

Review of the Canadian Communications Legislative Framework

September 24, 2018

Broadcasting and Telecommunications Legislative Review Panel

Introduction

...A world-class communications sector should enable Canadians to connect with each other and the world, be competitive, be innovative, contribute to economic growth, and provide reliable services at affordable rates to Canadians across the country.

...The proliferation of devices, operators and users that will emerge in the era of 5G wireless networks—and beyond—requires a legislative framework that is able to ensure the provision of adequate spectrum for advanced services, safe and efficient radio apparatus, and access to the 'passive infrastructure' (i.e. poles, ducts and rights-of-way) required to accommodate the advanced and ubiquitous networks of tomorrow.

Broadcasting and Telecommunications Legislative Review Panel,

Terms of Reference, 5 June 2018

<https://www.ic.gc.ca/eic/site/110.nsf/eng/00003.html#sa>

The following are questions within the scope of the Review and Administrative recommendations.

Telecommunications Act and Radiocommunication Act

1. Universal Access and Deployment

1.1 Are the right legislative tools in place to further the objective of affordable high quality access for all Canadians, including those in rural, remote and Indigenous communities?

Recommendation: Participate - Though this applies to more remote areas than Calgary, the digital ecosystem is not isolated and legislative continuity across the country is necessary.

1.2 Given the importance of passive infrastructure for network deployment and the expected growth of 5G wireless, are the right provisions in place for governance of these assets?

Recommendation: Participate - The most relevant topic to municipalities as the threat of new legislation could undermine local authority to manage its rights-of-way and assets (poles, facilities, etc)

2. Competition, Innovation, and Affordability

2.1 Are legislative changes warranted to better promote competition, innovation, and affordability?

Recommendation: Participate - As digital services converge both public and private networks begin to rely on the same underlying infrastructure, systems and frameworks. Legislative changes are required to facilitate the evolution of next generation government services.

3. Net Neutrality

3.1 Are current legislative provisions well-positioned to protect net neutrality principles in the future?

Recommendation: Participate - Municipalities interact with citizens over the public Internet. Net Neutrality provides assurances that citizens can obtain Council content like the streaming of Council sessions.

4. Consumer Protection, Rights and Accessibility

4.1 Are further improvements pertaining to consumer protection, rights, and accessibility required in legislation?

Recommendation: Participate - as citizens increase their online activities they increase their exposure to threats against their personal information. Governments also collect personal information and a municipal perspective is required.

5. Safety, Security and Privacy

5.1 Keeping in mind the broader legislative framework, to what extent should the concepts of safety and security be included in the *Telecommunications Act/Radiocommunication Act*?

Recommendation: Participate - Currently not adequately addressed in the Act's, security and privacy are an escalating issue for both public and private actors.

6. Effective Spectrum Regulation

6.1 Are the right legislative tools in place to balance the need for flexibility to rapidly introduce new wireless technologies with the need to ensure devices can be used safely, securely, and free of interference?

Recommendation: Participate - Spectrum is critical to the digital ecosystem which is more than just retail wireless service providers. Government agencies also require access to dedicated spectrum for private and mission critical wireless networks. E.g. First responders

7. Governance and Effective Administration

7.1 Is the current allocation of responsibilities among the CRTC and other government departments appropriate in the modern context and able to support competition in the telecommunications market?

Recommendation: Participate - Anticipating new legislation will impose on local authority with respect to ROW's and municipal assets participation in this discussion may preserve municipal interests.

7.2 Does the legislation strike the right balance between enabling government to set overall policy direction while maintaining regulatory independence in an efficient and effective way?

Recommendation: Participate - Anticipating new legislation will impose on local authority with respect to ROW's and municipal assets participation in this discussion may preserve municipal interests.

Broadcasting Act

Recommendation: Not Participate - All questions related to Broadcasting have little or no relevance to municipal assets, ROW's or services, but are presented here for review.

8. Broadcasting Definitions

8.1 How can the concept of broadcasting remain relevant in an open and shifting communications landscape?

8.2 How can legislation promote access to Canadian voices on the Internet, in both official languages, and on all platforms?

9. Broadcasting Policy Objectives

9.1 How can the objectives of the *Broadcasting Act* be adapted to ensure that they are relevant in today's more open, global, and competitive environment?

9.2 Should certain objectives be prioritized? If so, which ones? What should be added?

9.3 What might a new approach to achieving the Act's policy objectives in a modern legislative context look like?

10. Support for Canadian Content and Creative Industries

10.1 How can we ensure that Canadian and non-Canadian online players play a role in supporting the creation, production, and distribution of Canadian content?

10.2 How can the CRTC be empowered to implement and regulate according to a modernized *Broadcasting Act* in order to protect, support, and promote our culture in both official languages?

10.3 How should legislative tools ensure the availability of Canadian content on the different types of platforms and devices that Canadians use to access content?

11. Democracy, News and Citizenship

11.1 Are current legislative provisions sufficient to ensure the provision of trusted, accurate, and quality news and information?

11.2 Are there specific changes that should be made to legislation to ensure the continuing viability of local news?

12. Cultural Diversity

12.1 How can the principle of cultural diversity be addressed in a modern legislative context?

13. National Public Broadcaster

13.1 How should the mandate of the national public broadcaster be updated in light of the more open, global, and competitive communications environment?

13.2 Through what mechanisms can government enhance the independence and stability of CBC/Radio-Canada?

13.3 How can CBC/Radio-Canada play a role as a leader among cultural and news organizations and in showcasing Canadian content, including local news?

13.4 How can CBC/Radio-Canada promote Canadian culture and voices to the world, including on the Internet?

13.5 How can CBC/Radio-Canada contribute to reconciliation with Indigenous Peoples and the telling of Indigenous stories by Indigenous Peoples?

13.6 How can CBC/Radio-Canada support and protect the vitality of Canada's official languages and official language minority communities?

14. Governance and Effective Administration

14.1 Does the *Broadcasting Act* strike the right balance between enabling government to set overall policy direction while maintaining regulatory independence in an efficient and effective way?

14.2 What is the appropriate level of government oversight of CRTC broadcasting licensing and policy decisions?

14.3 How can a modernized *Broadcasting Act* improve the functioning and efficiency of the CRTC and the regulatory framework?

14.4 Are there tools that the CRTC does not have in the *Broadcasting Act* that it should?

14.5 How can accountability and transparency in the availability and discovery of digital cultural content be enabled, notably with access to local content?