Canadian Media Concentration Research Project – Reply to Interrogatories – CRTC 2015-134, *Review of basic telecommunications services*

CRTC File No.: 8663-C12-201503186
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Responses to:

Telus
Catherine Middleton
Affordable Access Coalition

Prepared by:

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Canadian Media Concentration Research Project. Response to Request Winseck and Ellis(TELUS)14Aug15-1

Question:

Requests for Information addressed to Dwayne Winseck and David Ellis ("Winseck and Ellis") Winseck and Ellis(TELUS)14Aug15-1 As regards your July 14, 2015 intervention in this proceeding: (i) Did you receive any funding to support your intervention? If so, from whom? (ii) Do you have a position at a university, or elsewhere, or are you in a centre, institute, or similar organization, that supported your intervention? If so, please describe your position at the centre, institute, or similar organization and identify the source(s) of funding. (iii) Please describe any other entities with which you are or have been affiliated which have interests or have intervened before the CRTC or Industry Canada with respect to telecommunications policy and regulation issues. 10 TELUS Communications Company August 14, 2015 Winseck and Ellis(TELUS)14Aug15-2 Please provide current copies of your curriculum vitae for the public record.

Response:

I understand that the interrogatory process is designed to help the Commission and the parties participating in a proceeding to better understand the issues set out in the Notice of Consultation. In this case, the Commission sets out a number of questions in Appendix B of the Telecom Notice of Consultation CRTC 2015-134 that appear to be designed to

1. understand Canadians' evolving telecommunications needs;
2. examine what role the Commission should play to further the availability and adoption of basic telecommunication services;
3. and assess what regulatory measures might help to facility basic service policy goals.

The questions raised by Telus's interrogatory do not address the issues that the Commission has identified as important to this proceeding and, therefore, are not relevant to it, as per Section 74 (1) b of the CRTC's *Rules of Practice and Procedure* (SOR/2010-277).

Alternatively, recognizing that a broader public interest in understanding how the Commission's regulatory process works could be achieved through knowledge of how parties to its proceedings prepare, fund and otherwise support their efforts, I would be happy to supply the information Telus requests if it similarly provides information that addresses the following points:

1. the number of in-house analysts, lawyers and other staff that Telus has assigned to the Commission's process of reviewing the BSO;
2. the amount of funding Telus allocated to the preparation of its submission;
3. the amount of time, funding and other resources provided to external hired experts and other consultants during the preparation of Telus' submission;
4. the amount of time, funding and other resources that Telus has estimated will be needed throughout the Commission's BSO Review.

Canadian Media Concentration Research Project. Response to Request Winseck (Middleton) 14-08-2015

Question 1

In your intervention you "strongly urge the Commission to move beyond its tendency to focus on availability to give greater weight to adoption, affordability, speed and how people actually use broadband" (Recommendation II, p. 2). Beyond the information provided in your initial intervention, what additional information and arguments can inform the Commission's understanding of the barriers to participation in the digital economy and barriers to engaging in non-economic activities facilitated by digital technologies?

Response:

There are several ways that the Commission might improve its understanding of people's adoption and use of broadband, and which could in turn become part of the public record that others can consult to gain insight into these matters as well.

First and foremost, it would be helpful if the Commission put as much weight on matters of income and affordability as it does on availability and geography when it comes to understanding broadband internet adoption, as we argued in our original intervention (para 33) and in a more expansive way in our revised submission (para 48). As noted there, for example, the Commission's 2014 *Communications Monitoring Report* contains just one table on telecoms service adoption (e.g. Table 2.0.9) and two for household expenditures on a general set of communication services based on income quintiles (e.g. Table 2.0.10 and 2.0.11) versus a huge number of tables and figures, etc. covering availability, number of connections and subscriptions by service, revenues, profits, and so forth throughout the rest of the report.

In addition, while the CRTC's CMR does include data on the availability and adoption of broadband internet on the basis of different speed tiers, respectively, that data is presented in two separate tables (Tables 5.3.10 and 5.3.12) with no corresponding data to illustrate these issues in relation to income. As a result, (a) readers must combine the two tables on their own to explore the relationship between availability and adoption and (b) there is no way for readers to know the relationship between both of those measures and household income because the data needed to do so, to the best of our knowledge, is not available (para 51). This monitoring and reporting effort does not match what studies consistently identify as the most important variables affecting uptake: income, education, age and desire.[1]

[1] FCC, 2015, *Broadband Progress Report*, para 7; PEW, 2013; Griffin, *Universal Service in an All-IP World*, 2015; OECD (2012). Universal Service Policies in the Context of National Broadband Plans, p. 73.

The Commission could address these issues by making much greater use of Statistics Canada's *Survey of Household Spending* and by giving such matters greater pride of place in its publications and analyses alongside its more fulsome presentation of data with respect to availability, revenue, number of lines, profit levels of the various regulated industries, etc. The Commission could also push to have the Canadian Internet User Survey put back into service, rethink how best it could address the kinds of questions at issue here, and systematically use the results of such a study.

It could also better address the barriers to participation in the digital economy by drawing more significantly from authoritative international comparative studies done by, for example, the OECD, FCC and the European Commission. OECD data from its Broadband Portal and bi-annual *Communications Outlook* (now the *Digital Economy Outlook*) as well as the FCC's *International Broadband Data Report* provide a much more comprehensive portrait of penetration, price and speed levels across countries comparable to Canada, i.e. the OECD countries plus a few others included in the FCC's report. The European Commission's ongoing data collection and studies in relation to the five main themes of the Digital Agenda for Europe – (1) Connectivity; (2) Human Capital; (3) Use of Internet; (4) Integration of ICTs; and (5) Digital Public Services – also provides another useful source for up-to-date data on connectivity, internet use and how to integrate the issues raised by the BSO Review into a broader policy agenda.[2]

These sources – especially the OECD and FCC data sets and reports -- give a fuller picture than anything published by the CRTC and typically do not produce results that put Canada in a good light. Our revised submission includes much greater attention to these data sources (see paras 56-74 + accompanying tables in Appendix 1).

Harmonizing approaches with these agencies in terms of what is measured and how the data is presented would also be helpful in terms of making international comparisons easier to do and more reliable. Making the data behind each of its tables, figures, etc. available in an accessible way (e.g. in Excel spreadsheets) would also be helpful to researchers.

More specifically, in addition to drawing more substantially on these sources, the CRTC could improve the coverage of the annual Wall Study. This study appears to be of high quality in terms of what it does cover but the severe limitations to its coverage compromises the conclusions that can be drawn from it. Its coverage should be expanded, for example, in terms of the number of countries surveyed, while a closer match between the baskets anc what people actually use in terms of internet and mobile wireless services would also be helpful. Canada has the outstanding experts in telecommunications, media, culture and information economy statistics who are employed with, most notably, Statistics Canada. They

[2] EC (2015) *Digital Agenda for Europe*. http://ec.europa.eu/digital-agenda/download-scoreboard-reports

regularly meet with their counterparts at the OECD, Unesco and the ITU. Their expertise should be used better in the design of the Wall Communications Report and whatever other efforts that the CRTC pursuits to better understand issues related to the affordability, adoption and use of high-speed broadband internet service.

Lastly, the Commission's analysis and whatever conclusions it will draw with respect to basic service could benefit from a more systematic and expansive view of how Canadians use the internet. We set out our arguments more fully in our revised submission at paragraphs 75 through 98 where we address the issues of broadband use and the impact of data caps on internet use. To this end we think that the Commission has taken an important step recently by its decision to adopt the Sam Knows approach to measuring aspects of the quality of internet service that Canadians have access to and use. The Commission should also pay attention to the findings of other studies along these lines that have recently been introduced, notably the project launched by CIRA and Professor Fenwick Mckelvey of Concordia University.

It appears to us that in the last basic service review in 2011 the Commission under-estimated how individuals use broadband and the extent to which multiple users in a single dwelling use the same broadband connection simultaneously. Standard industry reviews of current conditions as well as forecasts on traffic and consumer usage from, for example, Cisco, Sandvine, Akamai and Ookla would be helpful in this regard. So too could the work of other regulators, notably the FCC, Ofcom and EC on such matters, benefit the Commission. Greater attention to studies of internet usage from academics, along the lines suggest above, and groups such as PEW in the United States as well as MTM here in Canada would also be helpful.

Currently the level of knowledge with respect to broadband use in Canada does not seem to be as developed as in the United States and the UK, and some other EU countries. The Commission could help to address this situation by not only expanding its own efforts and those of private consultants (e.g. the Wall Study) but also commission more independent scholarly research that helps us to better understand Canadian broadband users on the basis of a broader conception of how Canadians perceive, adopt, use and incorporate broadband into all aspects of their lives, whether to participate more fully in the digital economy, to maintain social ties to others, or in terms of personal expression and pleasure. All of these are important uses and the Commission, as we say in our submission, ought not proscribe certain classes of uses over others (e.g. to participate in the digital economy versus uses that are geared more towards social ends and personal pleasure). It should also firmly reject suggestions by some parties, for example, Telus, that the Commission prioritize uses to be supported versus 'frivolous uses' that will not be on the basis of Maslow's "hierarchy of needs".

Preamble

At paragraph 41 of your intervention, you note “the Commission would do well to consider what the long-term impact of data caps will be on the growth of the Canadian Internet, and more importantly, on the evolution of how Canadians use their online resources.” You follow this statement with a call for “the Commission to phase out data caps, failing which to set a data cap floor of around 200 GB per month for households with multiple users to meet the projected needs of the average Canadian household in 2020.” (Recommendation IV, p. 15).

Question 2:

The CRTC seeks to ensure that “all Canadians have access to a world-class communications system and that they are able to participate in the digital economy” (CRTC 2015-134, paragraph 5). Beyond the information provided in your intervention, what evidence and arguments should the CRTC consider when assessing the impact of data caps on the capacity of Canadians to access a world-class communications system and to participate fully in the digital economy?

Response:

The CRTC should give greater weight to current and projected levels of broadband traffic use by individuals *and* multiple users in a single dwelling. Such evidence and forecasts are readily available from, for instance, Cisco’s Visual Network Index and Sandvine’s *Global Internet Phenomenon* reports. The basic point is that a creating a world-class communication system depends on building networks to meet demand, and even to anticipate future demand, but data caps run counter to this logic by trying to restrict and manage demand from the top down.

As we show more fully in our revised submission (see paras 76-82, especially), Cisco states that average broadband internet user per individual in Canada is already high at 25 gigabytes per month in 2014 and expected to grow to 74.0 gigabytes of Internet traffic per month in 2019 -- up 196%, or a CAGR of 24%. Average Canadian household use is also expected to rise from 56.2 gigabytes of internet traffic per month in 2014 to 166.8 gigabytes in 2019 (see para 82 in our revised submission).

The evidence from Cisco offers many other important insights that are essential to how a revised conception of the basic service obligation might be set, which we can summarize for here as:

1. As in most regions of the world, in Canada video is consuming the highest proportion of network resources (compared to other applications such as Web browsing, IM, email, gaming and filesharing) and is expected to

account for four-fifths of consumer Internet traffic in 2019, up from just over two-thirds last year.

2. Traffic on mobile wireless platforms in Canada is expected to grow even faster than wireline traffic: mobile data traffic is anticipated to grow 7-fold from 2014 to 2019, a compound annual growth rate of 46%.[3]

These observations are the basis of our recommendation with respect to either the elimination of data caps altogether or setting a minimal floor of 90-100 GB per month per individual subscriber by 2020 or 200 GB per household with multiple users. The finding with respect to video and mobile use supports our view that the Commission's conception of basic service should conform to what Canadians are actually doing with their broadband internet connections rather than trying to pick and choose uses that should fall within the basic service definition and those that don't, as the Commission's emphasis on participation in the digital economy implies and as other interveners who refer to a supposed 'hierarchy of needs' recommend. Our recommendation with respect to data caps is also based on Sandvine's explicit recommendation that, if data caps are to be adopted, that they be in the range of 200GB caps per month for *peak* use, and *unlimited* use thereafter.[4]

Our position opposes data caps on technical, economic and philosophical grounds but begrudgingly accepts that if they must be allowed, then their use should be restricted as much as possible. We recommend minimum floors and an "elevator" so as to meet existing and future demand while impinging on what people currently use broadband for as little as possible.

In terms of additional argumentation and evidence, we address such points in our revised submission at paragraphs 85-98. The main points, however, can be summarized here as follows:

1. Whereas the vast majority of OECD countries shun caps in whole or in part, OECD evidence shows that Canada ranks fourth behind New Zealand, Iceland and Australia in the prevalence of explicit caps (see para 86, Figure 2 in our revised submission)
2. Data caps are an excessively blunt tool ill-matched to any problems of network congestion that may exist since such problems stem from peak traffic loads, not from the individual use patterns of so-called bandwidth hogs.

[3] All traffic estimates are Cisco: see "Cisco Visual Networking Index: Forecast and Methodology, 2014–2019," May 27, 2015: pdf at http://www.cisco.com/c/en/us/solutions/collateral/service-provider/ip-ngn-ip-next-generation-network/white_paper_c11-481360.html>; and VNI Forecast Highlights by country, at <http://www.cisco.com/web/solutions/sp/vni/vni_forecast_highlights/index.html>.

[4] Sandvine (2013). *Global Internet Phenomenon Report*., p. 5. http://www.sandvine.com/downloads/documents/10-26-2011_phenomena/Sandvine%20Global%20Internet%20Phenomena%20Report%20-%20Fall%202011.pdf

3. Data caps are an artificial constraint that discourages communication and broadband internet use when the goal of communication policy should be to encourage it, as we note drawing on research by Bill St. Arnaud (2011)[5] and a recent study by the Open Technology Institute (2015). The latter summarizes the negative effects of data caps on broadband use as follows: (a) they cause consumer confusion and uncertainty, which we illustrate in the Canadian context by drawing on current marketing material from Bell; (b) deter the adoption of new services; (c) discourage end-users from updating software, which is a major cause of Internet security issues; and (d) are disproportionately hurtful to low-income and minority populations.[6]
4. Data caps are anti-competitive and discriminatory. They are more likely a reflection of the structure of the Canadian telecom, internet and media industries, especially in terms of vertical integration, namely a competitive handicap against rival online video services, than a well-conceived and narrowly targeted economic ITMP that effectively addresses whatever problems may exist
5. There is no relationship between the economic cost of producing a GB of data and the overage penalties ISPs charge for exceeding their monthly data cap.[7]

[5] St. Arnaud, B. (2011). Myths and Facts about Usage-Based Billing. Available at: http://dwmw.files.wordpress.com/2011/04/st-arnaud-myths-and-facts-re-ubb.pdf
[6] OTI, 2015, "Artificial Scarcity: How Data Caps Harm Consumers and Innovation" https://www.newamerica.org/oti/artificial-scarcity/. While the data cited is American, there is no reason to believe that the assertions made by the OTI do not apply to Canada, where caps are even more prevalent.
[7] St. Arnaud, 2011, pp. 7-8.

Canadian Media Concentration Research Project. Response to Request of CMCRP(AAC)14-08-15–2

Preamble

Page 1 of the CMCRP's first intervention (14 July 2015) states: "We believe the time has come for Canada to give the broadband Internet its well-earned place among our rights and freedoms, in line with forward thinking in many international quarters."

Question 1

On what basis does the CMCRP make the assertion that broadband Internet warrants a "place among our rights and freedoms"? CMCRP(AAC)14-08-15 – 2

Response

We make this assertion on three grounds. First, that communication rights have been a cornerstone of citizens' rights in democratic societies since the inception of democracy and those rights have evolved over time to reflect the available means (technologies) of communication. It is this evolutionary view that came to embrace postal services, libraries, plain old telephone service and broadcasting. Broadband internet has increasingly become a central means by which people express themselves (speech rights) and interact with others. The overall media environment is also becoming more internet-centric. Given this, and in a context where speech and older media (e.g. press and broadcasting) already enjoy the rights and protections of the Canadian Charter of Rights and Freedoms, it is time to bring broadband internet into the fold.

Second, our assertion in this regard is meant to highlight the normative elements implicated by the basic service obligation review versus the tendency within this context for many industry players and other experts to focus solely on economic and technical considerations. Underpinning our argument is the assumption that a better balance between technical and economic issues, on the one hand, and the normative dimension of communication issues, on the other, is needed. We are also mindful of the fact that, as we note in our revised submission (para 28), the Commission made only a single reference to the word "freedom" in its last decision on this matter (2011-291), and even that was couched in concerns with consumer choice.[8] We believe that the Commission should think of these issues in a broader way and one that is consistent with Chairman Blais' own insistence in many speeches that the CRTC deals with citizens' issues not just consumer ones.

Finally, the evolutionary view of communication rights that we are advocating is consistent with international trends. Thus, as we outline in our initial submission,

[8] CRTC, 2011-291, para 71.

and more fully explicate in our revised brief (see paras 13-16), we can see this more expansive view in, for example, the following instances:

1. The EU's 2009 *Regulatory Framework for Electronic Communications Networks and Services* explicitly "recognizes that the Internet is essential for education and for the practical exercise of freedom of expression and access to information".[9] This brings broadband internet within the ambit of universal service while also casting it within the scope of Article 10 of the *European Convention on Human Rights* on freedom of expression;
2. the *Report of the Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression* by Frank La Rue for the UN Human Rights Commission made the case in 2011 for Internet access and freedom of expression on the Internet as a basic human right;
3. the U.S. and Sweden sponsored a resolution passed by the UN Human Rights Council of which Canada is a part that reaffirms the applicability of Article XIX to the Internet and that "call[ed] upon all States to promote and facilitate access to the Internet".[10]
4. Several countries have established broadband service as part and parcel of citizens' communication rights under their constitutions or specific laws to this effect: e.g. Brazil, Costa Rica, Estonia, Finland, France, Greece, and Spain. Symbolically and legally, we think such measures strike an important note in an era in which more and more of our lives are immersed within 'the internet-of-everything'.

Thus, the more expansive and rights-based approach to broadband internet that we are advocating is consistent with the historical evolution of rights as well as in line with international trends and the spirit of measures that Canada has agreed to on the world stage. It is time to make such commitments more meaningful and palpable at home. It is also consistent with Canada's historical role as a leader not just in the advanced technological state of its communication system but in the discourse of communication rights and freedom on the world stage, perhaps best marked by the leading role that the McGill law professor John Humphreys played in penning the *Universal Declaration of Human Rights*, especially Article XIX. It is also forward looking and stakes out some of the ideals of what citizens' communication rights look like in the internet era.

Premable

Para. 3 of the CMCRP's first intervention (14 July 2015) states: "Policy makers have debated for 100 years over how best to achieve universal telecommunications service." Please refer to para. A79 of Shaw's intervention,

[9] http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2009:337:0037:0069:EN:PDF
[10] UN Human Rights Council (2012). *Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development*, http://ap.ohchr.org/documents/E/HRC/d_res_dec/A_HRC_20_L13.doc

which states: “In today’s ever-changing technological environment, where a diversity of networks, services and technologies compete in order to meet a variety of consumer needs, the concept of a ‘basic service objective’ is ill-suited and anachronistic.”

Question 2

On what basis does the CMCRP assert the continued relevance, after 100 years, of universal or basic telecommunications service objective for Canadians today?

Response

Our response to this question is similar to what was suggested in response to your last question and to Catherine Middleton’s first question. Namely, that in these matters we need to take an evolutionary view of rights and obligations that match the technological and economic conditions of our times rather than hew to a static conception that tethers these issues to the past, and to past technologies. While the technological and economic conditions to which Shaw points may now be anachronistic, the fundamental values and principles associated with universal service are not. Shaw takes a very conservative, static and economistic view of universal service. We provide ample evidence documenting why the excessive reliance on market forces that its comments assume have not been sufficient in achieving even the existing definition of basic service and why they are even less likely to meet evolving technologies, market conditions and people’s needs in the future.

Preamble

CMCRP(AAC)14-08-15 – 3 On page 2 of the CMCRP’s first intervention (14 July 2015), the CMCRP states: “No other developed country in the world has done as little as Canada in terms of planning, spending, setting future-proof targets and incorporating social policy goals.”

Question 3

On what evidentiary basis does CMCRP make this claim?

Response

Taken on its own, this assertion is too blunt. It needs to be read in the broader context of our submission so as to get a better sense of the whole to which we are referring, and of the qualifications that apply. The main point, however, is this: Canada’s efforts with respect to broadband internet affordability and adoption have been modest relative to those of other countries of similar standing.

In terms of *availability*, as we make clear, Canada stacks up well, but is never at the top. Many countries are ahead of it on key metrics with respect to fibre-to-the-home and 4G LTE mobile wireless services, including the U.S. by a considerable margins with respect to availability. Whatever lead did exist between Canada and other countries with respect to 4G LTE services, notably, had largely vanished by 2014 (see paras 43-46).

In addition, and in contrast, on the measures of penetration (adoption) and price, for example, our revised submission provides much more data and evidence in the narrative and several Tables attached in Appendix 1 that show that Canada consistently ranks poorly on almost all measures assessed other than wireline penetration levels. Table 2 summarizing the results the OECD's most recent data on wireline broadband prices illustrates, for example, that Canada ranks in the bottom quartile for every one of fifteen broadband baskets assessed for which data is available (see para 66 in our revised submission).

There are also significant adoption gaps other than those that exist in rural and remote communities, namely on the basis of household income and levels of adoption and, we suspect, use that apply just as much to cities as to rural and remote communities. The levels of monitoring and reporting on inequalities in adoption by income quintile in the CRTC's publications, including its flagship *Communications Monitoring Report*, as discussed above, is an instance of doing too little to know and/or draw attention to this serious issue. This is an area where the potential to do more, and the sense that Canada is doing less than some of its international peers, stands out. The CRTC's limited pricing comparisons are another indicator that fit within this point as well.

Canada's broadband plan is also less ambitious than other countries. We develop this point at length in our revised submission, mostly between paras 8-12. The federal government's investment in broadband infrastructure is modest compared to other countries as well (paras 8-10). Coordination with provinces, cities and First Nations also appears to be lacking, as other interveners to this proceeding observe (e.g. EOWC & EORN; First Mile Connectivity Consortium; Federation of Canadian Municipalities).

Where there are comparable situations, as with the parsimonious view of basic service taken by the Australian government and regulator that limits the concept, as does the CRTC's current BSO definition, to POTs, such a miserly approach must be seen as being couched within – and offset by – Australia's ambitious national broadband network (NBN) project with funding to match. No matter how much that project may be in disarray – in great deal because of the intransigence shown on the part of the incumbent Telstra as well as Rupert Murdock's media interests – it is vastly more ambitious than anything we have seen in Canada in terms of vision and budget.

The integration of broadband internet policy into a broader framework of media, culture, information, social and economic policy – i.e. a coherent, overarching policy framework for the 'digital age' – is also lacking in Canada relative to, for example, the U.S., Germany, Australia, New Zealand, Korea, Chile, Denmark, Finland, and Sweden, among others. A good case in point is Denmark which, despite having *no* specific universal broadband service objectives, nonetheless informally come at similar ends by coordinated national information industry development policies that take a broad look at the whole and put broadband internet affordability, adoption and use at the forefront of their thinking. Of particular note, it also integrates broadband policy goals within the country's media policies as well (paras 6-11).

Without such a broader conceptual and policy map, steps taken in Canada tend to not only be modest but piecemeal. The overlapping jurisdictions and tensions between the CRTC and Industry Canada (and the Competition Bureau) as symptomatic of this lack of integration in national policy.

Lastly, while the incumbents' interventions, and those who broadly support their position, tend to present Canada and the U.S. as if conditions in both countries are similar, and do so to juxtapose what they cast as the "good North America" model versus the "bad European model", Canada is not the U.S. Of course, there are similarities between both countries in terms of their 'two wires to the home' approach, but crucial differences distinguish them with respect to, for example, network neutrality (common carriage), mandated wholesale access, MVNOs, and competition policies. More importantly for here, in terms of outcomes such as the availability of 4G LTE and FTTP, for instance, the U.S. now leads Canada by a considerable margin (paras 43-45). Mobile wireless adoption rates in the U.S. are far higher than in Canada, with the U.S. now ranking 8 out of 34 OECD countries with a penetration rate of 104 subscribers per 100 inhabitants). Canada ranks 26th, with 54.2 subscribers per 100 inhabitants. The U.S. currently has a more expansive view of universal service and a more aggressive speed target (25 Mbps up/3 Mbps down) as well.

In this respect, two key points stand out: first, Canada is not the U.S. and the Commission should reject rhetorical frames that try to contrast the "good North America" model versus the "bad European model". This rhetorical frame conflates the two countries and, in so doing, masks the growing differences between them when it comes to policy and regulatory approaches, on the one hand, and outcomes on the other. Second, the growing divergence between the U.S. and Canada is consistent with our larger claim that steps taken so far by Canadian policy-makers and regulators have been modest relative to comparable countries. This is why we believe that a bolder vision and sturdier policy and regulatory measures are needed.

Preamble

Para. 41 of the CMCRP's first intervention (14 July 2015) states: the Commission would do well to consider what the long-term impact of data caps will be on the growth of the Canadian Internet, and more importantly, on the evolution of how Canadians use their online resources", and cites an Open Technology Institute critique in support of this statement. Further, Recommendation IV on page 15 of CMCRP's intervention states: We strongly urge the Commission to phase out data caps, failing which to set a data cap floor of around 200 GB per month for households with multiple users to meet the projected needs of the average Canadian household in 2020. Data caps should be restricted to peak hours where demonstrable congestion does exist that cannot be reasonably managed in the short-term by other less intrusive means.

Questions 4

On what evidentiary basis does the CMCRP make the above referenced assertion and recommendation?

Response

Please see our response to Catherine Middleton's Question 1 above.

Question 5

On what basis does the CMCRP recommend a data cap floor of 200 GB per month for household with multiple users?

Response

Please see our response to Catherine Middleton's Question 2 above.