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A representation from Telecommunities Canada with respect to:
**Order under Section 8 of the Telecommunications Act – Policy Direction to
the Canadian Radio-television and Telecommunications Commission.**
Canada Gazette, Part I, Vol. 140, No. 24 — June 17, 2006.

Telecommunities Canada (TC) is an alliance of community networks and community access projects across Canada. Through the assistance of thousands of volunteers and work with over 20,000 community partners, support for community access has leveraged annually 50% of actual operating costs and an additional 150 million programme dollars. More than 1 million Canadians use community access services annually.

After carefully considering the TPRP Report, TC believes that the Panel's recommendations do not supply sufficient reason to instruct the CRTC to alter its implementation of the socio-economic development principles stated in the Telecommunications Act. We note that the key driver of change in the current communications context is the Internet, and in particular Internet Protocol, not "telecommunications." By its own admission the TPRP's telecommunications mandate did not allow them to fully consider the Internet's impact.

We believe that the public policy problem will not be resolved by changing telecommunications regulation to further market-based approaches. Much more than changes in processes, products and services, Internet Protocol is driving fundamental shifts in the way that things get done. We need a "National ICT Policy" grounded in an understanding of the positive impact of Internet Protocol on structural change and socio-economic and political development.

Our recommendations to improve public policy in an Information Society are intended to flag issues that the TPRP missed and that the Cabinet Directive should take into account. We recommend that:

1. The Government of Canada initiate an overall review of communications that is framed in the context of the uses of ICTs for development, Internet Protocol (IP) as the vehicle which will bring that development to Canadian communities, and telecommunications as the infrastructure which will make that development a reality.

2. “Given the importance of ICTs to the future of Canadian prosperity and culture, consideration should be given to assigning this converged policy-making role to a separate new ‘Department of Information and Communications Technologies.’”
3. Internet Protocol be identified as public property and that any regulations that would restrict open networks pass through an ICT advisory group that would include communities, municipalities and public interest advocates as well as private sector representatives.
4. A recast Section 7 of the Telecommunications Act include:
 - An affirmation that telecommunications performs an essential role in the maintenance of Canada’s sovereignty and identity
 - An objective that telecommunications systems, as ICT infrastructure, serve to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions
5. Canada needs a National ICT Strategy that identifies broadband as a key to development and therefore, a basic service. That strategy should favour community-based and owned horizontal IP infrastructure, indirectly supported by federal development policy, but directly facilitated through provincial and municipal programs.
6. In order to increase the productivity of small and medium enterprise, government efficiency, social well-being, and the efficacy of the social economy, a new Digital Opportunities Strategy needs to be formulated which will capitalize on and extend the existing infrastructure enabled largely by the Community Access Programme and its provincial partners. As part of this strategy, a Digital Opportunities Secretariat should be formed to coordinate cross-departmental measures to ensure full use of Canadians extensive investment and experience in community-based approaches to the uses of the Internet for local development.

There are two TC supported documents that supply background to this representation:

New opportunities for Canada in the Digital Age: recommendations on the future of the Community Access Program. Prepared by the Pacific Community Networks Association in consultation with a national working group of Community Technology and CAP Champions. May 10, 2006. <<http://www.pcna.ca/newop.htm>> The distribution for this paper included Cabinet, Treasury Board, Senate, every MP across Canada, and senior IHAB and regional IHAB. Members of the working group have also presented it in person to their MPs.

Garth Graham. **Canadians Online - Creators Not Consumers: A critique from a community networking perspective of the Telecommunications Policy Review Panel's Report.** Telecommunities Canada, June 21, 2006.

http://tc.ca/TC_on_TPRP2.pdf This document was commissioned by the Telecommunities Canada Board of Directors as background for discussion of public policy issues related to the uses of the Internet for Canadian development. It presents a strong alternative view on the basis for change in telecommunications policy.

Established in 1995, Telecommunities Canada <http://www.tc.ca/> promotes the Canadian community networking movement at regional, national and international levels. By supporting local community network initiatives and sharing their practices, we also work to ensure that all Canadians are able to participate in community-based communications and the uses of the Internet for development.

Our members have led by example in the challenge to make more efficient and effective use of information and communications technologies -- whether by linking existing community-based networks together, by providing electronic access to services in the community, or by developing local training networks supported by large teams of volunteers. The experience we have gained through our actions and our connections have led us to believe that there are effective policies and practices that are absent from public policy debates on the uses of these technologies in our communities. By actively cooperating with a variety of Canadian citizens' organizations that participate in public policy debates on universal access, convergence in telecommunications, and Canada's transition to a knowledge society, we have brought our concerns and recommendations to various public forums.

In all of these efforts, we advocate for a greater voice for community online and the recognition of its essential role in economic development.

The sections that follow provide context and rationale for the recommendations noted above.

1. Harmonized national ICT policy

Context:

The language of telecommunications, that of support structures, rights-of-way, in-building wires, spectrum management and other transmission services is not the language of the Internet. Pointing out that the Internet was “increasingly the dominant ICT platform” the Telecommunications Policy Review Panel (TPRP) clearly had trouble navigating the current communications reality. In an Afterword, the Panel notes that events like the convergence of telecommunications and broadcasting have already overwhelmed the current Telecommunications Act. At this point, restricting the discussion to what is known as telecommunications is simply inadequate. We agree with

the Panel's observation that there should be a harmonized national ICT policy. But the telecommunications sector must be a means to the end of Canada's socio-economic development and not an end in itself.

Recommendation #1:

That the Government of Canada initiate an overall review of communications that is framed in the context of the uses of ICTs for development, Internet Protocol (IP) as the vehicle which will bring that development to Canadian communities, and telecommunications as the infrastructure which will make that development a reality.

Rationale:

The Panel notes that both telecommunications and broadcasting are affected by recent advances in communications technologies and that "the Government of Canada should not wait until the viability of the current broadcasting regulatory framework is undermined by technology and market changes" (11-5). We believe that both the telecommunications and broadcasting frameworks are already undermined by recent changes. The Panel notes that "an increasing number of countries are developing integrated regulatory frameworks that take into account the convergence of telecommunications and broadcasting distribution from consumer, technological, and market perspectives." (11-9). Once a leader in communications policy, Canada seems to have fallen behind. We urge the federal government to act quickly to institute a forward looking communications policy that meets the needs of Canadians as citizens.

2. Say "YES" to a new department

Context:

The need for a more horizontal understanding of the Internet's impact on communications and on communities should call into question our continued reliance on Industry Canada to play the dominant coordinating role in federal policies and programmes for a "connected" Canada. The Panel is actually quite ambiguous on this question. They call for Industry Canada to play a central role. Later on, they flesh out Industry Canada's proposed expanded role -- all of this assuming the "telecommunications sector" as a given. The Report then looks inward into its parts to determine a policy agenda.

On the other hand, if the proper focus is on the impact of the telecommunications sector

on Canada's socio-economic development, and not on the productivity of the sector as an end in itself, then the role is far broader than "Industry Canada" can encompass. Something new is required. And, oddly enough, at the end of their Report when they discuss the necessary convergence of broadcast and telecommunications policy capacity, the Panel reverses its Industry Canada support. We support this conclusion taken directly from the Afterward:

Recommendation #2:

“Given the importance of ICTs to the future of Canadian prosperity and culture, consideration should be given to assigning this converged policy-making role to a separate new ‘Department of Information and Communications Technologies’.”

Rationale:

As the panel says, “complete separation of policy-making functions for broadcasting and telecommunications does not seem to be best suited to advancing the broader Canadian objective of becoming leaders in all areas of ICTs ...” Except to note that the focus needs to be on the uses of ICTs for development, not “technologies,” we agree that “such a department could become the unified centre, within the Government of Canada, for all major policy making and programs related to building and maintaining Canada’s leadership in ICTs.

3. Internet Protocol as public good

Context:

In a knowledge-based and networked economy, utterly dependent on Internet Protocol for its most basic functionality, the element that most needs safeguarding, enriching and strengthening is Internet Protocol. We believe that this is a key issue which has not been given adequate priority. We note that the Panel has recognized the importance of open networks. However, consistent with our point that telecommunications, first and foremost, must be at the service of the public interest, we believe that Internet Protocol must be identified as a public good. Informed citizenship is more than a matter of access to the content of your choice. The citizen's right to autonomy in making decisions to connect requires the protection of law.

Recommendation #3:

That Internet Protocol be identified as public property and that any regulations that would restrict open networks pass through an ICT advisory group that would include communities, municipalities and public interest advocates as well as private sector representatives

Rationale:

Internet Protocol is not a pipe. It's a set of rules for codes about how various digital communications capacities will work. No one owns IP. IP, and the effects that it has, are in the public domain. To constrain IP, is to seek to enclose a common. It is the role of governments to guarantee that the IP common remains open.

We realize that the issue of balances between open access as an essential first principle and the short-term necessities of traffic management under conditions of less than adequate bandwidth (i.e. that price will curtail the unfair bandwidth hogs) is complicated. However, evidence from the debate on two-tier networks in the U.S. suggests the telecommunications service providers themselves have a huge incentive to contain bandwidth use to the infrastructure channels they are prepared to provide. Without a clear message on this issue, it is much more likely that the telecommunications sector will destroy IP, than it is that government regulation will destroy the telecommunications sector. This issue must be a priority in the next round of discussions on communications policy (see Rec #1).

4. Socio-economic not industrial/technological development policy

Context:

The Telecommunications Policy Review Report (TPRP) is a blueprint for the reformation of public policy and regulation to make the telecommunications industry “more efficient and productive.” To this end, Section 7 of the Telecommunications Act, 1993 has been recast to reflect a more utilitarian approach to telecommunications policy.

We disagree with the recommendation to abandon the broader goals in national policy. We argue that the proposed wording makes it more difficult to make policy, enable, or regulate in the area of telecommunications policy. With this proposal, the government is, in fact, abandoning its responsibilities for the broader goals of communications.

Recommendation #4:

That a recast Section 7 of the Telecommunications Act include:

- **An affirmation that telecommunications performs an essential role in the maintenance of Canada’s sovereignty and identity**
- **An objective that telecommunications systems, as ICT infrastructure, serve to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions**

Rationale:

The existing Section 7 preamble and 7(a) define telecommunications policy that serves national goals. The importance attached to these goals implies that there is much more to telecommunications than efficiency and productivity. While efficiency and productivity are necessary corporate goals, Canadian communities are more concerned with the effectiveness of the services at their disposal to meet their needs. They seek an enabling, rather than a disabling, legislative framework. Community well-being and inclusiveness go well beyond welfare in a condition of disadvantage.

The Report recommends that a core objective of telecommunications policy should remain promoting affordable access in all regions of Canada. It places a high priority on a “greater emphasis on market forces to achieve such policy objective.” and suggests that “best regulatory practices from Canada and other jurisdictions “should be our guide.”

However, the choice of “best” in this case would depend entirely on the fundamental goals and objectives of the policy. The Reports suggest that political or social goals are inappropriate bases for telecommunications policy. We believe that the benefits of a telecommunications system should be counted in social and economic benefits to communities, not profits to corporations. The broader goals in the current Telecommunications Act speak to a larger vision of ICTs for development – a vision that will be essential in the new knowledge-based society.

5. A different National ICT Strategy

Context:

The Panel suggests that Canada must develop a National ICT Strategy to “increase the productivity of the Canadian economy, the social well-being of Canadians and the inclusiveness of Canadian society.” But they confine the strategy proposed to “areas where market forces alone are unlikely to achieve economic and social objectives.” (7-4).

On their own, market forces will never achieve the suggested social objectives. And without some general consensus within society on social goals, neither will governments alone. Effective change strategies begin at the local level. They are bottom-up not top-

down. Yet, through its intense market focus, the Report precludes any debate on local ownership of open-access networks before it even begins. Even the suggested U-CAN program, intended to subsidize broadband delivery where the market has failed, effectively discourages any bidders whose pockets are not as deep as those of Bell Canada and other large players. This is a strategy that serves the telecommunications industry, NOT a strategy that serves socio- economic development.

Recommendation #5:

Canada needs a National ICT Strategy that identifies broadband as a key to development and therefore, a basic service. That strategy should favour community-based and owned horizontal IP infrastructure, indirectly supported by federal development policy, but directly facilitated through provincial and municipal programs.

Rationale:

Emerging economic lessons from broadband use are making it clear that local access and ownership is a critical driver in economic development. Local access to broadband infrastructure is best delivered through municipalities and local consortia – in all regions, not just rural and remote. A true national ICT strategy that accepts the implications of IP will favour the proliferation of locally owned networks, and not a concentration of national telecommunications infrastructure providers.

We believe that safeguarding IP and effective use of IP enabled networks are the core issues “required for full participation in Canadian society and economic activity.” As this is not a market objective, we also believe that the market will fail. But where it will fail is in delivering real broadband across all of Canada, not just to “high cost” rural and remote areas. The capacity for framing public policies on Internet use and socio-economic development must not be abandoned to the market (i.e. to the prime telecommunications carriers). With its proposed National ICT Strategy, the Panel enhances the industry’s ability to resist change rather than to adapt to it.

6. A new Digital Opportunities Strategy

Context:

While digital inclusion was once embedded as a principle in our nation's understanding of the role of Telecom Policy, we believe that it is about to be abandoned.

The TPRP Report was dismissive of existing government programmes for increasing “connectedness.” They refer to the examples of SchoolNet, CAP, and BRAND, but only in the past tense. They then continue, “While these public sector investments were important, market forces played an even more significant role in making Canada a global leader in broadband deployment.” But the learning that occurred at the community level in these programmes does have relevance for public policy and must be continued.

We believe that the net effect of community-based approaches to the ownership and control of local communications infrastructure is to stimulate economic development, increase social well-being, and improve government service delivery in those areas and among those groups least likely to have profited from digital opportunities. Canada already has this infrastructure. It is the result of government investment in the Community Access Program (CAP), which has placed community technology resources in the hands of over 3,800 rural and urban communities. There is ample reason to believe that further investment will have direct socio-economic benefits.

Recommendation # 6:

In order to increase the productivity of small and medium enterprise, government efficiency, social well-being, and the efficacy of the social economy, a new Digital Opportunities Strategy needs to be formulated which will capitalize on and extend the existing infrastructure enabled largely by the Community Access Programme and its provincial partners. As part of this strategy, a Digital Opportunities Secretariat should be formed to coordinate cross-departmental measures to ensure full use of Canadians extensive investment and experience in community-based approaches to the uses of the Internet for local development.

Rational:

Digital opportunity can be maximized when it is led by local initiative. Local infrastructure for the development of skills and technology within communities ensures that all members of society will focus ICTs upon increasing the quality and quantity of opportunities for positive social, economic, and political engagement. The local manifestation of the Digital Opportunities Strategy must be community-based infrastructure for involvement in the uses of the Internet for development

That involvement has the potential to play a pivotal role in accomplishing goals for SME development when there is no compelling business case to encourage intervention by private enterprise. That involvement is also an asset available to maximize government investment in digital service delivery and to ensure that the advantages and efficiency of online service delivery are available to Digital Divide communities.

In an Information Society, there can be no complete resolution of the problem of a digital divide. For people marginalized by such a society, they face a new reality where effective capacity to use the Internet has now been added to the list of basic needs. On their own, neither private enterprise nor suitable market conditions, can meet that need. Only community-based experience and control of communications infrastructure can provide underserved groups with the means to use digital technology effectively.

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