**In Response to: Innovation, Science and Economic Development Canada's call for comments for "Broadcasting and Telecommunications Legislative Review**

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Eeyou Communications Network (ECN) is a not-for-profit telecommunications company that provides broadband carrier services for the Cree communities of Eeyou Istchee and municipalities of the James Bay region. ECN delivers advanced, reliable and cost-effective network access for the benefit of communities, populations, businesses, organizations and governments, bringing diversified connectivity to global telecom networks, content providers and to Internet for a broad range of social and economic opportunities.

ECN has developed an all-fibre 1,800 km transport network in Eeyou Istchee and the James Bay region, serving major public institutions including health centres, schools and education centres, public administration and security including councils, municipalities and justice. It also provides wholesale services to local ISPs, and has recently extended its services to residents in 14 communities in the Municipality of James Bay / Eeyou Istchee.

The Cree Nation Government / Grand Council of the Crees (Eeyou Istchee) represents the approximately 20,000 Crees of Eeyou Istchee. It exercises governmental and administrative functions on behalf of the Cree Nation. Both have identical membership, board of directors, governing structures and are managed and operated as one. The Cree Nation Head Office is located in the community of Nemaska. As a Nation, the Cree stand to protect our human rights including treaty rights and to promote our economic interests, while working to strengthen our political and cultural ties with Quebec, Canada, other First Nations as well as maintaining international relations.

James Bay Cree Communications Society (JBBCS) is a non-profit radio network operator serving its members, nine licensed radio stations throughout the James Bay Eeyou Istchee territory, with daily news and information programming. It also operates CHIU-FM radio in Mistissini, Quebec with repeaters in six Cree communities. JBCCS was founded in 1984 to provide independent daily Cree-language cultural and social programming. Its Board of Directors includes members from each of the Cree communities of Eeyou Istchee. The network streams Cree radio on-line and also operates a network service for intra-station and program exchange communication through the Eeyou Communications Network.

**Preamble**

ECN remains committed to the principles we have outlined in past written submissions and oral presentations to the Commission. Our position is that all Canadians should have access to quality broadband at a fair price, and the same basic services. The reasons many rural and remote areas of Canada, particularly the North, have been left behind in digital access and services are many: a reliance on market forces that favour large incumbents that in turn primarily serve Canadian urban centres; the immense financial investment needed for infrastructural development and implementation; limited access to broadband spectrum licences due to an unrealistic view of the remote areas of Canada; and few opportunities to participate in regulatory consultation processes to name a few.

A proposal to rewrite the Acts is significant. The laws and policies that address media regulation, spectrum management, access to telecommunications services, consumer protections and rights, the safety and security of Canadian communications and other telecommunication issues set the conditions in which we are able participate in public life, access healthcare, education, and economic opportunities.

It provides an opportunity for the CRTC and ISED to clearly and explicitly articulate core principles and mandates, as well as their relationship with one another. It is also an endeavour to address the complexity of our media ecology, and how regulation and policies remain relevant within an environment of technological innovation; global, national, and regional market shifts, and changes in citizen and consumer needs. We feel strongly that principles like universal service and a commitment to foster cultural self-representation should guide the rewriting of the Acts, while seeking to develop a stable regulatory framework underpinned by legislation.

The rewriting of the Telecommunications Act and Broadcasting Act is ambitious project, and one that demands multi-faceted and interdisciplinary approaches. There is a great deal at stake, not

only with the development of new technologies that will continue to change the ways we communicate and live our daily lives, but of the significant cultural shift in Canada that has called on us to consider the legacy of colonialism.

It is incumbent upon us to examine the ways in which Communications policy has participated in the marginalization of Indigenous voices, and has limited the expansion and innovations of telecommunication networks in rural and remote areas. It is also an opportunity to imagine and begin to develop a regulatory framework that addresses this, and a number issues including: increasing concentration and commercialization of media channels; the geographical disparities of affordable high quality broadband access in Canada's regions; the lack of oversight in funding allocations used to connect rural and remote communities; access to high-quality spectrum for small ISPs; the need to develop more flexible and inclusive participatory processes in policy decision making.

We feel that the rewriting of The Broadcasting and Telecommunications Act presents an opportunity to clarify the regulators' mandates, jurisdictions and relationships to one another, as well as assess the CRTC's legislative authority and the role of The Federal Court of Appeals in regulatory disputes. We feel too often courts are left free to interfere with administrative decisions. While it is important to establish an appeals process: Are appeals best addressed in Federal law courts, if so, what is the rationale? Are the limits of CRTC and ISED's legislative reach best addressed through the courts? How accessible and effective is the appeals process?

Finally, we would like to address the current process for public consultation on CRTC and ISED issues, and how they often function to inhibit public participation, as well as organizations that have multi-layered oversight and regulatory boards such as the ECN. The Terms of Reference this submission is responding to put forth 31 questions that asked for detailed and well-researched positions. The initial deadline allowed for very little time to prepare answers, and only after some protest was the deadline set back to make it more possible to participate. We certainly appreciate the extension, but the timeframe still made it difficult for our written responses to be reviewed by the full ECN board, and Cree Nation Government. Further, ECN reminds the consultation that there is not a large body of public interest telecommunications law practitioners in Canada who are not already affiliated with the established telecommunications providers. If the consultations expect competent public input, it must address the challenges of participation given the lack of available and adequate resources. With these conditions, the consultation process potentially becomes more of a dialogue between the regulators (the CRTC and mediating government departments) and large telecommunications providers and broadcasters than a genuine public consultation.

**Telecommunications Act & Radiocommunication Act**

Canadian regulators have recognized that modern telecommunications services are critical for economic prosperity and social benefit (Telecommunications Act, 1993, sec. 7). This recognition includes the 2016 CRTC classification of broadband internet as a basic telecommunications service (CRTC, 2016-496, para. 37), as well as fixed broadband services at 50Mbps download and 10Mbps upload to be available to 90% of Canadian households by 2021, and 100% of households in the subsequent 10-15 years (CRTC, 2016-496, para. 114), as well as improve the quality of service metrics to 50 ms latency (see CRTC 2018-241). ECN supports the objectives and obligations that the provision the CRTC outlines for the provision of affordable and high-quality telecommunications services in Canada. However, as the questions in the call for comments suggest, there are a number of issues that demand more robust examination, analyses and practices to resolve.

**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?***

The Commission has set a universal service objective: "Canadians, in urban areas as well as in rural and remote areas, have access to voice services and broadband Internet access services, on both fixed and mobile wireless networks" (CRTC 2016-496), in particular, the subsection 7(b) policy objective for "reliable and affordable telecommunications services" to all Canadians in all regions of Canada.

This is a familiar refrain in the Canadian policy world, and we are told that network operators are investing the millions of dollars awarded through programs like Connect to Innovate, but the digital disparity persists. We believe that there are a number of measures that can be taken including: more constant and long-term funding that would allow for consistent development; more flexible funding programs;[1] cross-subsidy mechanisms that allow for local intermediaries to have more control over identifying and addressing service accessibility and quality; more

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[1] We feel that funding should be allocated to that which brings most value to the region (not limited to backbone infrastructure or last mile), including funding for maintenance and upgrade costs as these expenditures are often very high in rural and remote areas. Decisions of how funding should be allocated are best made locally, preferably by an oversight committee constituted by regional stakeholders.

appropriate spectrum tier sizes; and more accountability from those who receive funding to provide service in rural and remote areas.[2]

We also feel that the digital disparities between urban and rural, remote regions in Canada have not been effectively addressed through regulatory policy or practice. Studies have revealed that rural and remote broadband providers face distinct challenges. The national policy framework largely privileges market forces and facilities-based competition which adapts poorly to more sparsely populated areas (McNally et al. 2018). The deregulation of media and telecommunications (Cowhey 1995; Shaw 2001), and emphasis on market economics as the model that promotes the most innovative and expansive telecommunication systems have left little room for other regulatory paradigms to be explored (Stewart et al. 2006, 732). We advocate a consideration of the ways in which urban and rural areas are very different economically and require different approaches so to avoid the undesirable consequences that can arise from natural monopolies. We suggest that small, independent ISPs play an important role in providing Internet service in remote and rural areas in Canada, but that national policy framework which privileges market forces and facilities-based competition benefits large, incumbent carriers who can serve profitable urban markets (McNally et al. 2018, 194).

The urban/rural and middle class/lower income digital divides; limited access to telecom infrastructure and spectrum by competitors; and increased concentration of media and infrastructure ownership in Canada all testify to the limitations of relying primarily on market forces as a means of regulation, and the lack of incentive for large telecommunications companies to address these issues. We are happy to see the CRTC and ISED beginning to implement many of the needed policy changes, as well as develop subsidies and programs that speak specifically to the challenges of providing broadband services in Canada's rural and remote regions. But there is still work to be done. It is ECN's opinion that to encourage a genuine competitive telecommunications market, policies and regulatory bodies must address the current asymmetric conditions that favour incumbents (Athey, Coey, & Levin, 2013), and develop the regulatory mechanisms that allow small or independent ISPs to gain more access to infrastructure, spectrum licenses, more flexible funding and subsidies, as well as the means to be more active participants in the regulatory decisions that impact them.

Many rural and remote communities in Canada have seen improvements in regard to access to affordable and reliable broadband services in recent years. Much of this improvement has been the result of small and independent ISPs, not the big five Canadian telecommunications

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[2] Far too little information is available to the public in how funding from programs like Connect to Innovate is being used. We would like to see more transparency in the application, selection, and implementation processes.

companies.[3] To effectively address the particular issues that remote and rural regions of Canada face in providing broadband services, small and independent ISPs must be part of the policy making process.

Recommendations for improving Canada's telecommunications ecology will follow in this document, but in brief, ECN advocates the following:

1. Explicitly articulate the commitment to universal service and minimum service quality standards
2. Improve the accessibility to funding programs for municipal governments and community-based intermediary organizations, as well as the transparency in the allocation of public funding
3. Address, and work to correct the inequities of the current spectrum licensing processes
4. Improve oversight of subsidy recipients and hold them accountable for actual speeds and quality of broadband services
5. Develop more inclusive consultation practices that address the challenges of distant communities, First Nations governmental structures, and disparities in access to resources that allow for participation in the policy processes

*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?*

We feel that the emerging fifth-generation (5G) wireless technologies are still very much untested, and any Canadian deployments may be years away (Audet, 2017). Provisions for 5G is premature, as the measures needed to secure data integrity, as well issues with spectrum saturation, interference with radio signals, how such as systems will respond to various in climates, and the challenges for necessary dual support with base stations, modems, and redundancy have all yet to be adequately tested and resolved.

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3 See G. Taylor's paper "Remote Rural Broadband Systems in Canada"(2018) in which he examines the success of the "Remote Rural Broadband Systems" (RRBS), a Canadian wireless policy initiative until it was discontinued. His analysis suggests the policy encouraged and supported new entrants into the wireless broadband sector and expanded service into underserved areas by granting licences with strict conditions to largely independent operators. See also: Report of the Standing Committee on Industry, Science and Technology (April 2018) titled "Broadband Connectivity in Rural Canada: Overcoming the Digital Divide" for discussion on importance of small ISPs in rural and remote areas and its recommendations for focusing funding and support to independent, non-traditional, not-for-profit and local ISPs.

Developing policies that would allow the deployment of 5G wireless technologies without an examination of its impacts on other telecommunications systems, the ownership and political and economic ties with large global corporate entities and foreign governments would be both premature and irresponsible.

**2. Competition, Innovation, and affordability**

The Commission's 2015 decision (CRTC 2015-177) to regulate the rates that large incumbents charge other Canadian wireless carriers for domestic GSM-based wholesale roaming was a positive measure that has promoted competition and lower costs for Canadian consumers.

ECN would like to see further steps taken that ensure independent and small service providers have access to infrastructure such as fibre optic networks, towers, and satellites, as well as spectrum licences.

We would also like to see ISED and CRTC revisit the ways in which funding was allocated for broadband expansion and maintenance in rural and remote regions through the Connect to Innovate program. Why has almost all  of the Connect to Innovate funding for two Canadian provinces gone to two large telecommunications companies? What were the constraints or obstacles for small and independent ISPs in the bid for funding in certain regions? How can future funding programs address this issue, and develop an application process that gives small ISPs an opportunity to access funding? [4]

As the General Auditor Report (2018) suggests more transparency in the allocation of public funding is needed, as well as more oversight in how the funding is used to connect rural and remote communities.

**3. Net Neutrality**

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

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[4] All the funding in Newfoundland and Labrador, but for $2 million (of $24.79 million), went to Bell Canada. In the Yukon and the Northwest Territories all of the available funding went to Northwestel. This indicates that there is very little or no competition for large incumbents in some regions of Canada, or the program failed to address and include small ISPs.  (Announced Connect to Innovate projects: https://www.ic.gc.ca/eic/site/119.nsf/eng/00009.html)

We feel that current legislation provisions adequately addresses net-neutrality, but would like to see better monitoring to ensure net-neutrality principles are being respected.

## 4. Consumer Protection, Rights and Accessibility

We feel that telecommunications policy needs to respond more effectively to the economic and social requirements of users. Canada needs clear codes of conduct that define the responsibilities and obligations of service providers, as well as oversight committees, and independent ombudsman for service complaints.

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

Yes, legislation should be more explicit about obligations to the consumer in regard to protections, rights, and accessibility. Research demonstrates that Canadians are uncertain about how to maintain online privacy, even when privacy policies are available.[5] Recent public hearings on Telecom sales practices have included testimonies about the aggressive, misleading and abusive sales tactics by companies like Bell, Telus, Videotron and others, indicating a need for more consumer protections and measures such as banning commission-only sales practices and fines for telecom companies who are found using aggressive or misleading sales tactics.[6]

## 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*?

We feel that there should be a clearer explanation of privacy, and a consideration of why privacy laws are different for internet than for telephone communications. This issue needs to be considered more closely, and a consideration of alternatives to traditional forms of CRTC governing as a means to more effectively ensure privacy for Canadians could be a fruitful approach.

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[5] See PIAC's 2017 report on universal "Privacy Box" by A. Lau.

[6] From Dr. Kim Sawchuck and Anne Caine's presentation at CRTC Public Hearing 2018-246 on the behalf of ACT project, Concordia University.  https://actproject.ca/act-attends-crtc-public-hearing-on-telecom-sales-practices/

## 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?

Recent studies demonstrate that for low density rural regions, wireless broadband technologies are often an effective and economical option for the provision of high-speed Internet service (Dobson & Massig 2017 as cited by Joseph, 2018). Access to high-quality spectrum by small and independent ISPs would mitigate some of the disparities of broadband access, yet most small ISPs don't have the means to obtain spectrum licenses at Canadian auctions. There are a number of issues that need to be addressed in regard to spectrum allocation in Canada, particularly to better address broadband disparities in rural and remote regions.

Policy objectives of the CRTC and ISED are designed to ensure that Canadian consumers, businesses and public institutions benefit from affordable and high-quality broadband access in rural and remote communities. This is an admirable sentiment, and one we hear often from Canadian government officials and regulatory boards, but policies don't bear this out. Rather, we see policies and processes such as the spectrum licensing auctions as disadvantaging those who have the greatest desire and capacity to connect Canadians living in rural and remote regions.

The recent Office of the Auditor General of Canada's report (Report 1 — Connectivity in Rural and Remote Areas) addresses the concerns around spectrum accessibility that a number of parties at public consultations have articulated.[7] Small or independent internet service providers have seldom had the means to obtain spectrum at Canadian auctions, as consequence of the auction and spectrum frameworks. Not only are the geographical licensing areas far too large for a small ISP to bid on, but the spectrum auction favour incumbents by requiring significant capital to bid and win licenses, that in turn inflate the value of licenses, and "incentivize anti-competition like spectrum hoarding" (Joseph 2018 citing Longford, 2011; Longford & Wong, 2007). Existing licensing allocation process are a barrier to competition and ongoing penetration of fixed-wireless broadband services in rural and remote areas.

The 2018 CRTC winning essay and research on wireless spectrum auctions by Kris Joseph also demonstrates through and analysis of current ownership and recent spectrum auctions in Canada that there is a high concentration of ownership by incumbents, and that many of these licences

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7  See the report at: http://www.oag-bvg.gc.ca/internet/English/parl_oag_201811_01_e_43199.html. For further reading on public participation in spectrum licencing process: McNally, Mowatt, & Pintos, 2014.

are unused. Joseph calls for more aggressive deployment targets for rural and remote areas, as well as monitoring spectrum usage and removing rights to companies who cannot or do not deploy equipment under their licenses is supported by the ECN. We agree with Joseph's recommendations along with the Auditor General report that ISED develop a strategy that:

- defines the minimum level of reliable and high-quality Internet service to be made available to Canadians
- sets clear timelines for achieving this level of service;
- estimates proper resourcing, including financial and technical resources, as well as analysis of technologies and preferred options for improving broadband deployment cost-effectively; and
- monitors whether the improved access leads to the adoption of those Internet services.[8]

Central to realizing these objectives is improving access to spectrum for small ISPs in Canada's rural and remote regions. Policies like The Remote Rural Broadband Systems in Canada (RRBS) held a great deal of potential for addressing underserved areas, but despite its initial success, the program was discontinued for unclear reasons.[9]

Auditor General's report (2018) indicates, small ISPs struggle to acquire high-quality spectrum to improve broadband deployment. The ISED auctioned spectrum licenses for geographical areas that are far too large from small ISPs to submit bids for. Smaller telecommunication service providers cannot possibly serve such large territories and meet the needs of the people and communities. We should either think about dividing the existent territories into smaller parcels and auctioning to local providers, or obliging the mobile network operator of the territory to offer wholesale rates to mobile virtual network operators (MVNOs).

Small or independent Internet service providers have little access or the means to bid on spectrum at Canadian actions. Research has suggested that auctions inflate the value of licenses, thus favouring incumbents by requiring significant capital to bid on and win licences (Joseph 2018; Longford, 2011; Longford & Wong, 2007). As Joseph notes in his paper on spectrum

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[8] Office of Auditor General Report 1: Connectivity in Rural and Remote Areas   http://www.oag-bvg.gc.ca/internet/English/parl_oag_201811_01_e_43199.html

[9] Dr. Gregory Taylor's 2018 publication on Remote Rural Broadband Systems in Canada, concludes that the failure of the program was due to policy indecisiveness rather any flaw with the program itself. He outlines programs success in terms of its ability to support new entrants into the wireless broadband sector, that in turn, suggests more competition in rural areas of Canada.

licence auctions (2018), regulators are aware of the asymmetrical conditions that favour incumbents.[10] Access to spectrum by non incumbents is vital to competition and for realizing the objectives of universal service in Canada. Studies have indicated that wireless spectrum licenses are concentrated in the hands of Canada's largest providers, and that many of the licences that cover rural and remote areas remain unused (Joseph 2018; McNally, Rathi, Joseph, Evaniew, & Adkisson, 2017; Middleton & Van Gorp, 2009). Small and independent ISPs need better access to spectrum licences, and this can only be achieved through policy change.

## 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?

Competition in the communications sector is equivalent to the right to speak freely or to congregate in public places. It is not a matter of assignment of duties; it is a fundamental right. The allocation of responsibilities among CRTC and other government departments, on the other hand, requires a microscope of examination to determine where responsibilities could or should be. This issue requires a specific examination with all of the issues set out clearly in order to determine a learned approach.

### 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?

Again, this issue of government authority and the determination of each article of the governing legislation is often the subject of jurisprudence and with access to competent counsel, it is unfair to expect a member of the public to comment adequately. However, the large telecoms who have large legal departments will no doubt will avail themselves of this unfair advantage.

## 8. Broadcasting Definitions

Broadcasting policies and practices are implicated in both the inhibition and promotion of diverse voices and expression. Canada's existing communication policies and tools such as the Multiculturalism Policy and Act, and the Northern Broadcasting Policy have promised to develop an environment and the means for Indigenous cultural coexistence with Euro-Canadian

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[10] For further reading on public consultation participation: McNally, Mowatt & Pintos, 2014 and on the conditions that favour incumbents: Aney, Coey & Levin, 2013.

broadcasting in Canada. The enshrinement of Indigenous broadcasting in the Broadcasting Act of 1991, demonstrated CRTC's support for Northern native broadcasting, as well as recognized Indigenous broadcasting in policy and licensing decisions. However, we feel that Canada's legislation and regulatory policy can more explicitly and effectively address the importance of First People's media production and cultural self-determination. Currently, the acknowledgement of aboriginal cultures in Canada resides primarily in paragraph "o" in the Broadcasting Policy for Canada's declaration: "programming that reflects the aboriginal cultures of Canada should be provided within the Canadian broadcasting system as resources become available for the purpose" (1991). Canada's broadcasting policy and regulatory practices should extend beyond budget allowances or constraints, rather they should work to expand First People's control over their own broadcasting societies and infrastructure; establish a programming fund that gives as much priority to First Peoples language programming as English and French; and allow for the active participation in the determination of the character, quantity, and priority of programming broadcast in Indigenous communities.[11]

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

The licensing approach in the Broadcasting Act is based on a set of prescribed classes of licences with standardized requirements that tend to fit the needs of established broadcasters. New legislation should have an approach that will reduce regulatory burden on all licensees, as well as engage new participants, while maintaining the obligations essential to the future of the system. For example, regulation and policy could focus on more broadly based agreements tailored to, and established with a collective of social/cultural and economic entities, or a group of affiliated companies, offering a variety of services to Canadians. Agreements would be adapted to the particular technological, cultural and business reality, rather than a "one size fits all" type of approach. These agreements should be subject to public scrutiny and articulate clearly and explicitly the specific binding commitments applicable to the service group.

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

Restructuring funding strategies should be used on a revised contribution structure that is equitable and sustainable, while putting emphasis on supporting the promotion and discoverability of content. The role and effectiveness of existing regulatory approach to online

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[11] Roth, L. (2010, 148).

broadcasting distribution undertakings should be reassessed and consider removing funding barriers for online only or online first content production and promotion.

There should be support for existing organizations as they make the transitions into digital content as well. Because audiences are changing how they choose to access content, there is a need to give existing organizations the tools to adapt to that change. This would allow for the development of content that is culturally and linguistically specific. For example, there is currently a substantial vacuum in Cree language content on the digital platforms where Cree people today access content.

## 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?

As stated above, and examination of the role and effectiveness of existing policy be enacted that considers group-based approaches to licensing radio stations and BDUs; and update the definitions of Canadian programming expenditures that addresses the digital environment; remove barriers to funding accessibility for online content production.

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

Yes, certain objectives should be prioritized, namely, the ability for more public participation in the production, dissemination, and development of digital media policy and regulation.

## 12. Cultural Diversity

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

To effectively address self-representation and media content production in minority communities, including First Peoples, a commitment must be made to multi-directional cross-cultural communications (rather than the centre to periphery model that has dominated cultural policy). First Peoples are not just "another" cultural constituency group, but rather have unique status in Canada, and broadcasting policy should reflect this reality. Again, it is not enough to assert that Indigenous programming will be financially supported when funds are available.

Indigenous broadcasting is the result of complex negotiations between First Peoples relationship with cultural, policy and funding bodies and mechanisms, as well as relationships with customary laws, communications and effects of dispossession (Roth 2010; O'Regan 1993).

Participatory models that are local and decentralized, and combined with regional and national media are more effective at fostering and disseminating diverse voices and expression. The rewriting of the Broadcasting Act should consider policy measures that give more autonomy and access to funding and technologies to those who are not at the centre of the Canadian broadcasting ecology.

## 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?

National public broadcasters are still of vital importance in order to provide information and the opportunity for Canadians to participate in national discourse. We feel that the national public broadcaster should focus on national and regional news programming, and engagement with the Canadian public through various means such as call in shows, development and monitoring of public forums.

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

The primary mechanism the government can offer to enhance the independence and stability of CBC and Radio-Canada is to provide stable funding to the national broadcaster, and ask for clear and explicit mandate from the broadcaster.

### 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?

The CBC has infrastructure, access to a level of funding and technical expertise that few organizations could hope to have. They are given the task of representing indigenous stories and to contribute towards reconciliation, but no mention is made of their role in capacity building and to support the role of Indigenous broadcast organizations around them. This support is important, as the CBC's mandate is to contribute to shared national consciousness and identity, but it is not always possible to represent this uniformly, especially when you are looking at First Nation's group who consider themselves in many ways distinct from Canadians, and aim toward more self-determination. Real support of reconciliation is to understand that the CBC may not be capable of simultaneously representing the "shared national consciousness" and the distinct identities of First People nations when those two identities depart. As such, the CBC's support of alternate voices in broadcasting is of vital importance.

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

We would suggest that it should not be within CBC/Radio-Canada's mandate to promote Indigenous culture and voices to the world, but to reflect all Canadian cultural expression fairly and adequately; further, CBC should support Indigenous communities and communications societies in their endeavour to create and disseminate content through providing better access to resources such as funding and infrastructure.

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

While CBC and Radio-Canada have responded to requests for culturally relevant, and native language radio programming, the public broadcasters should not have control and management of TV and/or other communication services in remote and isolated regions, but rather endeavour to put the control and management of native language programming in the hands of the communities that demand it.

For example, the deployment of Cree-language services by CBC could be better allocated if it were to operate a Cree-language news department rather than compete with local radio stations.

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

Again, we reiterate, that CBC and Radio-Canada is not responsible for the vitality of language minority communities, but rather should support Indigenous communities in this endeavour by dedicating staff to certain functions, such as national news, where the communities have few resources.

**14. Governance and Effective Administration**

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

We feel that third party oversight of broadcast licencing and policy decisions would be appropriate. Such an entity would not only be distinct from the CRTC, but from telecommunications corporate and business entities. This would help ensure that decisions made by the Commission are not influenced by the many connections and cross-connections between

the policy regulatory entity and large telecoms and broadcasters,[12] as well as offer a means to appeal decisions. As articulated earlier in this document in regard to oversight and appeals, a mechanism besides the legal courts is needed for fairness and transparency to be realized.

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

At present, broadcasters must apply for multiple licenses – for frequency, for land use, for towers, for airport authority, and for a broadcast license. A single agency would make the process less complex and more accessible.

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[12] We contend that big telecoms and broadcasters are no longer distinct, rather, diagonal integration has allowed for companies such as Bell and Cogeco to produce and broadcast content as well as supply the infrastructure and broadband for the content to be disseminated. While this is an issue that needs to be addressed and clarified in the future, for the moment, a third party entity would help with distinguishing when there is a conflict of interest or unfair practices.

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