

Telecom Notice of Consultation CRTC 2019-406

**Call for comments regarding potential barriers to the
deployment of broadband-capable networks in
underserved areas in Canada**

**Final Submission of the First Mile Connectivity
Consortium**

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Executive Summary

E1. This submission summarizes FMCC’s conclusions and recommendations regarding potential barriers to the deployment of broadband-capable networks in underserved Northern and Indigenous regions.

E2. It addresses issues under the following headings:

A. General Comments

- The Lessons of COVID-19

B. Wholesale Access to Transport Services

- Definitions of Open Access

C. Wholesale Access Criteria for Broadband Fund Support

- Timeliness
- Future-Proofing: Capacity and Path Diversity
- Dark Fibre
- Trenching: Dig Once

D. Support Structures

E. Indigenous Issues

- The Role of Indigenous Providers
- Consultation and Engagement
- Indigenous Land and Treaty Rights
- Training and Capacity Building

F. Funding Issues

- Access to Financing
- Operational Subsidies

G. Other Issues

- Competition for Broadband Funds
- Oversight
- The Need for Accurate and Accessible Data
- Research

Appendix A: *FMCC Document – FAQ for Community Engagement*

E3. Our recommendations throughout this document are highlighted in **bold**.

A. General Comments

1. The First Mile Connectivity Consortium (FMCC) is an incorporated independent not-for-profit national association. Our members are First Nations Internet service providers known as “community/regional intermediary organizations.” Our associate members are university and private sector researchers and others interested in Indigenous and community communications and telecommunication services for the public good. Our work focuses on innovative solutions to digital infrastructure and services with and in rural and remote regions and communities across Canada. More details about our members and activities are available at <http://firstmile.ca>
2. Digital services are essential for the social, cultural, and economic development of rural and remote Indigenous communities and their residents. The importance of adequate, reliable and affordable connectivity for these regions has been demonstrated during the COVID-19 pandemic, as communities rely on communications for support for health services, distance education, online ordering of supplies, access to government services, and staying in touch with distant family members.
3. It is important to recognize the essential role that Indigenous and non-profit telecom providers can and do play in providing these services in rural and remote communities. Unlike large commercial Telecommunication Service Providers (TSPs), non-profit and Indigenous organizations exist to serve the needs of their communities. FMCC partner organizations represent an alternative approach that foregrounds sustainable local and regional enterprise development in the delivery of broadband infrastructure and services in rural and remote regions. Indigenous service providers from across Canada have innovated to develop and implement modern networks supporting digital infrastructure and services.
4. This submission summarizes the FMCC’s conclusions and recommendations regarding barriers to deployment of broadband networks in Northern and Indigenous communities. Evidence to support these findings is discussed in our initial submission to this proceeding (20 April 2020), reply comments (10 July 2020) as well as our contributions to CRTC 2020-366 (“Call for comments regarding potential regulatory measures to make access to poles owned by Canadian carriers more efficient”), including our initial submission (18 December 2020) and reply comments (19 January 2021).

The Lessons of COVID-19

5. Since the Commission initiated this proceeding on 10 December 2019, Canada has experienced the impact of the coronavirus pandemic. Already strong reliance on telecommunications for essential services including health care, education, work, and business increased in remote and northern regions, putting significant strains on providers. FMCC’s members have experienced increased bandwidth demand and recognize the importance of highly reliable networks and of network redundancy.

6. **We were pleased to see that in response to the COVID-19 pandemic, the federal government’s Universal Broadband Fund instated a Rapid Response Stream.¹ We encourage this kind of targeted support, particularly for the non-profit and Indigenous telecom providers that have been working to provide and upgrade broadband for their communities.** We note that the FCC in the US also recently established an Emergency Broadband Benefit Program.²

B. Wholesale Access to Transport Services

7. Community and Indigenous service providers generally need access to fibre transport networks provided by ILECs where the cost of installing their own networks is prohibitively expensive. However, lease charges are generally very high, as regulation of wholesale fibre transport services has generally been forbore since 2011.³ This forbearance is based on the false assumption that all wholesale fibre facilities are potentially competitive. This makes no sense – particularly in rural and remote regions, it is often prohibitively expensive (and inefficient) to duplicate backbone networks.
8. Forbearance has not resulted in facilities-based competition in most rural and remote regions but perpetuated difficulties in access to these wholesale transport monopolies. It has NOT resulted in extending reliable and affordable broadband to many rural and remote communities.
9. FMCC agrees not only with other relatively small providers but also with large competitive broadband providers such as Shaw, which states: “...where a service provider is attempting to negotiate access to wholesale transport services in a monopolistic wholesale market, negotiations may result in access being granted to the competing service provider, but only at monopolistic rates” (Shaw, para 48).
10. FMCC member organizations have confronted similarly high rates. For example, FMCC member Western James Bay Telecommunications Network (WJBTN) states that it paid \$9.33 per MB to Bell Canada in 2010 and \$15.35 per MB (for 2 GB service) to Bell/Ontera in 2020. Whereas the price of wholesale bandwidth has decreased dramatically elsewhere, it increased significantly in that region. At the same time, demand has increased substantially, especially since the COVID-19 pandemic, such that WJBTN now needs 10 GB circuits.
11. In cases where a transport network is installed to connect an otherwise unserved community, it becomes a monopoly. We concur with TekSavvy that transport services are essential

¹ See: https://www.ic.gc.ca/eic/site/139.nsf/eng/h_00012.html

² Federal Communications Commission (FCC). Wireline Competition Bureau seeks Comment on Emergency Broadband Connectivity Fund Assistance, WC Docket No. 20-445, January 4, 2021.

³ This forbearance applies across the territories of the large ILECs, with the exception of Northwestel. Northwestel offers a Wholesale Connect service pursuant to tariff.

services. **The CRTC should therefore regulate wholesale transport pricing, particularly in Indigenous, Northern and remote regions of provinces as well as in rural regions of the three territories of Northwest Territories, Nunavut and Yukon.**

Definitions of Open Access

- 12. The Commission should provide clear definitions of the conditions required for Open Access to Transport Services.**
- 13. The Commission should determine whether ‘open access’ requirements include dark fibre (also see below).**

C. Wholesale Access Criteria for Broadband Fund Support

- 14. Service providers should be required to provide wholesale access to their networks as a condition for funding from the Broadband Fund.**
- 15. Large incumbent TSPs that are building transport infrastructure using public funds, including the CRTC’s Broadband Fund, should be required to offer 1 GB or 10 GB service to third-party organizations.**

Timeliness

- 16. Transport services requested by third-party providers must be provided by incumbents in a timely manner. Incumbents should be penalized for unreasonable delays.**

Future-Proofing: Capacity and Path Diversity

- 17. Existing backbone networks in the North have typically been built without enough additional capacity for growth in demand. Even fibre networks may have insufficient capacity. For example, in northern Ontario Bell’s backbone engineering of a fibre backbone did not anticipate residential and anchor institution demand. Accordingly, five years after lighting up the backbone, its electronics are end-of-life.**
- 18. To support the Commission’s broadband goals and long-term needs for adequate broadband infrastructure, recipients of public funds should be required to install enough transport capacity and path diversity to meet projected demand and network redundancy requirements over at least 10 years.**
- 19. To increase reliability and redundancy, the cost of building and accessing Internet Exchange Points (IXPs) should be made an eligible expense in rural, remote and Northern regions.**
- 20. FMCC also urges the Commission to invest in public and nonprofit cooperatively owned upstream networks to major Interexchange points, as well as to provide funding to**

support interconnection of small rural ISPs in remote and rural areas to these upstream networks to allow for aggregation of demand and economies of scale for all remote providers.

Dark Fibre

21. Including dark fibre in new networks and providing access to existing dark fibre can help to prepare for future demand. We agree with proposals for more comprehensive tariffs to facilitate access to dark fibre at affordable prices.
22. **Fibre networks built using public funds should be designed to include additional capacity in the form of “dark fibre” that may be leased and activated in the future. Dark fibre should be made an eligible expense for the Broadband Fund.**
23. **To take advantage of existing transport capacity, the CRTC should undertake a mapping exercise to highlight available existing dark fibre and/or conduit.**

Trenching: Dig Once

24. ‘Dig Once’ policies would ensure that roads and other rights-of-way do not have to be repeatedly dug up to lay conduit. **The CRTC should instate a ‘dig once’ policy in collaboration with other infrastructure developers, such as governments, utility companies, and road builders.**

D. Support Structures

25. We provide some comments here regarding support structures, but refer the Commission to the FMCC submission and reply comments in CRTC 2020-366 for further details about our position and recommendations on this matter.
26. Support structures should be considered an essential public good, and can be considered a natural monopoly. As ITPA states: “Optimal use of ILEC support structures such as telephone poles is an important public interest issue. Such optimal use ensures that the need for the installation of parallel pole lines is greatly diminished” (para 33).
27. FMCC and several other providers note that attachment rates are generally significantly higher for provincial utility poles than for ILEC poles. This pricing disparity is a major barrier in Ontario, where prices to access Hydro One poles are set by the Ontario Energy Board. These price increases are particularly onerous for small northern providers. FMCC member WJBTN notes that Hydro One prices have increased from \$22.35 in fall 2018 per annum per pole attachment to \$43.63 per pole. Several other providers in this proceeding serving Ontario have cited the impact of this increase to more than \$43. However, for WJBTN, “the issue isn’t whether we can access the poles...it’s whether we can afford the 100 percent increase in attachment fees.” The implications are significant, as now WJBTN

faces the necessity of increasing its proposed broadband rates to its customers in remote low income communities.

28. We therefore agree with ITPA that: **“The Commission should ... determine whether Bell Canada is giving itself and/or Hydro One or Hydro-Québec an undue or unreasonable advantage over third parties wishing to obtain access to Bell Canada telephone poles. These agreements should be placed on the public record.”**
29. We think that the rules and procedures for access to ALL support structures, regardless of ownership, need to be simplified and harmonized. We agree with the Broadcasting and Telecommunications Legislative Review (BTLR) Panel’s proposed changes to the *Telecommunications Act* concerning support structures. While amending the *Telecommunications Act* may be the optimal solution, we urge the Commission to immediately investigate all plausible solutions to coordinate between federal, provincial and municipal jurisdictions.
30. **Where the CRTC has jurisdiction, it should specify deadlines for owners of support structures to provide information on costs of access to assets and other related costs. It should also urge other third-party owners to abide by these deadlines.**
31. **Where the Commission has jurisdiction, it should enforce timely issuance of access permits by support structure owners. It should also urge other third-party owners to abide by these deadlines.**
32. **The Commission should put in place a clear process that third-party organizations can use to report problems and request remedies concerning access to support structures.**
33. **The Broadband Fund should allow supplemental funding in cases where funded projects must absorb additional costs, such as access to support structures, due to circumstances beyond their control.**

E. Indigenous Issues

The Role of Indigenous Providers

34. Residents of rural, remote, Northern and Indigenous communities should not be restricted to act only as consumers of infrastructure and services – they can also act as producers, owners, and operators. We note that several Indigenous organizations in addition to FMCC are participating in these proceedings, and are pleased to see support for First Nations and Indigenous telecommunications providers from several interveners.
35. We strongly disagree with implications by ILECs that small and Indigenous providers may not be capable of constructing and managing their own networks. In fact, many non-commercial service providers, including FMCC member organizations, have a long and successful history of operating in high-cost service areas.

Consultation and Engagement

36. Providers have a duty to consult with First Nations and other Indigenous communities before undertaking work on their lands.
37. We noted in our earlier submission, that in the U.S., carriers providing services on Tribal land must also show that they have fulfilled a Tribal Government Engagement Obligation. **Similar compliance should be required by the CRTC.**
38. In an Appendix to our Reply Comments, we submitted an information sheet that FMCC prepared including context and suggested questions that local leadership might consider when approached by TSPs regarding broadband projects in their communities. We suggest that the Commission should include a similar document as a resource for all consultation and public engagement activities carried out by recipients of the Broadband Fund and other public funding. We have also included this document below as Appendix A.

Indigenous Land and Treaty Rights

39. In the spirit of reconciliation, meaningful consultation and informed consent, agreements must be reviewed and modernized with respect to access to support structures and rights-of-way.
40. **Specific language concerning Indigenous land and treaty rights and procedures required to access land, “passive infrastructure” such as rights of way, poles, and ducts, as well as other telecommunications equipment, should be included in any updated regulations concerning support structures.**
41. **CRTC regulations should state that the Commission does not have the right to approve construction of transmission lines on Tribal or other Indigenous lands without the consent of the relevant Indigenous government.**

Training and Capacity Building

42. We note the need to train Indigenous and other community residents who can then be hired for operations and maintenance in remote communities. This training would both reduce costs to providers and create jobs in the communities. Commercial providers could also contract with local organizations to provide this support.
43. The COVID pandemic has highlighted the need for immediate responses to local network and infrastructure issues especially in remote and rural communities where telecom providers have been unable to dispatch repair people due to lockdowns.
- 44. The Broadband Fund and other public sector funding for non-profit and Indigenous providers should include allocations for training of local/Indigenous community members for network installation, operation and maintenance, community outreach and other tasks.**
- 45. In the case of commercial TSPs, government should not fund training, but rather should make training and subsequent employment a condition of accessing public funding.**
- 46. The Commission should require recipients of public funds to provide an annual report on the progress and number of trained local employees as well as details about their positions (such as titles and duties) as a condition of funding.**
- 47. Sole-sourced contracts that use local assets should be made an allowable cost in projects supported by the Broadband Fund, given the limited contracting services available in some regions.**

F. Funding Issues

Access to Financing

- 48. We recommend that in lieu of letters of credit, Indigenous non-profit organizations should be allowed to provide examples of their successful development and operation of similar infrastructure projects.** Examples could include projects such as electrification, water and wastewater, roads, airports, and so on.
- 49. We also recommend that the CRTC brief third parties such as ISED, INAC, the Business Development Bank of Canada, and the Infrastructure Bank of Canada on the Broadband Fund, and explore with them how Indigenous communications providers could qualify for their support.**

50. We agree with several parties that the funds application process should be streamlined, and that municipalities, co-operatives, and other providers demonstrating the capability to deploy broadband infrastructure should be eligible to receive direct funding to do so.

Operational Subsidies

51. In our submission, we stated that subsidies for non-profit and Indigenous service providers are required to ensure that pricing is affordable for remote communities. We are pleased that several providers agree with us that funding programs should provide subsidies for operational costs where even with capital funding, revenues will not be sufficient to cover operating costs. **In High-Cost Serving Areas (HCSAs), for non-profit and Indigenous service providers, operating costs that exceed projected revenues for broadband services should be considered eligible expenses for support from the Broadband Fund.** We stress that operational subsidies should be restricted to non-profit and Indigenous service providers based in and providing services to these regions because they do not have the same abilities and economies of scale as major commercial TSPs.
52. In our initial submission we noted that in Canada, unlike the U.S., there are no programs to address affordability in high cost areas or for low income customers. Research conducted in NWT communities indicated significant affordability challenges, particularly for data overage fees.⁴ **We also recommend that targeted subsidies for users be implemented similar to the FCC’s Lifeline program,** which subsidizes low income residents for access to voice and broadband services. As noted above, the FCC is also introducing targeted subsidies for broadband users in its Emergency Broadband Connectivity Program.

G. Other Issues

Competition for Broadband Funds

53. We recognize that the approach the Commission has chosen to select successful applicants for the Broadband Fund (sometimes called a “beauty contest”) is not perfect, and requires significant time and expertise to evaluate and compare proposals. However, as explained in our submission to this proceeding, we believe that a reverse auction would not be a more appropriate model.
54. We maintain that a proposal-based approach encourages more diversity of applicants, including small, non-profit and Indigenous providers. Their participation helps improve competition and contributes to economic development opportunities in rural, remote, Indigenous and Northern regions through the development and provision of telecommunications infrastructure and services. It also allows for more variety and customization of network deployment and sustainability plans to better meet the needs of

⁴ See: DigitalNWT Submission to Telecom Notice of Consultation CRTC 2020-367 “Call for comments - Review of the Commission’s regulatory framework for Northwestel Inc. and the state of telecommunications services in Canada’s North”, dated 20 January 2021.

diverse geographies and communities. We note that despite receiving many years of significant public investment, major telecommunications providers have still not developed adequate connectivity solutions to affordability and access divides in these regions.

Oversight

55. We have emphasized in previous submissions concerning the Commission's Broadband Fund that there must be ongoing oversight of funded projects, including not only audits of expenditures, but reports by third parties (not the recipients of funds) on whether projects have been completed as specified, and on metrics including quality of service and pricing.
56. **The Commission should publish details concerning how oversight of funded transport projects will be carried out, and how compliance will be enforced.** These details should include specific annual reporting requirements for Indigenous contexts (as is required by the FCC).

The Need for Accurate and Accessible Data

57. Timely and meaningful methods for updating data are required as current information is often inaccurate or out of date. More complete and up-to-date maps are required to show location of facilities and wireless spectrum coverage. We appreciate the efforts of the CRTC and ISED in this respect. In our opinion, the more data on this issue the better; therefore we encourage the Commission to also consider additional consumer-side mapping data, such as that collected and reported through the CIRA Internet Performance test.⁵ We also agree with several parties that support is needed to enable non-incumbents to identify, find and access existing infrastructure, tower-space and co-location. This should include dark fibre and conduit.

Research

58. We agree with the Internet Society (ISOC) that **the Commission should conduct, support and/or advocate for local capacity to support research activities.** We note that FMCC and other groups have trained and hired Indigenous community members as researchers, and have collaborated with organizations like ISOC on research on uses and benefits of Internet access in Indigenous communities. For example, the DigitalNWT project team (www.DigitalNWT.ca) worked with local researchers to conduct household surveys in nine rural/remote communities (a total of 192 households representing 612 individuals living across the NWT). This methodology employed local researchers who collected data using tablets and mobile survey applications. A report based on this information was presented to the Commission in January 2021.⁶ We intend to continue refining this process and training local researchers to build local capacity conduct community surveys on an ongoing basis. We

⁵ See: <https://performance.cira.ca/>

⁶ See: DigitalNWT Submission to Telecom Notice of Consultation CRTC 2020-367 "Call for comments - Review of the Commission's regulatory framework for Northwestel Inc. and the state of telecommunications services in Canada's North", dated 20 January 2021.

note that this kind of community-based data collection is becoming increasingly common in a broad range of research fields, from environmental monitoring to community development.

59. **The Commission should provide support for research activities.** We agree with the Canadian Rural Revitalization Foundation and Rural Policy Learning Commons that Canada lacks critical information, research, and evaluation regarding the availability and adoption of broadband services. To address this requirement, we agree with their recommendation that the Commission:

“Allocate a specific portion of the Broadband Fund to support longitudinal data collection and analysis, research, and evaluation – and work with all orders of government to ensure that any other funding initiatives related to telecommunications services include allocated funds for the same” (p. 10).

60. We thank the Commission for the opportunity to address these important issues, and would be pleased to provide additional information.

Appendix A: FMCC Document – FAQ for Community Engagement



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Broadband Fund Overview Document (FAQ for Community Engagement)

This document is designed as a resource for Indigenous communities in Canada. It provides information about Broadband Development – internet connectivity – with a focus on key issues that Indigenous leadership should be aware of when approached by organizations proposing government-funded broadband (internet) projects.

Recent government funding programs require community engagement and consultation for Broadband Projects – including ensuring that Aboriginal and treaty rights are considered. Since the earliest days of the internet, Indigenous peoples have pointed out its importance in areas such as self-determination and cultural/language revitalization. Over the years Indigenous groups have also successfully advocated for policies to introduce new technologies and services in their communities. Along with providing adequate, affordable access to the internet, these efforts have argued for Indigenous ownership and control over digital services – with the result that Indigenous internet service providers have emerged across Canada.

This document was developed by a national association of these First Nations technology organizations. The **First Mile Connectivity Consortium (FMCC)** is an incorporated independent not-for-profit national association. Our members represent First Nation communities, and are responsible to community leadership in their region. In total, they represent the interests of more than 200 First Nation communities in rural and remote areas across Canada.

FMCC member organizations provide and support the delivery of broadband-enabled public services such as online education and telehealth, as well as entertainment services for household consumers. We have testified in CRTC hearings concerning broadband for rural, remote, and Indigenous regions, and conducted research on broadband uses and requirements in remote Indigenous communities. For details about our members and activities, visit: <http://firstmile.ca>

To ensure access to reliable and affordable broadband, the FMCC is seeking solutions that involve residents of rural, remote, isolated, northern, and Indigenous communities. We argue for “first mile” solutions in the design, development, and operations of telecommunication infrastructure and services – that is, those which invest in affected communities and regions.

A “first mile” solution contrasts “last mile” initiatives that focus on upgrades to urban infrastructures in the hope that they will eventually serve the remote and rural regions. Despite billions of public dollars invested in corporate telecom “last mile” solutions, many Indigenous communities still lack adequate access. The First Mile approach aims to address this problem.

Broadband Funding in Indigenous Communities

In recent years, the need for digital content and connectivity in Indigenous communities across Canada has received increasing attention. Numerous studies, research reports, and testimony in regulatory proceedings have pointed out the importance of broadband for individuals, families, organizations and businesses.

After years of advocacy by Indigenous and public interest groups, in 2016 the Canadian Television and Telecommunications Commission (CRTC) designated broadband as an ‘essential telecommunications service’ to be available to all Canadians, and established minimum speeds and optional unlimited data caps.

High-Speed Access for All: Canada's Connectivity Strategy

https://www.ic.gc.ca/eic/site/139.nsf/eng/h_00002.html

In summer 2019, *Canada's Connectivity Strategy* was released. The *Strategy* highlights four funding programs that organizations can access to build broadband networks in rural, remote, Northern and Indigenous parts of the country. Importantly, **many have specific consultation requirements** that community leaders should be aware of.

1) Universal Broadband Fund

<https://www.budget.gc.ca/2019/docs/nrc/infrastructure-infrastructures-internet-en.pdf>

“The design and eligibility criteria will ensure projects will best meet local needs and demonstrate strong local engagement. Consultations will take place during the first phase to ensure that community needs are met by the Fund and to maximize the impact of public investments. The second phase in 2020 will invite applicants to provide solutions to connectivity gaps in unserved and underserved rural and remote areas.” (p.17)

2) CRTC's Broadband Fund

<https://crtc.gc.ca/eng/internet/internet.htm>

“On June 3, 2019, the CRTC launched its \$750 million Broadband Fund. This Fund is accepting applications for projects that include Canada’s territories and satellite-dependent communities, where there is a great need for improved broadband and mobile wireless networks. A second call for applications will launch in fall 2019 to support all project types in underserved rural and remote areas throughout Canada.”

3) Infrastructure Canada’s Rural and Northern stream

<https://www.infrastructure.gc.ca/rural/index-eng.html>

“Infrastructure Canada’s Investing in Canada Plan includes a Rural and Northern stream, which provides up to \$2 billion to support various infrastructure projects that improve the quality of life in rural and northern communities. The Rural and Northern stream addresses these communities’ specific infrastructure needs, including improved broadband connectivity.”

4) Canada Infrastructure Bank

<https://cib-bic.ca/en/>

“The Canada Infrastructure Bank can support connectivity projects by investing up to \$1 billion through funding tools including loans, equity and loan guarantees. These investments can further leverage at least \$2 billion in private investment, making the impact of publicly funded projects and dollars go further.”

Consultation and Engagement Requirements

By engaging with applicants to these funding programs, Indigenous communities have opportunities to contribute to decisions about broadband development in their territories. Leaders and administrators can participate in strategic planning regarding how digital connectivity is built, set up, owned, paid for, distributed, managed and used. This process can help internet service providers make decisions on how infrastructure and bandwidth deliver essential services such as e-health and e-learning, as well as residential internet. It can also contribute to long-term economic and community development benefits for residents of Indigenous Nations.

Engagement takes a variety of forms, including surveys, focus groups, community meetings and planning circles. We note some concerns with respect to the community consultation requirements set out in the Broadband Funds described above. Our position is that applicants to these funds should:

- Provide clear information about proposed projects to affected communities.
- Include examples of specific evidence of consultation activities.
- Use “meaningful consultation and informed consent” as the standard in consultations.
- Recognize that a “market study” is not adequate evidence of consultation, since it could be done without any interaction with the community.

Consultation and engagement must provide substantive support for community development. It must be treated as an ongoing relationship between equal stakeholders.

The Government of Canada uses the following definition of consultation, as outlined in “Guiding Principle No. 4” in [*Aboriginal Consultation and Accommodation - Updated Guidelines for Federal Officials to Fulfill the Duty to Consult*](#) (March 2011):

“Consultation and accommodation will be carried out in a manner that seeks to balance Aboriginal interests with other societal interests, relationships and positive outcomes for all partners. A meaningful consultation process is one which is:

- carried out in a timely, efficient and responsive manner;
- transparent and predictable;
- accessible, reasonable, flexible and fair;
- founded in the principles of good faith, respect and reciprocal responsibility;
- respectful of the uniqueness of First Nation, Métis and Inuit communities; and,
- includes accommodation (e.g. changing of timelines, project parameters), where appropriate.”

We also note the calls to action issued by the Truth and Reconciliation Commission of Canada (TRC). We highlight #92 on “Business and Reconciliation”:

“92. We call upon the corporate sector in Canada to adopt the United Nations Declaration on the Rights of Indigenous Peoples as a reconciliation framework and to apply its principles, norms, and standards to corporate policy and core operational activities

involving Indigenous peoples and their lands and resources. This would include, but not be limited to, the following:

- i. Commit to **meaningful consultation**, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.
- ii. Ensure that Aboriginal peoples have **equitable access to jobs, training, and education opportunities** in the corporate sector, and that Aboriginal communities **gain long-term sustainable benefits** from economic development projects (**Emphasis added**).

Topics for Consideration During Community Engagement Activities

To demonstrate mutually beneficial consultation and engagement about Broadband Projects, we recommend that funding proposals require support letters provided by community leadership.

To secure a support letter from community leadership, telecommunications companies should provide the following documents for review:

- 1) Written Broadband Project proposal
- 2) Plans for and record of Community Engagement activities

1) Written Broadband Project Proposal

Telecommunications companies should include clear and plain language definitions and explanation of the division of roles and responsibilities of project applications, including details on ownership, operations, and the requirement for meaningful consent with Indigenous communities. We suggest that written proposals include the following information:

- Adequate notice of consultation, including clear timeline
- Summary of proposed project and its impact on the community
- Information to help community representatives prepare for consultation
- Reference to consultation requirements for funding, including Aboriginal and treaty rights, and demonstrate how they have been addressed by the project
- Terms and conditions of any proposed partnership, joint venture or consortium
- Identify which entity will: retain ownership of network assets; be responsible for building network; be responsible for network operation

2) Community Engagement Activities

During community engagement activities, we suggest that Indigenous leaders review and discuss the following topics and questions with telecommunications companies:

Speed: A Moving Target. Requirements for high speed connectivity are evolving rapidly as applications, services and demands of users evolve. Any specific speed targets must be adequate

for online activities currently conducted by individuals, families, and institutions today. They must also be regularly updated to meet changing requirements. For example, cloud-based applications and streaming content (for education and training as well as entertainment) need more bandwidth and more uploading capability than were envisioned a few years ago.

- What download speeds will your project offer?
- What upload speeds will your project offer?
- Will speeds be affected by the number of users in a household? (e.g. people connecting to Wi-Fi to use different devices such as tablets, computers and phones)
- Is it possible for speeds to increase to meet future demand?
- What, if any, cost is involved if speeds increase?

Availability. It is important to ensure that broadband services are made available to everyone in a community – all houses, organizations and businesses, not just those that are easiest to serve. In some cases, services are provided in areas of dense population (e.g. ‘downtown’), which leaves people and organizations located outside of such centres disconnected.

- Will service be provided to everyone in a community, or just certain areas, such as areas of dense populations (e.g. ‘downtown’)?
- What is your plan to connect people in densely-populated areas (e.g. ‘downtown’)?
- What is your plan to connect people in outlying areas?

Affordability. Broadband projects are of limited value if customers (households, organizations and businesses) cannot afford to use them. Broadband plans must include prices for each community for five (5) years following installation, and a cost structure for any increases in prices afterwards. Retail prices for both households and organizations should be specified.

- What will it cost to install service? (for residential users / for organizations)
- What will it cost for monthly service? (for residential users / for organizations)
- Are there any data caps? If so, what are the limits? What is the cost when a data cap is exceeded?
- Will users be provided with a warning / will service be shut off after data caps are exceeded?
- How are prices determined?

Scalability. Broadband networks should be built so that they can scale up to accommodate more users and/or more bandwidth-intensive uses. To address these needs, companies should state whether they are installing new infrastructure technologies – fibre optics where feasible. In some northern regions, populations are increasing rapidly (although absolute numbers remain small); also, more individuals within households may become subscribers.

- What kind of infrastructure will the project install? (fibre optic / satellite / DSL-copper lines / cable / wireless)
- How long will the infrastructure last?

- Can the infrastructure be updated to meet increasing speed and/or capacity requirements?
- What happens to the broadband system when more people join? Will it slow down or become less reliable?

Quality of service (QoS). Broadband plans must include speed and reliability targets and demonstrate how reliability of networks would be monitored, including data collected at the community level. The CRTC heard cases, as in Northern Manitoba, where broken systems took weeks to fix.

- What are your Quality of Service (QoS) targets?
- How will QoS be monitored?
- How often will QoS be monitored?
- What are the response times for repairs? (e.g. hours, days, weeks)
- Will there be a local technician to support repairs?

Sustainable Community and Economic Development Benefits. There are a number of benefits that communities can receive from Broadband Projects – it is not enough just to gain access to service. Remember that communities are customers for telecommunications companies. These companies are not providing anyone with any favours by accessing public funds to subsidize these connections them, but rather setting up systems to make money.

- Are there any options for community ownership and control of local broadband infrastructure?
- Once the project is completed, what will the community own?
- Will the project lease any community assets?
- Will the project use environmentally-friendly practices and local materials?
- Will the project provide any compensation for use of local rights-of-way?
- What community benefits will the project provide?

In too many cases, residents of rural, remote, Northern and Indigenous communities face little choice in their selection of broadband services. A lack of competition in rural areas is not an inherent characteristic of the broadband technology. Competition should be encouraged if a business case for multiple providers is feasible. Backbone or transport infrastructure constructed with public subsidies should be required to be open access, so that any provider can obtain access at wholesale rates.

- Does the project support local competition?
- Can local providers access infrastructure owned by the Broadband Project?
- Is the infrastructure ‘open access’? Define ‘open access’.
- What is the cost to access infrastructure, if a local provider wants to resell it?

Sustainable Local Employment and Training. Broadband projects should employ local people in both construction and operation/maintenance of facilities and services, and provide training where necessary. These details about employment and training should be included :

- Provide the following details for each employment position:
 - Number of community members to be employed
 - Titles of each position
 - Minimum and maximum duration of employment for each position
 - Salary scale for each position
 - Training to be offered, if required
- The CRTC's Broadband Fund will support up to 1 year of training for technicians in remote communities. Will the project provide any training to local residents?
- Will any short-term jobs (e.g. construction) be created by the project?
- Will any ongoing jobs (e.g. local technician, administrator, marketing) be created by the project?

Written Summary of the Consultation and Commitments. Community leaders should require that the telecommunication companies provide a written summary of the consultation, information provided, issues raised, and any items that required follow-up. Companies should also provide information about how any concerns raised were addressed. Any verbal commitments by the providers should also be documented in writing and provided to community leadership for review and approval.

Opportunities for Negotiation. Communities may want to propose or specify that certain conditions be met before they will provide written support for the project, such as terms for access to land or rights-of-way, provision of facilities for community access, hiring and training of local people for short term and long term jobs.

FOR MORE INFORMATION:

Links to the announcements of projects and calls for applications are given above.

Communities that want assistance in reviewing these opportunities or requirements can contact the First Mile Connectivity Consortium:

Email: info@firstmile.ca

Phone: 1-877-737-5638 X 4522

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