

Including Remote and Rural First Nation Communities in Broadcasting and Telecommunications Legislation

Presentation to the Broadcasting and
Telecommunications Legislative Review Panel

Halifax, NS, October 3, 2018

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First Mile Connectivity Consortium (FMCC)

We respectfully acknowledge that we are meeting today on the unceded and unsurrendered territory of the Mi'kmaq nation

Thank you for the opportunity to present to your panel on behalf of the **First Mile Connectivity Consortium (FMCC)**, a national non-profit organization providing research and expert advice on policy and regulatory activities related to telecommunications and digital networks in remote and rural First Nation communities

OUTLINE OF OUR PRESENTATION

1. Introduction to our FMCC organization
2. Key Recommendations from three publications
(copies supplied to the panel)
3. Recommendations from FMCC policy and regulatory submissions to date to ISED and the CRTC
4. Recommendations for the panel's themes for their review of the Telecommunication, Radio-communications and Broadcasting Acts
5. Conclusion
6. Q&A

**First Mile
Connectivity
Consortium
(FMCC)
Members
and Partners**



Atlantic Canada's First
Nation Help Desk
MI'kmaw Kina'matniwey
Nova Scotia



First Nations
Education Council
Quebec



Keewaytinook
Okimakanak
KNET Services
Ontario



University of
New Brunswick



Western James Bay
Telecom Network
Ontario



Manitoba First Nations
Education Resource
Centre Inc.



First Nations Technical
Advisory Group
Alberta



First Nations Technology
Council
British Columbia



University of Alberta



Matawa First Nations
Management, Ontario



Native Communications
Society of the NWT



Clear Sky Connections
Development Division of the Crown

Clear Sky Connections
Manitoba



Broadband
Communications North
Manitoba



FMCC INTRODUCTION

The First Mile Connectivity Consortium (FMCC)

- incorporated as a national non-profit organization in 2013, run by volunteers
- 11 Indigenous organization members from coast to coast to coast, experts from two universities on the board of directors, research associates from three other universities
- provides research, analysis and expert advice and opinions to our member organizations and regulatory and policy bodies
- we met virtually in late September to prepare this presentation

FMCC grew from a research project, First Nations Innovation (FNI)

- based at the University of New Brunswick
- three First Nation organization partners + University of Alberta, Université Laval
- funded 2005-2018 by the Social Sciences and Humanities Research Council of Canada (SSHRC). The project ended in March 2018
- 90+ publications are available for download on the First Mile site: <http://firstmile.ca>
- we are sharing three publications with the review panel today

FMCC AWARDS AND RECOGNITION

2016: Canadian Race Relations Foundation Award of Excellence (Aboriginal Category)

2015, 2017, 2018: recognition and validation of FMCC in CRTC Telecom orders:

- 2015-441: <https://crtc.gc.ca/eng/archive/2015/2015-441.htm>
- 2017-164: <https://crtc.gc.ca/eng/archive/2017/2017-164.htm>
- 2018-349: <https://crtc.gc.ca/eng/archive/2018/2018-349.htm>
- *“The FMCC’s submissions, especially regarding eligibility criteria for funding and prioritization, as well as its comments on governance and administrative issues, assisted the Commission in developing a better understanding of the matters that were considered.”*
- *“The FMCC contributed material regarding the unique needs of its member organizations and people in rural, remote, and Northern regions. Accordingly, the Commission finds that the FMCC represented the interests of Indigenous community members in remote areas who subscribe to telecommunications services.”*
- *“The FMCC’s submissions, especially regarding the importance of broadband Internet services for the social, cultural, and economic development of remote Indigenous residents, assisted the Commission in developing a better understanding of the matters that were considered. The FMCC provided focused and structured evidence in areas where it had direct experience and expertise.”*

FMCC-FNI TEAM

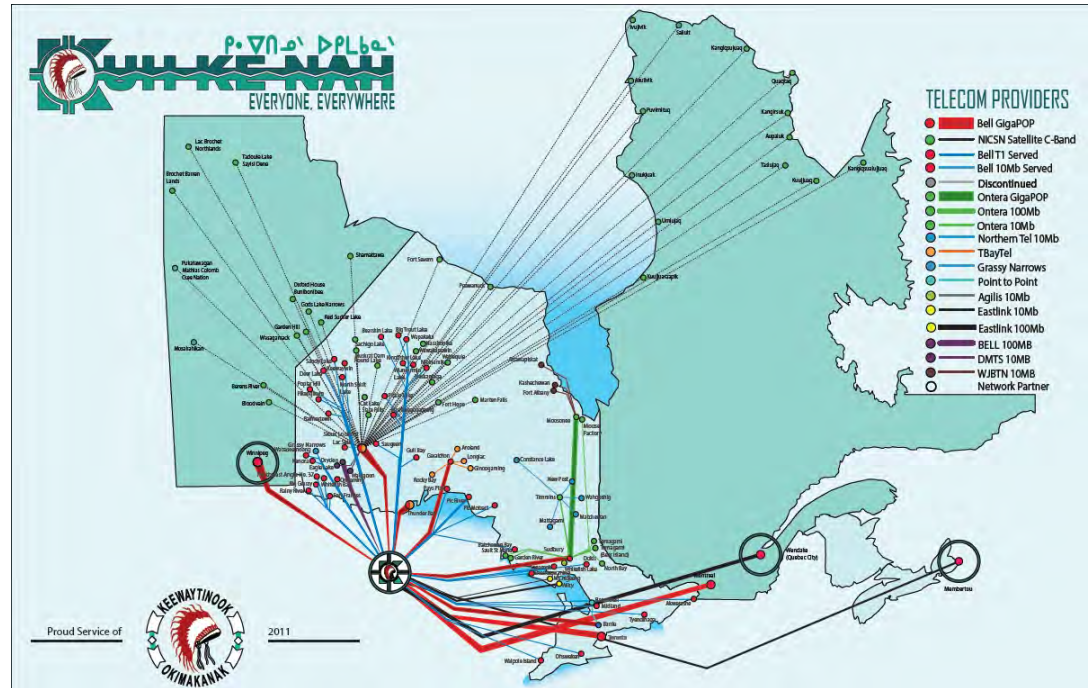


The FNI-FMCC team at a strategy meeting
at the University of New Brunswick, Fredericton, October 2017

DIGITAL TECHNOLOGY ADOPTION IN REMOTE AND NORTHERN INDIGENOUS COMMUNITIES IN CANADA

Research contracted by Industry Canada/ISED, presented at the Canadian Sociological Association conference in Calgary, 2016

Recommendation:
Support adoption by remote, northern and rural First Nation community organizations and regional networks



STORIES FROM THE FIRST MILE: DIGITAL TECHNOLOGIES IN REMOTE AND RURAL INDIGENOUS COMMUNITIES

Published in March 2018 by FMCC and FNI

Recommendation:
Acknowledge in policies and regulations that Indigenous communities have a long history of building and using digital technologies in innovative, creative ways



A "WHOLE-COMMUNITY" APPROACH FOR SUSTAINABLE DIGITAL INFRASTRUCTURE IN REMOTE AND NORTHERN FIRST NATIONS

Published in October
2018 in *Northern Policy
Review*

Recommendations:
**Acknowledge the
paradox of
telecommunications in
remote and northern
communities**

**Advocate for a "whole
community approach"
for sustainable digital
infrastructure in rural,
remote and northern
communities**



RECOMMENDATIONS FROM FMCC POLICY AND REGULATORY SUBMISSIONS TO ISED & THE CRTC



First Mile Connectivity Consortium presentation at the CRTC's Basic Service Objective Hearings in April 2016.

FMCC's response to the Governor-in-Council's request for a report on future programming distribution models (October 12, 2017). Broadcasting Notice of Consultation CRTC 2017-359.. On matters concerning 1) distribution model or models of programming; 2) accessing programming; and 3) supporting the continued creation, production and distribution of Canadian programming,

FMCC RECOMMENDATIONS:

Community-based organizations must be supported in constructing and maintaining multi-purpose production and broadcasting facilities that we call local digital innovation centres. Most importantly, policy and regulation must support local Indigenous language multi-media resources produced and distributed by people living in affected communities and regions. Support for local production and broadcasting platforms and facilities requires access to new funding mechanisms that create opportunities for Indigenous providers – not just consumers – of digital content and services

FMCC recommends a new fund be developed, tentatively identified as the Indigenous Programming Distribution Fund (IPDF)

Consensus Set of Principles and Recommendations Guiding and Sustaining Diverse, Non-profit, Community Broadcast Programming and Distribution Models (hand-out)

FMCC's response to Review of Basic Telecommunications Services (April, 2015 to December, 2016) Telecom Notice of Consultation CRTC 2015-134. The Commission will examine which telecommunications services Canadians require to participate meaningfully in the digital economy and the Commission's role in ensuring the availability of affordable basic telecommunications services to all Canadians.

FMCC RECOMMENDATIONS:

Basic telecommunications services Canadians require to participate in the digital economy must include:

- speeds of 50 megabits per second (Mbps) download/10 Mbps upload for fixed broadband Internet access services.
- an unlimited data option for fixed broadband access services.
- the latest mobile wireless technology available not only in homes and businesses, but also along major Canadian roads.

A new broadband fund must include:

- adequate resources for remote and rural access to equitable, scalable infrastructure and operational costs (\$750 million over the first five years);
- complementary resources to existing & future private investment and public funding;
- focus on underserved and unserved areas.

Respect for Indigenous treaties, languages, cultural and traditional practices and understandings in all aspects of telecommunications.

FMCC's response to the Development of the Commission's broadband funding regime (April 25, 2017) Telecom Notice of Consultation CRTC 2017-112. The Commission hereby initiates a proceeding to examine matters related to the establishment of the broadband funding regime, including its governance, operating, and accountability frameworks, as well as eligibility and assessment criteria for proposed projects. CRTC Decision (Telecom Regulatory Policy CRTC 2018-377)

FMCC RECOMMENDATIONS:

Governance process of funding proposals including review, selection to be done internally by CRTC working with third party;

Comparative proposal selection process based on set of appropriate criteria;

Eligibility to include profits, non-profits, band councils, partnerships – at least one member must be eligible to operate as a carrier and have experience in deploying broadband;

Applicant investment must include in-kind and other funding sources;

Training and operational costs are required for remote and rural communities;

FMCC RECOMMENDATIONS (continued):

Proposed network speed must support at least 50M down/10M up;

Pricing packages must be equitable to those offered in major urban centre or community;

Community consultation is required for all proposals & respect 'any established or asserted Aboriginal or treaty rights';

Proposal evaluation preference must reflect local and regional needs and desires including a “whole community” approach to population density considerations rather than number of households / businesses;

Social policy of the fund must give special consideration to proposed projects serving Indigenous communities addressing recommendations from the Truth and Reconciliation Commission (TRC), the United Nations Declaration on the Rights of Indigenous People (UNDRIP) and the Principles of Ownership, Control, Access and Possession (OCAP);

Satellite communities require additional resources to access and sustain equitable broadband satellite bandwidth;

Flexible scheduling for call for applications to accommodate different stages of development and readiness.

FMCC's response to ISED's 2018 Consultation on Revisions to the 3500 MHz Band to Accommodate Flexible Use and Preliminary Consultation on Changes to the 3800 MHz Band. ISED's policy objectives for the 3500 MHz band are to:

- foster innovation, investment and the evolution of wireless networks by enabling the development and adoption of 5G technologies
- support sustained competition, so that consumers and businesses benefit from greater choice
- facilitate the deployment and timely availability of services across the country, including rural areas

RECOMMENDATIONS:

- **fixed wireless service for internet and broadband in the 3500 MHz band should not be discontinued in rural, remote and Indigenous regions and communities until reliable and affordable broadband of at least 50 Mbps download and 10 Mbps upload is available using alternative technologies**
- **some proposals by ISED and by some participants in this consultation will not help to achieve the goal of deployment and timely availability of wireless broadband in rural and remote regions.**

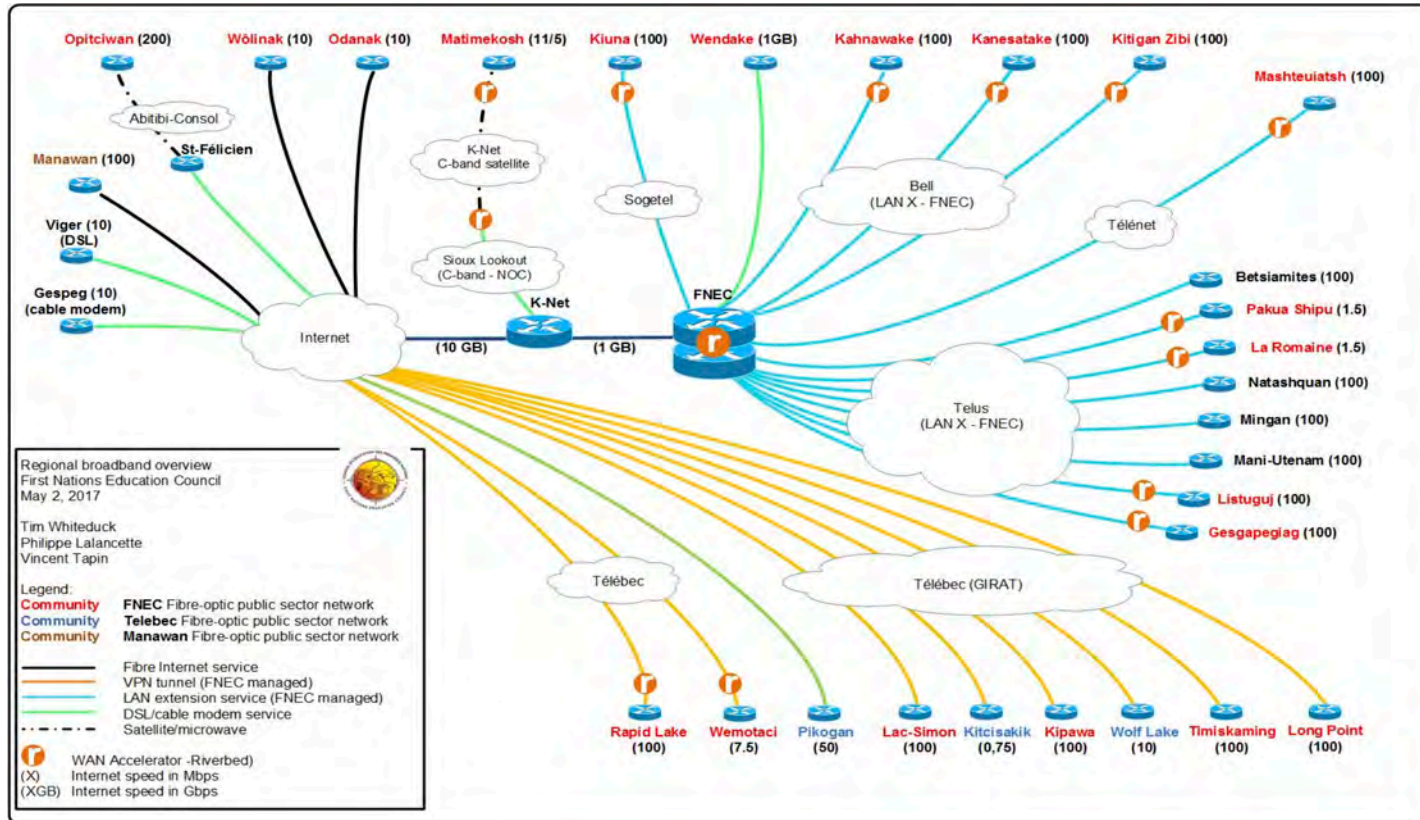
OTHER FMCC CRTC AND ISED INTERVENTIONS

- **FMCC's response to ISED's Consultation on Revisions to the 3500 MHz Band to Accommodate Flexible Use and Preliminary Consultation on Changes to the 3800 MHz Band.**
- **FMCC's response to Phaseout of the local service subsidy regime (April 6, 2017) Telecom Notice of Consultation CRTC 201792.**
- **FMCC's response to Part 1 application from Northwestel to CRTC (February 6, 2017).**
- **FMCC's response to Review of Telesat Canada's price ceiling for C-band fixed satellite services (April 9, 2015) Telecom Notice of Consultation CRTC 2015-133.**
- **FMCC's response to Consultation on the Technical, Policy, and Licensing Framework for Advanced Wireless Services in the Bands 17551780 MHz and 21552180 MHz (AWS3) (July 28, 2014) Industry Canada.**

OTHER FMCC CRTC AND ISED INTERVENTIONS (CONTINUED)

- FMCC's response to Consultation on Policy Changes in the 3500 MHz Band (3475-3650 MHz) and a New Licensing Process in Rural Areas (August 19, 2014) Industry Canada.
- FMCC's response to Let's Talk TV: A Conversation with Canadians, Phase 3 (April 24, 2014) Broadcasting Notice of Consultation CRTC 2014-190.
- FMCC's response to Appointment of an Inquiry Officer to review matters related to transport services provided by satellite (February 6, 2014) Telecom Notice of Consultation CRTC 2014-44.
- Review of Northwestel Inc.'s Regulatory Framework, Modernization Plan, and related matters (December 6, 2012) Telecom Notice of Consultation CRTC 2012-669.

RECOMMENDATIONS FOR THE REVIEW PANEL'S THEMES



Reduce barriers to access by all Canadians to advanced telecommunications networks

FMCC RECOMMENDATIONS

Review existing mechanisms for funding digital network infrastructure development in remote and northern regions and assess the resulting costs and benefits to Indigenous communities.

Support existing approaches for developing digital infrastructure (infrastructure and production facilities) in northern and remote regions.

Ensure equity, adaptability, accessibility, scalable, affordability and sustainability for all Canadians anywhere in Canada.

Change existing corporate, urban discussion from individual / household consumer-based focus to a WHOLE community driven opportunity for development and sustainable broadband networks.

Alter the rural and remote narrative from current last mile to the first mile of development of infrastructure and networks so communities can access the resources they require.

Change policies and regulations to accommodate local Ownership, Control, Access and Possession (OCAP) opportunities from the dominate corporate and government narrative of “we will take care of you”

Support the creation, production and discoverability of Canadian content; Improve the rights of the digital consumer

FMCC RECOMMENDATIONS

Document and revitalize First Nations, Inuit and Métis languages and cultural knowledge as priorities in support of well-being in Indigenous communities.

Support the regional community intermediary organizations that provide technical expertise with the resources required to upgrade, operate and maintain the digital infrastructure in remote and northern Indigenous communities.

Ensure every Indigenous community has local technical support available.

Recognize the need for training, skills development and capacity-building in every community, at all levels from residents interested in skills and applications for use at home and work to community technicians.

Support local and regional efforts to produce digital content in Indigenous languages in all digital formats including audio, video and print.

Respect the Truth and Reconciliation Commission finding in its final report, the: “residential schools were created for the purpose of separating Aboriginal children from their families, in order to minimize and weaken family ties and cultural linkages, and to indoctrinate children into a new culture-the culture of the legally dominant Euro-Christian Canadian society, led by Canada’s first prime minister, Sir John A. Macdonald” (2015). Avoid the same trap in these new Acts!

Renewing the institutional framework for the communications sector

FMCC RECOMMENDATIONS

Ensure the protection and promotion of the rights of Indigenous people and their communities to access communication platforms and to have the right to choose how they use these media for cultural expression.

Explore ways to identify and support strategies that enable the development of local multimedia centres designed and sustained by community/regional production and broadcast initiatives, and thereby provide a decentralized, community-focused “first mile” model of digital infrastructure and content production that supports innovation, develops local skills, and creates employment and other participation opportunities among urban, rural, remote, Northern, and isolated communities in progress on the road to becoming a nation of innovators.

Support alternative models of distribution by recognizing and working with communities to reserve and allocate licenses and bandwidth for non-profits to provide community, First Nation, Inuit, Métis multimedia in every broadcast zone and distribution platform.

Assess the communication ecosystem from license to content to infrastructure to participation. This approach positions digital infrastructure, bandwidth, spectrum, production, broadcasting, platforms, technical aspects and associated capacities as community-managed resources that can be aggregated to support access to sustainable and appropriate communication solutions

CONCLUSION

1. **Need to change the discourse to a community-focused approach for telecommunications and broadcasting where communities are invited and supported to Own, Control, Access and Possess (OCAP) their infrastructure and content;**
2. **Need Equitable, Affordable, Scalable, Sustainable infrastructure and services (50-10 speeds matching about 82% of Canadians in 2015 instead of 25-5 in 2018 for rural / remote communities as required in the CRTC Broadband Fund);**
3. **Develop a “whole community” understanding of how remote Indigenous communities adopt digital technologies for community, social and economic development.**
4. **Stress that residents of rural, remote, Northern and Indigenous communities, and the technology organizations they have set up, should be involved in all infrastructure, content production, policy or regulatory decisions affecting them.**
5. **Support the transfer, preservation, sharing and protection of Indigenous languages and culture using appropriate digital infrastructure and technologies as evident in many innovative, exciting initiatives across Canada**

CONTACT

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