



Ottawa, 15 February 2022

BY EMAIL

Geoff White
Executive Director and General Counsel
Competitive Network Operators of Canada
204 – 78 George Street
Ottawa, Ontario K1N 5W1
geoff.white@cnoc.ca

Re: Request for recusal filed by Competitive Network Operators of Canada

Dear Mr. White:

We are in receipt of your letter, and associated materials filed on behalf of the Competitive Network Operators of Canada (CNOc), dated 3 February 2022. CNOc alleges in that letter that a reasonable apprehension of bias exists with respect to the Chairperson of the Commission and therefore requests the recusal of the Chairperson from consideration of certain telecommunications matters identified in those materials, which impact service-based competition.

The purpose of this letter is to inform you that this request will not be considered by the Commission or posted to the Commission's website under Part 1 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, as the decision of a Member of the Commission to recuse themselves in respect of a matter is a decision that only the Member can make and does not engage the Commission's processes.

Consistent with the principles of administrative law, when a request for recusal is made in respect of a specific decision-maker, such as a Member of the Commission, the decision to recuse oneself is made by that decision-maker alone. This practice applies to all Members of the Commission upon their appointment and continues throughout their terms whenever matters are brought before them for decision. Whether recusal is appropriate in a given case is a question that each Member must decide each time they adjudicate a matter and the present situation is no different.

Accordingly, when a telecommunications matter involving service-based competition is next before the Commission for consideration, the Chairperson will consider whether to recuse himself or not, as he has consistently done in respect of all matters since his appointment, and

he will render a decision with respect to his participation in those telecommunications matters at that time.

Sincerely,

Stephen Millington
Senior General Counsel and Executive Director,
Legal Sector

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Distribution List

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