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January 11, 2019

Janet Yale

Chair

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

Email: ic.btlr-elmrt.ic@canada.ca

Ms. Yale,

RE: Broadcasting and Telecommunications Legislative Review Panel Call for Comments

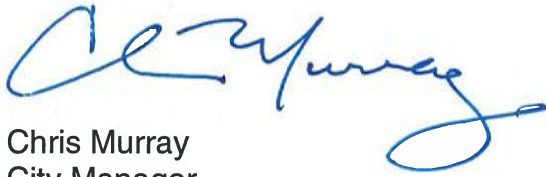
On behalf of the City of Toronto I am pleased to submit Toronto City Council's decisions applicable to the Broadcasting and Telecommunications Legislative Review Panel (the "Panel").

The City of Toronto has a keen interest in ensuring that the telecommunications and broadcasting framework in Canada, and any changes proposed by the Panel, safeguards the critical role of municipalities in managing highways and other public property (including the right of way). The City also has an interest in ensuring that the framework promotes economic and cultural development and reduces poverty by improving affordability and access to telecommunication services and creating an ecosystem which allows for local talent and culture to thrive.

The City views partnerships as essential to addressing such complex policy challenges. This includes collaboration and consultation with telecommunications carriers who not only lay infrastructure in Toronto (as the home of Canada's backbone and key gateways) but also contribute a vital service to all residents and businesses. It also includes partnership with local firms and talent to create a dynamic cultural industry.

We look forward to further engagement with the Panel as it conducts its work. We request the opportunity to respond to submissions made to the Panel to ensure that the Panel can benefit from additional information as the review proceeds. Ongoing engagement beyond the January 11, 2019 deadline would also ensure that Toronto City Council is engaged in the process as required.

Sincerely,

A handwritten signature in blue ink, appearing to read "Chris Murray". The signature is fluid and cursive, with a large initial "C" and "M".

Chris Murray
City Manager

c. Mayor John Tory

Attachment: Toronto Submission to the Broadcasting and Telecommunications Legislative Review Panel Call for Comments

City of Toronto Submission to the Broadcasting and Telecommunications Legislative Review Panel Call for Comments

The City of Toronto has a number of interests related to broadcasting and telecommunications including the right of way, access and affordability and broadcasting (cultural industries, local news and democracy).

The City plays a critical role in managing highways and other public property and continues to look at improving access to affordable high-speed internet for all Toronto residents and businesses. The City also ensures that its infrastructure and regulation evolves and aligns with improving technology standards and can position the City to seize opportunities that "smart city" applications can bring. In neighbourhoods like the Port Lands, the City has emphasized through land-use planning documents the need for open-access, ultra-high-speed broadband community networks. Further, the City has taken action to support Canadian content creators in the film, television and digital media industry by investing in new studio space, and adopting a strategic plan to increase Toronto's competitiveness as a global production centre.

Right of Way Issues

Municipalities play the vital role of owning and managing the right of way, and do so in a manner that balances various competing interests and protects the public good. This includes policy objectives that are shared by all orders of government such as coordination of capital works, enhancing traffic safety and minimizing congestion, creating and encouraging vibrant pedestrian environments, and addressing climate change impacts by enhancing the ability to manage storm water during extreme weather events.

Municipalities also balance the needs of all utilities and apply principles which ensure non-discriminatory access. These responsibilities protect various investments in right of way assets and the public's interest in how these assets are developed to ensure an efficient and smarter city. This challenge is acutely felt in Toronto which has a high number of users in the right of way and increased development adjacent to these rights-of-way.

The City cannot support a proposed legislative change that undermines municipal rights to manage highways under its jurisdiction or erodes its rights as a landowner with respect to other types of municipal property. It also cannot support legislative changes that would impose additional costs on municipal taxpayers or result in favouring one type of utility over all others by imposing special rules.

The current legislative framework has allowed the City of Toronto to provide access to its rights of way while meeting multiple policy objectives, some of which are listed above. This includes Toronto City Council's adoption of transparent and consistent approaches to streamline permit reviews and approvals in a non-discriminatory way which does not favour one road user over another.

The following City approaches were developed after detailed consultation with industry stakeholders:

- Universal Equipment Guidelines which streamline the review of placement of infrastructure as part of the permit application process.
- Telecommunications Antenna Placement and Design Guidelines and related key contractual terms. The approval of these installations was delegated to City staff in order to facilitate timely and efficient responses to utility installation applications.
- A Telecommunications Tower Protocol in accordance with Industry Canada requirements which allows for a timely, clear and transparent process for responding to requests for municipal review and comment as part of the federal licensing process.

These approaches have enabled telecommunication firms to successfully rollout significant and complex infrastructure across Toronto. As such, any contemplated changes to legislation and the framework as a whole should support and encourage a collaborative relationship between municipalities and telecommunications carriers and mitigate risks and barriers to promote competition, innovation and affordability. It should do so while respecting the interests of municipal taxpayers and residents by ensuring that changes do not result in additional unrecovered costs to municipalities or disruption to the municipality's ability to regulate its own property.

Toronto City Council has previously noted that the CRTC and other governing bodies have a key role to play in reviewing and updating safety standards for above and below-grade utility infrastructure plants. Specific considerations include important municipal concerns such as accessibility requirements, age-friendly design, risks to public safety, Crime Prevention through Environmental Design, and impacts to public realm and safety which may be specific to areas of high density.

The relevant City Council decisions can be found in full here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.PW29.3>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PW27.10>

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2013.PG29.8>

Access and Affordability

Toronto City Council has adopted recommendations to address internet access and affordability for the residents and businesses in Toronto. The City has noted that a number of gaps exist with respect to the affordability, and access to, modern broadband and mobile services by residents and businesses.

Toronto's Broadband "Gap"

Through Toronto City Council direction to support affordable internet, the City took steps to review the feasibility of increasing access to internet for marginalized communities through a council approved Broadband study. The recommendations outlined in the study provided a complete review of connectivity and broadband infrastructure issues and opportunities for the city to consider.

City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.ED25.4>

The City's study found that price remains the significant barrier to accessing CRTC universal service objective speeds on wired infrastructure, and that a digital divide exists between Toronto residents with and without access to internet.

Toronto City Council has also specifically directed staff to work with businesses to seek equipment upgrades and additional options from internet service providers, as needed, and to do further work on the digital divide. The City understands that a number of Toronto businesses are unable to get providers to bring high-speed connections to 'the door' even when they are willing to pay for the costs to do so.

Access and Affordability of All Services

In 2016, Toronto City Council endorsed the CRTC decision for large telecom companies to make their fibre-optic networks available to small competitors at wholesale prices (Telecom Regulatory Policy CRTC 2015-326). City Council also, as part of this decision expressed support for competitive and affordable internet prices for residents.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2016.MM12.4>

This was echoed in the study commissioned by the City which recommended the need to encourage competition between internet service providers to achieve quicker network improvements and reduce costs.

In addition to fibre-optic networks, Toronto City Council has requested that the CRTC require major telecommunications providers across Canada to provide consumers with options for reasonably priced unlimited data packages that would be part of the cellular packages they offer, as part of their licencing requirements.

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM27.38>

Challenges in affordability also impact net neutrality as speeds offered at different prices limit users ability to access certain content.

These gaps point to the need to review the legislation and tools available to achieve access and affordability, as well as changes that may be necessary to promote competition, innovation, and affordability. This includes recognition of the important role that municipalities play in the telecommunication sector, both as a proponent of access and as regulator and owner of the right of way, as well as the potential for municipal

governments to leverage technological change to cooperatively pursue new business models with industry to provide enhanced services to the public. It also includes the need for close examination of the industry and any existing inequities and anti-competitive forces within it.

Broadcasting

Toronto's Cultural Industry

The City of Toronto's 2017 Strategic Action Plan for the Film, Television and Digital Media Industry recommends that all orders of government encourage competitive, stable creative industry tax credits and develop policies that respond to new and emerging issues impacting the industry. It also recommends that all orders of government contribute to workforce development by creating dedicated financial incentives for job training specific to the screen sector and ensure that industry roles are eligible for support through existing programs. City Council's decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.ED22.4>

Toronto is Canada's leading centre for English-language film, television and digital media content production, and ranks among the top markets for the screen industry in North America and globally. Toronto's film, television and digital media industry contributed \$1.8 billion in production investment to the Canadian economy in 2017, and supported over 30,000 jobs.

In 2018 Toronto City Council invested in new production space for a wide range of media – including television series, feature and independent films and digital media. Combined with recent expansions by private studio operators, the City's efforts will result in up to 300,000 new square feet of studio space being opened in Toronto the coming years. City Council's decision can be found here: <http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2018.ED28.4>

Toronto City Council has an interest in supporting content creators in their continued efforts to build a vibrant film, television and digital sector. This includes the need for Canadian stories to be made and seen, and for Canadian talent to have the skills necessary to support local production.

Local News and Democracy

Toronto City Council has requested that the CRTC require cable service providers to provide a televised community broadcast channel. Community broadcasters can improve the availability of local content, increase access to information by residents across demographic communities and support skills training. Access to local news is integral to promoting a healthy democracy, and the City recognizes that existing, new, traditional and online broadcasters all have a role to play. City Council's decision can be found here:

<http://app.toronto.ca/tmmis/viewAgendaItemHistory.do?item=2017.MM35.1>

The City also has an interest in ensuring a healthy media to meet its civic advertising needs which often include notices required by provincial statute. The City's advertising policy seeks to ensure that City information reaches the appropriate audiences in the most effective and efficient manner. As noted in the policy, the City leverages both large and small media to reach diverse audiences. This includes community newspapers to reach specific neighbourhoods and ethno-specific communities.