

Competition Tribunal



Tribunal de la concurrence

Citation: *Canada (Commissioner of Competition) v Rogers Communications Inc.*, 2026 Comp Trib
1

File No.: CT-2024-012

Registry Document No.: 137

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 case management conference by videoconference: January 7, 2026

Before: Madam Justice Jocelyne Gagné (Presiding Member)

Date of order: January 9, 2026

ORDER ON THE COMMISSIONER'S MOTION FOR DIRECTION AND ROGERS' CROSS-MOTION

[1] **FURTHER TO** a motion for direction filed by the Commissioner on December 23, 2025, to be heard during a virtual Case Management Conference [CMC] in early January 2026 (the Motion for Direction), which sought, in essence:

- (a) a determination of the proper scope of the issues before the Tribunal, including a ruling that the issues do not extend to:
 - i. the investigatory process taken by the Commissioner in investigating Rogers' representations; and
 - ii. the opinions, analysis, interpretations of evidence, or assessments by Bureau employees;
- (b) a determination that the documents related to the preliminary case assessment and any other evidence tendered solely in relation to the matters described in paragraph 1(a) above are irrelevant or inadmissible opinion evidence;
- (c) the curtailing of any further pre-hearing disclosure or examination for discovery on the Commissioner's investigatory process, or opinions, analysis, interpretation of evidence, or assessments of Bureau employees.

[2] **AND FURTHER TO** the issuance of a Direction by this Tribunal on December 24, 2025, scheduling the requested CMC on January 7, 2025; the filing on December 30, 2025, of a Memorandum of Fact and Law by the Commissioner in support of her Motion for Direction, which reiterated the relief sought therein albeit by way of order; the filing on December 31, 2025, of a letter and accompanying materials by Rogers, requesting the adjournment of the CMC on various grounds; the filing of a response by the Commissioner on the same day, opposing Rogers' request to adjourn the CMC; the filing on January 5, 2026, of a cross-motion relating to the Commissioner's Motion for Direction [the Cross-Motion] by Rogers, which sought, in essence:

- (a) a determination that all documents by any Rogers employee or third-party containing opinions, analysis, interpretation of evidence or assessments, including of the representations put at issue by the Commissioner, are irrelevant and/or inadmissible opinion evidence;

[3] **AND FURTHER TO** the issuance of a further Direction by this Tribunal on January 5, 2026, confirming the CMC on January 7, 2026; the filing on January 6, 2026, of a response to the Cross-Motion by the Commissioner; and the filing on January 7, 2026, of a Memorandum of Fact and Law by Rogers, in response to the Commissioner's Motion for Direction and in support of its Cross-Motion;

[4] **AND CONSIDERING** the parties' oral submissions made over the course of the January 7, 2026 CMC;

[5] **AND CONSIDERING** the previous decisions from the Tribunal in this matter, including the reasons for order and order partially granting Rogers' motion for additional production, dated August 11, 2025; the reasons for order and order partially granting Rogers' motion to amend its

response, dated November 5, 2025 (as amended on November 7, 2025); and the reasons for order and order partially granting Rogers's refusals motion, dated December 12, 2025;

[6] **AND BEING SATISFIED** that the relief sought by the parties ought to be made by way of an order;

[7] **AND CONSIDERING** that the Tribunal has previously found that the Commissioner's "thought process" as he was investigating Rogers' Infinite plans and their compliance with the Act is not relevant to the issues before the Tribunal; as a result, the ruling sought in paragraph [1](a) above will be reiterated for greater certainty;

[8] **AND FINDING**, however, that it would be premature at this stage, e.g., before the parties have filed their evidence, to rule on the admissibility of the evidence the parties are attempting to exclude from the record; these issues will be left for the hearing of any motions related to the evidence scheduled for March 19, 2026, or for the hearing on the merits of the Commissioners' application scheduled to begin on March 30, 2026;

THE TRIBUNAL ORDERS THAT:

[9] The Commissioner's relief sought in paragraph 1(a) of her Motion for Direction (reproduced herein in paragraph [1](a)) and reiterated in essence in subparagraph 72(a) of her Memorandum of Fact and Law, is granted.

[10] The Commissioner's relief sought in paragraphs 1(b) and (c) of her Motion for Direction (reproduced herein in paragraphs [1](b) and (c)) and reiterated in essence in subparagraphs 72(b) and (c) of her Memorandum of Fact and Law, are premature at this juncture and thus denied.

[11] Rogers' relief sought in its Cross-Motion is denied.

[12] Costs shall be in the cause.

DATED at Ottawa, this 9th day of January 2026.

SIGNED on behalf of the Tribunal by the Presiding Member.

(s) Jocelyne Gagné

COUNSEL OF RECORD:

For the applicant:

Commissioner of Competition

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For the respondent:

Rogers Communications Inc.

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