



Broadcasting and Telecom Information Bulletin CRTC 2010-959

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Guidelines on the CRTC Rules of Practice and Procedure

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I. Why new Rules of Procedure?: Convergence, transparency and predictability

1. The Commission has a broad mandate to regulate the broadcasting and telecommunications industries. It is charged with a complex mix of responsibilities ranging from licensing and rate regulation to dispute resolution and regulatory policy development across two industries and under both the *Telecommunications Act*¹ and the *Broadcasting Act*² (the Acts). The Commission's public proceedings allow it to obtain evidence and arguments from parties and the general public to ensure that it fulfills its mandate in the public interest.
2. Before 1 April 2011, the Commission's broadcasting proceedings were conducted under the *CRTC Rules of Procedure*³ and its telecom proceedings under the *CRTC Telecommunications Rules of Procedure*.⁴ Both of these rules were enacted in a different era, before the telecom and broadcasting industries began converging, before increased competition led to a significant amount of deregulation and before the Internet was invented.
3. In recognition of the significant changes in the industries it regulates and in the technology available to conduct its proceedings, the Commission initiated a public proceeding to establish the new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).⁵ The objectives of the Rules of Procedure are to:
 - enable informed and effective public participation in Commission proceedings;
 - ensure the efficient, transparent and predictable conduct of Commission proceedings;
 - eliminate unnecessary costs and delays in the regulatory process; and
 - provide a comprehensive set of rules applicable in most Commission proceedings, while maintaining the flexibility necessary to address the specific circumstances of each proceeding.

II. Why guidelines?: How this document can help

4. This document is meant to help members of the industry and the general public understand the Rules of Procedure so that they can more effectively participate in Commission proceedings. This document will:

¹ S.C. 1993, c. 38

² S.C. 1991, c. 11

³ C.R.C., c. 375

⁴ SOR/79-544

⁵ SOR/2010-277

- explain the structure of the Rules of Procedure and when the different rules will apply;
 - explain how the Rules of Procedure will generally be applied in different situations; and
 - explain how to get additional information on how to participate in Commission proceedings.
5. These guidelines do not form part of the Rules of Procedure and do not have the force of law. However, they are made pursuant to section 6 of the *Broadcasting Act*, section 58 of the *Telecommunications Act* and section 6 of the Rules of Procedure. They complement the Rules of Procedure and as such all parties should read and refer to the Rules of Procedure themselves.
 6. These guidelines will be updated from time to time to reflect amendments to the Rules of Procedure or related information bulletins.⁶

III. When do the Rules of Procedure apply?

a. The Rules of Procedure apply to almost all Commission proceedings

7. The Rules of Procedure apply to almost every proceeding before the Commission under the Acts (section 2). This is true whether a proceeding starts when someone files an application or a complaint or when the Commission publishes a notice of consultation to ask for comments on a policy issue or in response to a request for a report by the Governor in Counsel. There are two exceptions to this rule.

b. Exception one: Unsolicited telecommunications and the National Do Not Call List

8. The Rules of Procedure do not apply when the Commission is dealing with a violation of the Unsolicited Telecommunications Rules or the National Do Not Call List (section 2). The *Telecommunications Act* provides a detailed procedure for these types of proceedings in sections 72.01 to 72.15. For more information, you can read the Commission's web page called "Reduce telemarketing phone calls," which can be found on the Commission's website under "Consumers."

c. Exception two: Administrative proceedings

9. The Rules of Procedure, except for sections 30 to 32, 33(4) and 34 regarding the procedure for designating information as confidential, do not apply when the Commission deals with applications that do not require a public process (section 4). In these cases, the Commission has determined that a public proceeding is not necessary as the issue is routine, does not have a significant effect on anyone but the applicant and

⁶ The latest version of these guidelines is available on the Commission's website under "Rules of Procedure."

does not raise concerns with respect to Commission policies, regulations or conditions of licence. Schedule 1 of the Rules of Procedure lists the types of applications that are treated administratively. For more information on how the Commission handles these applications, you can read Broadcasting Information Bulletin 2010-960.

10. Even though a type of application is listed in Schedule 1, the Commission may determine that a specific application should be the subject of a public proceeding, whether because it raises general policy concerns or because it affects another person. In these circumstances, the Commission may send back the application and request that the applicant file under Part 1. In both cases, the Rules of Procedure will apply.

IV. How to read the Rules of Procedure

a. The four parts of the Rules of Procedure

11. The Rules of Procedure are separated into four parts.
12. One of the most important things to understand when reading the Rules of Procedure is the way that Part 1 and the other parts interact. Because regulations are written so that they are not repetitive, Parts 2, 3 and 4 only address what is different from the rules set out in Part 1. Unless these parts explicitly say so, the rules in Part 1 continue to apply.⁷
13. Part 1 sets out the general rules that apply to all Commission proceedings, including the Commission's powers, how and when to file documents and the basic rules for the Commission's written proceedings and public hearings.
14. Parts 2, 3 and 4 set out the additional or modified rules that apply to certain types of proceedings. Specifically,
 - Part 2 sets out rules that apply when a member of the public files a complaint against a broadcaster or a telecom provider and when a person applies to have a dispute resolved using alternative dispute resolution mechanisms.
 - Part 3 sets out additional rules that apply in certain broadcasting matters, such as applications for new broadcasting licences, licence renewals or the approval of a transfer of ownership and control, as well as when the Commission calls a licensee to show cause why an order should not be issued.
 - Part 4 sets out additional rules that apply in certain telecom matters, such as when the Commission reviews the ownership of telecom providers, when telecom providers apply to the Commission to approve tariffs, when parties apply to the

⁷ For example, if you want to file an application for costs in a telecom proceeding, you might look first at section 61 (in Part 4), which addresses specifically about the essential content of this type of application. To understand all of the content that is required for your application to be complete, however, you must also look at section 22 (in Part 1), which sets out the general rule for the content of applications in all Commission proceedings. Based on this rule, you would know that your application must also, among other things, include your name and address and the website or email address where individuals can obtain a copy of the application.

Commission to award costs for their participation in a telecom proceeding or when the Commission issues a notice of consultation permitting parties to ask each other written questions during a telecom proceeding.

b. The use of notes

- 15. The Rules of Procedure contain several notes, such as those that follow sections 3 and 11. These notes are a drafting technique to ensure that the Rules of Procedure reflect in one place all of the rules (including those established in the Acts) that apply to all proceedings in both broadcasting and telecom.
- 16. In certain instances, the *Telecommunications Act* provides for a procedural rule while the *Broadcasting Act* does not (or vice versa). In these circumstances, the Rules of Procedure set out a rule in broadcasting proceedings but provide a note indicating where the equivalent provision can be found in the *Telecommunications Act* (or vice versa).
- 17. These notes do not have legal force. They are provided for reference only.

c. Documents that are incorporated by reference

- 18. In certain types of proceedings where very specific and detailed procedures are required, the Rules of Procedure themselves do not include all of the relevant rules. Instead, the Rules of Procedure refer to another document which includes all the details. These documents are said to be “incorporated by reference” into the Rules of Procedure. This means that the procedural steps set out in these documents legally form part of the Rules of Procedure and are enforceable in the same way as the Rules of Procedure.
- 19. Table 1 lists all of the documents that are incorporated by reference into the Rules of Procedure and the type of proceedings to which they apply. These documents are updated from time to time, so it is important to ensure that you are looking at the most recent version.

| Table 1: Documents incorporated by reference | |
|--|--|
| Type of proceeding | Document |
| All proceedings – How to file documents – Access key and application forms | Broadcasting and Telecom Information Bulletin 2010-453 , as amended from time to time |
| Alternative dispute resolution | Broadcasting and Telecom Information Bulletins 2009-38 and 2009-38-1 |
| Telecom review of ownership and control | Telecom Regulatory Policy 2009-428 , as amended from time to time |

| | |
|--|--|
| Tariffs | Telecom Information Bulletin 2010-455 , as amended from time to time |
| Broadcasting transfer of ownership and control | Broadcasting Circular 2008-8 |

d. Information bulletins that accompany the Rules of Procedure

20. To help participants in Commission proceedings and pursuant to section 6 of the Rules of Procedure, the Commission has issued additional information bulletins that provide further explanation of the Rules of Procedure. Table 2 sets out a complete list of these information bulletins.

| Table 2: Related information bulletins | |
|--|--|
| Subject | Document |
| Procedures for filing confidential information and requesting its disclosure | Broadcasting and Telecom Information Bulletin 2010-961 |
| How to format interrogatories | Telecom Information Bulletin 2010-962 |
| Joint supporting interventions | Broadcasting Information Bulletin 2010-28-1 |

21. These information bulletins are not incorporated by reference into the Rules of Procedure. However, they provide important guidance to participants in Commission proceedings.

V. When the Rules of Procedure are changed

22. Sometimes it may be appropriate to change the rules for a specific proceeding. For example, it might make sense to have two rounds of submissions in a major policy proceeding or to extend the deadline for filing submissions to allow parties enough time to comment on new evidence. To provide for a process that is fair in each case, the Rules of Procedure allow the Commission to dispense with or vary any rule either by its own initiative or at the request of an interested person⁸ (section 7).⁹

⁸ For the difference between an interested person and a party, see paragraph 54.

⁹ Section 7 is a general rule that applies to all of the other rules in the Rules of Procedure. The Rules of Procedure do not include specific statements that a rule applies “except as otherwise provided by the Commission” or “except with the Commission’s permission” as was found in the previous rules of procedure. Instead, where the Commission has added a test to be applied when making the decision

23. Where the Rules of Procedure are silent on an issue, the Commission will look at analogous rules in its own Rules of Procedure and at the Federal Court Rules and those of other administrative tribunals for examples of what is fair in the circumstances (section 5(2)).

a. Asking the Commission to change the procedure (procedural request)

24. The Rules of Procedure allow an interested person to request that the Commission exercise a power under the Rules of Procedure or change the Rules of Procedure for a specific proceeding (sections 5 and 7). This is generally called a procedural request.

25. Examples of procedural requests include:

- requests to change the procedure (section 7), such as requests for an extension of the deadline, requests to submit new evidence at a hearing not referred to in documents filed with the Commission and requests to suspend the proceeding;
- requests for a document in an alternative format (section 14(4));
- requests to produce for inspection a copy of any document that has been referred to in a document that another party has filed with the Commission (section 29);
- requests for the disclosure of information that has been designated as confidential (section 33); and
- requests to hold all or part of a hearing *in camera*.

26. No matter what type of procedural request you are making, it is best practice to follow some simple steps to make sure that your request is processed quickly:

- put your procedural request in writing, addressed to the Secretary General;
- provide reasons for the requested change and address how it might affect other persons; and
- make your request as soon as possible.

b. How the Commission changes the procedure

27. The Commission will announce any changes to the rules for a particular proceeding in one of two ways:

- 1) the Commission will include these different rules in the notice of consultation that announces the proceeding or in an amendment; or

whether to change the rules, this is included in the particular rule (see, for example, section 71(2), which sets out the test for extending the deadline to file an application to review and vary a decision in telecom). Otherwise, interested persons should rely on section 7 as the source of their authority to request an exception to a rule.

- 2) the Commission or Commission staff will issue a procedural letter, which will be added to the public record of the proceeding.
28. Because the procedure can change even after a proceeding has started, it is important for everyone participating in a Commission proceeding to monitor the public record to see if amendments to the notice of consultation or procedural letters have been issued.¹⁰

VI. How do Commission proceedings generally work?

29. The Commission conducts different types of proceedings to which the Rules of Procedure apply.

a. Written proceedings

30. The majority of Commission proceedings happen entirely in writing.

i. Part 1 proceedings

31. Part 1 of the Rules of Procedure provides the basic structure for a written proceeding that is initiated by an applicant who files an application with the Commission and serves any respondents (section 22). The Commission posts these applications on its website (section 23). The public is given an opportunity to file submissions as Interveners (section 26) or Respondents¹¹ (section 25) within 30 days, and the applicant is given an additional 10 days to respond (section 27). The Commission examines all of the written submissions and issues a decision. These proceedings are generally referred to as “Part 1 proceedings.”

ii. Other types of written proceedings

32. Other types of applications are also generally dealt with in a proceeding that happens entirely in writing, including cost applications (see sections 60 and following and Telecom Regulatory Policy 2010-963) and tariff applications (see section 59 and Telecom Information Bulletin [2010-455](#), as amended from time to time).
33. The Commission can also initiate a written proceeding by issuing a notice of consultation asking for written comments. This notice of consultation will set out the procedure to be followed, including the deadline for filing written comments (section 21).

b. Public hearings

34. The Commission can also hold a public hearing where it will supplement written submissions with oral submissions. The Chair of the Commission will appoint a Panel of Commissioners to hear the matter.
35. The Commission may decide to hold a public hearing to, among other things:

¹⁰ For more information on how to follow the public record of a proceeding, see paragraphs 52 and following.

¹¹ To understand who is a respondent or an intervener, see paragraphs 59 and following.

- decide to issue or renew a broadcasting licence (section 53),
- consider issuing a mandatory order (section 56),
- consider a policy issue,
- prepare a report requested by the Governor in Council, or
- consider an application that has been the subject of a Part 1 proceeding where the interventions have raised issues that warrant a public hearing.

36. Public hearings always begin with a notice of consultation issued by the Commission, which will set out details of the procedure for the proceeding, including the deadlines for parties to file written submissions (section 21).

37. After reviewing the written submissions, the Panel will sometimes decide that oral submissions are not necessary and will either decide the matter on the basis of the existing written submissions or ask for additional written submissions on the matter (section 10(e)). This type of proceeding, generally referred to as a “non-appearing hearing,” occurs in broadcasting.

38. Otherwise, the Commission will notify parties in writing if they are requested to appear either in person or by videoconference to make oral submissions and answer questions from the Panel members (section 36(1)).

c. Complaints and dispute resolution

i. Complaints by consumers

39. Part 2 of the Rules of Procedure provides a process for a consumer to make a complaint about a regulated service provided by his or her telecommunication service provider (TSP) or a broadcaster.¹² This process is intended for members of the general public and is designed to encourage resolution of the matter in a timely and efficient manner. The Commission has created pages on its website that explain how to file a complaint for both broadcasting and telecom matters.¹³

ii. Complaints by telecommunications service providers or broadcasters

40. For the resolution of disputes between TSPs and broadcasters, Part 2 of the Rules of Procedure provides for alternative dispute resolution mechanisms, including staff-assisted mediation, final offer arbitration and expedited hearings. These mechanisms are

¹² Where a telecommunications service is deregulated, complaints are handled by the Commissioner for Complaints for Telecommunications Services. Also, complaints against many broadcasters regarding their programming are handled by the Canadian Broadcast Standards Council.

¹³ Before implementation of the Rules of Procedures in April 2011, these web pages will be revised to reflect the new Rules of Procedure. For example, the explanation of how to file a complaint will list who is a ‘designated employee’ to which a member of the public can address an urgent, *ex parte* telecommunications complaint.

described in Broadcasting and Telecom Information Bulletin 2009-38, as amended by Broadcasting and Telecom Information Bulletin 2009-38-1.

41. TSPs and broadcasters can also file an application for resolution of a dispute through a Part 1 proceeding, as described above, which allows others to participate as interveners.

iii. Complaints by consumer advocacy groups or industry associations

42. When consumer advocacy groups or industry associations file a complaint on behalf of their members or the persons whose interests they represent, it will be addressed under a Part 1 proceeding, as described above.

d. Ownership reviews

43. Finally, applications for the approval of an ownership transaction in broadcasting or a review of the Canadian ownership of a telecom company follow a number of different routes. Certain of these applications are dealt with administratively since they do not raise concerns with respect to Commission policies, regulations or conditions of licence. The Commission sends the applicant a letter stating whether the application has been approved and may publish the application and its decision where it is in the public interest to do so. In other situations, the Commission will begin a public process, either a written proceeding or a public hearing, by issuing a notice of consultation. For more information on ownership transactions, see Broadcasting Information Bulletin 2008-8-1 and Telecom Regulatory Policy [2009-428](#) (section 58).

VII. How to find out that a proceeding has begun

a. The Commission's website

i. Part 1 proceedings

44. A Part 1 proceeding always begins when an application is posted on the Commission's website under "Public Proceedings." The website lists applications in both broadcasting and telecom in a table that provides a short description of the application as provided by the applicant, a link to the application and the intervention deadline.

ii. Proceedings initiated by a notice of consultation

45. All public hearings and written proceedings initiated by the Commission will be announced by a notice of consultation (section 21), which is where you can find all of the relevant information for the proceeding. This will include, among other things, the deadline for filing submissions and the time and place of the hearing (if applicable).
46. This notice of consultation will be posted on the Commission's website (section 21(1)) under "Public Proceedings." A daily update of the notices of consultation that have been issued is also provided on the Commission's website under "Today's Releases."

b. The Canada Gazette and newspapers

47. In most broadcasting matters, notice of the proceeding will also be published in Part I of the *Canada Gazette* and in local newspapers, in accordance with section 19 of the *Broadcasting Act*.

c. Broadcasters or telecommunications service providers (TSPs) involved in the proceeding

i. Notice by applicants

48. The Rules of Procedure require applicants to provide notice of the Commission's public hearings where their applications will be considered by posting a notice of the hearing (either the entire notice of consultation or a link to the notice on the Commission's website) on their website during the intervention period (section 35(1)(a)).¹⁴

49. If the applicant does not have a website or does not have the capacity to add the notice to its website, it must make a procedural request for an exception to this rule and provide an email address where someone can write to request an electronic copy of the application as an alternative (section 22(2)(b)).

50. In addition, the Commission may require applicants whose applications are being heard at a public hearing to provide notice by broadcasting a notice over the air, by serving certain people or by any other means that the Commission specifies in the notice of consultation (section 35(1)(b)).

ii. Notice by broadcasters and TSPs in policy proceedings

51. Broadcasters and TSPs may be required to provide the same kind of notice as an applicant described above when the Commission conducts a hearing to consider a policy issue (section 35(2)). Such notice would be required where it is in the public interest, which could include situations where the issue being raised is of central importance to a broad spectrum of the general public. The Commission will indicate who is required to give notice to whom and the form of that notice in the notice of consultation.

VIII. How to follow the public record of a proceeding

52. The record of a Commission proceeding will be posted on the Commission's website under "Public Proceedings." It is also available in the Commission's offices and public examination rooms, which are listed at the end of these guidelines.

53. If the proceeding involves a hearing during which parties will appear, the record of the proceeding will be available in the public examination room at the hearing location for the duration of the hearing.

¹⁴ Applicants are required to post this information on a page of their website that is no more than one click away from their homepage.

IX. The different ways a person can participate in a proceeding

a. What does it mean to be a party in a Commission proceeding?

54. Any person who is interested in a Commission proceeding is called an “Interested Person.” However, to become a formal party to a Commission proceeding, an interested person must file a written submission as an applicant, an intervener or a respondent (section 1).

55. Under the Rules of Procedure, all parties:

- must be served with certain documents filed in the proceeding (e.g. section 61(2)) and have the responsibility to serve certain documents on others (e.g. section 29(2));
- have the ability to designate information as confidential (section 31), request that a hearing be held *in camera* (section 38) and request that information designated as confidential be disclosed by the Commission (section 33);
- have the ability to request that documents be produced (section 29);
- are required, if requested to do so, to provide documents filed for the public record in an alternative format (sections 14(2)(a) and (4));
- are required to respond to Commission questions (section 28(1)(a)) and appear at the public hearing if requested to do so (sections 28(b) and 36);
- have the ability to ask written questions (often referred to as interrogatories) of other parties in telecom proceedings where the Commission allows for this process (section 72); and
- have the ability, if eligible, to apply for costs for participation in telecom proceedings (sections 60 and 65).

b. The three different types of parties

i. Applicant

56. An applicant is someone who asks the Commission to make a decision, whether on a matter specific to its circumstances, like a new licence or a tariff, or on a more general policy issue.

57. Note that a broadcasting licensee that is called to a public hearing to show cause why an order should not be issued is treated like an applicant for the purposes of certain sections of the Rules of Procedure (section 56).

58. An applicant initiates a proceeding and is responsible for ensuring that its application includes all of the information the Commission will need to make an informed decision (section 22). The applicant must serve its application on persons who might be affected

by the application, called respondents, where it is required to do so (section 22(1)). The applicant can reply to the submissions filed by other parties (section 27) and will appear both first and last at any public hearing (section 40).

ii. Respondent

59. A respondent is a person who is “adverse in interest” to the applicant (section 1). This concept includes three elements:

- 1) There must be an applicant for there to be a respondent. Therefore, there are no respondents in proceedings initiated by the Commission, such as policy proceedings, where all parties are interveners.
- 2) A respondent is a person with an interest in the outcome of the proceeding. This interest must be specific to that person and not only an interest as a general member of the public. This interest must also be direct. It is not enough that a decision could set a precedent that might be applied in a future decision concerning the person, nor is it enough that the person could hypothetically be affected by the decision.
- 3) A respondent’s interest must be adverse to that of the applicant. A person whose interest is the same as that of an applicant or a person who would benefit if the application is approved is not a respondent.

60. Since the resulting Commission decision could directly and negatively affect respondents, they must be served with the application (section 22(1)(b)). However, the Rules of Procedure provide an exception to this rule for applications for:

- a new broadcasting licence or a broadcasting licence renewal (section 53(2));¹⁵
- approval of a transfer of ownership in broadcasting (section 53(2) or review of ownership or control in telecom (section 58(2)); and
- approval of new or amended tariffs or agreements between carriers in telecom (sections 59(2)).¹⁶

61. Determining who is a respondent to a particular application depends on the specific facts of the application. Table 3 lists the most common examples of respondents who must be served with an application. This list is not exhaustive, nor is it determinative. It is possible that a specific application will have different respondents depending on the specific facts of the application. If you are uncertain whether you or another person is a

¹⁵ While respondents do not need to be served, an applicant for a new radio broadcasting licence will be asked in the application form whether it has notified any low-power radio station that could be affected by the application of this fact and if not, to explain why not. These questions were added to the application form as a result of Broadcasting Regulatory Policy 2010-499.

¹⁶ While respondents do not need to be served in tariff applications, applicants for withdrawal or destandardization of a tariff are required to provide notice of the application to existing customers, as described at paragraph 24 of Telecom Information Bulletin 2010-455.

respondent, you may contact the Commission for guidance, as indicated at paragraph 163.

| Table 3: Persons generally considered respondents | |
|---|--|
| BROADCASTING AND TELECOM | |
| Type of application | Respondents |
| Applications for assisted dispute resolution under Broadcasting and Telecom Information Bulletins 2009-38 and 2009-38-1 | The party with whom the applicant has a dispute |
| Complaints regarding undue preference and unjust discrimination made under Part 1 | The party against whom the complaint is made |
| BROADCASTING | |
| Type of application | Respondents |
| Radio amendments to remove specialty format | Existing radio stations (low-power or otherwise) licensed to serve the proposed market ¹⁷ |
| Television and radio technical amendments | All television or radio stations whose originating or rebroadcasted signal would suffer interference or that would be required to vacate their frequency |
| Television and radio amendments to add, remove or amend a condition of licence requiring expenditures to a specifically named initiative (i.e. Canadian content development contributions, tangible benefits) | The persons responsible for the named initiative(s) where the expenditures would be reduced or payment schedule altered |
| Amendment to the nature of service of a pay or specialty service | Category A television services with which the proposed service could be considered competitive |
| Broadcasting distribution undertaking amendments to distribute a distant signal | The local television station whose distant signal is proposed to be carried |

¹⁷ This includes originating and rebroadcasting transmitters.

| | |
|--|---|
| Addition to the lists of eligible satellite services | Licensed Canadian pay and specialty television services with which the proposed service could be considered competitive |
| TELECOM | |
| Type of application | Respondents |
| Request for forbearance under existing forbearance policy | Competitive TSPs that provide that service in the area proposed to be forborne |
| Request for forbearance of new class of service | Competitive TSPs that provide that service in the area proposed to be forborne |
| Competitive disputes (interconnection, access, costs, rates, quality of service, etc.) | The party with whom the applicant has a dispute (i.e. service provider(s), municipality or building owner) |
| Review and vary applications | Parties to the original proceeding |

iii. Intervener

62. An intervener is an interested person who is not an applicant or a respondent but who wishes to be a party to the proceeding. In a proceeding initiated by the Commission where there is no applicant, including policy proceedings, all parties will be interveners.
63. Interveners have all the rights and responsibilities of a party discussed in paragraph 55.

c. Joint supporting interventions

64. In broadcasting proceedings, the Commission has developed a way to effectively receive interventions when parties organize campaigns in support of their positions. Parties collect written interventions from persons who support their position and file all of the interventions in one document called a “joint supporting intervention” by the deadline for filing an intervention. For details on how this process works, see Broadcasting Information Bulletin 2010-28-1.

d. Online consultations

65. In certain policy proceedings the Commission will create an online forum where members of the general public can participate in discussions on the topic being reviewed. The creation of these forums and the details on how to participate are announced in the notice of consultation. The transcript of these discussions is placed on the public record of the proceeding once the online consultation is complete.
66. Persons who participate in these online forums are not parties to the proceeding and only their username appears on the public record.

X. Filing written submissions as part of a proceeding

67. Over 1,000 documents are filed in Commission proceedings in a typical week. When a highly publicized matter is before the Commission, this can grow to over 10,000 documents a week. These documents include everything from applications and interventions to procedural requests and responses to Commission questions.
68. The best way to ensure that your document is accepted by the Commission and processed quickly and accurately is to ensure that you:
- include all of the required information;
 - serve anyone you are required to serve;
 - file the document before the deadline; and
 - use the correct method to file the document.

a. The content of documents

i. Applications

69. If you are filing an application, you must use an application form if one is available. The Commission lists all forms for broadcasting and telecom applications in Broadcasting and Telecom Information Bulletin 2010-453, as amended from time to time.
70. These forms will ensure that you have provided all of the relevant information that the Commission generally needs to assess your type of application. If one or more of the fields on the application form remains unanswered, the Commission will return the application with a cover letter explaining which fields must be completed before the application can be re-filed and processed.
71. If there is no form for your type of application, your application must include all of the information listed in section 22(2). The Rules of Procedure also require, among other things, specific additional content for applications for costs (sections 61 and 66) and tariff applications (Telecom Information Bulletin [2010-455](#)).
72. It is also important to remember that no matter what type of application you are filing, it will be reviewed in light of the Acts, their regulations and Commission policies.

ii. Other types of documents

73. The Rules of Procedure set out what information you must include in an answer (section 25(2)), intervention (section 26(2)) or reply (section 27(2)), much of which is common across all three types of submissions.

iii. Filing evidence

74. The Commission makes findings of fact based on the evidence before it. To the extent that you can provide supporting evidence of your factual statements, you should do so by

attaching it as a separate document or providing a reference to where the information can be found. This includes full citations of any books or studies on which you rely.

75. If you have commissioned a survey or study, you should provide not only the conclusions but also the methodology used, including the questions asked.
76. Also, to the extent that you disagree with a fact alleged by another party and you have an opportunity to reply in writing or at the hearing (if applicable), you should clearly deny the alleged fact and provide any relevant evidence that supports your claim. If you do not deny an alleged fact, the Commission will generally assume that you agree with it and will make its determination on this basis.

iv. Format of documents

77. Documents must be divided into parts with consecutively numbered paragraphs. If the document is longer than 10 pages, you should provide an executive summary, as well as a table of contents.
78. If a document contains information designated as confidential, the document itself and each page containing such information should be clearly marked CONFIDENTIAL.
79. If you are sending your document electronically, including by fax, you should include the phrase “***End of Document***” after the last paragraph to confirm that the document has not been damaged during transmission.

v. Language of documents

80. Documents can be filed with the Commission in either official language (English or French).
81. If you wish to provide a document in a third language, you should provide a translation of the document for the record.

b. Serving documents

i. Who to serve

82. Generally speaking, the Commission will post all documents filed with the Commission on its website as soon as practicable. To ensure that those most affected by a document are aware that it has been filed, the Commission also requires you to serve certain documents on certain people. Table 4 lists those who need to be served with these documents. The Commission may also direct that you serve other persons in the notice of consultation, in a policy or in a procedural direction.

Table 4: Who to serve

| Type of document | Who to serve | Source of rule |
|---|--|--------------------------------|
| Application | Certain respondents (examples are provided in Table 3) | Section 22(1)(b) |
| Answer | Applicant and respondents | Section 25(2)(g) |
| Intervention | Applicant | Section 26(2)(k) |
| Reply | Respondents and interveners that the applicant is replying to | Section 27(2)(e) |
| Request for production of a document or disclosure of information designated as confidential | The person being asked to produce or disclose the information | Sections 29(2) & 33(2) |
| Reply to request for disclosure | Requesting party | Section 33(3) |
| Request for a document in an alternative format and reply | The party being asked to file the document in the alternative format | Sections 14(1) & (3) |
| Response to the request | The person asking for the document in the alternative format | Sections 14(2) & (4) |
| Application for interim or final costs and answers | All other parties to the proceeding | Sections 61(2), 62, 66(3) & 67 |
| Request for information addressed to other parties in a telecom proceeding (interrogatories) and requests for further information | The person being asked the question | Sections 73 & 75(3) |
| Response to an interrogatory | All parties to the proceeding (first round) or the person requesting the additional information (second round) | Sections 74(2) & 76(2) |
| Procedural requests | All parties to the proceeding | Policy |

ii. What contact information to use

83. You may serve a person in person or by fax, courier, mail or email (section 18). If you are serving the document by mail, you must use the last known address of the person or his or her designated representative (section 18(b)).
84. Generally, this means that if a person is already a party to the proceeding, you should use the contact information provided in that party's initial submission. If the person has appointed a designated representative, you should serve the document on that representative. Moreover, if the Commission has compiled a list of interested persons for the proceeding you are participating in, you should use the contact information provided in this list, which will be posted on the Commission's website.
85. Where the party has not yet provided contact information in a proceeding, you should use (1) the contact information the party provided in a recent Commission proceeding or (2) the contact information listed in a reliable public source (e.g. the organization's website or the telephone directory).

iii. When to serve

86. You must serve a person on or before the day you file the document with the Commission (section 17). Note that a document is not served until it is received by the intended recipient. Therefore, if you are serving a person by mail, you must send it in time for it to be delivered on or before the day you intend to file the document.
87. When filing the document, you must include a list of the people you served or if you are using the web form to file an intervention or a response, check the box that says you have served the applicant (sections 22(1)(c), 25(2)(f), 26(2)(j) and 27(2)(d)).

iv. Proof of service

88. If you serve the document electronically (for example by fax or email), you must keep proof that the document was sent for at least 180 days after the day you file the document with the Commission (section 18(c)).
89. The Commission can ask you to provide proof that you served the document, no matter how the document was sent (section 20(1)). This could include a fax confirmation page, the signature of the recipient on a courier slip or an email from the recipient confirming receipt. If you have no other proof, you can provide an affidavit swearing that the person was served (section 20(2)).¹⁸

¹⁸ This affidavit must indicate the name, address and telephone number of the person who sent the document, the date it was sent and received and if it was sent by fax, the number of pages and the name and fax number of the person who sent it.

c. When to file documents

i. Deadlines for certain applications

90. There are very few instances where an applicant will have a deadline for filing an application. Table 5 sets out the most common of these deadlines.

| TABLE 5: DEADLINES TO FILE APPLICATIONS | | |
|---|--|--|
| Type of application | Deadline | Rule |
| Tariff application | 30 days before proposed date of coming into force | Section 59 & Telecom Information Bulletin 2010-455 |
| Application to review and vary a telecom decision | Within 90 days after the date the decision is published | Section 71 |
| Application for final costs in a telecom proceeding | No later than 30 days after the deadline for final representations in the proceeding | Section 65 |

ii. Other deadlines

91. If a notice of consultation has been published in a proceeding, it will set out the dates when documents must be filed (sections 21(2)(a) and (b)).

92. In a Part 1 proceeding, respondents and interveners must file their written submissions within 30 days following the date when the application is posted on the Commission's website (sections 25(1) and 26(1)) and the applicant may file a reply within an additional 10 days (section 27(1)). The Rules of Procedure also set deadlines for the filing of certain documents, such as a request that a document be filed in an alternative format (section 14(1)).

iii. Calculating a deadline

93. The Commission will often indicate the day that a document is due, as in the case of notices of consultation and notices of applications received under the Part 1 process. However, there are other deadlines, such as the deadline for filing an application to review and vary a decision in telecom matters (section 71) or the deadline for filing a request that a document be filed in an alternative format (section 14(1)) that you will need to calculate. For these deadlines, the Rules of Procedure set out how to determine what day a document is due.

94. Deadlines are generally stated as occurring "within" a certain number of days after an event. In calculating the deadline, you start with the day after the listed event, and you count all calendar days except days that fall in the Holiday Break (21 December to

7 January). If the resulting deadline falls on a holiday, the document may be filed on the next working day. Holidays include Saturday, Sunday and the holidays observed by the Commission that fall outside the Holiday Break listed in Table 6.

| TABLE 6: HOLIDAYS |
|--------------------------|
| Good Friday |
| Easter Monday |
| Victoria Day |
| St-Jean Baptiste Day |
| Canada Day |
| Labour Day |
| Thanksgiving |
| Remembrance Day |

95. There are some exceptions to these rules. For example, the deadlines for filing documents in proceedings for the destandardization or withdrawal of a tariff in telecom (see Telecom Information Bulletin [2010-455](#)) are calculated on the basis of business days. This means that you don't count Saturdays, Sundays, holidays or the Holiday Break when calculating the deadline.

96. For a document to be filed on a specific day, the Commission must receive the document by 5 p.m. local time in Vancouver, British Columbia (Pacific Standard Time) (section 12(1)(b)).

iv. Changes to deadlines

97. As mentioned above, the Commission may change the deadlines for filing documents in a proceeding, either on its own initiative or at the request of a party. For a request to extend the deadline to file an application to review and vary a telecom decision, the Commission will consider whether it is just and equitable to grant the request (section 71(2)).

98. As with all procedural requests, the Commission will announce a change in procedure through a procedural letter or through an amendment to the notice of consultation. Therefore, it is important to monitor the public record of the proceeding.

d. How to file documents

i. Applications

99. Applicants are required to file their applications by Access Key, which is a secure online network administered by the Government of Canada (section 13(1)(a)). To file documents using Access Key, you must have an Access Key ID. The Commission has a page on its website entitled "Frequently asked questions about Access Key" that provides more explanation.

100. Remember to keep the Access Key confirmation number as proof that the application was successfully received by the Commission for at least 180 days after the day you file the document (section 13(3)).

ii. *Other documents*

101. The Commission encourages all parties to take advantage of the electronic means of filing documents – Access Key and the online form. These means provide the most effective and efficient means to file documents and will make it easier for Commission staff to process your document in a timely manner. If you file your document electronically, you must keep proof that the document was received by the Commission for at least 180 days after the day on which it is filed (section 13(3)). However, if you don't have access to an electronic means to file a document, you may file by any of the other means listed in table 7.

| TABLE 7: WAYS TO FILE A DOCUMENT | | |
|---|--|--------------------------------|
| Method | Rules that apply | Proof that it was filed |
| Access Key | Go to " Filing a document using Access Key " on the Commission's website | Access confirmation number |
| Online form | Go to "Public Proceedings" on the Commission's website | Confirmation page (step 6) |
| Fax | 819-994-0218 | Fax confirmation page |
| Mail | Secretary General, CRTC Ottawa, ON K1A 0N2 | Affidavit |
| By hand | To the office of the Secretary General or to the Hearing Secretary at a public hearing | Affidavit |

XI. Confidential information

102. The Commission's proceedings are designed to allow members of the public to provide input so that the Commission can make better, more informed decisions. As a result, the general rule is that all information filed with the Commission is placed on the public record and can be reviewed by all parties and members of the public.

103. However, it is also true that the Commission often needs detailed information from the companies it regulates and supervises to make an informed decision. This information can be commercially sensitive, especially as the environment in which the companies operate becomes more competitive. As a result, the Commission will accept certain information as confidential.

104. The *Telecommunications Act* has specific rules about how confidential information is to be treated by the Commission. The *Broadcasting Act* does not have similar rules. Instead, the Commission has relied over the years on its rules of procedure and

information bulletins (what used to be called “circulars”) to establish its rules on confidentiality.

105. The Rules of Procedure provide for one set of confidentiality rules that apply in both broadcasting and telecom proceedings.¹⁹
106. Sections 30 to 34 provide four steps for filing confidential information.
 - First, the information is filed with the Commission and designated confidential.
 - Second, another party or the Commission can request that the information be disclosed and the party who designated the information as confidential can reply to the request.
 - Third, based on the request to disclose and the party’s reply, the Commission will determine whether it will disclose the information or require it to be disclosed.
 - Fourth, in broadcasting matters, where the Commission has determined that the information should be disclosed, an applicant can confirm its designation of the information as confidential, in which case the information is not disclosed and it is not considered by the Commission.
107. This process is described in detail in Broadcasting and Telecom Information Bulletin 2010-961 entitled *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*. This document also provides, in an appendix, a list of information that can generally be designated confidential.

XII. Building the written record of the proceeding

108. The Rules of Procedure allow both the Commission and parties to request additional information from parties to ensure that the Commission has all of the information that it needs to make an informed decision. As with all other documents filed during a proceeding, the rules set out in Part 1 of the Rules of Procedure, including those relating to confidentiality, continue to apply.
 - a. Additional information requested by the Commission**
109. The Commission may request that any party file additional information in writing where clarification is required (section 28(1)). In addition, the Commission can request that a representative file proof of its authority to act on behalf of a party (section 28(2)).

¹⁹ The Commission also receives information outside the context of a proceeding that persons may wish to have treated on a confidential basis. The most common example is information filed by a broadcasting licensee or TSP as part of its annual return. As there is no proceeding ongoing, the Rules of Procedure do not apply in these circumstances. In both cases, the rules regarding the filing and disclosure of confidential information in sections 38 and 39 of the *Telecommunications Act* (for telecom) and in the *Access to Information Act* (for both telecom and broadcasting) govern.

110. A request for additional information will generally be made in the form of a letter from Commission staff, which will set out a deadline for the filing of the additional information and, if necessary, amendments to the deadlines for the filing of answers, interventions and replies.

b. Production of documents referred to on the record

111. Where a party refers to a document in a submission but does not provide a copy of the document as an attachment or a link to a website where it can be viewed free of charge, another party can request to review the document and make copies (section 29). This provision most often applies where a party refers to a public opinion poll or study without providing the particulars.

112. If you want to request production of a document, you must file the request with the Commission and serve the person from whom you are requesting the document. The party will then have 10 days to produce the document or it cannot rely on it (section 29(3)). As with any document, the party producing the document can designate it as confidential and the party requesting the document can request that it be disclosed (sections 30 to 34).

c. Requests for information between parties in telecom proceedings

113. In some telecom proceedings, the Commission will provide parties with the opportunity to ask each other questions in writing, often referred to as interrogatories (section 72). The Commission will announce this fact in the notice of consultation for the proceeding, which will indicate the deadlines for each step of the process.

i. The steps involved

114. This process generally involves two steps:

- **The questions:** In this first step, the parties ask and answer questions. Parties may designate information provided in the responses as confidential in accordance with the procedure described in Broadcasting and Telecom Information Bulletin 2010-961 (sections 30 to 34). Parties may also argue that the question is not relevant to the proceeding or that the information is not available (section 74).
- **Further information:** After reviewing the answers, parties can request disclosure of information designated as confidential (section 33) or the party who asked the original question can ask that an additional answer be provided because the question was not adequately answered (section 75).²⁰ The party who provided the answer then has an opportunity to reply to this request (sections 33(3) and 76). Based on this information, the Commission will determine whether further information should be disclosed or a further response filed.

²⁰ This request for further information must be limited to requesting a full response to the question as originally posed. It cannot revise the original question or ask a new question.

115. In some cases, parties will be provided with the opportunity to ask a second round of questions, which are again subject to requests for further information and disclosure.

ii. The form of requests for information

116. The Commission has developed a very specific format to be used when asking and responding to questions as part of this process, as well as for citing responses in submissions. It is very important that parties follow this format so that all parties and the Commissioners can easily determine where to find the information that is being referred to in a submission or oral argument.

117. The details of this format are found in Telecom Information Bulletin 2010-962.

d. Documents in alternative formats

118. The Commission is committed to ensuring that persons with disabilities can fully participate in Commission proceedings. As one element of this commitment, the Rules of Procedure allow persons with disabilities or their designated representative to request documents filed in a proceeding in an accessible format (section 14(1)).²¹

119. The request must be served on the party and must specify the alternative format required (section 14(1)).

120. The party then has five days to file the document in the alternative format requested, serving the person who requested it. Alternatively, the party may contact the person to see if another alternative format would be acceptable. If the person agrees, the party can file the document in the alternative format agreed upon within five days, serving the person (section 14(2)(a)). This process is designed to encourage a negotiated solution that ensures that the person's needs are met in the most efficient way possible. In the majority of cases, no Commission intervention should be necessary.

121. However, it is possible that the person or the party will not be satisfied with the result of this process. If the party believes it cannot file the document in an alternative format, the party must file, within the five days, reasons in support (section 14(2)(b)). The person will have five days to reply to these reasons or to raise objections concerning the accessible format that was filed (section 14(3)). Based on these submissions, the Commission will determine in which accessible format the document must be filed, if at all (section 14(4)).

122. The Commission will generally require a party to file a document in an alternative format unless it has demonstrated that it is unreasonable to do so. What is unreasonable will depend on the particular situation, including the cost of creating the document in the alternative format and the nature of the interest in the proceeding of the person requesting the information. In making this determination, the Commission will consider the policy objectives established in the Acts and may also make reference to key

²¹ An alternative format can include a version in Braille, in large print or in a particular electronic format.

Canadian human rights principles that recognize that equality is a fundamental value and a central component of the public interest.

123. The Commission will set a deadline for the filing and service of the document in this accessible format and will consider an extension of time to file interventions or other documents if appropriate.

XIII. The Commission's public hearings

124. The Commission generally holds two types of public hearings: hearings where it considers one or more specific applications and policy hearings where it considers general policy questions. In both cases, the Rules of Procedure establish general rules that will be followed. As stated above, public hearings are always initiated by a notice of consultation, which will address the procedure to be followed.

a. Preparatory conferences

125. In certain public hearings, the Commission may ask parties to appear before the hearing at a preparatory conference (section 37). The purpose of these meetings is to discuss preliminary or procedural issues in advance of the hearing to ensure that the hearing itself can proceed as efficiently as possible.

b. Appearing at a hearing

i. Who can appear?

126. Applicants must always be available to appear at the public hearing if requested. Respondents and interveners are not generally required to appear but may request to do so in their submission, preferably in a cover letter or on the first page of the answer or intervention.
127. The Commission will notify you in writing if you are requested to appear at least 10 days before the hearing (section 36(1)). You will be required to confirm your attendance no later than 7 days before the hearing and to provide a list of all persons who will appear, if any (section 36(2)).

ii. Your presentation to the Commission

128. Each party who is asked to appear will generally be provided with a limited amount of time to make a presentation to the Commission. After the presentation, the Commission may ask questions of the party. It is best practice to bring 15 copies of your presentation and any charts, tables and graphs for the Hearing Secretary.
129. The Rules of Procedure provide that parties cannot introduce new evidence at the public hearing except where it supports statements already on the public record (section 41). This rule is designed to ensure that all parties have a fair opportunity to respond to the evidence and positions of the other parties in the proceeding. However, in certain circumstances, at the request of a party the Commission may grant permission to introduce new evidence to support a statement or position not already on the record. If

you wish to introduce new evidence, you must ask permission of the Chair of the hearing before you do so.

iii. Appearing by videoconference

130. You can ask the Commission to allow you to appear by videoconference from one of the Commission's local offices (section 36(1)).²² However, applicants and broadcasters and TSPs that are making substantial submissions in a hearing will generally be required to appear in person.

iv. Do you have special needs?

131. If you require accommodation to be able to appear, such as sign language interpretation or wheelchair access, you should make this clear when you request to appear (section 26(2)(h)), preferably in your cover letter or on the first page of your application, answer or intervention. The Commission will take all reasonable steps to accommodate your situation.

v. The order of appearance

132. In a hearing to consider one or more applications, the applicant will appear first, followed by any respondents and interveners and the applicant in reply (section 40).²³
133. In a policy hearing, where everyone is an intervener, the Commission will decide how the parties will appear.
134. To be efficient, the Commission may choose to have parties appear as part of a panel and may require parties with similar arguments to make a combined presentation. If you will be required to appear as part of a panel or make a combined presentation with another party, you will be advised of this in advance of the hearing when you are invited to appear.

vi. Following the progress of a public hearing

135. You can follow the progress of a public hearing by:
- attending the hearing as a member of the audience,
 - listening to an audio stream of the hearing on the Commission's website, or
 - reviewing the transcripts of the hearing, which are available for purchase from the court reporter at the hearing and which are generally posted on the Commission's website following the conclusion of the hearing.

²² The Commission has regional offices in Dartmouth, Nova Scotia; Montréal, Quebec; Toronto, Ontario; Winnipeg, Manitoba; Regina, Saskatchewan; Edmonton, Alberta; and Vancouver, British Columbia.

²³ There is a different order of appearance for competitive licensing hearings, which is discussed at paragraph 147.

c. *In camera* hearings

i. The Commission's hearings are public

136. As with written proceedings, the Commission's hearings are usually open to the public.
137. However, sometimes it is necessary for Commissioners to question a party about confidential information in more detail, so that it is not possible to have a useful examination in public without explicitly referring to this information. In these circumstances, the Commission may choose to close its hearing or a portion of its hearing to the public. This is called an *in camera* hearing (section 38(1)).

ii. How in camera hearings work

138. When the Commission has decided to go *in camera*, the Chair of the Panel will make an announcement asking everyone but the party, the party's representatives, Commissioners, Commission staff and the hearing translators, technicians and stenographers to leave the room. All other parties, the media and the public are excluded from the hearing and the live feed of the hearing on the Commission's website is turned off (section 38).
139. Transcripts of the *in camera* session are confidential and are provided only to those who were in the hearing room (section 38(3)).
140. When the Commission has finished asking its questions regarding confidential information, the hearing will resume in public.

iii. What is placed on the public record about the in camera session

141. Once the hearing has resumed in public, the Commission will give the party who appeared during the *in camera* portion of the hearing a deadline to file an abridged version of the transcript following the same process for designating information as confidential as would apply to any other document filed with the Commission (section 39). This means that the party must file an abridged copy of the transcript, along with a cover letter explaining what information has been abridged and the reasons for the designation.
142. Parties must clearly distinguish between information that has already been designated as confidential in the proceeding and information that is being designated as confidential for the first time. Generally, where information has already been designated as confidential in the proceeding, the party will not need to provide additional reasons but can simply indicate when it was originally filed with the Commission and designated confidential (section 39(2)).
143. The abridged version of the transcript and the cover letter designating the information as confidential will be added to the public record of the proceeding as soon as practical.

iv. How other parties can request disclosure of information provided in camera

144. If a party believes that information from the transcript of the *in camera* session should be disclosed, it can request disclosure of this information in the same way as it would any other information designated confidential (section 39), as described in Broadcasting and Telecom Information Bulletin 2010-961.

d. Competitive licensing hearings

145. When the Commission is considering issuing a new broadcasting licence in a market, it may conduct what is called a “competitive licensing hearing.” Such a public hearing may result from a call for applications, which allows anyone who is interested to file an application for a licence to operate in the market. In a competitive licensing hearing, the applicants compete against each other for the licence or licences that will be issued by the Commission in the market.
146. In these circumstances, each applicant is deemed to be an intervener to the other applications being heard and its application is considered its intervention (section 54).
147. At competitive licensing hearings, the parties appear in a different order than in other Commission hearings. First, each applicant presents its application. Second, the applicants appear each in turn to intervene on the other applications following the same order in which they appeared to present their applications. Third, the other interveners make their presentations. Finally, each applicant appears in reply in the opposite order from which it presented its application (section 55).

e. Broadcasting show cause hearings

148. When it appears to the Commission that a broadcasting licensee may not be complying with the *Broadcasting Act* and relevant regulations, its conditions of licence or a Commission decision, it can hold a public hearing to consider, among other things, whether it should issue a mandatory order pursuant to section 12 of the *Broadcasting Act* requiring the licensee to comply with these requirements and whether it should suspend or revoke the licence. It is the licensee’s responsibility to prove why the Commission should not take action (i.e. to “show cause” why the Commission shouldn’t act).
149. The Commission will provide the licensee with a copy of the record of the proceeding when the notice of consultation is published, and the licensee may file comments on whether the file is accurate or complete no later than 15 days before the end of the intervention period established in the notice of consultation (section 57).
150. Although the licensee is not an applicant in these hearings, it is still required to provide notice of the hearing on its website and in any other way provided for in the notice of consultation (section 56).
151. Like an applicant, the licensee will have 10 days to reply to any interventions that are filed and will appear both first and last at the hearing (section 56).

XIV. Costs in telecom proceedings

152. In Telecom Regulatory Policy 2010-963, the Commission concluded its review of its policies and procedures relating to the awarding of costs.

a. When can the Commission award costs?

153. Section 56 of the *Telecommunications Act* grants the Commission the power to award costs to parties who participate in its telecom proceedings.

i. In telecom proceedings only

154. The *Broadcasting Act* does not have a similar provision, and the Commission does not accept applications for costs for participation in broadcasting proceedings. In the case of a converged proceeding (i.e. it relates to matters under both Acts), a party can apply for costs incurred in relation to the telecom portion of the proceeding only.

ii. The criteria to be eligible for costs

155. Section 68 sets out the criteria the Commission uses to determine whether to award costs. A party is eligible to receive costs if it:

- has an interest in the proceeding or represents someone who does;
- contributed to a better understanding of the issues; and
- participated in a responsible way.

156. In Telecom Regulatory Policy 2010-963, the Commission provided further details about how it interprets these criteria.

b. Applying for costs

157. A party that has participated in a telecom proceeding may file an application for reimbursement of its costs with the Commission, serving copies on all other parties to the proceeding, no later than 30 days following the last deadline for filing a written submission (section 65).

158. The application must demonstrate that the party has met the criteria for the awarding of costs described in section 68, identify the parties it feels should pay the costs and include the relevant taxation forms listed in Broadcasting and Telecom Information Bulletin [2010-453](#) to detail the costs incurred (section 66). The amount of the costs requested should comply with the Commission's guidelines appended to Telecom Regulatory Policy 2010-963. The applicant may also find it useful to look at past cost award decisions to see what costs the Commission has previously found to be reasonable.

159. Other parties to the proceeding will have an opportunity to reply within 10 days of the application being filed (section 67).

c. Interim costs

160. A party that considers that it does not have enough resources to participate effectively in a proceeding may apply for interim costs (section 60).
161. An application for interim costs must demonstrate that the party meets the eligibility criteria for an award of final costs and must include receipts or detailed estimates of the applicant's costs (section 61 (1)(a)). Where possible, it is best to set out these estimates using the relevant taxation forms required for an application for final costs and to explain how the estimates were reached. Finally, an application for interim costs must identify who the applicant feels should pay the costs (section 61(1)(d)).
162. The application must be served on all parties to the proceeding, who will have 10 days to respond, serving copies of their responses on all parties (sections 61(2) and 62).

XV. Still have questions?

163. If you have read these guidelines and still have questions about the Commission's procedures, you can contact Client Services, who will direct your call to the appropriate sector of the Commission.
164. Please note that Commission staff will not be able to help you with substantive questions – **they can't tell you how to make your application better or give you legal advice** – but they can answer your questions about how the procedure works.
165. You can contact the Commission:

by phone

Toll-free: 1-877-249-CRTC (2782)

Outside Canada: 819-997-0313

166. Toll-free TTY line: The CRTC's toll-free TTY line is currently unavailable. In the meantime, please contact the following toll-free number 1-800-855-0511. We apologize for the inconvenience.

by mail

CRTC, Ottawa, Ontario K1A 0N2

or

by fax

819-994-0218

Location of Commission offices

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The Commission's website:

www.crtc.gc.ca

Secretary General

Related documents

- *Revision of CRTC costs award practices and procedures*, Telecom Regulatory Policy CRTC 2010-963, 23 December 2010
- *Format for requests for information and responses*, Telecom Information Bulletin CRTC 2010-962, 23 December 2010
- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010
- *Broadcasting applications that do not require a public process*, Broadcasting Information Bulletin CRTC 2010-960, 23 December 2010
- *A guide to the CRTC application process for changes in effective control and certain transfers of shares of broadcasting undertakings as well as for the acquisition of assets of broadcasting undertakings* – Information bulletin, Broadcasting Circular CRTC 2008-8-1, 23 December 2010
- *Obligation relating to the electronic filing of applications and use of Commission forms*, Broadcasting and Telecom Information Bulletin CRTC 2010-453-1, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010

- *Campus and community radio policy*, Broadcasting Regulatory Policy CRTC 2010-499, 22 July 2010
- *Approval processes for tariff applications and intercarrier agreements*, Telecom Information Bulletin CRTC 2010-455, 5 July 2010
- *Obligation relating to the electronic filing of applications and use of Commission forms*, Broadcasting and Telecom Information Bulletin CRTC 2010-453, 5 July 2010
- *Canadian ownership and control review policy*, Telecom Regulatory Policy CRTC 2009-428, 20 July 2009
- *Practices and procedures for staff-assisted mediation, final offer arbitration, and expedited hearings*, Broadcasting and Telecom Information Bulletin CRTC 2009-38, 29 January 2009, as amended by Broadcasting and Telecom Information Bulletin CRTC 2009-38-1, 26 April 2010