

COMPETITION TRIBUNAL
TRIBUNAL DE LA CONCURRENCE

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March 16, 2026

The Competition Tribunal
333 Laurier Avenue West
17th Floor
Ottawa, Ontario K1A 0G7

Dear Hon. Justice Gagné:

**Rogers Communications Inc. ats Commissioner of Competition, Court File No.:
CT-2024-012**

I write further to the delivery of Rogers' responding evidence on February 18, 2026. Rogers requests leave to file six expert reports pursuant to rules 2, 34, and 77 of the *Competition Tribunal Rules* and rule 52.4 of the *Federal Courts Rules*. Counsel for Rogers and the Commissioner have conferred, and the Commissioner has no concerns with respect to Rogers' filing. We therefore respectfully request that leave be granted.

By way of further explanation, Rogers' responding record to the Commissioner's case-in-chief comprises four fact witnesses and five expert witnesses. Rogers also notified the Commissioner that it intends to subpoena a representative from Telus. Rogers previously served an expert report in support of its constitutional challenge on January 9, 2026, bringing the total number of experts Rogers intends to call at the hearing to six.

It is appropriate for leave to be granted leave under rules 52.4(1) and (2) of the *Federal Courts Rules* as:

- The Commissioner's application against Rogers is complex and calls into question representations made through various media over a period of more than five years. The evidentiary record she delivered is voluminous, and her experts touch on a number of technical areas including marketing, behavioural economics, market research design and interpretation, consumer behaviour, and user experience at reduced speeds;
- The allegations the Commissioner makes are serious. According to the Commissioner, the application was brought to protect the public from allegedly false and misleading representations, and she seeks a number of remedies including significant monetary penalties;

- The six expert reports that Rogers served in this matter are necessary for Rogers to fairly and completely respond to the Commissioner's case-in-chief and to establish the unconstitutionality of section 74.1(1)(c)(ii) of the *Act*. These six experts are each, based on their own particular specialty, essential to Rogers' defence and will meaningfully assist the Tribunal in deciding this matter. Their evidence is necessary and relevant information for the Tribunal to adjudicate the central issues in this proceeding;
- There is minimal (if any) overlap in the contents of Rogers' expert reports;
- Granting Rogers leave to file six experts will not cause any delay to the hearing or unnecessary strain on the time and resources of the Tribunal and the parties. The Tribunal has already added an extra day to the sitting schedule pursuant to its direction, dated November 25, 2025, to accommodate the evidence in the constitutional challenge;
- The six expert witnesses Rogers seeks to call provide relevant and necessary information that will be of assistance to the Tribunal in assessing the Commissioner's allegations; and
- Allowing Rogers to file six expert reports will not prejudice the Commissioner, and she does not oppose the request.

Yours truly,



Crawford G. Smith

cc. Jonathan Hood, Kevin Hong, Irene Cybulsky, and Kendra Wilson, *Department of Justice Canada - Competition Bureau Legal Services*
Jonathan Lisus, Brad Vermeersch, Zain Naqi, John Carlo Mastrangelo, Alexander T. Mulligan, and Joanna MacDonald, *Lax O'Sullivan Lisus Gottlieb LLP*
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