

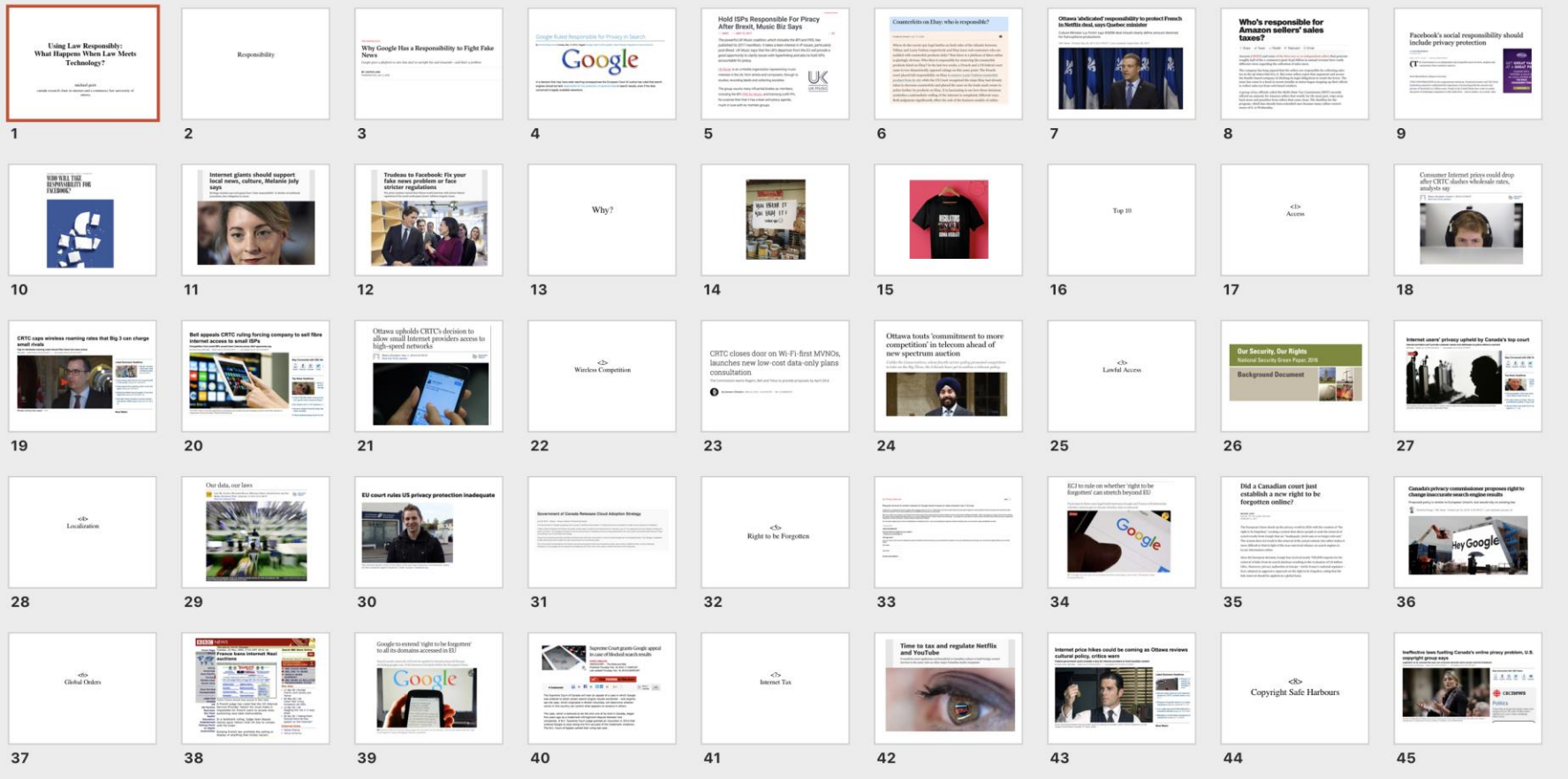
The Battle for Communications Policy in Canada

















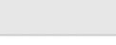
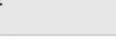
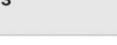
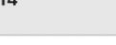
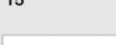









Professor Michael Geist

Canada Research Chair in Internet and E-commerce Law

University of Ottawa, Faculty of Law

Centre for Law, Technology and Society



<p>What Has Happened at the CRTC... and Can it Be Fixed?</p> 	<p>CRTC's "preliminary view" that Big 3 telecoms may be required to share wireless networks</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>Minister Bains instructs CRTC to reconsider decision on mandatory wholesale roaming</p> 	<p>Canadian telecom MNCs react to CRTC decision</p> 	<p>Consumer group not satisfied by CRTC's decision on lower-priced data plan prices</p> 	<p>Government of Canada proposes new CRTC direction to put Canadian at the forefront of future decisions</p> 	<p>Telecom Notice of Consultation CRTC 2019-67</p> 	<p>What is happening at the CRTC?</p>
1	2	3	4	5	6	7	8	9
<p>Best case/Worst case</p>	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>It's not a tax: CRTC chair defends proposal for internet providers to contribute to Canadian content</p> 	<p>Internet group disappointed in lowered CRTC speed targets for broadband fund</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>CRTC Adds Conditions for Input on Proposed Broadband</p> 
10	11	12	13	14	15	16	17	18
<p>CRTC rejects call for public inquiry into aggressive telecom sales practices</p> 	<p>Offices orders CRTC to investigate aspects of "aggressive" telecom sales practices</p> 	<p>Telecom customers have "unacceptable" sales from subsidizing sales tactics, CRTC says</p> 	<p>Telecom companies should not be allowed to "sell" CRTC</p> 	<p>CRTC orders public submission to the Regulatory Review Panel</p> 	<p>Where does this leave us?</p>	<p>It's early</p>	<p>It's late</p>	<p>Government vs. CRTC</p>
19	20	21	22	23	24	25	26	27
<p>Government of Canada proposes new CRTC direction to put Canadian at the forefront of future decisions</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 	<p>SWIFT is requesting CRTC to reconsider its broadband Fund eligibility criteria</p> 
28	29	30	31	32	33	34	35	36
<p>Telecom 2020</p>	<p>Government vs. CRTC</p>	<p>Independents + Consumers vs. Incumbents + Content</p>	<p>Telecom 2020s</p>	<p>@mgeist</p>				
37	38	39	40	41				

CRTC



Parliament
Hill



Courts/Cabinet

War of Words

Bell, Telus threatening CRTC on investment cuts is part of the 'playbook,' experts say



Shruti Shekar

Telecom & Tech Reporter

Yahoo Finance Canada February 21, 2020



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Twitter icon



REUTERS

Bell and Telus have threatened the CRTC of major investment cuts should there be regulatory changes by mandating MVNOs. Industry analysts say it's a page from the "playbook" and carriers will adjust their businesses to please investors.

CRTC wholesale decision impacting investment in rural broadband networks

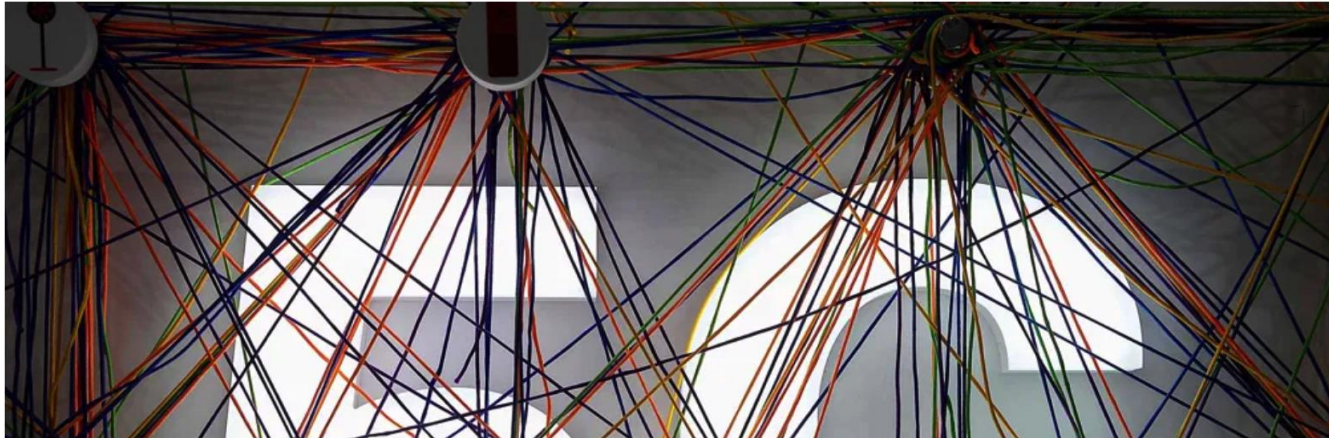
- \$100-million cost impact causes Bell to scale back Wireless Home Internet rollout in smaller towns and rural communities by approximately 20%
- CRTC order comes just a week after Competition Bureau warned of the negative impacts of unrealistic wholesale rates

MONTREAL, Aug. 19, 2019 /CNW Telbec/ - Following the CRTC's August 15 decision to significantly lower the wholesale rates that third-party Internet resellers pay to access network infrastructure built by providers like Bell, the company today announced the estimated \$100-million impact of the CRTC's order will reduce the scope of Bell's broadband Internet buildout for smaller towns and rural communities by 20%, or approximately 200,000 households.

"The CRTC's decision transfers capital from providers like Bell who are building Canada's modern broadband networks to wholesale resellers that invest little to nothing – and there's no assurance or requirement from the CRTC that any of it will be dedicated to network buildouts or otherwise passed on to Canadian consumers," said Mirko Bibic, Bell's Chief Operating Officer. "Putting this kind of unexpected and retroactive tax on capital investment is not the way to ensure the continued development of Canada's Internet infrastructure."

Navdeep Bains: Canada will lead the world in fast, affordable wireless networks

We are on the most aggressive timeline of any past Canadian government to release new spectrum, with four key spectrum auctions scheduled in four years



CRTC



Parliament
Hill



Courts/Cabinet

CRTC

CRTC of 'preliminary view' that Big 3 telecoms may be required to share wireless networks

The CRTC is apparently suggesting that smaller operators need a guarantee they can connect with the bigger network



Rogers CEO urges CRTC not to change rules for wireless industry

GATINEAU
THE CANADIAN PRESS
PUBLISHED FEBRUARY 26, 2020

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TRENDING

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EDITORIAL

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3 Resurgent Biden aims to s as Buttigieg bows out ahe Tuesday

4 Ontario set to announce s boost to give greater acce mental-health therapy pr

5 Monday's TSX breakouts oversold growth stock to radar 🔑

CRTC's MVNO proposal would weaken regional wireless networks, Competition Bureau says



Competition Bureau calls for a time-limited competition model for low-cost 'virtual' wireless companies

[David Paddon](#) · The Canadian Press · Posted: Feb 18, 2020 6:17 PM ET | Last Updated: February 18



Ice Wireless argues in favour of regulation for mandated MVNO access

The carrier says that the Big Three are not afraid of a loss of profit, but of a loss of control



By Aisha Malik @AiishaMalik1 FEB 25, 2020 | 2:13 PM EST | 0 COMMENTS



Featured News



How to
setting
blocki
Firefo:

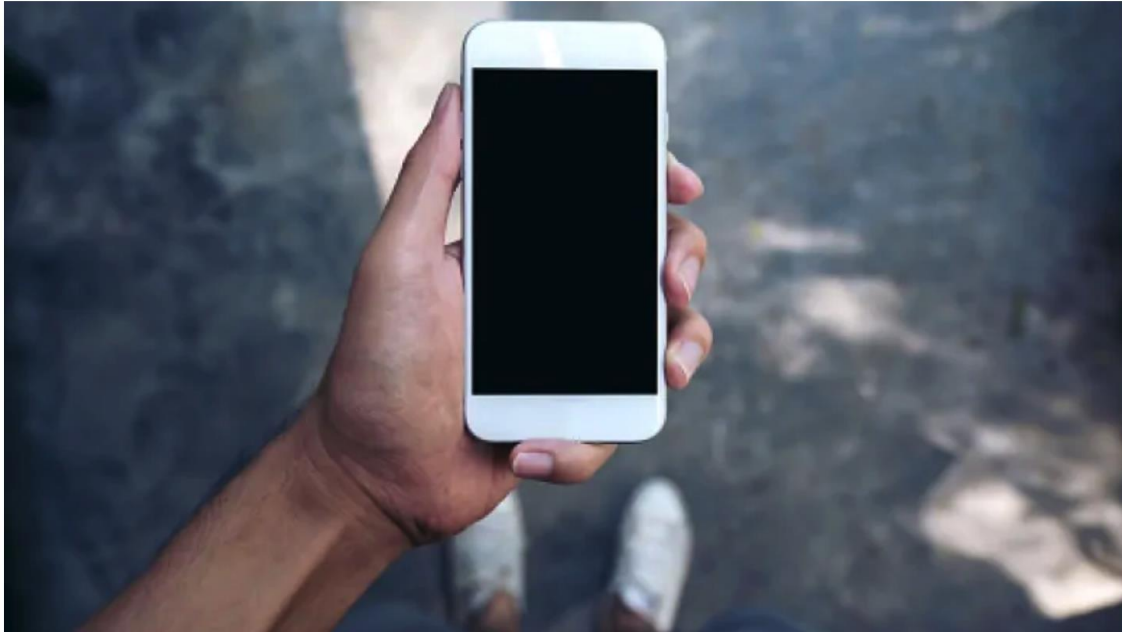


Modde
Mini s
rotary

Manitoba coalition tells CRTC more affordable wireless options are needed

Consumer advocacy groups are pushing for more competitive mobile industry

[David Paddon](#) · The Canadian Press · Posted: Feb 24, 2020 6:54 PM CT | Last Updated: February 24



No MVNO
regulation



MVNO with
conditions



Full open
MVNO

No
Regulation

Regulation

Investment

Effect on
existing players

Consumer
Pricing

Competition

Innovation



CRTC promotes competition for broadband Internet services by setting lower wholesale rates

From: [Canadian Radio-television and Telecommunications Commission](#)

News release

August 15, 2019 – Ottawa-Gatineau – Canadian Radio-television and Telecommunications Commission (CRTC)

The CRTC today set final wholesale rates that will facilitate greater competition and promote innovative broadband services and affordable prices for consumers.

The wholesale rates are paid by competitors who access the existing high-speed access networks of the large cable and telephone companies.

Telecom Regulatory Policy CRTC 2019-269

[PDF version](#)

References: [2018-422](#), [2018-422-1](#), [2018-422-2](#) and [2019-269-1](#)

Ottawa, 31 July 2019

Public record: [1011-NOC2018-0422](#)

The Internet Code

The Commission establishes the Internet Code (the Code), a mandatory code of conduct for providers of retail fixed Internet access services for individual customers. The Commission is creating the Code to make it easier for Canadians to understand their Internet service contracts, to prevent bill shock from overage fees and price increases, and to make it easier for Canadians to switch Internet service providers (ISPs).

The Code, among other things, ensures that customers will benefit from increased clarity in their interactions with ISPs; from clearer prices, including for bundles, promotions, and time-limited discounts; and from increased clarity around service calls, outages, security deposits, and disconnections.

*The Code will take effect on **31 January 2020** and will apply in full to all renewed, amended, or extended contracts. Certain provisions related to the clarity of communication will also apply to existing contracts to ensure that customers have the necessary information to make informed decisions.*

Upon taking effect, the Code will apply to large facilities-based ISPs that provide retail fixed Internet access services: Bell Canada (including Bell MTS, NorthernTel, and Télébec), Cogeco, Eastlink, Northwestel, RCCI, SaskTel, Shaw, TCI, Videotron, and Xplornet.

Courts/Cabinet Appeals

Cable companies win temporary stay in battle with CRTC over wholesale internet rates

ALEXANDRA POSADZKI >

PUBLISHED SEPTEMBER 30, 2019

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9 COMMENTS

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The Federal Court of Appeal has granted a temporary stay on a CRTC ruling that would have forced large cable and telephone companies to lower the rates they charge smaller internet providers for access to their networks.

TRENDING

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EDITORIAL

2 As Ottawa irons out details of proposed assault-rifle ban, ne weapons are coming to marke

3 'Milestone' proposed deal betw Wet'suwet'en Nation, Ottawa, would recognize hereditary sy

TekSavvy files complaint seeking probe into Bell, Rogers pricing for independent ISPs

BY STAFF - THE CANADIAN PRESS

Posted February 20, 2020 7:18 pm

Updated February 20, 2020 7:19 pm



Whereas, on September 27, 2018, the Canadian Radio-television and Telecommunications Commission (the “Commission”) rendered Telecom Regulatory Policy CRTC 2018-377, *Development of the Commission’s Broadband Fund*;

Whereas in Telecom Regulatory Policy CRTC 2018-377, the Commission addressed matters related to the Broadband Fund, including its governance, operating and accountability frameworks, as well as eligibility and assessment criteria for proposed projects;

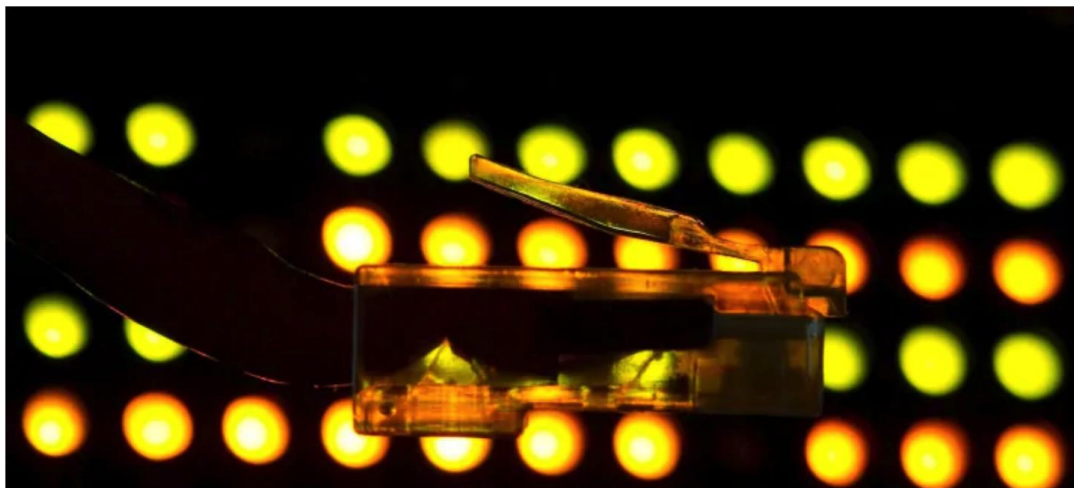
Whereas subsection 12(1) of the *Telecommunications Act* (the “Act”) provides that, within one year after a decision by the Commission, the Governor in Council may, on petition in writing presented to the Governor in Council within 90 days after the decision, or on the Governor in Council’s own motion, by order, vary or rescind the decision or refer it back to the Commission for reconsideration of all or a portion of it;

Federal Court issues first ever order to block piracy website



Decision is the first nationwide blocking order in Canada, setting a precedent that worries critics

[David Friend](#) · The Canadian Press · Posted: Nov 19, 2019 2:14 PM ET | Last Updated: November 19, 2019



Parliament Hill

Telus issues challenge to Ottawa with its decision to use Huawei 5G, tech expert says



By **Alex Boutilier** Ottawa Bureau
Mon., Feb. 17, 2020 | 2 min. read



Canadian political parties rally against big telecom gouging ahead of election

BY TERRY PEDWELL - THE CANADIAN PRESS

Posted August 31, 2019 10:03 am



MVNOs

Price Controls

Spectrum

Set-Aside

Foreign
Ownership

Revamped CRTC



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graph TD; A[MVNOs] --> B(( )); B --> C(( )); C --> D(( )); D --> E[Revamped CRTC]; B --- B1[Price Controls]; C --- C1[Spectrum Set-Aside]; D --- D1[Foreign Ownership];
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Independent panel report calls for more Canadian streaming content and an ad-free CBC



Heritage minister has said legislation could be coming within the year



[Eli Glasner](#)

· CBC News · Posted: Jan 29, 2020 12:00 PM ET | Last Updated: January 29



The USMCA cultural poison pill: Why the broadcast panel report could lead to millions in tariff retaliation

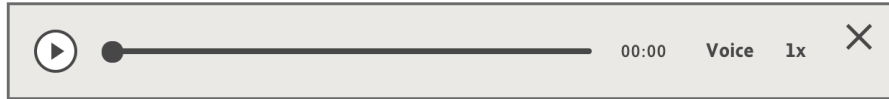
MICHAEL GEIST

CONTRIBUTED TO THE GLOBE AND MAIL

PUBLISHED 22 HOURS AGO

23 COMMENTS

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Michael Geist holds the Canada Research Chair in Internet and E-commerce Law at the University of Ottawa's faculty of law. He recently appeared before the federal government's international trade and industry and science and technology committees to discuss the digital implications of the United States-Mexico-Canada Agreement on trade.

As Parliament continues its review of legislation designed to implement the United States-Mexico-Canada Agreement, the issue that has sparked the greatest surprise arises from a provision frequently promoted as a “win” during the negotiations.

TRENDING

1 Better late than never: The Trudeau government is finally getting the right advice on China

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2 As Ottawa irons out details of its proposed assault-rifle ban, new weapons are coming to market

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4 Monday's TSX breakouts: An oversold growth stock to put on radar

5 Ontario set to announce \$20 mil

Making a Monster

A report on the future regulation of the internet proposes giving the CRTC overwhelming and unaccountable powers



Leonid Sirota

February 12, 2020

Administrative Law, New
Technologies

agency design, Canada,
CRTC, Hamburger,
internet, regulation,
separation of powers

The final report of the Broadcasting and Telecommunications Legislative Review Panel, grandly entitled [*Canada's Communications Future: Time to Act*](#) (the “BTLR Report”) has already attracted its share of commentary, much of it, but by no means all, sharply critical. As Michael Geist has explained, [the report](#) articulates

a vision of a highly regulated Internet in which an expanded CRTC ... would aggressively assert its jurisdictional power over Internet sites and services worldwide with the power to levy massive penalties for failure to comply with its regulatory edicts.

Rename CCC

Eliminate
Regional
commissioners

Decides
“Discoverability”
requirements

Global jurisdiction
to compel
registration, levies,
data disclosures

Public interest
participation

Decides
“Trustworthy”
news sites

Increased role on
privacy

Broadcasting report proposes to wreck the internet with insane hubris and mad regulatory overreach

Opinion: The BTLR report proposes to destroy what makes the internet free, popular and innovative and to make it resemble the Canadian broadcasting system



Telecommunications Common Carrier

~~Telecommunications Common~~
~~Carrier~~
Electronic Communications
Service

19. We recommend that the *Telecommunications Act* be amended to establish explicit jurisdiction over all persons and entities providing, or offering to provide, electronic communications services in Canada, even if they do not have a place of business in Canada.
23. We recommend that the *Telecommunications Act* be amended to require market participants, in classes specified by the CRTC, to register and provide such information as the CRTC may specify, including beneficial ownership information. We further recommend that the CRTC maintain a public registry of such information that the CRTC has not found to be confidential.
25. We recommend that the *Telecommunications Act* be amended to enable the CRTC to draw from an expanded range of market participants — all providers of electronic communications services — in designating required contributors to funds to ensure access to advanced telecommunications.

37. We recommend that the *Telecommunications Act* be amended to require the CRTC to consult with the relevant municipality or other public authority prior to exercising its discretion to grant permission to construct telecommunications facilities. We further recommend that the Act be amended to empower the CRTC to review and vary the terms and conditions of access to the support structures of provincially regulated utilities, to ensure non-discriminatory arrangements.

38. We recommend that to more effectively resolve disputes relating to mandatory antenna tower and site sharing, the Minister delegate the resolution of disputes relating to these or other conditions of licence to the CRTC. We further recommend that the Minister should, in existing conditions of licence, direct disputes to the CRTC rather than to commercial arbitration.

48. We recommend that to safeguard continued access to an open Internet, which is fundamental to net neutrality:

- The policy objectives of the *Telecommunications Act* be amended to reflect the CRTC's duty to safeguard open Internet access in Canada. This is intended to ensure that users have the right, via their Internet access service, to access and distribute lawful information and content, use and provide applications and services, and use terminal equipment of their choice, irrespective of the location, origin, or destination of the information, content, application, or service.
- The term "Canadian carrier" in subsections 27(2) and (4) of the *Telecommunications Act* be deleted in favour of language allowing the CRTC to review unjust discrimination in the provision of any electronic communications service by any person.

49. We recommend that the CRTC expand its information gathering and reporting on network neutrality, including Internet traffic management practices, zero rating, and any further open Internet access provisions, including:

- To require Internet service providers to inform users of network speeds and management practices when contracting for and providing the service, and to report annually to the CRTC on network management practices and their impacts.
- To report annually, either as a stand-alone report or combined with other reporting, on practices that affect achievement of the open Internet access policy objective.



FORWARD

A REAL PLAN FOR THE MIDDLE CLASS



Social
media
takedowns

Digital
Sales Tax

Digital Tech
Tax

“Web
giants” pay

Digital
Charter

Broadband
by 2030

Platform
liability

Where does this leave us?

Sweeping regulatory and legal
change in the next 12 months

What Can You Do?

Organize
Participate
Speak Out

@mgeist