



**CFTPA**

Representing television, film  
and interactive production in Canada

**ACPFT**

Porte-parole de l'industrie de la production télévisuelle,  
cinématographique et interactive au Canada

[www.cftpa.ca](http://www.cftpa.ca)

April 29, 2010

**Via CRTC comments/interventions form**

Mr. Robert A. Morin  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario K1A 0N2

Dear Mr. Morin:

Re: Telecom Notice of Consultation CRTC 2010-43-2: Proceeding to review access to basic telecommunications services and other matters

Changes to procedure – Forbearance framework for mobile wireless data services

1. Pursuant to the revised procedure announced in *Telecom Notice of Consultation CRTC 2010-43-2*, the Canadian Film and Television Production Association (the “CFTPA” or the “Association”) welcomes the opportunity to file these **comments** regarding the forbearance framework for mobile wireless data services.
2. The CFTPA represents the interests of screen-based media companies engaged in the production and distribution of English-language television programs, feature films, and new media content in all regions of Canada. Our almost 400 member companies are significant employers of Canadian creative talent and assume the financial and creative risk of developing original content for Canadian and international audiences. Independent producers are increasingly creating content for distribution on mobile wireless platforms in order to provide consumers with content how and when they want it.
3. In a letter to the Commission dated March 10, 2010, the Canadian Wireless Telecommunications Association (“CWTA”), on behalf of its carrier members, stated that its carrier members were prepared to support the reapplication of section 24 and subsection 27(2) of the *Telecommunications Act* (the “Act”) to mobile wireless data services.
4. The CFTPA welcomes the CWTA’s initiative. As we stated during the proceeding that led to *Telecom Regulatory Policy CRTC 2009-657*, Review of the Internet traffic management practices of Internet service providers, since Canadians are increasingly relying on mobile services for Internet access, having non-discriminatory access to mobile networks is increasingly important for Canadian content creators. Of broader concern to the CFTPA is the fact that currently, there are no regulatory remedies in place that would prevent wireless service providers (WSPs) from discriminating against content creators.
5. The Association agrees with the Commission’s view that, consistent with its practice, if subsection 27(2) of the Act is applied to mobile wireless data services, subsections 27(3) and 27(4) would also be applied.

6. Accordingly, the CFTPA respectfully submits that, in the evolving environment for content distribution, it is entirely appropriate and in the public interest for the Commission to apply section 24 and subsections 27(2), 27(3), and 27(4) to mobile wireless data services as soon as practicable.
7. The CFTPA appreciates the opportunity to express its views on this matter.

All of which is respectfully submitted.

Yours truly,

*[Original signed by Norm Bolen]*

Norm Bolen  
President and CEO

cc: Interested parties to TNC 2010-43 (by email only)

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