

January 11, 2019

The Broadcasting and Telecommunications Legislative Review Panel
c/o Innovation, Science and Economic Development Canada
235 Queen Street, 1st Floor
Ottawa, Ontario
K1A 0H5

By email: ic.btlr-elmrt.ic@canada.ca

Dear Panel Members,

On behalf of the member of Canwisp, Thank You for the opportunity to participate in this Review process.

Our comments focus on the fixed-wireless services offered by our members over their own networks in predominantly rural settings. Although many of our members also provide services utilizing other providers' facilities (e.g. TPIA, etc.) the issues relating to that set of telecommunications services are well represented by organizations such as CNOC. We support CNOC in their complementary efforts, pursuing an open and competitive telecommunications market in Canada.

Sincerely,

A handwritten signature in black ink, appearing to read "Dan Barnes", written over a horizontal line.

Dan Barnes
Chair, Canwisp

Canwisp Comments to

The Broadcasting and Telecommunications Legislative Review Panel

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Background

Canwisp is an organization representing Canadian Wireless Internet Service Providers. Our members operate networks providing fixed wireless Internet access to households in rural areas throughout Canada – areas that the large telecom operators are not servicing. Our members’ networks range in size from hundreds up to 30,000 subscribers. Canwisp members supply high-speed internet service as well as VoIP-based voice services. Our 50+ WISP members provide service to approximately 125,000 subscribers in hard to reach rural areas. We estimate that the total number of subscribers serviced by similar wireless operators (more than 150 others who are not members of Canwisp) represents an additional 125,000 subscribers. Xplornet’s fixed wireless customer base is in addition to these figures. The total subscriber base served by fixed wireless ISPs is thus well over 200,000 even without Xplornet. According to the 2017 CRTC Communications Monitoring Report:

“Fixed wireless services are a major source of broadband Internet connectivity in rural areas, since 31% of rural households have access to broadband Internet via fixed wireless services, but not fibre, cable, or DSL.”ⁱ

These small companies have built their own networks and are a vital connection to the internet for many Canadians.

Telecommunications Act and Radiocommunication Act Legislative Tools

- i) A necessary tool of legislation development and policy making is an understanding of the current situation. A current awareness of the existing broadband services across the Canadian geography must be developed, maintained and made available. Current datasets are years out of date and spread across different bodies. We recommend that a single national source of broadband service data be mandated and maintained. This data source should be available publicly. This would assist telecommunications service providers in identifying areas for infrastructure investment and regulators and policy makers with their efforts. Even though this is contrary to our general position, that smaller providers should not be encumbered with any additional regulatory filings, we feel this is a critical dataset for informed legislation development and policy making.
- ii) The disparity that exists between consumers and incumbent carriers is similar to the disparity between the incumbent providers of commercial-grade services such as fibre transport and internet transit. Rural Canada is predominantly served by smaller ISPs. These small ISP’s need a mechanism to effectively deal with disputes between themselves and the incumbents who are their major suppliers. After direct discussion and attempts at resolution are unsuccessful, the small ISP has few options. The current mechanism of making a submission to the CRTC is unwieldy and prohibitively expensive. Canwisp supports the establishment of a mechanism to resolve disputes between carriers similar to the consumer to business model that exists with the CCTS.
- iii) 5G technologies may eventually be an important part of the future provision of telecommunications services in urban centres. Regardless of the technology eventually

implemented, passive infrastructure needs to be available for current and future network deployment. This passive infrastructure is currently under the jurisdiction of many different bodies – national, provincial and municipal. The current situation slows down investment in network infrastructure. A single body, able to regulate and oversee the necessary passive infrastructure must be established.

Effective Spectrum Regulation

- i) Fixed and Mobile wireless communications are increasingly important to Canada’s communications infrastructure. A single body must have control over all the elements that enable or constrain infrastructure investment and competition. Specifically, spectrum allocation is not under the control of a single entity. Spectrum and affordable access to it is analogous to other passive infrastructure. We recommend that spectrum allocation come under the jurisdiction of a single entity and that the CRTC be that entity.

- ii) Spectrum could also be considered a type of natural resource. As such, Canwisp recommends that a principle of maximizing the impact of spectrum for the benefit of Canadians be legislated. The benefit derived from spectrum must not be measured in financial terms based on the sale of spectrum licenses. In the House of Commons report: *BROADBAND CONNECTIVITY IN RURAL CANADA: OVERCOMING THE DIGITAL DIVIDE* the effective use of spectrum was recommended as a driver for re-evaluating the spectrum allocation process.ⁱⁱ The effect of such a legislation could create deployment and utilization tests based on a tangible benefit to end users; a mandated sublicensing regime for under-utilized spectrum; or even spectrum sharing as the FCC has adopted for CBRS. We are aware that these potential outcomes of the legislation are not the focus of this proceeding. They are simply provided as examples.

Competition, Innovation, and Affordability

- i) Reaching all Canadians with broadband internet is going to take a coordinated effort of policy, competition, funding and focus over multiple years and possibly multiple political mandates. A single, national broadband strategy is required to steer the various parties, public and private towards the goal of ubiquitous broadband connectivity. A single strategy would provide a framework for cooperation and coordination of development and funding programs amongst Federal, Provincial and Municipal bodies. In the House of Commons report: *BROADBAND CONNECTIVITY IN RURAL CANADA: OVERCOMING THE DIGITAL DIVIDE* it was recommended that a “comprehensive rural broadband strategy”ⁱⁱⁱ be developed. Canwisp supports such an effort.

Thank you for considering our input.

ⁱ CRTC Communications Monitoring Report 2017, page 281

ⁱⁱ *BROADBAND CONNECTIVITY IN RURAL CANADA: OVERCOMING THE DIGITAL DIVIDE*, Report of the Standing Committee on Industry, Science and Technology, Dan Ruimy, Chair; April 2018 (incorporated here by reference) Recommendation 6

ⁱⁱⁱ *Ibid.* Recommendation 11