
Q. At paragraph 13 of his application, Mr. Klass quoted a news release from Bell Canada in which the Bell Mobile TV app was described as a "breakthrough wireless data service that offers on-the-go access to more than 40 channels of live and on-demand sports, news, entertainment and children's TV programming". At paragraph 5 of its 9 January 2014 answer, Bell Mobility stated that "Bell Mobility's Mobile TV service is a broadcasting undertaking which provides a broadcasting service not a telecommunication service". Clarify Bell Mobility's position. Explain the inconsistency in these statements and how a data service that uses the Internet is not a telecommunications service.

A. In the press release, the use of the phrase "wireless data service" was not meant to convey a legal definition but simply meant to provide a colloquial understanding for a press release. Legally, Mobile TV is a broadcast service for the reasons explained at paragraphs 19 and 20 of our 9 January 2014 Answer, and this is also clear from the quoted news release which clearly states that it provides access to live and on-demand programming. As noted in Bell Mobility(CRTC)4Apr14-1 Klass we negotiate separate broadcast rights with programmers for our mobile broadcast distribution undertaking in order to provide Mobile TV to our customers.

Nevertheless, the fact that a service is delivered by means of telecommunications, or over a data service which can be counted in megabits, gigabits or megabytes, is not determinative as to whether that service is a telecommunications service. For example, the Society of Motion Picture and Television Engineers (SMPTE) has established in its SMPTE 292 standard for transport of uncompressed digital video and audio a standard bitrate of 1.485 Gbps. Broadcast signals are measured in bits and bytes (or in the same measures used to quantify "data"). Rather than focus on the use of "data" to determine whether a service is a telecommunications or a broadcasting service the Commission must instead look at whether the service in question meets the definitions set out in the *Broadcasting Act*. As described in detail in section 4 of our 9 January 2014 Answer to Mr. Klass' application, Mobile TV clearly meets the definitions of a broadcast service. Accordingly, it is subject to regulation and the Commission's policies and rulings under the *Broadcasting Act* and not the *Telecommunications Act*.