fee Name	Rationale for the Fee Q.1(a)	When the Fee May be Charged Q.1(b)	Amount of the Fee or Range Q.1(c)
Wireline	NorthernTel	Self Install Internet only Fee (Dry DSL)	This fee reflects the costs associated of technician work at the Central Office.	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).	$39.95
Wireline	Telebec	Self Install Internet only (Dry DSL)	This fee reflects the costs associated of technician work at the Central Office.	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).	$39.95

Appendix 3 Bell's responses based on the nature of the prohibited fee and brand

New [Bell] Fee Name - service described in Q.(b) answer	Brand	When the Fee May be Charged Q.1(b)	Total
Activation	Acanac	When customers order new Internet services.	$30.00
	B2B2C	When customers request to activate a new VoIP service without Internet.	$35.00
	Distributel	When customers order new Internet services.	$30.00
	EBOX	When customers order a DSL Internet service that requires a dry loop.	$20.00
	Oricom	When customers request to activate a new VoIP service without Internet.	$9.95
	POSTPAID - Bell Mobility - Virgin Plus	When customers activate a wireless device,(including when subscribers move between brands and from prepaid to postpaid).	$60.00
		When existing customers activate a wireless device.	$60.00
	PREPAID - Bell Mobility - Virgin Plus - Lucky Mobile	When customers activate prepaid services.	$ -
	Primus	When customers order new Internet services.	$59.95
Connection	Northwestel	When customers connect individual services to the network, have bridged connections in the Central Office, change telephone numbers, or have services restored after suspension.	$45.31
Customer-provided modem	EBOX	When customers opt to provide their own modem.	$40.00
Modify plan	Oricom	When customers request to change a service plan that is resold from Telus.	$25.00
	POSTPAID - Bell Mobility - Virgin Plus	Solely when a rate plan or a plan feature isbackdated at the customer's request rather than applied effective the start date of their next billing cycle.	$20.00
		When customers move from a Non-EPP to Consumer EPP plan.	$50.00
	PREPAID - Bell Mobility - Virgin Plus - Lucky Mobile	When customers migrate from a prepaid Wireless plan to a postpaid Wireless plan.	$50.00

New [Bell] Fee Name - service described in Q.(b) answer	**Brand**	**When the Fee May be Charged Q.1(b)**	**Total**
New service	Acanac	When customers order new Internet services.	$49.95
	Bell Aliant	When customers order new home phone services.	$100.30
	Bell Canada	When customers order new home phone services.	$49.95
	Bell MTS	When customers order new home phone services.	$12.00
	Distributel	When customers order new Internet services.	$50.00
	EBOX	When customers order new Internet services.	$49.95
New service or modify plan	Northwestel	When customers completes a service order or makes changes to their service.	$41.30
Porting in	EBOX	When customers choose to port-in an existing number for VoIP service.	$20.00
Self-installation	Bell Canada	When customers selected self Install option during new Internet orders.	$20.00
	NorthernTel	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).	$39.95
	Telebec	When customers request Internet-only service to a recently disconnected premise (within the previous ~6 months).	$39.95
Total			$1,008.56

Appendix 4 Compliance reports published by the CRTC

Location	Reports
Internet Code	TRP 2019-269: *Public record: 1011-NOC2018-0422* CRTC website: 2018-422, -1, -2 page [2018-422 is the notice of consultation that resulted Telecom Regulatory Policy CRTC 2019-269, (Ottawa, 31 July 2019), which directed ISPs to report annually by 31 August to show that "they have implemented the Code effectively and on time, and describe how they are ensuring that their customer service representatives are knowledgeable about both the ISPs' and customers' rights and responsibilities under the Code, including those specifically related to Canadians with disabilities; …[103]] 2020 Compliance Reports 2021 Compliance Reports 2022 Compliance Reports 2023 Compliance Reports 2024 Compliance Reports 2025 Compliance Reports
Wireless Code	CRTC website: *Wireless Code: Implementation Report Card*, which sends users to View the reports, which on 29 August 2026 (11:13 A.M. ET) did not function[104] ("This site can't be reached: Check if there is a typo in applications.crtc.gc.cadocwebbroker.") CCTS website: CCTS annual and mid-year reports => this link sends users to a "Codes, Stats & Reports" page, which at the bottom links to "Compliance Report Cards", which sends users to a "Compliance Report Cards" page which sets out links to eight separate pages: • **2025 Compliance Report Cards** • **2024 Compliance Report Cards** • **2023 Compliance Report Cards** • **2022 Compliance Monitoring Report** • **2021 Compliance Monitoring Report** • **2020 Compliance Monitoring Report** • **2019 Compliance Monitoring Report** • **2018 Compliance Monitoring Report** The 2025 "Compliance Report Cards" lists three "2025 Report Cards": **1. Compliance with the CCTS' Public Awareness Plan** **2. Compliance with the Procedural Code** **3. Compliance with Financial Requirements** None of these pages provides information about the service providers found in breach by the CCTS (see

*** * * End of document * * ***

103 *The Internet Code*, Telecom Regulatory Policy CRTC 2019-269 (Ottawa, 31 July 2019), at ¶480.
104 The link that could not be reached was: https://applications.crtc.gc.cadocwebbroker/OpenDocument.aspx?Key=62279&Type=Notice
The CRTC's website has been malfunctioning or not functioning at all since the beginning of June 2026.