Community informatics initiatives take place within wider political, economic, and societal contexts that can generate atmospheric conditions, ranging from the supportive to the outright hostile, which affect the former’s growth and development. Among the more important of these wider contexts are the ideological, political, and policy-making currents and processes that together shape how societies integrate new technologies into collective life and who benefits from them. This is particularly the case in countries such as Canada and the United States, where community networks have historically been nourished by “public interest” traditions in telecommunications regulation and by large-scale public funding for universal access initiatives, while simultaneously being buffeted by the winds of ideological change and neoliberal trends in public policy making toward more market-oriented approaches, which threaten the very existence of such networks (see chapter 4 in this volume). Indeed, the more that community networks come to rely on government funding and programs to grow and sustain themselves, the more vitally important it becomes for them to pay attention to and seek to influence developments within the wider context of the governance and regulation of ICTs, lest the existence and value of CNs be called into question. In this, as we shall see, community networks are not now and have seldom ever been passive spectators but rather very active
(if not always successful) participants in ideological and public policy debates concerning the societal adoption and integration of new ICTs.

In this chapter, we focus on what is at stake for Canada’s community informatics sector in light of recent trends in telecommunications policy making favouring more market-oriented approaches to telecommunications regulation, drawing on the experiences and activities of community networks in Canada from roughly 1995 to 2010. This period encompasses a time in which the telecommunications regulatory regime in Canada underwent significant change while the community networking movement enjoyed rapid growth and transformation, followed by a sharp contraction. To its credit, and despite a definitive regulatory shift toward telecommunications deregulation in the 1990s, the federal government of Canada made a significant commitment to supporting community-based ICT initiatives, allocating close to $1 billion in spending on universal access programs between 1995 and 2005 (see chapter 19). Community networking organizations flourished as a result but were at the same time transformed from grassroots volunteer organizations into increasingly institutionalized and professionalized organizations dependent on government funding programs and responsible for delivering government services and programs in the field of ICT access, training, and applications development (for example, e-health). As MacDonald, Longford, and Clement make clear in chapter 19, the community informatics sector’s growing involvement in delivering the federal government’s connectivity programs and services during the 2000s was a double-edged sword, until recently increasing the sector’s access to funding while burdening it with increasingly onerous paperwork and threatening to impose the government’s agenda on the sector’s work within communities. Meanwhile, beginning in 2004, the federal government’s commitment to universal access began to wane, and major funding cuts to universal access programs were implemented, as the federal government increasingly looked to market forces to solve the problem. Since that time, the community informatics sector in Canada has been in a state of crisis, and hundreds of organizations and initiatives have since disappeared. The lessons of the Canadian experience for community informatics research and practice are difficult to overlook. The future of community informatics is inevitably entangled with the evolution of telecommunications policy and regulatory frameworks and the extent to which the ideas of community and the public interest are championed within them.

After an initial overview of telecommunications policy reform in Canada since the mid-1990s and the role played by community networks in seeking to influence those reforms, in this chapter we focus on the federal Telecommunications Policy Review Panel (TPRP) and its 2006 final report, which has cast a shadow over telecommunications policy and regulation in Canada ever since,
with ambiguous implications for the status and future of community informatics initiatives across the country. We conclude with an examination of the responses to the TPRP report by community networks and other public interest organizations in Canada and articulate an alternative public policy agenda that protects the public interest in telecommunications regulation and carves out a space for community-based, government-supported initiatives to ensure both access to and effective use of new ICTs in communities across Canada.

TELECOMMUNICATIONS POLICY IN CANADA

Canada has a long history as a world leader in the development of advanced telecommunications networks. In recognition of their importance to economic development, cultural identity, national sovereignty, and communication rights, these networks have been subject to a legislative and regulatory framework that safeguards the interests of all Canadians. Indeed, section 7 of the Telecommunications Act (1993) affirms that “telecommunications performs an essential role in the maintenance of Canada’s identity and sovereignty” and that “the Canadian telecommunications policy has as its objectives,” among other things, “to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions.” Such legislative and regulatory recognition of the public interest in telecommunications has helped protect the interests of users and consumers of telecommunications services, including those in under-served communities, through recognition of common carriage provisions, the importance of Canadian ownership, consumer protection, and the adoption of cross-subsidization to finance hard-to-serve areas. While such protection has been far from absolute, it has provided a foundation for public interest policy and regulatory provisions and a framework for claims making on behalf of the public interest (Babe 1990). Coupled with this have been legislative and regulatory institutions, such as the Canadian Radio-television and Telecommunications Commission (CRTC), and reform processes marked by relative democratic openness and responsiveness to the claims of Canadian citizens and communities (Barney 2004).

During the 1990s and 2000s, however, telecommunications policy in Canada has been driven by a neoliberal agenda focusing on deregulation and economic competitiveness, at the expense of the public interest, cultural sovereignty, and social well-being of Canadians (Rideout 2004). Beginning in the 1980s, calls were made for the deregulation of the telecommunications system. In 1992, the long-distance telephone industry was deregulated. Canada’s Telecommunications Act was amended in 1993 to encourage increased reliance on market forces. This was followed by the deregulation of long-distance
services in 1997 and the CRTC’s stunning 1998 decision on new media to forego regulation of the Internet altogether.

While deregulation was designed ostensibly to increase competition and unleash market forces in order to increase consumer choice and lower prices, Canadians continue to face a market oligopoly comprising a very limited number of powerful incumbents (White 2008). As a result, Canadians live in the worst of both worlds, enjoying neither the benefits of real competition nor the benefits of an industry regulated to serve the public interest. The Canadian telecommunications market lacks competitive vitality and has fallen behind other markets in terms of price, consumer choice, and penetration rates for services like cellular telephony and broadband. “In Canada, telecom history shows that we don’t go from monopoly to competition—it’s always the other way around. We had five wireless providers a few years ago and now we have three. The market has already spoken on this topic,” said Lawrence Surtees, telecom consultant and author of a history of Bell Canada (McMurdy 2007). The Organisation for Economic Cooperation and Development report *Communications Outlook 2007* supports this assertion (OECD 2007). Summarizing the report, Geist notes that “Canada ranked second [to] last in the OECD for the total number of mobile subscribers,” that “Canada placed far behind other countries for innovation,” that “Canadian investment in telecommunications was average, trailing countries such as the US, Australia, Japan, and the UK,” and that “the report reconfirms Canada’s sinking ranking in broadband subscribers along with its relatively high prices for broadband” (Geist 2007). Little progress has been made in the late 2000s. As of 2009, Canadian wireless consumers paid the third highest rates among developed countries, while high-speed broadband consumers paid the second highest rates, according to the OECD (Nowak 2009). While deregulation may well have been good for corporate bottom lines at incumbent telecommunications giants such as Bell and Telus, it is difficult to discern how the public interest has been served. In spite of this, the mantra of deregulation continues to prevail.

**CONNECTION CANADIANS**

If there has been a bright spot in the recent history of telecommunications policy and the public interest in Canada, it would be the federal government’s response to the challenges posed by new ICTs. Concerned about the challenges Canadians would face in a new digital economy, the federal government established the Information Highway Advisory Council (IHAC) in 1994, under the auspices of Industry Canada, to formulate a broad-based strategy for adapting Canada’s economy and society to the new realities of the digital age. After a series of closed consultations dominated by industry groups, and with only token
representation from civil society groups and communities with a stake in the issues, IHAC (Industry Canada 1995) recommended, among other things, that the development of Canada’s digital infrastructure—including the Internet—be left to market forces and without government interference or regulation. While in its composition, proceedings, and final recommendations IHAC was an industry-dominated affair concerned primarily with the competitiveness of Canada’s ICT industries (Barney 2004), its work nonetheless had the effect of galvanizing and uniting a broad and diverse constituency of civil society organizations, including community networks, around a common agenda of universal access and effective use (Clement, Moll, and Shade 2001). While the concerns of these groups fell on IHAC’s deaf ears, they continued to organize and to lobby officials within Industry Canada, arguing that a strictly market-oriented approach to the development of Canada’s digital infrastructure would leave millions of low-income Canadians as well as residents of rural and remote communities out in the cold, because there would be little market incentive for telecommunications companies to provide service to them. Some form of government intervention would be necessary to bridge the digital divide, they argued, and would be consistent with decades of telecommunications policy and regulation designed to meet the needs of all Canadians, including low-income groups and residents of high-cost service areas.

While the federal government adopted a great many of IHAC’s recommendations, including an overall commitment to allowing the private sector to lead the development of Canada’s digital infrastructure, it also recognized the need for government to play a role in ensuring universal access to computers and the Internet, as well as supporting programs enabling Canadians to acquire the necessary skills to use them, especially in rural and remote regions of the country. In September 1997, the federal government announced its Connecting Canadians agenda, a suite of programs the objective of which was “to make Canada the most connected nation in the world—to make Canada a world leader in developing and using an advanced information infrastructure to achieve our social and economic goals in the knowledge economy” (Manley 1999). It was a wide-ranging initiative that included made-in-Canada, online access programs such as SchoolNet, the Community Access Program (CAP), VolNet, and Smart Communities, as well as support for e-commerce, web-based Canadian content, and government online projects (see Appendix C).

The CAP program was one of the cornerstones of the Connecting Canadians initiative, and it became central to the development of community networks and community informatics projects across the country over the next decade. When first introduced, CAP was described as a program to “help provide Canadians with affordable access to the Internet and the services and tools it provides” (Industry Canada 2005a). The program’s goal was to have all
Canadians and communities participate fully in the knowledge-based economy. While initially targeted at rural and remote communities, CAP funding was eventually extended to include organizations serving the needs of low-income Canadians in urban areas as well. CAP sites were most commonly located in schools, libraries, community centres, and friendship centres and operated through partnerships with provincial and territorial governments and non-profit organizations. Community networks were logical CAP partners of both the federal government and a diversity of community organizations hosting CAP sites, providing space, training, and technical as well as administrative support to site administrators, volunteers, and users. Industry Canada (2005a) documents peg the cost of the CAP program between 1995 and 2006 at $337.2 million—a relatively modest sum of money dedicated to some very lofty goals. A companion program, the CAP Youth Initiative (CAP YI), funded through Human Resources and Social Development Canada, was launched to provide paid work experience to youth at CAP sites, where they provided training and technical support to users. Together with the assistance of thousands of volunteers, CAP YI workers helped support the CAP sites so that communities could bring all members—including immigrants, seniors, youth, First Nations individuals, and the socially and economically challenged—up to date with new communications tools (see Appendix B).

Within two years of its inception, the goals associated with Connecting Canadians and CAP had moved well beyond the idea of connectivity as access and infrastructure for economic development, to the idea of connectivity as a vehicle for social cohesion. According to then Minister of Industry John Manley, “Connectedness is about our vision of the Canadian society we want in the 21st century—one with a strong, dynamic, competitive economy, and a strong lifelong-learning culture, but also one that uses connectedness to promote social cohesion, cultural expression and to build new linkages between citizens and government” (Manley 1999). Whatever the rationale presented, CAP was clearly set up as a community capacity building project—a multifaceted, grassroots-driven, nation-building project. At its apex, CAP funding helped to sustain 8,800 sites across Canada and maintained a footprint in communities across the country that was greater than all the Tim Hortons and Starbucks coffee shop chains combined (Industry Canada 2005a; Moll 2007). While, as MacDonald, Longford, and Clement discuss in chapter 19, the nature and administration of government programs such as CAP posed significant challenges for the community networks that benefitted from them, the period from 1997 to 2004 constituted something of a golden age in the history of community networking in Canada in terms of its access to resources and the number of projects launched.

By 2004, however, federal interest in universal access had begun to wane.
With household Internet access rates at 65 to 70 percent, the continuing relevance and necessity of public Internet access services were called into question. Federal and provincial governments began to withdraw significantly from supporting community networking and public Internet access. The major Connecting Canadians programs, such as CAP, SchoolNet, the Broadband for Rural and Northern Development (BRAND), and the National Satellite Initiative (NSI) were wound down or closed. The 2004 federal budget announced a two-year extension on CAP and SchoolNet, but with greatly reduced funding and a new strategic direction away from general public access and toward a more narrow focus on “digital divide” communities. The BRAND program allocated all available funds without any plans for new spending, despite the fact that thousands of rural and remote communities remained unconnected. With the imminent withdrawal of the federal government from community networking and public Internet access promotion, thousands of community-based ICT initiatives across Canada were plunged into crisis, since most of them relied on the CAP funding to support the cost of computers and Internet access, which underpinned the other services and programs they offered. By 2007, the Connecting Canadians initiative was a shadow of its former self. The CAP program was put on life-support, existing on drastically reduced funding from $25 million in 2004–5 to approximately $9 million in 2007. Once encompassing 8,800 sites across Canada, the number of active sites declined precipitously to fewer than 4,000 by 2005 (Industry Canada 2005b).

BACK TO THE FUTURE: THE TELECOMMUNICATIONS POLICY REVIEW PANEL

In this rather bleak climate of funding cuts and insecurity surrounding the hundreds of community informatics projects across the country, community networking advocates and practitioners greeted the federal government’s announcement of a major review of telecommunications policy and regulation in 2005 with a mix of hope and trepidation. In April 2005, Minister of Industry David Emerson, a Liberal, appointed a three-member panel to conduct the first major public review of Canada’s telecommunications policy framework since 1993.1 The task of the Telecommunications Policy Review Panel (TPRP) was to consult with relevant stakeholders and then recommend policy changes that would “ensure that Canada has a strong, internationally competitive telecommunications industry that delivers world-class services and products for the economic and social benefit of all Canadians” (Telecommunications Policy Review Panel 2006, iii). Still smarting from the IHAC experience, community networking advocates nonetheless seized on the TPRP process as an opportunity to once again advance a broader community informatics agenda.
and resuscitate the many initiatives that had fallen victim to funding cuts to CAP and other programs. Alas, from both a substantive and a procedural point of view, as we shall see, the community networking sector’s engagement with the TPRP was very much a “back to the future” scenario, replicating the experience of its attempts to engage with the IHAC process in the mid-1990s.

The TPRP was asked to consider three specific areas within the context of recent changes in technology, consumer demand, and market structure: regulation, access, and information and communications technologies (ICT) adoption.

**Regulation.** Given a rapidly changing telecom environment (Wi-Fi, Internet protocol-based services, mobile technologies, and broadband) coupled with increasing consumer demand, the panel was asked to make recommendations on the implementation of an “efficient, fair, functional and forward-looking regulatory framework that serves Canadian consumers and businesses, and that can adapt to a changing technological landscape” (Canada 2005).

**Access.** Canada’s 1993 Telecommunications Act mandates the provision of reliable and affordable telecommunications for Canadians across the country and various sectors of the economy. The panel was asked to make recommendations on “mechanisms that will ensure that all Canadians continue to have an appropriate level of access to modern telecommunications services” (Canada 2005).

**ICT Adoption.** The 1993 Telecommunications Act includes provisions to safeguard, enrich, and strengthen the social and economic fabric of Canada. Given the reliance of the Canadian economy on ICT service provision, the panel was asked to make recommendations on “measures to promote the development, adoption and expanded use of advanced telecommunications services across the economy,” along with recommendations on the current appropriateness of Canada’s ICT investments (Canada 2005). The importance of this area of the panel’s inquiry was not lost on the community networking sector. Clearly at stake, and explicitly in question, was whether and to what extent a continued role for the federal government in connectivity investments and initiatives such as CAP was still warranted.

Included in the TPRP’s activities was a series of consultations designed to solicit input from stakeholders as well as the public at large. A consultation paper was issued in early June 2005, with interested parties invited to make submissions on the paper by 15 August 2005 (called Round One). A second round of submissions commenting on the first round of submissions was invited for 15 September 2005. The panel received a total of 198 submissions.
The consultation paper itself ran sixty pages in length and included over a hundred questions for consideration (Telecommunications Policy Review Panel 2005a). The paper was divided into a number of key sections. The first part offered a brief description of the current state of telecommunications technologies and markets and discussed current trends and future developments. The second part explored the basic questions of why governments intervene to regulate telecommunications markets, what the policy objectives of such government intervention should be, and the types of economic, technical, and social regulation required to meet them. A third section discussed government institutions best equipped to achieve the intended objectives, as well as various regulatory tasks such as policy development, rule making, authorization, dispute resolution, enforcement, and appeals. The fourth section dealt with Canadians’ access to broadband services and advanced ICTs, reviewing recent initiatives to expand broadband access (e.g., BRAND and NS1) and posed the question of when and how the government should proceed to ensure that more Canadians have access to broadband and other advanced telecommunications services. The panel invited stakeholders to consider the desirability of increased reliance on market forces in the telecommunications sector to complete the job of ensuring universal access to advanced telecommunications services, including broadband. The Telecommunications Policy Review Panel asked:

Is government or regulatory intervention required to expand Canada’s telecommunications network connectivity—or should this be left to the market? Given the level of competition in the broadband access market, as well as the fact that new access and IP technologies are reducing costs for consumers and improving the business case for service providers, is government or regulatory intervention still required? (Telecommunications Policy Review Panel 2005a, 51)

While framed as a question, the intent lying behind the query was transparent: the TPRP was calling on the federal government to reconsider its connectivity programs while reviving IHAC’s suggestion that unencumbered market forces would solve the problem of the digital divide.

Other sections of the consultation paper dealt with ICT adoption across a variety of sectors within Canadian society, including business, government, and the home. A final section of the consultation paper examined questions of implementation of the policy and regulatory changes considered by the panel. Overall, the panel’s consultation paper reflected the regulatory concerns of key industry stakeholders as opposed to those of public interest and other community organizations and was informed by an unmistakably neoliberal worldview professing faith in market forces and disavowing the role of government and regulation.
Following the release of its consultation paper, the public consultation and discussion phase of the TPRP was skewed, both substantively and procedurally, in favour of business and industry participants. Submissions to the panel’s consultation paper came overwhelmingly from business and industry stakeholders. The short timelines that stakeholders were given in which to respond favoured business and industry participants with the paid staff and the resources needed to produce well-researched and professionally written submissions in a short period. A survey of TPRP submissions for Round One (15 August 2005) and Round Two (15 September 2005) revealed that Aboriginal, consumer, women’s, and community groups represented only 15.5 percent of the total submissions, versus 60.1 percent for industry groups (see table 21.1).

**TABLE 21.1 TPRP submissions Round One (15 August 2005) and Round Two (15 September 2005)**

<table>
<thead>
<tr>
<th>Source of submission</th>
<th>Round One submissions (n = 109)</th>
<th>Round Two submissions (n = 89)</th>
<th>Total submissions (n = 198)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industry</td>
<td>29 (26.6%)</td>
<td>28 (31.4%)</td>
<td>57 (28.7%)</td>
</tr>
<tr>
<td>Industry-related associations</td>
<td>16 (14.6%)</td>
<td>11 (12.3%)</td>
<td>27 (13.6%)</td>
</tr>
<tr>
<td>Industry-related consultancy firms</td>
<td>1 (0.9%)</td>
<td>1 (1.1%)</td>
<td>2 (1.0%)</td>
</tr>
<tr>
<td>Employee associations/unions</td>
<td>2 (1.8%)</td>
<td>3 (3.3%)</td>
<td>5 (2.5%)</td>
</tr>
<tr>
<td>Governmental bodies (federal or provincial)</td>
<td>14 (12.8%)</td>
<td>8 (8.9%)</td>
<td>22 (11.1%)</td>
</tr>
<tr>
<td>Consumer groups (including one consortium of groups)</td>
<td>2 (1.8%)</td>
<td>2 (2.2%)</td>
<td>4 (2.0%)</td>
</tr>
<tr>
<td>Community groups</td>
<td>9 (8.2%)</td>
<td>8 (8.9%)</td>
<td>17 (8.5%)</td>
</tr>
<tr>
<td>Aboriginal groups</td>
<td>3 (2.7%)</td>
<td>5 (5.6%)</td>
<td>8 (4.0%)</td>
</tr>
<tr>
<td>Women’s groups</td>
<td>2 (2.2%)</td>
<td>2 (2.2%)</td>
<td>2 (1.0%)</td>
</tr>
<tr>
<td>Business-related associations or councils</td>
<td>11 (10%)</td>
<td>3 (3.3%)</td>
<td>14 (7.0%)</td>
</tr>
<tr>
<td>Educational institutions</td>
<td>2 (1.8%)</td>
<td>1 (1.1%)</td>
<td>3 (1.5%)</td>
</tr>
<tr>
<td>Individuals (includes academics, high-tech entrepreneurs, and small business owners)</td>
<td>14 (12.8%)</td>
<td>13 (14.6%)</td>
<td>27 (13.6%)</td>
</tr>
<tr>
<td>Miscellaneous (includes associations, institutes, cultural or professional organizations)</td>
<td>6 (5.5%)</td>
<td>4 (4.4%)</td>
<td>10 (5.0%)</td>
</tr>
</tbody>
</table>

**Source:** Telecommunications Policy Review Panel submissions archive. Statistics compiled by Rachel Miles, Concordia University.
The TPRP also held two in-person public forums featuring invited guest speakers, expert panel discussion, and limited opportunities for stakeholder groups to attend and participate. A public forum on rural and remote broadband was also held in Whitehorse, Yukon, in September 2005, but public attendance was limited and subject to the discretion of the panel’s executive director. In addition, the prohibitive costs of travelling to and within Canada’s North discouraged many interested stakeholders from attending. No travel subsidies were offered to community groups wishing to attend (Telecommunications Policy Review Panel 2005b). The panel’s other public forum was held in Gatineau, Québec, in the fall of 2005. The meeting agenda was dominated by industry and government concerns, such as competitiveness, productivity, and deregulation (Telecommunications Policy Review Panel 2005c). Industry giants Telus, Bell Canada, and Nortel issued urgent appeals for the government not to regulate, to let market forces reign, and to promote telecommunications for economic efficiency—all tenets of the neoliberal agenda—but not for social and cultural betterment (Telecommunications Policy Review Panel 2005d). Faced with an unexpected group of tenacious researchers and community networking advocates, forum organizers scheduled a hastily organized civil society panel at the end of the final day’s session, which was conducted while the majority of forum participants filed out of the conference room and the proceedings of which were not reflected in the summary report on the forum proceedings produced by TPRP staff. The marginalization of community and public interest advocates in the proceedings of the October policy forum served to underscore the extent to which their concerns were an afterthought to the whole process.

COMMUNITY NETWORK RESPONSES TO THE TPRP

Submissions to the TPRP from community networks and public interest groups insisted that government had a continuing role in ensuring equitable access to network infrastructure and technologies and in ensuring that all Canadians have the necessary skills, resources, and confidence to take advantage of the potential benefits afforded by them. Community and public interest organizations, including CRACIN, participated in the review process by making written submissions and presenting and participating in the two policy forums in Whitehorse and Gatineau (Clement et al. 2005a, 2005b). On the whole, community submissions stressed the following:

- The important role played by the community networking sector in supporting access to and effective use of ICTs in Canada’s telecommunications infrastructure as a whole
The persistence of a multi-faceted “digital divide” within Canadian society afflicting various regions and populations

The ongoing need for government intervention to regulate market actors and to support local, community-based telecommunications solutions.

Responding to the panel’s provocatively worded question about the continuing need for government investment in connectivity infrastructure and supporting programs, CRACIN researchers made several recommendations in two separate submissions. In the current climate of decreased government funding for ICT programs, CRACIN recommended the following:

- The imminent cuts to and/or closure of connectivity programs such as CAP and BRAND should be reconsidered. New resources and, if need be, new programs should be dedicated to connecting Canadians and to strengthening community-based ICT organizations and the programs they offer.
- Connectivity policies and programs should be designed and implemented to support the necessary social structure of universal access and to encourage effective use of ICTs by individuals and communities.
- Connectivity policy and programs should be designed and implemented with a strong community-based component in mind. This means not only better funding for community-based ICT initiatives but also involving communities and community organizations in connectivity policy making, in defining access needs, in designing programs, and so on.

In a second submission to the panel, commenting on the first round of submissions, CRACIN acknowledged the significant role played by private industry and market forces in the build-out of Canada’s advanced ICT infrastructure but cautioned that “reliance upon an unregulated market to ensure equitable and effective access to increasingly essential telecommunications infrastructure and services by all Canadians would be irresponsible and potentially damaging to Canadian society” (Clement et al. 2005b, 4). In CRACIN’s opinion, experience and research demonstrate that “when left to free market imperatives, the evolution of Canada’s telecommunications infrastructure fails to meet the needs of many Canadians, including the disabled, rural communities, Aboriginals, and the urban poor” (Clement et al. 2005b, 4). Because private sector investment in providing products and services to such groups and communities is deemed uneconomic, the latter have often been faced with poor service, high costs, or exclusion from service altogether. CRACIN reiterated that “in an increasingly networked economy and society, in which being connected is a necessary condition of economic, social and political participation, such market-based forms of discrimination and exclusion are unacceptable” (Clement et al. 2005b, 4). Beyond a need to address these various market failures,
CRACIN endorsed as a communication right that all Canadians have access to and benefit from advanced telecommunications infrastructures that increasingly serve as the gateway to economic, social, and political participation in the information society.

In a follow-up letter to the TPRP, CRACIN reiterated the importance of community networks in fostering citizen-centric ICT initiatives. Community networking solutions offer distinctive models and advantages to communities and users that the private sector does not afford and that warrant being supported and promoted by governments, including:

- Local control of network development and management
- Content and applications development based on locally determined social needs and active community participation
- Development of local skills and capacity for innovation based on local resources and local opportunities
- A commitment to equitable access for all community members.

CRACIN then reiterated to the panel the following recommendations:

- Affirm, preserve and improve existing policies and programs to support and promote community-based networking solutions as consistent with the objectives of the Telecommunications Act as specified in section 7.
- Support communities, municipalities, and local organizations that wish to develop and maintain their own community-based networking infrastructure, services, and applications.
- Resist the use of regulation and legislation to suppress community and/or municipal networking solutions, as had recently been witnessed in the United States (e.g., community/municipal Wi-Fi).

CRACIN’s submissions and presentations also pointed to the persistence of ICT access gaps afflicting various populations in Canada, including low-income families, rural residents, Aboriginals, and the disabled. As they further reiterated to the panel:

The minister of Industry has a statutory responsibility under section 7 of the 1993 Telecommunications Act to implement policies and programs that ensure affordable access to high-quality telecommunications networks for all Canadians and that safeguard, enrich, and strengthen the social and economic fabric of Canada and its regions.

Policies and programs that support ICT network access, adoption and effective use by Canadians need to be maintained and strengthened, and these should be backed by adequate and stable long-term funding to meet the present and future access needs of Canadians as new technologies arise.
DÉJÀ VU ALL OVER AGAIN: THE TPRP FINAL REPORT

The final report of the TPRP was released in March 2006. By then, the government had changed hands as a result of the 2006 federal election, changing to a Conservative minority government led by Stephen Harper. Not surprisingly, the report called for bold steps to deregulate telecommunications industries and to maximize reliance on market forces in order to promote growth and competitiveness. Industry groups were pleased with the report. Said Bell Canada executive Lawson Hunter: “This is a landmark report that will ignite a key driver of Canada’s economy. . . . Important is their recognition of the urgent need to allow market forces to prevail in order to ensure Canadian consumers and businesses receive the full benefits of competition and innovation” (Bell Canada 2006). Perrin Beatty, then president and CEO of Canadian Manufacturers and Exporters, called it “one of the most comprehensive and authoritative reviews of telecommunications policy ever conducted anywhere” (Beatty 2006).

That said, the panel’s recommendations also included an acknowledgement that market forces alone would not ensure timely access to broadband infrastructure for many of Canada’s more remote communities, and it endorsed the creation of a new program to ensure broadband connectivity for such communities. The following is a brief summary of the major recommendations made in the TPRP final report, with a focus on those with the greatest potential to impact the community informatics sector, for better or worse.

Deregulation of Canadian Telecommunications

The panel contended that market competition has served telecommunications consumers well and that further economic deregulation was warranted. The panel specifically recommended eliminating from the Telecommunications Act any requirements that telecommunications services be regulated unless the CRTC rules otherwise and imposing a heavy burden of proof on the commission to justify regulation. The panel also recommended limiting economic regulation to geographic areas where it is demonstrably required to protect consumer interests and/or the maintenance of competitive markets. The position endorsed by the panel is that the whole Canadian regulatory framework should move from what it called a “presumption of regulation” to a “presumption of deregulation” (see Telecommunications Policy Review Panel 2006, 4 and 3-12).

Consumer Protection

The panel recommended that the Telecommunications Act be amended to explicitly obligate telephone companies to continue to provide basic telephone service to their customers, that a Telecommunications Consumer Agency be
established to deal with various consumer complaints, and that violations of network neutrality for anti-competitive purposes be prohibited. This would involve an amendment to the Telecommunications Act so that Canadian consumers would continue to have the right to access publicly available Internet applications and content, with the CRTC able to respond to any infractions by telecommunications companies.

Ubiquitous Broadband and the U-CAN Program
While the panel believed that competition and market forces had served Canadians well, in areas where it is too expensive to justify a market-led plan, such as rural and remote regions, the panel recommended a narrowly targeted subsidy program managed by the federal government and dispersed by way of “least-cost subsidy” auctions, awarded to bidders that are financially and technically sound but that need the least subsidy. The panel also recommended the creation of a specific targeted program, the Ubiquitous Canadian Access Network/Ubiquité Canada (U-CAN). Its role would be to provide broadband access to geographic areas in Canada that are not well served by commercial providers, who are unlikely to offer service for economic reasons. U-CAN would replace the BRAND program, providing ubiquitous broadband across Canada by 2010. While the U-CAN program recommendations signalled an important concession to the role of government on the panel’s part, the narrowly geographic way in which the panel conceived of the digital divide failed to address the ongoing connectivity needs of other groups, including low-income and new Canadians. Furthermore, the fine print made it quite clear that the U-CAN program, if implemented, would bare scant resemblance to the CAP program in terms of the role to be played by community organizations in providing and managing connectivity infrastructure and services. The terms and implementation of the proposed program, including the financial and other obligations imposed on subsidy recipients, guaranteed that applicants would have to come primarily from the private sector and that few, if any, non-profit community organizations would be able to participate.

National ICT Adoption Strategy
To its credit, the TPRP also recommended the development of a joint federal-provincial-territorial-municipal National ICT Adoption Strategy, in collaboration with the private, public, and not-for-profit sectors, to strengthen ICT adoption by small and medium-sized enterprises (SMEs), enhance ICT uses by governments, promote ICT research and development and adoption, improve consumer confidence and trust, and achieve ubiquitous access to broadband networks and services. In the section of the TPRP report on ICT adoption, the panel remarked:
Physical access to ICTs at the community level, together with improved broadband network connectivity, is a prime means for spreading the social and economic benefits of information technology. A new generation of ICT applications allows communities to adapt ICTs to their own situations, develop local content, and access and use content created by others. However, none of this will happen in the absence of e-literacy and technology skills at the community level.

The Panel believes a vibrant ICT private sector not only is important for creating opportunities throughout the economy, but also is an engine for building e-literacy and ICT technology skills at the community level. (Telecommunications Policy Review Panel 2006, 7-43).

The TPRP also acknowledged CRACIN’s submission:

The Canadian Research Alliance for Community Innovation and Networking noted in its submission to the Panel that community networks and other community-based organizations provide both technological and social infrastructures for ICT access, adoption and use. Community networks also act as important sources of local economic development and innovation. Through training programs, for example, they help ensure that all Canadians, particularly those most at risk of being left behind, have the necessary skills to participate in the networked economy. (Telecommunications Policy Review Panel 2006, 7-43)

The panel thus recognized that universal access and effective use are needed alongside the physical infrastructure associated with ICTs. It takes the social infrastructure—the training, support, relevant applications, and human beings on the ground—to make effective use a reality.

**Telecommunications Policy Objectives: Amendments to Section 7 of the Telecommunications Act**

One of the most controversial and, from a community informatics and public interest perspective, most alarming recommendations was the panel’s suggestion for amending section 7 of the 1993 Telecommunications Act, which lays out the fundamental policy objectives of the act. In general, the panel recommended reducing and narrowing the meaning of the social and cultural concerns addressed in the policy objectives of the existing act, effectively truncating them. Section 7 of the existing act reads as follows:

It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada’s identity and sovereignty and that the Canadian telecommunications policy has as its objectives:
(a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
(b) to render reliable and affordable telecommunications services of high quality accessible to Canadians in both urban and rural areas in all regions of Canada;
(c) to enhance the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
(d) to promote the ownership and control of Canadian carriers by Canadians;
(e) to promote the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
(f) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
(g) to stimulate research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
(h) to respond to the economic and social requirements of users of telecommunications services; and,
(i) to contribute to the protection of the privacy of persons.

In its Recommendation 2-2, the panel suggested amending section 7 to read as follows:

It is hereby affirmed that telecommunications performs an essential role in enabling the economic and social welfare of Canada and that Canadian telecommunications policy is based on the following objectives:

(a) to promote affordable access to advanced telecommunications services in all regions of Canada, including urban, rural and remote areas;
(b) to enhance the efficiency of Canadian telecommunications markets and the productivity of the Canadian economy; and
(c) to enhance the social well-being of Canadians and the inclusiveness of Canadian society by:
   (i) facilitating access to telecommunications by persons with disabilities;
   (ii) maintaining public safety and security;
   (iii) contributing to the protection of personal privacy; and
   (iv) limiting public nuisance through telecommunications.

(Telecommunications Policy Review Panel 2006, 2-9)

In other words, the panel recommended gutting most of the broader social objectives of the previous act, such as cultural sovereignty and social cohesion,
in favour of a much more limited and circumscribed list of social concerns, including access for persons with disabilities, privacy, and the protection of users from cybercrime and spam. What was immediately recognized by community informatics and public interest groups was the threat posed by the panel’s section 7 amendments to the very grounds upon which citizens and public interest groups made claims upon the government to regulate the telecommunications sector in the first place. Amending the section 7 provisions in the ways suggested by the panel would have the effect of eliminating much of the purchase that such groups enjoyed on the system of telecommunications regulation in Canada and their ability to have a voice within it (Lawson 2008).

**CRTC Policy Directive**

The panel’s report also contained a series of practical suggestions for implementing the recommendations contained in it. Recognizing that an overhaul of the Telecommunications Act of 1993 was a relatively distant possibility under the minority parliament of the time, the panel recommended that the federal cabinet issue a policy directive to the CRTC in order to expedite the process of deregulation by performing an end run around legislative hurdles. “In addition to clarifying the policy objectives,” the panel wrote, “the *Telecommunications Act* should establish the following new guidelines for government and regulatory action,” which should be made binding on the CRTC immediately:

- Market forces should be relied upon to the maximum extent feasible as the means of achieving Canada’s telecommunications policy objectives.
- Regulatory and other government measures should be adopted only where market forces are unlikely to achieve a telecommunications policy objective within a reasonable time frame; and only where the costs of regulation do not outweigh the benefits.
- Regulatory and other government measures should be efficient and proportionate to their purpose and should only minimally interfere with the operation of market forces to meet the objectives. (Telecommunications Policy Review Panel 2006, 4)

**THE ALTERNATIVE TELECOMMUNICATIONS POLICY FORUM: CITIZENS AND COMMUNITIES RESPOND TO THE TPRP**

Public interest advocates and community networks were alarmed by many of the TPRP’s recommendations, arguing that they threatened the Canadian public’s right to an affordable, universally accessible, and democratically accountable telecommunications system. In order to provide a forum in which to articulate and discuss these concerns, the CRACIN research group convened the Alternative Telecommunications Policy Forum, which was held in Ottawa...
in October 2006. The forum was born from a recognition of the fragmented nature of the telecommunications “counter-publics” attentive to the issues at stake, of the need for a more citizen-centric and community-oriented forum for the discussion of telecommunications policy and regulation in Canada, and of the need for a more coordinated and collective response to the TPRP report on the part of citizens and communities.

The forum attracted sixty participants representing community and public interest groups, academic researchers, cultural organizations, and practitioners from community networks and CAP sites from across Canada. Participants met for two days to hear and discuss expert presentations on various aspects of the Telecommunications Policy Review Panel (TPRP) final report, issued the previous spring. The forum panels and discussions focused on the following key themes and topics:

- Regulation versus market forces in ensuring the public good in telecommunications
- Rethinking institutions of telecommunications governance
- Sustaining community ICT programs
- Network neutrality.

As participants grasped the implications of the TPRP’s recommendations for amending the policy objectives of the Telecommunications Act, section 7, these became a central preoccupation as well. What follows is a brief summary of the recommendations that came out the forum discussions, with an emphasis on those most pertinent to the sustainability of community informatics initiatives and guarding the public interest in telecommunications.

The convenors of the Alternative Telecommunications Policy Forum summarized the substance and recommendations of the forum proceedings in a press release and follow-up letter to then Minister of Industry Maxime Bernier. On the subject of deregulation to enhance the role of market forces in the development of Canada’s telecommunications system, forum participants expressed skepticism and concern. The letter reiterated the point that greater reliance on market forces to ensure universal access to telecommunications infrastructure and services “would be irresponsible and potentially damaging to Canadian society” (CRACIN 2007). As community and public interest group submissions to the TPRP made abundantly clear, the convenors pointed out, Canadian consumers have not always been well served by market forces in telecommunications services, especially in areas such as price, consumer protection, and the rollout of broadband infrastructure. “The United States,” they argued, “which has pursued telecom deregulation more vigorously, should also serve as a cautionary example—American broadband consumers face some of the highest prices and poorest service in the OECD” (CRACIN
2007). “Canada would do well to learn from the mistakes already made south of the border in the United States, where we embraced aggressive deregulation sooner,” suggested forum guest speaker Ben Scott, policy director for Free Press, a media policy think tank based in Washington DC (quoted in CRACIN 2006). Scott went on to point out that, since 2001, the United States had fallen from fourth to twelfth in OECD rankings for broadband penetration. The convenors noted:

There was concern about the tenor of the proposed policy directive to the Canadian Radio-television and Telecommunications Commission (CRTC). . . . Shifting too sharply towards a market-based approach to implementing the Telecommunications Act has the potential to sideline many Canadian citizens without affordable and effective telecommunication services. Participants felt that the CRTC played an important role in the implementation of Canadian telecom policy and that its role should not be arbitrarily diminished. (CRACIN 2007)

On the subject of ICT access, adoption, and use, and the related question of whether or not there was an ongoing role for government in supporting them, forum participants acknowledged a number of positive findings and recommendations from the TPRP report, including the latter’s recognition that community-based organizations provide important technological and social infrastructure for access to and the adoption and use of information and communications technologies (ICTs) at the community level. . . . The need to further promote and support this valuable community-based infrastructure, much of which originated with the “Connecting Canadians” agenda, was emphasized. To lose it now would be to destroy an asset that the rest of the world would like to emulate (CRACIN 2007).

The convenors went on to note the forum participants’ enthusiasm for the TPRP’s proposed National ICT Adoption Strategy (Recommendations 7-2 to 7-4), integrating research, a coordinated skills adoption plan, and a connectivity agenda, which they argued “could go a long way towards supporting these essential services and is a step in the right direction for community groups whose important work is being complicated by short-term funding decisions by government” (CRACIN 2007).

Forum participants also expressed tentative support for the TPRP’s recommendations for the U-CAN targeted subsidy plan to connect all communities to broadband by 2010 (Recommendations 8-1 to 8-20). The implementation of such a plan, they noted, including multi-stakeholder consultations, could propel Canada to the forefront of broadband penetration among developed
countries. Concerns were expressed, however, about the geographic bias implicit in the TPRP’s understanding of the digital divide, which recognizes only distance, low population density, and remoteness as the primary barriers affecting Canadians’ access to broadband. The TPRP’s fixation with geography threatens to obscure the role of other barriers that also call for intervention, including poverty. In addition, participants worried that the eligibility criteria and administrative burdens associated with the TPRP’s implementation plan for U-CAN (Recommendations 8-13 to 8-19) would disqualify many community networks and not-for-profit organizations from eligibility for funding (CRACIN 2007). Participants argued that the major benefactors of the U-CAN subsidy would in all likelihood be the large telephone companies rather than communities. “The outlined financial obligations are simply too onerous for any other group to play,” said Garth Graham of Telecommunities Canada, a group that supports Canadian community networks. “That leaves communities unable to pursue their own ideas and choices about connection and development” (Telecommunities Canada 2006). Overall, there was a strong consensus among forum participants that policies and programs that support ICT network access, adoption, and effective use by individuals and communities in Canada need to be maintained and strengthened, and these need to be backed by adequate and stable long-term funding in order to meet the present and future access needs of Canadians as new technologies arise.

Proposed changes to the policy objectives of the Telecommunications Act as laid out in section 7 were discussed and debated at length during the forum. There was considerable unease among participants about the TPRP’s proposed revision to the section (Recommendation 2-2). Participants felt that the proposed amendments would truncate the act’s concern with the social implications of telecommunications in Canada by focusing more narrowly on (albeit significant) matters such as access for the disabled, public safety, and spam. Philippa Lawson, then executive director of the Canadian Internet Policy and Public Interest Clinic, noted:

> The proposed rewrite of section 7 of the *Telecommunications Act* would eliminate important policy goals such as reliable, high quality service and the protection of consumers from telecom-specific marketplace abuses. It would also remove key provisions including the requirement for just and reasonable rates and the rule against unjust discrimination. Without these goals and basic ground rules, we can expect lowest common denominator approaches to telecommunications service in Canada and widespread marketplace abuses. (Quoted in CRACIN 2006)

In their follow-up letter to the minister of Industry, the forum convenors urged the minister to “retain the statutory responsibility under section 7 of
the Telecommunications Act to implement policies and programs that ensure affordable access to high quality telecommunications networks for all Canadians and that safeguard, enrich and strengthen the social and economic fabric of Canada and its regions” (CRACIN 2007). The forum also expressed concern that the TPRP’s section 7 recommendations would dilute the federal government’s responsibility for preserving Canadian cultural and economic sovereignty in telecommunications.

Finally, network neutrality was an important topic of discussion at the Alternative Telecommunications Policy Forum, as many participants were increasingly aware of the public debate and legislative activity on this issue in the United States at the time. The TPRP addressed the issue of network neutrality as well. In its report, the TPRP (2006, 6-16) wrote that Canadian telecom policy and regulation “should include provisions that confirm and protect the right of Canadian consumers to access publicly available Internet applications and content of their choice by means of public telecommunications networks that provide access to the Internet.” The panel made a number of recommendations, including a strong regulatory mandate for the CRTC to review complaints and establish rules with respect to content blocking and service degradation (Recommendation 6-5). The forum participants recommended that Recommendation 6-5 of the TPRP report include a statement that would strengthen network neutrality protection in Canada: “Notwithstanding any other provision in this paragraph, network operators shall not discriminate against content, applications, or services on broadband Internet services based on their source, ownership or destination.” In addition, forum participants disagreed with the TPRP’s recommendation (Recommendation 3-13) to strike section 27 of the Telecommunications Act, which protects network users and consumers from discrimination and unfair pricing. On the contrary, legislation prohibiting unjust discrimination must be maintained and even strengthened in order to provide consumer protection and to control anti-competitive behaviour on the part of network owners and operators.

Upon forwarding a summary of the forum proceedings to the minister of Industry, the convenors received a prompt, if somewhat vague, response from the minister. On the subject of policies and programs to encourage ICT access, adoption, and use, Minister Bernier professed to share the forum’s view that “ICTs and other advanced technologies are important to Canada’s long-term prosperity and well-being” (Minister of Industry 2007). At the time of writing, however, the minister informed the convenors that “no decision has yet been reached on how to proceed” with programs to address this issue (Minister of Industry 2007). Despite the apparent urgency of the subject, it would take two more years for the government to finally come to a decision, with the announcement of the Broadband Canada program in 2009. On the question
of amendments to section 7 of the Telecommunications Act, again, the minister declined to reveal the government’s hand, stating that “no decision has been taken on the timing or substance of any possible amendments” (Minister of Industry 2007). Given the sensitivities that such amendments might arouse among cultural nationalists, and the government party’s own minority status in Parliament at the time, it is no surprise that it did not immediately pursue the panel’s legislative recommendations. In any case, aggressive implementation of the policy directive to the CRTC and the cabinet’s own power to overrule CRTC decisions on regulatory matters (e.g., VoIP and Globalive decisions) meant that the government did not need to go the legislative route in pursuing its agenda of further deregulation. In his letter to the forum convenors the minister insisted that “the purpose of the Policy Direction is not to reduce the role of the CRTC” (Minister of Industry 2007), a claim that seemed belied by the policy directive’s rejection of the “presumption of regulation” in favour of deregulation and the cabinet’s subsequent attempts, as we shall see, to prevent the commission from regulating in key areas such as discriminatory practices and foreign ownership. Finally, on the subject of enhancing the role of market forces in the telecom sector, the minister agreed that this “should not come at the expense of key social considerations,” which he defined narrowly as “public safety issues and the needs of disabled Canadians” (Minister of Industry 2007). On the subject of the many other social objectives that the forum participants put forward—such as universal access, effective use, cultural sovereignty, and Canadian identity—the minister was silent.

While grateful for the acknowledgement that their input and work on these issues received from both the TPRP and the minister of Industry, the convenors and participants in the Alternative Telecommunications Policy Forum felt a distinct sense of déjà vu. Many forum participants were veterans of the proceedings of IHAC in the mid-1990s, during which a coalition of community networks, arts and culture groups, trade unionists, library professionals, and public interest and privacy organizations attempted to carve out a space for greater public participation and input into the IHAC consultations. More than a decade later, the sense that their concerns were being marginalized in the process, that their voices were not being heard, and that government was not really interested in a serious engagement with them was as strong as ever. At the same time, the forum did have the intended effect of reestablishing and strengthening connections amongst the various groups that make up Canada’s telecommunications “counter-public”—groups who, together, have remained in contact and have since actively lobbied government and the CRTC on a variety of other issues, including the future of the CAP program, copyright, network neutrality, and foreign ownership.
Deregulation in the Wake of the TPRP

Although, at the time this chapter was written, many of the TPRP’s recommendations were still under review by the Conservative government, a number had been adopted and implemented rapidly through cabinet orders. In June 2006, the federal minister of Industry at the time, Maxime Bernier, tabled a policy directive to the CRTC, ordering the commission to rely on market forces to the “maximum extent feasible” in its rulings. “Tabling this document,” the minister declared, “signals the government’s intention to direct the CRTC to rely on market forces to the maximum extent feasible under the Telecommunications Act and regulate—where there is still a need to do so—in a manner that interferes with market forces to the minimum extent necessary” (CBC News 2006b).

In addition, where, in the view of the federal cabinet, the CRTC fails to adhere to the directive, the cabinet has not hesitated to invoke its power to overrule the commission’s decisions. The cabinet has already rewritten the terms of a number of CRTC regulatory decisions in the name of market forces, one on Internet telephony and another on foreign ownership. In 2006, for example, the federal cabinet set aside a CRTC decision on the regulation of discriminatory practices in the provision of Internet telephone services (VoIP) in favour of less regulation (Canadian Radio-television and Telecommunications Commission 2005; CBC News 2006a). In January 2007, the cabinet appointed federal court Justice Konrad von Finckenstein, former head of the Competition Bureau, to chair the CRTC. Finckenstein was a staunch opponent of corporate concentration during his tenure at the Competition Bureau, and his appointment to the CRTC chair’s position was seen as a precursor to the federal government’s efforts to open the telecom sector to increased competition. In 2008, meanwhile, Industry Canada presided over a key wireless spectrum auction in which spectrum licenses were auctioned off in the hopes that a new player would emerge in the Canadian market for advanced wireless services (Longford 2008). One of the successful bidders was Globalive Inc., an Egyptian-owned firm. When the CRTC rejected Globalive’s bid to operate its new wireless network on the basis that the company did not satisfy legislative requirements on domestic ownership and control, the cabinet intervened in 2009 and overruled the CRTC’s decision (Industry Canada 2009b). In overruling the CRTC, the federal cabinet effectively lowered the bar for foreign-controlled companies to qualify as domestic participants in Canada’s telecommunications services market, opening the Canadian market to increased foreign competition and control. Indeed, in the March 2010 Speech from the Throne, the federal government made an explicit commitment to lowering existing legislative barriers to foreign ownership (Curry and Marlow 2010).
The federal government’s agenda has received plenty of push from the private sector as well. In an extraordinary move, Bell Canada and Telus funded TPRP member Hank Intven and former deputy minister Mary Dawson to draft a “model telecommunications act” based on the recommendations of the TPRP. Published by the law firm McCarthy Tétrault, which currently includes Intven among its legal experts, the “model act” was unveiled at the 2007 Canadian Telecom Summit, an annual meeting of the powerhouses of the Canadian telecommunications industry (Intven and Dawson 2007). This is a disturbing precedent that passed largely unnoticed by the media or public interest advocates. While rather moot at the time, given what was then a minority parliament, the Intven-Dawson “model act” provides the Tories, who now hold a majority, with a template for legislative reform. How tempting will it be for those who are truly tasked with bringing forward legislation on these issues to start with a neatly prepared industry-friendly document rather than starting from scratch to address the needs of Canadians as a whole? How can communities match the resources and expertise of the private sector and friends in government in order to put forward credible alternatives? Together with other TPRP recommendations still under consideration by the government, these moves represent an unprecedented attempt to diminish the ability of Canadian citizens, through their democratically accountable legislative and regulatory bodies, to ensure that Canada’s telecommunications system meets the needs of all Canadians.

The federal government’s September 2009 launch of a long-awaited program to extend broadband service in rural and remote areas was perhaps the lone bright spot in what had been, for community networks and public interest advocates, a discouraging few years. Called Broadband Canada: Connecting Rural Canadians, the $225-million program was announced as part of the government’s stimulus package in response to the severe economic downturn that began in 2008 (Industry Canada 2009a). It was, perhaps, also a response to the TPRP’s call for the U-CAN program to replace the lapsed BRAND program. However, once the terms and conditions of the new program were understood, it became clear that it falls far short of addressing Canadians’ access needs or the needs of the community organizations that can effectively address them. As part of an economic stimulus plan, first of all, Broadband Canada will most likely be a short-lived affair, with funds drying up at the first hint of economic recovery. Second, with its exclusive emphasis on connecting rural and remote communities, the program is targeted exclusively at overcoming geographic barriers to access, rather than recognizing and addressing other barriers identified in community submissions to the TPRP, including poverty, low educational attainment, and immigration status. Finally, many of the administrative details of the program discourage
community organizations from applying for funding, including a require-
ment that 50 percent of the value of subsidies be matched by other sources of
funds and that applicants submit a five-year sustainability plan (see chapter
4 in this volume). Indeed, few of the successful applicants announced in the
spring of 2010 were not-for-profit community organizations. Instead, the vast
majority of Broadband Canada funding recipients turned out to be for-profit
private sector companies, including Vidoétron Ltée and Barrett Xplore Inc.
(Industry Canada 2010). While the funding for Broadband Canada will offer
technical access to thousands of additional households in rural and remote
communities, the new program lacks any support for the social infrastruc-
ture of access and effective use that was central to the success associated with
CAP’s community-based initiatives.

Meanwhile, in the March 2010 federal budget funding for the CAP program
was cut from $15 million to a mere $2 million, igniting a wave of protest across
rural Canada. At the time, CAP administrators received a letter from Industry
Canada informing them that only CAP sites more than 25 km from a public
library would be eligible for funding as of 1 April 2010. This would have effec-
tively wiped out a majority of CAP sites in Canada. An administrator (pers.
comm.) in the province of Prince Edward Island noted that under such condi-
tions there would not be a single site left in the province. Although the program,
by now, had suffered many near-death experiences, this was very close to the
real thing. In an intense three days, CAP administrators, users, and support-
ers contacted MPs and the press, seeking support for the program. The issue
hit the floor of the House of Commons, and various media began reporting
on the work done at CAP sites across the country (e.g., Marlow 2010). Stung
by criticism from rural communities and MPs, the federal Tories scrambled
to reassure rural Canadians that the funding cut to CAP would be offset by
funds from the newly announced Broadband Canada plan (CBC News 2010).
While community networking advocates and CAP site administrators were
relieved by this short-term resolution of the crisis, they continued to worry
that the funding for access and other community informatics initiatives had
become more unstable than ever. Under the current scenario (as of late 2010),
once the Broadband Canada fund is depleted, the CAP program will no longer
have a base in government policy or in practice. In government, it is much
more difficult to start up programs than to continue them.

Reviewing developments in Canadian telecommunications policy and
regulation in the wake of the TPRP, then, the trend toward deregulation is
obvious. At the same time, notwithstanding the TPRP’s nod to community
informatics and the launch of the Broadband Canada program, the status of
community informatics and public interest perspectives within Canada’s tele-
communications system has been dealt a series of setbacks that jeopardize
thousands of worthwhile initiatives and organizations and diminish democratic governance and accountability within Canada’s telecommunications system.

**CONCLUSION: THROWING COMMUNITY OUT WITH THE BATH WATER?**

In this chapter we set out to consider the role that public policy can and has played in both nurturing as well as undermining community informatics initiatives within the Canadian context. As we have seen, when visionary governments commit resources and energy to achieving goals such as universal access, community informatics initiatives and organizations can flourish. On the other hand, when they adopt policies and regulatory decisions that privilege the interests of incumbent telcos, such as bans on community or municipal wireless projects, community informatics initiatives and the collective aspirations they embody can be thwarted.

The period from roughly 1995 to 2004 represented something of a golden age for community networks and other community informatics initiatives in Canada, one in which supportive public policies and programs designed to promote connectivity brought government and the community informatics sector into a mutually beneficial partnership to promote universal access and effective use in thousands of communities. This is not to say that community informatics initiatives cannot flourish and succeed without government funding and support, as the case of Montréal’s community wireless collective, Île Sans Fil, has demonstrated (see chapter 10). Neither, as MacDonald, Longford, and Clement demonstrate in chapter 19, is government funding in and of itself a panacea. The legacy of the Connecting Canadians initiative has been somewhat mixed, with thousands of community organizations receiving financial support while being strained and transformed (not always for the best) under the weight of additional administrative burdens and the expectations of communities and funding partners. Nonetheless, with a tradition of greater government intervention for social development, at least compared to the United States, and with a comparatively small philanthropic sector to provide an alternate source of funding (Moreno and Plewes 2007), community informatics initiatives and organizations in Canada have become increasingly dependent on government largesse and therefore increasingly vulnerable to significant ebbs in its flow.

The dire financial predicament of community networks and other community informatics initiatives in Canada can be traced to a number of developments in telecommunications policy and government programs over the course of the late 2000s, which we have discussed in detail. The first signs
of waning government interest in funding connectivity initiatives appeared in 2004, with cuts to programs such as CAP and SchoolNet under the previous Liberal government. The TPRP, however, with its enthusiasm for allowing market forces to determine the further development of the telecommunications system and its explicit questioning of the need for government intervention to ensure universal access, cemented the grip of neoliberalism within telecommunications policy-making circles in Canada.

While the TPRP laid the groundwork for questioning the need for government intervention to achieve universal access, it took the decidedly ideological Conservative government to implement its recommendations and drain the lifeblood from the community networking sector. Granted, the legislative review conducted by the TPRP was overdue in light of the fact that the Telecommunications Act had not been updated since the inception of new technologies such as the Internet and wireless broadband. However, even the TPRP recognized the need to maintain at least a limited role for government in order to ensure access for communities on the margins of Canadian society, suggesting that the message from community informatics and public interest groups had been heard to some extent. Thus, to a modest degree, the TPRP refused to throw community out with the “bathwater” of outdated telecommunications policy and regulation.

The same could not be said for the federal government elected in 2008, which delayed introducing any significant connectivity initiatives until three years into its mandate, and then only grudgingly, as part of a short-term stimulus package that ran against the grain of its neoliberal commitments. Absent the recent financial crisis, in all likelihood the community informatics sector would still be waiting for a decision on access programs from the Conservative government, and gradually withering in the process.

NOTE
1 The three panel members were Dr. Gerri Sinclair, former academic and now Internet technology consultant to industry and government; Hank Intven, partner in the Toronto office of McCarthy Tétrault LLP, a Canadian law firm and former CRTC commissioner; and André Tremblay, president and CEO of Microcell Telecommunications Inc.

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There and Back to the Future Again


