

Campaign for Democratic Media!

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Comments on CRTC draft Consultation Summary and Preliminary Data Observations Document for the New Media Project Initiative

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Thank you for continuing to consult with us surrounding the New Media Project. As the Consultation Summary illustrates, since the 1999 new media exemption order the field of new media has been fast growing and now presents a range of important potential issues for the Commission to consider, particularly in light of the objectives of both the Broadcasting and Telecommunications Acts. We feel that given the growing importance of new media the Commission can no longer afford to abstain from regulation and should move to hold a public hearing to determine the best ways to regulate this emerging environment in the broad interest of Canadians.

At the same time, we have several observations concerning the Consultation and the draft document that we would like to raise at this time.

1. We are concerned that user generated content (UGC) was not addressed in this preliminary initiative. Given the centrality and innovation of UGC in new media endeavors, this seems to be a striking omission. Digital video, podcasting, wikis, blogging, social networking, free and open source initiatives, and mobile content created by professionals and 'non professionals' (e.g. citizens) are creating a dynamic new media environment. Participation and creativity are key aspects here if the potential of new media is to be realized. UGC practices have also been widely adapted by commercial media industries (e.g., 'citizen journalism', blogging on news media websites, adoption of social networking, etc.). Excluding UGC from consideration leaves out the opinions and perspectives of key stakeholders and works to skew the Preliminary Data Observations in favour of corporate interests.

2. A number of important stakeholder organizations that are active in both delivering New Media services and working to develop policy in this area are not represented in this consultation. These include:

a) Public Interest Groups such as: the Community Wireless Infrastructure Research Project, The Canadian Research Alliance for Community Innovation and Networking

(CRACIN), Appropriation Art, The Canadian Music Creators Coalition (CMCC), The Canadian Association for Open Source.

b) Public/Non-Profit Internet service providers (broadband and wireless) such as: Access Communications, Île Sans Fil (ISF), Wireless Nomad (WN), Fredericton eZone, FreeTheNet, Keewaytinook Okimakanak - K-Net, BC Wireless

c) Online Independent News Media such as: TheTyee and Rabble.ca.

Similarly there is no mention in the Summary of the important role played by Public/Non-Profit Internet service providers (broadband and wireless). These service providers increasingly make up an important and innovative access point to the Internet for Canadians and should be incorporated into any national new media review. In addition to providing access, these providers provide unique opportunities for innovative approaches media production and distribution.

3. Regarding Section II, B. “Access to new content delivery platforms is increasing” (pps. 8-11). While there has been increasing access to the Internet, broadband, etc., there are still considerable technological divides in Canada, such as rural/remote access, WiFi divides, divides based on income and social class. Given the increasing importance of new media in a wide range of social activities and accessing social services, these divides are not just a function of access to technological infrastructure but to social infrastructure as well. We feel that some acknowledgment of these divides in the document is crucial and that consideration of these divides and regulatory measures to ease them must play a key role in a public hearing.

4. We note that while the summary avoids the use of the term “Net Neutrality,” there is some consideration of “traffic prioritization techniques” on p. 39. The Summary states that, “The goal (of this practice) is to maintain a certain level of quality of service for all customers.” This is a claim made by ISPs but not a verifiable fact. Many people familiar with this issue claim that ISPs have other goals including driving traffic away from competing content and services, and developing a market environment where they can charge extra fees for preferential access. We recommend that this statement be modified or removed before publication.

At the same time, we feel that it should be pointed out in the document that there are concerns that blocking or degrading access to P2P applications, and other discriminatory activity on the part of ISPs, will limit the ability of new media productions to effectively

distribute their content on the Internet and create an unstable investment environment for new media in Canada.

Net Neutrality or “traffic prioritization techniques” is one of the key issues in the development of new media. More to this point, a study commissioned by eBay Canada in June 2007, and conducted by Leger Marketing, found that “77% of Canadians agree that net neutrality policies protect the rights of Internet consumers” (eBay Canada, October 2007). If ISPs fell under the jurisdiction of the Telecommunications Act it seems that this practice (“traffic prioritization techniques”) would be in clear violation of Section 27 (2) of that Act which states, “No Canadian carrier shall ...unjustly discriminate or give an undue or unreasonable preference toward any person, including itself, or subject any person to an undue or unreasonable disadvantage.” Clearly, this is a potential issue in terms of regulation and should form a key element of any public inquiry. We feel that it also deserves mention as a “Potential Issue” on p. 39.

In sum, based upon the growing importance of New Media illustrated in your Consultation, Campaign for Democratic Media urges the CRTC to conduct public hearings on the development of regulation for New Media. Given the importance of this issue to Canadians, we further recommend that these hearings take place in cities across the country so as to afford as many people as possible the opportunity to participate in them.

Thank you,

Campaign For Democratic Media
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