

April 29, 2010

**By e-pass**

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

Dear Mr. Morin:

Re: Telecom Notice of Consultation CRTC 2010-43-2 – Forbearance framework for mobile data services

Further to the terms of the above-captioned notice, the Canadian Wireless Telecommunications Association (CWTA) is writing to confirm its support for the reapplication of section 24 and subsection 27(2) of the *Telecommunications Act* to mobile wireless data services.

The CWTA understands that the Commission is concerned with respect to its ability to deal with potential instances of unjust discrimination and undue preference in the provision of mobile wireless data services.

The CWTA notes that in forbearing from public switched voice services in Regulation of Mobile Wireless Telecommunications Services, Telecom Decision CRTC 96-14, the Commission determined that it was appropriate to continue to exercise powers and perform duties with respect to section 24 and subsection 27(2) of the Act. In addition, the Commission indicated it would continue to exercise powers and perform duties under subsections 27(2), (3) and (4) in order to ensure that service providers do not unjustly discriminate against other service providers or subscribers, or confer any undue or unreasonable preference with respect to access to their networks.

The CWTA supports symmetrical forbearance terms for wireless voice and data services, and accordingly does not object to the application of the same terms of forbearance to mobile wireless data services as currently apply to mobile public switched voice services.

The CWTA notes that in the normal course, the Commission would need to develop a factual record and explain how circumstances have changed in order to vary the terms of forbearance of a service. However, in this case, the Commission merely proposes to re-establish

jurisdiction to address unjust discrimination-type concerns relating to mobile wireless data services in the future, should the need arise. For this reason, it is not necessary to address the issues of the legal and factual thresholds for removing forbearance of a competitive service in this proceeding.

Sincerely,

*Filed electronically*

J. David Farnes  
Vice President,  
Industry & Regulatory Affairs

cc. Interested Parties, TNC CRTC 2010-43