

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc*, 2025 Comp Trib 23

File No.: CT-2024-012

Registry Document No.: 101

**IN THE MATTER OF** the *Competition Act*, RSC, 1985, c C-34 as amended;

**AND IN THE MATTER OF** an application by the Commissioner of Competition for an order under section 74.1 of the *Competition Act* for conduct reviewable pursuant to paragraph 74.01(1)(a) and subsections 74.011(1) and 74.011(2) of the *Competition Act*;

BETWEEN:

**Commissioner of Competition**  
(applicant)

and

**Rogers Communications Inc.**  
(respondent)



Date of hearing by videoconference: November 7, 2025

Before: Madam Justice Jocelyne Gagné

Date of Reasons for Order and Order: 12 December 2025

**ORDER AND REASONS PARTIALLY GRANTING ROGERS' REFUSALS MOTION**

## **I. OVERVIEW**

[1] Rogers Communications Inc. brings this motion for an order compelling the Commissioner of Competition to answer a series of questions refused and/or partly answered at the examination for discovery of the Commissioner's representative, Ms. Kathleen Phillipowsky, held on September 3, 4, and 5, 2025, as set out in the chart of refusals attached hereto as Schedule "A" [the Refusals Motion].

[2] Out of the 94 questions posed to Ms. Phillipowsky that were refused, Rogers seeks to compel answers to 59 questions, organized into three categories:

- (a) questions related to the facts and conclusions reached regarding the Commissioner's assessments in 2020 and 2021 of unlimited data representations, his investigation commenced in March 2022, and his inquiry commenced in April 2023; this category is divided into two sub-categories:
  - i. Assessment Questions (21 questions);
  - ii. Investigation and Inquiry Questions (24 questions);
- (b) questions related to the alleged breach of the deemed undertaking rule and a confidentiality order in the Rogers-Shaw litigation by the Commissioner (5 questions); and
- (c) questions related to other factual allegations pleaded by the Commissioner in his Notice of Application and Reply (9 questions).

[3] At the time the parties filed their Motion Record, the Tribunal had not yet issued its decision in respect of Rogers' motion to amend its response. However, the Tribunal issued its order on the proposed amendments to Rogers' response [the Response Amendment Order] prior to the hearing of the Refusals Motion. During the hearing of the Refusals Motion, Rogers argued that despite the fact it was *not* granted leave to amend its response to plead (i) a defense of estoppel and waiver, (ii) an alleged breach of the deemed undertaking rule by the Commissioner, and (iii) some additional facts pertaining to the remedies sought in the Notice of Application, this Refusals Motion should nevertheless be granted. According to Rogers, all categories of questions are relevant to the issues in dispute, not precluded by the Tribunal's production order dated August 11, 2025 (the Production Order, which required the Commissioner to produce third-party records, but declined to compel the Commissioner to produce certain records relating to his investigation of unlimited plan representations), and not protected by any privilege.

## **II. THE NOTICE OF APPLICATION**

[4] On December 23, 2024, the Commissioner filed a Notice of Application pursuant to section 74.1 of the *Competition Act* (RSC, 1985, c C-34 as amended), alleging that Rogers has previously engaged in and continues to engage in reviewable conduct contrary to paragraph 74.01(1)(a) and subsections 74.011(1) and 74.011(2) of the Act.

[5] According to the Commissioner, Rogers misleads consumers by offering data plans that are said to be unlimited, but that, in fact, have limits [the Infinite plans]. The Commissioner argues

that by advertising limited data plans as if they were unlimited, Rogers has made and continues to make representations to the Canadian public that are false or misleading in a material respect for the purpose of promoting the supply or use of wireless telecommunication services and related products, and its business interests more generally.

[6] The Commissioner seeks various forms of relief, including “a declaration that [Rogers] has engaged in, and continues to engage in, reviewable conduct contrary to paragraph 74.01(1)(a) and subsections, 74.011(1) and 74.011(2) of the Act”; “an order prohibiting Rogers from engaging in the reviewable conduct or substantially similar reviewable conduct in Canada for a period of ten years from the date of such order”; “an order requiring Rogers to pay such an administrative monetary penalty as the Tribunal deems appropriate”, and “an order requiring Rogers to pay an amount, not exceeding the total amounts paid to Rogers for the products in respect of which the reviewable conduct was engaged in, to be distributed among those persons to whom the products were sold, in an amount and manner to be assessed by the Tribunal.”

### **III. PROCEDURAL BACKGROUND**

[7] Rogers filed its Response to the Commissioner’s Application on February 6, 2025, denying any false and misleading representations relating to its Infinite plans. The Commissioner filed a Reply to Rogers’ Response on February 20, 2025.

[8] On July 7, 2025, Rogers brought a motion to compel further documentary production from the Commissioner. A videoconference hearing was held on July 14, 2025.

[9] On August 11, 2025, the Tribunal issued the Production Order.

[10] Examinations on discovery took place on August 27-29, 2025, and September 3-5, 2025. The parties exchanged answers to undertakings and further productions from September 19 to October 3, 2025.

[11] Rogers’ motion to amend its response was heard by videoconference on October 17, 2025. The Response Amendment Order was issued on November 5, 2025 (with a revised version issued on November 7 to fix non-material errors); among other things, it allowed Rogers to amend its response to file a constitutional challenge in respect of the administrative monetary penalty regime found in subparagraph 74.1(1)(c)(ii) of the Act.

[12] Examinations on the answers to undertakings and additional documents produced by the Commissioner were also scheduled to take place on December 1, 2, 4 and 5, 2025.

[13] The hearing on the merits is scheduled to commence on March 30, 2026.

### **IV. ISSUE TO BE DETERMINED**

[14] The sole issue raised by the present motion is whether the Commissioner should be compelled to answer the questions listed in Schedule “A”.

## V. ANALYSIS

[15] Rule 34(1) of the *Competition Tribunal Rules*, SOR/2008-141 provides that, if a question arises as to the practice or procedure to be followed in proceedings before the Tribunal that is not provided therein, the *Federal Court Rules*, SOR/98-106 [the FC Rules] may be applied. The Tribunal will therefore refer to the FC Rules in respect of this Refusals Motion.

[16] Rule 240 of the FC Rules provides that a person being examined for discovery must answer, to the best of the person's knowledge, information, and belief, any question that is relevant to the unadmitted facts in the pleadings.

[17] In *Canada v Lehigh Cement Limited*, 2011 FCA 120, the Federal Court of Appeal articulated the test as follows:

[34] ... a question is relevant when there is a reasonable likelihood that it might elicit information which may directly or indirectly enable the party seeking the answer to advance its case or to damage the case of its adversary, or which fairly might lead to a train of inquiry that may either advance the questioning party's case or damage the case of its adversary. Whether this test is met will depend on the allegations the questioning party seeks to establish or refute.

[18] The principle in *Lehigh Cement* is a flexible standard. Doubts as to relevance are to be resolved in favour of disclosure (*The Commissioner of Competition v Live Nation Entertainment, Inc*, 2019 Comp Trib 3 at para 8). Refusals motions are guided by the key objective of achieving a level of disclosure sufficient to allow each side to proceed fairly, efficiently, and effectively towards a hearing, with sufficient knowledge of the case each party must meet (*Live Nation* at para 6; *Canada (Commissioner of Competition) v Secure Energy Services Inc*, 2022 Comp Trib 3 at para 6).

### A. **Category #1: Questions related to the Commissioner's Assessment, Investigation and Inquiry**

[19] Rogers seeks to compel the Commissioner to answer questions related to the underlying facts and conclusions reached in respect of (i) the assessments in 2020 and 2021 into telecommunications carriers' "unlimited" plan representations, and (ii) his investigation and inquiry into Rogers specifically.

[20] Rogers first argued in its written materials that these questions were relevant to the defenses of estoppel and waiver. To the extent that these defences were denied – which they ultimately were by virtue of the Response Amendment Orders – Rogers also asserted that these questions remain relevant to:

- (a) The Commissioner's allegations and discovery evidence regarding the general impression created by and impact of the representations at issue (qq. 230, 231, 232, 330-331, 340, 342, 345, 400, 401 from September 3, 2025; and qq. 66-67, 68, 194, 195, 196-197, 201-204, 205, 222, 235-236, 237, 238, 239, 243, 319 from September 5, 2025);

- (b) The Tribunal’s exercise of its discretion on remedies and the aggravating factors alleged by the Commissioner (qq. 230, 231, 232, 248, 275, 274-279, 322, 330-331, 332-333, 334, 335, 338, 340, 342, 345, 383, 385-386, 390, 392, 398, 400, 401 from September 3, 2025; and qq. 65, 66-67, 68, 69-70, 141, 142, 143, 144, 149-150, 192, 193, 194, 195, 196-197, 201-204, 205, 222, 235-236, 237, 238, 239, 243 from September 5, 2025); and
- (c) Whether costs should be awarded against the Commissioner, in the event Rogers is successful at trial (qq. 230, 231, 232, 248, 275, 274-279, 322, 330-331, 332-333, 334, 335, 338, 340, 342, 345, 383, 385-386, 390, 392, 398, 400, 401 from September 3, 2025; and qq. 65, 66-67, 68, 69-70, 141, 142, 143, 144, 149-150, 192, 193, 194, 195, 196-197, 201-204, 205, 222, 235-236, 237, 238, 239, 243 from September 5, 2025).

[21] The Commissioner’s position is that by using the word “unlimited” in relation to Rogers’ Infinite plans, consumers understand this to mean that it is offering unlimited high-speed data. This meaning is plain on the words and, accordingly, those representations are false or misleading on their face.

[22] I agree with Rogers that both the general impression of Rogers’ representations and whether they were material to consumers’ purchasing decisions must be tied to the relevant facts. While there is a “certain legal dimension” to the issue, the question is fundamentally what the relevant consumer understands the representations to mean (*Live Nation* at para 26). Similarly, whether a representation is “material” depends on whether it could affect the relevant consumer’s purchasing decision (*Canada (Commissioner of Competition) v Cineplex Inc*, 2024 Comp Trib 5 at para 418). These are the factual questions on which Ms. Phillipowsky gave evidence for the Commissioner.

[23] I also agree with Rogers that it is entitled to test and challenge the Commissioner’s evidence on the issue of general impression and materiality. Amongst the questions identified above, I am allowing those which, in my view, are directed to these issues (noting that some are refused due to their formulation).

[24] However, I disagree with Rogers that whether the Commissioner or any Bureau officer has previously found its representations questionable or problematic under the deceptive marketing practices provisions of the Act is likely to have an impact on the remedy or costs the Tribunal may impose or grant, should it find in favour of the Commissioner. The Tribunal’s decision will be based on the evidence gathered during the investigation and presented at trial, not on anybody’s past assessment of this evidence.

**B. Category 2: Questions related to the Commissioner’s Alleged Breach of the Deemed Undertaking Rule**

[25] Considering the terms of the Response Amendment Order, which denied leave to Rogers to amend its response and plead a breach of the deemed undertaking rule, the 5 questions in this category are refused.

**C. Category 3: Questions related to other Factual Allegations Made by the Commissioner**

[26] Rogers seeks to compel the Commissioner to answer questions allegedly related to specific factual allegations pleaded in his Notice of Application. These questions concern throttled speeds, identifying the representations challenged by the Commissioner, and representations made by Comwave Networks Inc. referred to in the Deceptive Marketing Digest Volume 3.

[27] In his Notice of Application, the Commissioner pleads:

[36] Many operations that could be done quickly before the throttling, become difficult or virtually impossible after data is throttled. This fundamentally impacts the functionality of any application that requires high-speed data, such as streaming, video calling or cloud gaming. For example, Rogers indicates that downloading an HD movie takes 1 to 4 minutes at 1 Gbps to 250 Mbps respectively, but this will take over a day to download at 512 kbps. Contrary to the general impression conveyed by Rogers' representations, once throttled, consumers can no longer do all that they want to do with their data.

[28] In my view, what is relevant to this allegation is the measurement of difficulty (or the outright impossibility) the Commissioner used in its assessment, not hypothetical questions as to what the Commissioner's opinion would be in different scenarios. In other words, what is relevant are the facts before the Tribunal, not an assessment of factual scenarios not before the Tribunal. I am therefore allowing what is, in my view, relevant.

[29] Based on the following allegation, Rogers wants the Commissioner to identify each of the representations made and alleged to be false or misleading:

[8] Specifically, Rogers has made, and continues to make, representations to the public that convey the materially false or misleading general impression that Rogers Infinite Unlimited Plans offer unlimited and infinite data, allowing consumers to use as much data as they want, free from data limits...

[18] Rogers made the impugned representations through various channels, including television, radio, social media, online banner advertisements, in billboards, in malls, in live events, and even on public transit wraps...

[30] The Commissioner states this was open on a motion for particulars, not on discovery. I would say if anything, it is the contrary.

[31] However, I agree with the Commissioner that being asked to identify all specific representations at issue and the general impression each of them conveyed is excessive. Compelling the Commissioner to undertake an individualized review of the over 20,000 records containing representations produced by Rogers would be disproportionate, unduly burdensome, and unnecessary to determine the issues.

[32] The Notice of Application already sets out the facts necessary to assess whether a representation is false or misleading. The Commissioner's case does not depend on the precise

wording of each representation, but on the use of the term “infinite” or “unlimited”, the display of the Rogers infinity loop, or anything else that conveys that the data provided is “unlimited”. Those are the features that the Tribunal will need to assess and determine whether they are false or misleading. In my view, the Notice of Application offers sufficient examples of historic and ongoing representations to allow the Tribunal to make this assessment. These questions are therefore refused.

## **VI. CONCLUSION**

[33] For the above reasons, Rogers’ Refusals Motion is granted in part, the specific of which being set in the attached Schedule “A”. Costs will be in the cause.

### **FOR THESE REASONS, THE TRIBUNAL ORDERS THAT:**

[34] Rogers’ Refusals Motion is granted in part.

[35] The Commissioner is compelled to answer the questions refused and/or partially answered at the examination for discovery of Ms. Kathleen Phillipowsky, held September 3, 4, and 5, 2025, which are marked “**Allowed**” in the chart of refusals attached hereto as Schedule “A”.

[36] As success on this motion is divided, costs shall be in the cause.

DATED at Ottawa, this 12 of December 2025.

SIGNED on behalf of the Tribunal by the Presiding Judicial Member.

(s) Jocelyne Gagné

**COUNSEL OF RECORD:**

For the applicant:

**Commissioner of Competition**

Jonathan Hood  
Kevin Hong  
Irene Cybulsky  
Kendra Wilson

For the respondent:

**Rogers Communications Inc.**

Jonathan Liss  
Crawford Smith  
Alexander T. Mulligan  
Anita Banicevic  
Taraleigh Stevenson

**SCHEDULE “A”  
THE COMPETITION TRIBUNAL**

**IN THE MATTER OF** the *Competition Act*, R.S.C. 1985, c. C-34;

**AND IN THE MATTER OF** an application by the Commissioner of Competition for an order pursuant to s. 74.1 of the *Competition Act* regarding conduct reviewable pursuant to paragraph 74.01(1)(a) and subsections 74.011(1) and 74.011(2) of the *Competition Act*;

BETWEEN:

COMMISSIONER OF COMPETITION

Applicant

and

ROGERS COMMUNICATIONS INC.

Respondent

**SCHEDULE “A” CHART OF REFUSALS**

**Category #1: Assessment, investigation, and inquiry questions**

(a) *Assessment Questions*

REFUSALS				
No.	Page	Ques.	Question	Justice Gagné’s decision
<b>September 3, 2025</b>				
1.	91 – 92	383	To advise if the preliminary assessment resulted in a recommendation to start an investigation.	Allowed

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
2.	92	385 – 386	To advise who the individuals conducting the preliminary assessment reported to.	Refused
3.	93	390	To advise who Ms. Phillipowsky believes was the person to whom the individuals conducting the preliminary assessment reported to.	Refused
4.	94	392	To advise if the person to whom the people conducting the preliminary assessment reported to was different than the person who instructed Ms. Phillipowsky to commence an investigation.	Refused
5.	96 – 97	398	To advise if whether somebody conducting a preliminary assessment writes a recommendation as to whether or not to open an investigation.	Allowed
6.	96	400	To advise if the preliminary assessment is closed.	Allowed
7.	96 – 97	401	To confirm that the preliminary assessment was not ongoing in that period of time between September 2020 and September 2021.	Allowed
<b>September 5, 2025</b>				
8.	485	192	To advise whether the Competition Bureau took any steps at or around the time Mr. McPhail sent his email to Mr. Boswell or the introduction of Rogers Infinite wireless plans.	Refused
9.	485	193	To provide a copy of any communication initiating the steps the Bureau took, if it took any at or around the time of Mr. McPhail's email or the launch of Rogers Infinite wireless plans.	Refused
10.	485	194	To advise whether it is the case that when a preliminary assessment is closed, as it was in this case, that there is some communication closing it.	Refused

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
11.	486	195	To advise whether there is a formal or informal communication that brings an assessment to a close.	Allowed
12.	486-487	196 – 197	To advise whether when this preliminary assessment ended or any preliminary assessment ends, whether there is a report by the individuals conducting the preliminary assessment to their superior advising them that they are closing the assessment or asking that they close the assessment.	Allowed
13.	488-489	201 – 204	To confirm that there was a recommendation that was made in 2020, and the recommendation that was made was to wrap up the preliminary assessment.	Allowed
14.	489	205	To provide a copy of the 2020 recommendation.	Allowed
15.	494	222	To advise if the Commissioner agrees that had Rogers sought an advisory opinion, it would have been advised by the Commissioner at the time that the conduct was not reviewable.	Refused
16.	496	235 - 236	To advise how Ms. Sonley first raised this issue of the marketing of unlimited wireless data plans.	Refused
17.	497	237	To advise why Ms. Sonley was raising the issue of the marketing of unlimited wireless data plans.	Refused
18.	497	238	To advise to whom Ms. Sonley raised the issue of the marketing of unlimited wireless data plans.	Refused
19.	497	239	To advise what steps, if any, were taken in relation to Ms. Sonley raising the issue of the marketing of unlimited wireless data plans.	Refused
20.	497-498	243	To advise whether the notes taken by Ms. Assad of the conference call where Ms. Sonley raised the issue of the marketing of unlimited wireless data plans bear on the allegations pleaded by the Commissioner in the Notice of Application.	Refused

REFUSALS				
No.	Page	Ques.	Question	Justice Gagné's decision
21.	524-525	319	To provide the recollection of each of the participants of the telephone call, provided those individuals are still at the Bureau (RFLB00041_000000014).	Refused

(b) *Investigation and Inquiry Questions*

REFUSALS				
No.	Page	Ques.	Question	Justice Gagné's decision
<b>September 3, 2025</b>				
1.	50	230	To advise if Ms. Phillipowsky was satisfied that the Notice of Application reflected the facts upon which your recommendation was based.	Allowed
2.	51	231	To advise if the Notice of Application is consistent with the facts that formed part of the recommendation to commence this litigation.	Allowed
3.	51	232	To advise if there are facts set out in the Notice of Application that are different than those in the recommendation.	Allowed
4.	56	248	To advise when the Commissioner says that litigation became a real possibility such that he is entitled to claim litigation privilege.	Allowed
5.	63-64	275	To advise when the culmination was to recommend that an application be filed.	Refused
6.	65	274 – 279	To advise when the iterative process of recommendations (to pursue an application) began.	Refused
7.	77	322	To advise if there is a distinction between the Commissioner conducting an inquiry and conducting an investigation.	Allowed

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
8.	79	330 – 331	To advise what steps the Commissioner has taken or what facts the Commissioner has learned since filling the Notice of Application in December 2024.	Refused
9.	80	332 – 333	To advise what non-privileged steps the Commissioner has taken in furtherance of an investigation into Rogers' promotion of unlimited wireless plans.	Allowed
10.	80	334	To advise if the Commissioner's examination of a DIG representative, pursuant to Section 11, was part of the investigation.	Allowed
11.	80	335	To advise if the Commissioner's examination of a DIG representative, pursuant to Section 11, was part of the litigation.	Refused
12.	81	338	To advise if the Commissioner's position is that the facts discovered as part of the investigation are privileged.	Allowed
13.	81	340	To advise if there are any facts that the Commissioner has learned through its investigation subsequent to December 2024 that are relevant to the issues in this litigation.	Refused
14.	82	342	To advise if any of the facts supporting the allegations in the Notice of Application were gathered after the application was initiated and to identify which facts those are.	Refused
15.	83	345	To advise what the Commissioner learned from DIG that relates to the allegations in the Notice of Application.	Allowed
<b>September 5, 2025</b>				
16.	444	65	To advise if Ms. Phillipowsky made a recommendation to commence an inquiry.	Allowed

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
17.	444	66 – 67	If there was a recommendation to go on inquiry, to provide information as to whom the recommendation was made, the form of the recommendation, the basis of the recommendation, excluding any legal advice that may have been provided as part of the recommendation, and the documents that underpinned that recommendation.	Refused
18.	444-445	68	To produce a copy of the recommendation itself.	Refused
19.	445	69 – 70	To advise what documents, other than representations in the marketplace, Ms. Phillipowsky gathered as part of her investigation between March 2022 and April 2023.	Allowed
20.	467	141	To review the document, “Cosmos”, at Row 137 (item 135) of the Commissioner’s Schedule B and confirm that the document contains legal advice.	Allowed
21.	468	142	To advise whether it was Ms. Phillipowsky who was seeking the legal advice in the document referred to in the Commissioner’s schedule B productions at item 135 (row 137).	Refused
22.	468	143	To advise why Ms. Phillipowsky was seeking legal advice in the document referred to in the Commissioner’s schedule B productions at item 135 (row 137).	Refused
23.	468	144	To produce a redacted copy of the document at Row 137 (item 135) of the Commissioner’s Schedule B, if the document contains information that is not privileged.	Allowed
24.	470	149 – 150	To advise whether Ms. Cybulsky was on the Project Cosmos team at the time (October 13, 2022).	Allowed

**Category #2: Deemed Undertaking Questions**

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
<b>September 5, 2025</b>				
1.	447	79	To advise who was on the Rogers-Shaw team.	Refused
2.	448	82 – 83	To advise who provided Ms. Phillipowsky with access to the documents produced by the parties in the Rogers-Shaw litigation.	Refused
3.	449-450	86	To confirm whether, as Ms. Phillipowsky was conducting her investigation, she looked at certain documents that came from the Rogers-Shaw productions.	Refused
4.	454	94	To advise what process, procedures, or safeguards the Bureau had in place to ensure that documents produced in the context of the Rogers-Shaw litigation were not shared with members of Ms. Phillipowsky's investigative team.	Refused
5.	454-455	95	To advise whether Ms. Phillipowsky reviewed documents or was provided with copies of documents that were produced by the parties as part of the Rogers-Shaw litigation.	Refused

**Category #3: Other Refusals**

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
<b>September 4, 2025</b>				
1.	264	1096 – 1097	To advise if it is acceptable to market a plan as "unlimited data" if the speed of the data is fixed throughout.	Refused
2.	266	1108	To advise at what speed the Commissioner says there is not an impact on functionality.	Refused
3.	279	1164	To advise if it does not matter whether Rogers throttled at 256 kbps, 512 kbps, or 4G. And to advise if these speeds are a material restriction as explained in Deceptive Marketing Practices Digest, Volume III.	Allowed
4.	282	1175	To advise what throttling speed has a significant influence on the unlimited plan.	Refused
5.	282	1179	To produce the representations made by Comwave (pg. 16 of The Deceptive Marketing Practices, Vol 3).	Allowed
6.	355-356	1503	To advise what measurement of difficulty or virtual impossibility the Commissioner says applies to para. 36 of the Notice of Application.	Allowed
7.	356	1505	To advise what the amount of time is at which it becomes difficult or virtually impossible for a social media site, website, range of websites, streaming, cloud gaming, and/or any other application which the Commissioner alleges there is a difference in time between the max speed and the throttle speed.	Refused
<b>September 5, 2025</b>				

<b>REFUSALS</b>				
<b>No.</b>	<b>Page</b>	<b>Ques.</b>	<b>Question</b>	<b>Justice Gagné's decision</b>
8.	519-520	302	To identify each of the representations made by Rogers that the Commissioner alleges in this application were false and misleading and in what way (para. 46(f) of Notice of Application).	Refused
9.	527	329	To advise what the Commissioner says is the general impression created by the representation and the facts or sources of information relevant to the alleged general impression for each of the representations the Commissioner alleges in this proceeding are false or misleading.	Refused