PART I –STATEMENT OF FACTS

1. Overview

1. The Respondents Benjamin Klass, David Ellis and Fenwick McKelvey (the "**Individual Respondents**") are opposing Bell Mobility Inc's ("**Bell Mobility**") appeal from the CRTC Broadcasting and Telecom Decision 2015-26 (the "**Decision**").

2. Bell Mobility is a wireless telecommunications common carrier, operating under licenses issued by the Minister of Industry, and subject to the regulatory authority of the CRTC under the *Telecommunications Act*.

3. Bell Mobility, apart from providing mobile voice services, acts as an Internet Service Provider ("ISP"), enabling subscribers to its data plans to have access to Internet services such as email, text messaging, Internet searching and accessing music and video streaming services, including services that the CRTC recognises as broadcasting services: Netflix, CBC, the National Film Board and YouTube are all examples of such services. The streaming of full video programming over the Internet is described as an "over-the-top" (or "**OTT**") service.

4. OTT service providers are dependent on the networks of telecommunications common carriers to deliver programme content and, even where the OTT provider charges a subscription for access to its programming, the subscription charged is independent of the cost of transport. So, for instance, a subscriber to Netflix may pay a monthly charge for access to the Netflix content library, but that charge is independent of the telecommunications charges that may be incurred. Depending on the configuration of the network, its capacity, the nature of the access method (wireline vs wireless) the telecommunications charges may be much greater than the cost of the

subscription to programming content. Indeed, in many cases, OTT services provided by the NFB, the CBC, and private broadcasters are provided for free. The genius of the Internet is to separate the cost of content (online applications) from that of transport (telecommunications).

5. Bell Mobility offers its subscribers an OTT full video programming service called Bell Mobile TV. Bell Mobility uses its telecommunications transport facilities to deliver Bell Mobility TV programming to its subscribers.

6. Aside from its programme offerings, the only discernible difference between Bell Mobile TV and any other programming service delivered over Bell Mobility's network is that customers of Bell Mobile TV are granted a substantial pricing preference compared to the charges customers of Bell Mobility face when they stream full video programming from other OTT services. Indeed, Bell Mobility has never challenged the assertion that subscribers to Bell Mobile TV were charged one eighth of the amount charged to users of Bell Mobility who chose to receive their programming from other OTT providers (say CBC or the NFB) rather than through the subscription service of Bell Mobile TV.

7. Whereas Bell Mobile TV customers pay a flat $5 per month for 10 hours of video programming, without any data charges, Bell Mobility data customers who do not subscribe to Bell Mobile TV must pay data charges of $40 to consume approximately the same amount of video from other OTT providers.

8. Bell Mobility has made clear in its responses to CRTC interrogatories that there is no distinction to be made in the way its programming service operates and delivers its signals from the way in which any other OTT service such as Netflix, YouTube or CBC

programming accessible over the Internet is delivered. Once the signal carrying the programming has been addressed to the consumer, it is treated in every way in the same manner as all other data packets passing over Bell Mobility's network. There is no differentiation between Bell Mobile TV's traffic and that of any other OTT service. There are no special traffic management practices in place for Bell Mobile TV's programming.

CRTC Findings of Fact

9. Following extensive interrogatories and analysis, the CRTC made the following findings of fact that the Individual Respondents believe to be critical to a proper analysis of Bell Mobility's functioning as a common carrier while delivering Bell Mobile TV:

a. To access Bell Mobility TV services on a mobile device, a subscriber had to have subscribed to a Bell Mobility voice plan, data plan or tablet plan;

b. Bell Mobility TV subscribers are exempted from the wireless data charges for the data consumed in accessing Bell Mobility TV services – except that Bell Mobility charges subscribers $5 per month to access its services up to 10 hours, and $3 per each additional hour;

c. Bell Mobility acts as a Canadian carrier providing a telecom service when it makes available the wireless data connectivity used by subscribers to view programming services over the Internet;

d. Bell Mobility was involved in broadcasting in acquiring mobile distribution rights for content and in packaging and marketing those services;

e. Bell Mobility operates as a Canadian carrier when it provides access to the Internet and other voice and data services to their subscribers;

f. Bell Mobility acts as a Canadian carrier when it makes available the wireless data connectivity used by subscribers to view programming services over the Internet;

g. Bell Mobility uses its wireless access networks to transport Bell Mobile TV to subscribers' mobile devices, those networks being identical to those used to deliver wireless voice and data telecommunications services that are subject to the *Telecommunications Act*;

h. The data path used by Bell Mobility to provide Bell Mobile TV is the same regardless of whether the Bell Mobile TV subscriber has a wireless voice plan, data plan or tablet plan;

i. The functions performed by Bell Mobility to establish connectivity and provide transport over its wireless access network are the same whether the content being transported is Bell Mobile TV services, other broadcasting services or non-broadcasting services;

j. From a consumer perspective, the Bell Mobile TV services are accessed and delivered under conditions that are substantially similar to those of other Internet-originated telecommunications services;

k. The consumer accesses the Bell Mobile TV service on his or her mobile device in the same way he or she accesses other OTT Services;

l. The data connectivity required to access Bell Mobile TV services can only be established if the subscriber obtains a telecommunications service from Bell Mobility.

10. Bell Mobility does not challenge the factual findings of the CRTC. Instead, it argues that, having found Bell Mobility to be involved in broadcasting activities at the OTT level (finding d. above), it necessarily follows that the transportation of that data is a broadcasting as opposed to a telecommunications function. This is the crux of the factual assertions of Bell Mobility.

PART II – ISSUES IN DISPUTE

11. The following issues are in dispute between the parties:

a. What is the applicable standard of review?

b. Did the CRTC commit a reversible error in applying the *Telecommunications Act* in this case?

PART III – SUBMISSIONS

Issue #1 The Applicable Standard of Review

12. The Individual Respondents have had the benefit of reading the submissions made by the Responding Party Canadian Network Operators Consortium ("**CNOC**") on the correct standard of review in this case. We adopt those submissions in their entirety, and for the reasons submitted by CNOC, the Individual Respondents submit that the standard of review of the Decision should be one of reasonableness. The Individual Respondents further submit that, even if a standard of correctness is applied, the Decision is correct and should be sustained by this Honourable Court.

Issue #2 **Did the CRTC commit a reversible error in applying the *Telecommunications Act* in this case?**

13. The Individual Respondents wholly reject Bell Mobility's assertion that once the CRTC has found that Bell Mobility conducts some functions as a broadcaster, the CRTC is precluded from finding that Bell Mobility continued to act, in important regards, as a telecommunications common carrier.

14. At the heart of Bell Mobility's charging scheme in reference to Bell Mobile TV lies an invidious attempt by a vertically integrated telecommunications and broadcasting undertaking to escape the key obligations imposed on telecommunications common carriers: the non-discriminatory access to their facilities and the non-discrimination provisions found in subsection 27(2) of the *Telecommunications Act*.

15. The fact is that Bell Mobility has devised and implemented a discriminatory scheme that dresses an outrage in the cloth of the sanctimony that ostensibly attaches to the conduct of an important cultural enterprise (broadcasting). This is a pure and shameless ruse. Bell Mobility claims immunity from the consequences of enriching itself and a subset of its subscribers at the expense of all of its other data customers and of competing OTT service providers. The CRTC has rightly seen through this naked scheme. This appeal should not succeed.

16. In the following paragraphs, the Individual Respondents will argue that the Decision should be upheld and that:

a. Bell Mobility has selectively cited and incorrectly interpreted the provisions of the *Broadcasting Act* and the *Telecommunications Act* that deal with the

interrelationship between them and the CRTC's role in applying the relevant legislation to the appropriate facts;

b. The claimed doctrine of indivisibility of the broadcasting undertaking is a chimera supported neither by the *Broadcasting Act* nor by the case law relied on by Bell Mobility;

c. The Decision is important to sustaining true technological neutrality and providing Canadians with the benefit of competitive programme delivery technologies.

a. Reading the Telecommunications Act and Broadcasting Acts Together

17. Contrary to the assertions of Bell Mobility, the CRTC did not commit a reversible error in applying the *Telecommunications Act* to the pricing scheme that Bell Mobility crafted for Bell Mobile TV.

18. It is critical to bear in mind that the *Telecommunications Act* and the *Broadcasting Act* have to be read together. The *Broadcasting Act* does not create barriers to the regulation of telecommunications common carriers who may incidentally conduct broadcasting, but in fact requires that the CRTC look to the facts – the very facts rejected by Bell Mobility as unimportant – to determine the true nature of the activity being undertaken. The *Broadcasting Act* does not mandate or encourage, let alone preserve, the watertight compartments that Bell Mobility claims.

19. The Supreme Court of Canada has elaborated on the need to read regulatory statutes in their entire context. *In Reference re Broadcasting Regulatory Policy CRTC 2010-167 and Broadcasting*

Order CRTC 2010-168,[1] the Court provided guidance (at paras. 37-38) on how to deal with the complexity of interpreting statutes where there are overlapping subject matters:

> Although the Acts have different aims, their subject matters will clearly overlap in places. As Parliament is presumed to intend "harmony, coherence, and consistency between statutes dealing with the same subject matter" (*R. v. Ulybel Enterprises Ltd.*, 2001 SCC 56, [2001] 2 S.C.R. 867, at para. 52; Sullivan, at pp. 325-26), two provisions applying to the same facts will be given effect in accordance with their terms so long as they do not conflict.
>
> Accordingly, where multiple interpretations of a provision are possible, the presumption of coherence requires that the two statutes be read together so as to *avoid* conflict. Lamer C.J. wrote in *Pointe-Claire (City) v. Quebec (Labour Court)*, [1997] 1 S.C.R. 1015, at para. 61:
>
> > There is no doubt that the principle that statutes dealing with similar subjects must be presumed to be coherent means that interpretations favouring harmony among those statutes should prevail over discordant ones . . . .

The position taken by Bell Mobility in reference to this appeal appears to be odds with the interpretive approach adopted by the Supreme Court. Instead of one statute trumping the other, a harmonious interpretation of the interplay between the statutes must be sought. The ends have to be the attaining of the objectives of both statutes when read together.

20. The two acts stand for the following propositions:

    a. The regulator must treat broadcasters as broadcasters; and

    b. The regulator must treat telecommunications common carriers as carriers.

21. Where an undertaking offers both broadcasting and telecommunications functions over the same telecommunications facilities, the CRTC is required examine the particular facts and circumstances in order to properly classify the services in question, in harmony with the interrelated statutory schemes of the *Telecommunications* and *Broadcasting* acts.

[1] [2012] 3 S.C.R.489

22. Thus, for instance, paragraphs 5(2)(c) and (f) of the *Broadcasting Act* call on the CRTC, in administering the *Broadcasting Act*, to look at larger societal issues that would be otherwise outside the purview of the Commission:

> (2) The Canadian broadcasting system should be regulated and supervised in a flexible manner that . . .
>
> (*c*) is readily adaptable to scientific and technological change; . . .
>
> (*f*) does not inhibit the development of information technologies and their application or the delivery of resultant services to Canadians. . .

23. It also to be noted that the exclusionary clause found in subsection 4(4) of the *Broadcasting Act* is a limited one:

> (4) For greater certainty, this Act does not apply to any telecommunications common carrier, as defined in the *Telecommunications Act*, when acting ***solely*** in that capacity. [emphasis added]

24. From its very wording, it is clear that the *Broadcasting Act* contemplated severable undertakings, and that pains were taken to recognize the interlinkages between the realms of broadcasting and telecommunications. Nothing in the *Broadcasting Act* suggests that the CRTC cannot look at the facts and make a determination as to whether any particular operation is solely broadcasting, solely telecommunications or a mix of the two. Nor is there anything in the *Broadcasting Act* that dictates that because part of an undertaking is actively engaged in broadcasting, it is thereby immunized from the application of the *Telecommunications Act*.

25. The Telecommunications *Act* also permits crosswalks to broader societal influences than merely economic and technical ones.

26. Paragraphs 7(a), (f) and (h) of the statement of telecommunications policy invite the CRTC to remove any blinders and look at the larger context in which it must make its decisions:

> **7.** It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada's identity and sovereignty and that the Canadian telecommunications policy has as its objectives
>
> (a) to facilitate the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
>
> . . .
>
> (*f*) to foster increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
>
> . . .
>
> (*h*) to respond to the economic and social requirements of users of telecommunications services . . .

27. Pointedly, and most appropriately, subsection 28(1) of the *Telecommunications Act* specifically requires the CRTC to look at the objectives the *Broadcasting Act* when assessing whether a carrier has committed unjust discrimination in relations to its telecommunications services or the rates that it charges:

> **Transmission of broadcasts**
> **28.** (1) The Commission shall have regard to the broadcasting policy for Canada set out in subsection 3(1) of the *Broadcasting Act* in determining whether any discrimination is unjust or any preference or disadvantage is undue or unreasonable in relation to any transmission of programmes, as defined in subsection 2(1) of that Act, that is primarily direct to the public and made
>
> (*a*) by satellite; or
>
> (*b*) through the terrestrial distribution facilities of a Canadian carrier, whether alone or in conjunction with facilities owned by a broadcasting undertaking.

This provision ties the two acts together at precisely the point where Bell Mobility would have this Court believe the world of broadcasting and that of telecommunications are wholly separate.

28. In fact, subsection 28(1) is a complete and compelling refutation of Bell Mobility's assertion that the *Telecommunications Act* and the *Broadcasting Act* create watertight compartments. Parliament foresaw, in enacting the *Telecommunications Act*, exactly the kind of circumstances that are present in this case. It gave the CRTC, as telecommunications regulator, the jurisdiction to determine whether an allegation of discriminatory practice made under subsection 27(2) of the *Telecommunications Act* could be saved by reference to the objectives of the *Broadcasting Act*.

29. The CRTC properly exercised its authority under subsection 28(1) and found that the merits of Bell Mobile TV activities toward the fulfillment of the Broadcasting Policy set forth in subsection 3(1) of the Broadcasting Act was insufficiently important to overcome the discrimination that the CRTC found Bell Mobility to have systematically applied against the interests of both its data subscribers and competing OTT programming services.

30. Again contrary to assertion of Bell Mobility (MoFL paras. 73 -75), there are no words in the definitions of broadcasting that suggest that broadcasting ***includes*** the telecommunications mode of distribution. All those definitions say is that the telecommunications element must be present in order to transform mere programmes into broadcasting. This accords with the logic followed by Parliament in creating a technologically neutral act. While it may be too much to say that in 1988 or 1991 Parliament specifically contemplated what has become the Internet, it did contemplate the severability of the programming, aggregation and transmission function from its delivery over telecommunications systems. Indeed, the import of technological

neutrality is its agnosticism with respect to the mechanisms by which programming is delivered to the viewer.

31. While control of content may be key to operating as a broadcaster, there is no requirement in law that a broadcaster control the telecommunications facilities used to reach the public. What is most significant, there is no provision in the *Broadcasting Act* that links control of telecommunications facilities with broadcasting. The mere fact that Bell Mobility uses its public network to distribute Bell Mobile TV to the public does not alter the nature of that public network nor repurpose it to broadcasting.

32. If, as Bell Mobility has asserted, and the Individual Respondents accept, the key to understanding the *Broadcasting Act* is that it is primarily aimed at cultural factors, then it has to be asked what particular cultural objective is being met by choosing to distribute Bell Mobile TV over Bell Mobility's public network? In what ways are cultural objectives being met by permitting a cross-subsidy from Bell Mobility subscribers at large to that minority who also subscribe to Bell Mobile TV? What cultural objective is being served by this blatant price discrimination? The CRTC looked at this precise question (Decision, paras. 48 - 60). It found the answer to be none.

b. The unbearable lightness of the doctrine of "indivisibility"

33. It is the position of the Individual Respondents that there exists no doctrine of indivisibility of the undertaking that applies to these facts. Both as a matter of law and as a matter of engineering fact, modern data networks do not lend themselves to single purpose characterisation. The fact of OTT services being delivered at the application layer has no importance to the transport (telecommunications) layer, which is neutral as

to content, and from which it is separated by Internet associated engineering protocols.. Bell cannot claim exemption from regulation as a common carrier simply because it operates for certain purposes as a broadcasting undertaking.

34. Before the Internet, the telecommunications function of broadcasting was often integral to the function of broadcasting. That is no longer the case, as the CRTC determined in the Decision. The formerly necessary integration of transport with signal has been shattered by the development of the Internet protocols. While some broadcasting undertakings still control their telecommunications function using there own facilities (over-the-air broadcasting, analog cable TV channels), modern network infrastructure, including that of Bell Mobility, are content neutral and general in nature. They are content neutral because that is what the Internet does, by its design. Bell Mobility asks the Court to ignore the design and effects of the Internet to escape common carriage obligations for its transport functions. The Internet cannot be made a single purpose architecture by judicial fiat, at any reasonable social, economic or policy cost. To assert otherwise is manifestly counterfactual.

35. Bell Mobility urges this Court to view the joint decisions of *Capital Cities Communications v. CRTC*[2] and *Public Service Board v. Dionne*[3] as supporting the proposition that from those decisions emerges a doctrine of indivisibility of the undertaking.[4] And of course it does, purely from a division of powers perspective. To take the indivisibility argument further is to wrest bare statements from their governing facts. In both cases, the issue was whether, from a constitutional law perspective, it was

[2] [1978] 2 S.C.R. 141
[3] [1978] 2 S.C.R. 191
[4] Bell Mobility, MOFL, pages 26-27.

appropriate to recognise two undertakings: a broadcast receiving undertaking that was subject to Federal legislative jurisdiction, and a severable local programme distribution undertaking, using localised cable technology to deliver programmes to subscribers that would be subject to provincial legislative authority as a local work or undertaking.

36. Both cases go no further than to find that the whole of the reception and distribution of television and radio programmes fell within exclusive federal legislative authority. There is no passage in either judgment that suggests that, having found the cable undertaking to fall within exclusive federal legislative competence, Parliament was impaired in its ability to assign the regulation of different aspects of that undertaking to different legislative treatment and regulation.

37. Bell Mobility, in asserting as legal doctrine the indivisibility of the undertaking, is arguing that it is impossible to severe the distribution functions (telecommunications) from the programming functions (broadcasting). The effect of that proposition is to strip from the CRTC any oversight of the abusive use of Bell Mobility's public networks. To do so would be to disrupt the broadcasting system that has evolved toward the use of content-agnostic public networks to deliver programme content to audiences that are increasingly remote from traditional television and cablevision delivery modes. The true role of the regulator in the emerging broadcasting environment is to protect OTT services from economic predation by entities who control telecommunications facilities essential to permit OTT service providers to reach their audiences on an equitable footing with broadcasting services integrated with a telecommunications common carrier.

38. There is nothing in the facts or teachings of *Capital Cities* or *Dionne* that asserts or establishes a principle of indivisibility, except as a defence of federal legislative authority over broadcasting. On the other hand, there is a wealth of case law that recognises both that a single enterprise may consist of one or more undertakings, and those undertakings may fall under either federal or provincial legislative competence.[5]

c. Technological Neutrality

39. The *Broadcasting Act* was passed immediately before the Internet reached mass public consciousness. However, the act recognised that the programming function could be severed from the telecommunications delivery mechanism. The *Broadcasting Act* is specifically agnostic as to how the programming is delivered and by whom. While at the time of its drafting most programming was received over-the-air or by means of cable television systems, Parliament clearly understood that future technologies would multiply the means by which programmes could be delivered to viewers, and had the wisdom to let the regulation of those delivery technologies fall to the CRTC under the *Telecommunications Act*.

40. The quotations Bell Mobility draws from the public statements around C-136 and C-40 do not prove the proposition for which they are cited. The *Broadcasting Act* is agnostic as to the delivery mechanism for programming. When one reads the statements relied upon by Bell Mobility in paras. 95 to 98, they are equally open to the finding made by the CRTC that Bell Mobility remained a common carrier when it

[5] *Canadian Pacific Railway Co. v. Attorney-General of British Columbia* [1948] S.C.R. 373; *Canadian Western Bank v. Alberta* [2007] 2 S.C.R. 3; 2007 SCC 22

caused its programming to be transmitted over its public network to Bell Mobile TV subscribers.

41. Despite the assertions of Bell Mobility (para. 19), it is unhelpful to think of Bell Mobile TV as a wireless version of a cable company. In fact, nothing could be further from the truth. While the aggregation of programming content at the top end is similar to that of a cable operator, the means of telecommunication used to transport programming to viewers is entirely different, and Bell Mobility does not take those differences into account. Cable systems, while they have evolved in engineering, are still typified by significant management measures over the communication of programming to subscribers. That element of differential traffic management is missing in this case, as was found as a fact by the CRTC (Decision, para. 17).

42. Bell Mobility argues that technological neutrality precludes the CRTC from examining the telecommunications element of broadcasting as a telecommunications function. There is no authority cited for this proposition. None can be found.

43. The definition of broadcasting does not conjoin the aggregation of programming with its telecommunication: it is merely a condition precedent of broadcasting that it be transmitted by telecommunications. The technological neutrality of the *Broadcasting A*ct means that the act is neutral as to the means by which programming is delivered to viewers. It does not mean or suggest that the presence of the telecommunication of broadcasting ousts other relevant legislation: particularly that of the *Telecommunication Act* over the telecommunications leg of broadcasting.

44. In the early days of broadcasting, the programming and telecommunications function were integrated: programmes were transmitted to viewers and listeners by radio

waves propagated by the individual broadcasters. The arrival of cable television for the first time separated content from carriage. However, the engineering of early cable systems restricted their capacity to carry on other communications functions. Over the last 50 years, cable systems have expanded into full two-way telecommunications systems that can handle all types of traffic at speeds the former telephone companies are only beginning to rival.

45. Bell Mobility asserts that by delivering its programming over its proprietary network, it has transformed a telecommunications function into a broadcasting function. This is entirely wrong. It is wrong as an engineering proposition. It is also wrong in law. It is wrong to claim, as Bell Mobility does, that the existence of a broadcasting function within Bell Mobility precludes any regulation based on telecommunications law principles. Bell Mobility asserts a legal determinism that precludes factual examination. This is contrary to the actual provisions of the *Broadcasting Act* as well as the thrust of the technological neutrality that Bell Mobility hides behind.

46. Contrary to the assertion of Bell Mobility, the technological neutrality of the *Broadcasting Act* has permitted the divorce of the programming aggregation function of broadcasting from its delivery by telecommunications. This has permitted the growing availability of broadcasting services – licensed and unlicensed – over the Internet, and the growth of myriad services that can transmit programming to the public regardless of the telecommunications means chosen by members of the public to access that programming.

47. One of the great virtues of the divorce of content from carriage is that the pricing practices of the carriage providers are rendered transparent to users. In divorcing

programming costs from carriage, consumers can readily appreciate the cost of programme delivery and seek remedies if they believe that they are being treated unfairly as to pricing or conditions of delivery. That transparency made this present case possible, and is a vindication of the CRTC's approach to technological neutrality.

48. In reality, the CRTC's Decision has not only respected the technological neutrality of the *Broadcasting Act*, it has fulfilled the real promise of technological neutrality: the ability to examine the delivery aspects of broadcasting independently from the aggregation and origination functions of the "top end" broadcasting function.

49. The fact is that the CRTC correctly found that Bell Mobility's broadcasting "top end" service was a separate and severable undertaking from its telecommunications undertaking. This finding is consistent with the both the telecommunications regulatory regime as well as the broadcasting regulatory regime.

50. Bell Mobility's appeal should be dismissed.

PART IV – ORDER SOUGHT

51. Based on the submissions set out herein, the Individual Respondents seek:

(a) An order dismissing this appeal.

(b) Their costs of this proceeding.

ALL OF WHICH IS RESPECTFULLY SUBMITTED.

August 5, 2015

Philip Palmer

Philip Palmer Law

Solicitor for the Respondents, Benjamin Klass, David Ellis, Fenwick McKelvey

PART V – LIST OF AUTHORITIES

A. Statutes and Regulations

1. *Broadcasting Act,* S.C. 1991, c. 11.
2. *Canadian Radio-television and Telecommunications Commission Act*, R.S.C. 1985, c. 22.
3. *Telecommunications Act,* S.C. 1993, c. 38.

B. Case Law

Judicial Decisions

4. *Canadian Pacific Railway Co. v. Attorney-General of British Columbia* [1948] S.C.R. 373
5. *Canadian Western Bank v. Alberta* [2007] 2 S.C.R. 3; 2007 SCC 22
6. *Capital Cities Communications Inc. v. Canadian Radio-Television Commission,* [1978] 2 S.C.R. 141.
7. Public Services Board et al. v. Dionne et al., [19788] 2 S.C.R. 191
8. *Reference re Broadcasting Regulatory Policy CRTC 2010-167 and Broadcasting Order CRTC 2010-168* [2012] 3 S.C.R.489
9. Reference re *Broadcasting Act*, [2012] 1 S.C.R. 142.
10. *Reference re Regulation and Control of Radio Communication,* [1932] A.C.304 (P.C.).

CRTC Decisions

11. Broadcasting and Telecom Decision CRTC 2015-26, *Complaint against Bell Mobility Inc. and Quebecor Media Inc., Videotron Ltd. and Videotron G.P. alleging undue and unreasonable preference and disadvantage in regard to the billing practices for their mobile TV services Bell Mobile TV and illico.tv,* issued 29 January 2015.