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Broadband Fund Overview Document (FAQ for Community Engagement)

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

Recent government funding programs require community engagement and consultation for Broadband Projects – including ensuring that Aboriginal and treaty rights are considered.

Since the earliest days of the internet, Indigenous peoples have pointed out its importance in areas such as self-determination and cultural/language revitalization. Over the years Indigenous groups have also successfully advocated for policies to introduce new technologies and services in their communities. Along with providing adequate, affordable access to the internet, these efforts have argued for Indigenous ownership and control over digital services – with the result that Indigenous internet service providers have emerged across Canada.

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

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

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

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

Broadband Funding in Indigenous Communities

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

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

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

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

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

1) Universal Broadband Fund

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

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

2) CRTC's Broadband Fund

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

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

3) Infrastructure Canada’s Rural and Northern stream

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

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

4) Canada Infrastructure Bank

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

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

Consultation and Engagement Requirements

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

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

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

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

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

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

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

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

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

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

i. Commit to **meaningful consultation**, building respectful relationships, and obtaining the free, prior, and informed consent of Indigenous peoples before proceeding with economic development projects.

ii. Ensure that Aboriginal peoples have **equitable access to jobs, training, and education opportunities** in the corporate sector, and that Aboriginal communities **gain long-term sustainable benefits** from economic development projects (**Emphasis added**).

Topics for Consideration During Community Engagement Activities

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

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

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

1) Written Broadband Project Proposal

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

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

2) Community Engagement Activities

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

Speed: A Moving Target. Requirements for high speed connectivity are evolving rapidly as applications, services and demands of users evolve. Any specific speed targets must be adequate for online activities currently conducted by individuals, families, and institutions today. They

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

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

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

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

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

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

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

- What kind of infrastructure will the project install? (fibre optic / satellite / DSL-copper lines / cable / wireless)
- How long will the infrastructure last?
- Can the infrastructure be updated to meet increasing speed and/or capacity requirements?
- What happens to the broadband system when more people join? Will it slow down or become less reliable?

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

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

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

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

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

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

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

- Provide the following details for each employment position:
 - Number of community members to be employed
 - Titles of each position

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

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

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

FOR MORE INFORMATION:

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

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

Email: info@firstmile.ca

Phone: 1-877-737-5638 X 4522