

Y. Monica (Monica) Song

Partner



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Overview

Monica Song has close to 20 years of experience as a litigator and as an administrative and regulatory lawyer. She has appeared before the Ontario Superior Court, the Divisional Court, the Court of Appeal for Ontario, the Ontario Provincial Court, the Federal Court, and the Federal Court of Appeal in both civil and administrative law proceedings. Her work before a host of statutory boards and tribunals has included appearances before the Canadian Radio-television and Telecommunications Commission, the Canadian International Trade Tribunal, the Ontario Energy Board, the Canadian Human Rights Commission, and the Ontario Human Rights Tribunal, and many others.

Monica is also a leading Canadian lawyer in Telecommunications and Broadcasting, providing strategic advice to wireline and wireless carriers, resellers, satellite providers, cable companies, Internet service providers, digital media undertakings, and equipment manufacturers in relation to all manner of regulatory, licensing, and public policy issues affecting the industry.

The depth and breadth of her experience also encompasses advising clients on constitutional law, conflicts of law, private and public procurement matters, food and drug, transportation law, access to information and privacy law matters.

Monica has been a part-time professor of law for over nine years at the University of Ottawa Faculty of Law and is frequently invited to speak at administrative and communications law and industry conferences.

Prior to entering private practice, Monica clerked with Justice John Charles Major of the Supreme Court of Canada. She also interned at the Québec Court of Appeal for Justice Paul Arthur Gendreau and is fluently bilingual.

Experience

- **Major Canadian airline:** Advising in connection with a Federal Court proceeding under the *Official Languages Act*.
- **Gratton-Masuy Environmental Technologies Inc. (d.b.a. Ecoflo Ontario) et al. v. Building Materials Evaluation Commission (2002), 60 O.R. (3d) 245 (Div. Ct.):** Counsel to environmental companies in judicial review and civil proceedings before Ontario courts with respect to a licence revocation matter.
- **MTS Allstream Inc., Call-Net Enterprises Inc. and TELUS Communications Inc. v. Department of**

Public Works and Government Services (2005), File No. PR-2004-061 (CITT): Lead counsel for consortium of major telecommunications carriers in a complex procurement challenge before the Canadian International Trade Tribunal (first oral public hearing of a procurement dispute in that forum)

- **Bowater Canadian Forest Products Inc. v. The Attorney General of Canada (2009), Court Number T-1493-07 (F.C.); Bowater Canadian Forest Products Inc. v. MFAC et al. (2009), Court Number T-91-07 (F.C.):** Counsel for pulp and paper company in Federal Court quota challenge from CITT decision.
- **Consortium of major telecommunications carriers:** Lead counsel for major competitive carrier and ISPs in stay applications and appeals before the CRTC and Federal Court of Appeal with respect to Internet traffic shaping and usage-based-billing practices of incumbent carriers.
- **CKLN Radio Incorporated v. Canada (Attorney General), 2011 FCA 135:** Lead counsel in appellate proceedings before Federal Court of Appeal in a CRTC licence revocation matter.
- **Confidential client:** Counsel to technology company in award of lost profits from successful complaint to the CITT from a sole-source procurement.
- **In the Matter of an application by Canadian Distributed Antenna Systems Coalition for certain orders under the Ontario Energy Board Act, 1998 (2012), File No. EB-2011-0120:** Lead counsel to carrier consortium seeking access to provincially-regulated utility poles in successful proceeding before the Ontario Energy Board, upheld on appeal to the Ontario Divisional Court.
- **Public Sector Integrity Commissioner of Canada:** Lead counsel in *Cousineau-Mahoney v. Public Sector Integrity Commissioner*, 2013 FC 1128; *Marchand c. Canada (Commissaire à l'intégrité du secteur public)*, 2014 CF 329; *Attorney General of Canada v. Public Sector Integrity Commissioner*.
- **Kaymar Rehabilitation Inc. v. Champlain Community Care Access Centre, 2017 ONSC 1843 and 2010 ONSC 2248:** Co-counsel to health care provider in trial of civil public procurement challenge.
- **National Dental Examining Board of Canada:** Counsel on governance and administrative law matters and in judicial review proceedings taken against decisions of the Board.
- **VIA Rail Canada Inc.:** Counsel in proceedings before the Canadian Human Rights Commission and Federal Court of Canada.
- **Other:** Counsel in judicial review proceedings, statutory appeals, regulatory investigations and enforcement proceedings, professional disciplinary proceedings, human rights and other administrative and regulatory proceedings.
- **Confidential clients:** Review of public procurements and contracts and agreements specific to the broadcasting and telecommunications industries, including wireless roaming and antenna tower and site sharing agreements.
- **Confidential clients:** Representing clients before ISED on virtually all wireless spectrum regulatory matters, including policy or licensing framework proceedings, spectrum auctions and licensing proceedings and reviews.
- **Confidential clients:** Routinely represents clients before the CRTC in competitive disputes, and advises clients on market entry obligations and licensing rules, universal service funding regime, ISP issues, net neutrality, VoIP provider issues, international carrier issues, public safety obligations, social obligations, contribution (universal service) numbering resources, building access, access to infrastructure, and foreign ownership rules, to name but a few examples.
- **Confidential clients:** Advising clients before the CRTC on broadcasting matters, including with respect to the authorization of foreign specialty and pay-per-view channels, simultaneous substitution, IPTV undertakings, the broadcasting transfer of control regime, Canadian content rules, vertical and horizontal integration, and broadcasting Codes of Conduct, etc.
- **Various:** Advising on mergers and acquisitions, financings for communications sector clients.

Recognition

First recognized in 2010, Monica has been commended for her extensive knowledge and experience in a variety of respected publications, including:

- *The Legal 500 Canada: Telecoms*
- *Acritas as an Acritas Star™ Lawyer*
- *Chambers Global* as a leading lawyer in the area of Telecommunications, Media & Broadcasting
- *Expert Guides* in the areas of Technology, Media and Telecommunications: Media (2015) and Telecommunications
- *Expert Guide to the Leading US/Canada Cross-border Litigation in Canada*: one of Canada's "Litigators to Watch"

Honors and Awards

- Finalist, *Expert* 2009 "Rising Stars: Leading Lawyers Under 40", Nov/Dec 2009 Issue

In the Media

- Featured in "Bringing Canada's Broadcasting Act into digital age ," *The Lawyer's Daily* , November 2020
- "CRTC issues new decision and policy on differential pricing practices", *Digital Business Lawyer*, p. 19, May 2017
- "Keeping school doors open for all," Dentons' Global Social Impact Report, December 2014

Activities and Affiliations

- Member, Law Society of Upper Canada
- Member, County Carleton Law Association
- Co-Chair, Standing Committee on Mental Health, County Carleton Law Association
- University of Ottawa, Faculty of Law – Part-time Professor (2008 to 2016)
- Local Lead, Firm Diversity and Inclusion Committee
- University of Ottawa, Moot Court Judge (2016)

Community Involvement and Pro Bono

- Member, Board of Directors, Propeller Dance Company (2014 to present)
- Advocate, Pro Bono Law Ontario, Child Advocacy Project (2008-present)

Presentations

- Moderator, "Disrupting the Quadruple Play", Canadian ISP Summit, November 2015
- Lecturer, "Analysis of Evidence", Federated Press – Conducting Regulatory Investigations Course, September 2012, September 2013, and September 2014 (Ottawa)
- Presenter, "Navigating a Judicial Review Proceeding", Ontario Bar Association Professional Development

Program, May 7, 2013 (Toronto)

- Lecturer, "Improve your Advocacy on Review of Administrative Decisions", 12th Annual Advanced Administrative Law and Practice Conference, The Canadian Institute, October 2012
- Moderator, "The CRTC Review of the Internet Traffic Management Practices of ISP's", Insight - 6th Annual Canadian Telecommunications Forum, November 30 - December 1, 2009 (Ottawa)

Areas of focus

Practices

- Canadian Competition and Foreign Investment Review
- Litigation and Dispute Resolution
- Media Regulation
- Privacy and Cybersecurity
- Public Policy and Regulation
- Public Procurement

Industry sectors

- Communications
- Digital Media
- E-Commerce, Internet and E-Payments
- Media and Entertainment
- Space Business
- Transportation
- Autonomous Vehicles
- HealthTech

Issues and opportunities

- Global Smart Cities & Connected Communities Initiative and Think Tank

Education

- Université Laval, 1995, LLB (Civil Law)
- University of Western Ontario, 1994, LLB
- Trinity College, University of Toronto, 1991, BA (Hons)

Admissions and qualifications

- Ontario, 1998

Languages

- English
- French
- Korean