



Broadcasting and Telecom Notice of Consultation CRTC 2015-115

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Ottawa, 31 March 2015

Call for comments on proposed amendments to the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* made under the *Broadcasting Act* and the *Telecommunications Act*

The Commission calls for comments on proposed amendments to the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure. These amendments would remove the requirement to publish notices of consultation for licence renewal applications and would take into account amendments made to the Telecommunications Act as a result of the Economic Action Plan 2014 Act, No. 2.

*The deadline for the submission of comments is **1 June 2015**.*

Licence renewal applications

1. Under section 53 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure), the Commission must post on its website a notice of consultation in relation to any application for the issuance or renewal of a licence under subsection 9(1) of the *Broadcasting Act*.
2. With a view to streamlining its process and making procedures more convenient for applicants, the Commission proposes to remove the requirement to publish notices of consultation for licence renewal applications. This would allow the Commission to process renewal applications under the rules relating to applications set out in Part 1 of the Rules of Procedure, as indicated in Broadcasting Information Bulletin 2015-116, also issued today. The Commission will retain the flexibility to publish notices of consultation under appropriate circumstances.

Exclusions from the Rules of Procedure

3. In addition, the Commission proposes to amend section 2 of the Rules of Procedure to take into account amendments made to the *Telecommunications Act* as a result of the *Economic Action Plan 2014 Act, No. 2*.¹
4. Section 2 currently excludes from the application of the Rules of Procedure proceedings arising from a contravention of a prohibition or requirement of the

¹ Bill C-43, entitled *Economic Action Plan 2014 Act, No. 2*, assented to 16 December 2014

Commission with regard to unsolicited telecommunications for which a person is liable to an administrative monetary penalty. The proposed amendment to section 2 would also exclude from the application of the Rules of Procedure proceedings arising from the general administrative monetary penalty regime being implemented by the *Economic Action Plan 2014 Act, No. 2*, unless the penalty is imposed in a decision in the course of a proceeding before the Commission under the *Telecommunications Act*.

5. The amendments to section 2 also clarify that the Rules of Procedure do not apply to *An Act to Promote the Efficiency and Adaptability of the Canadian Economy by Regulating Certain Activities that Discourage Reliance on Electronic Means of Carrying out Commercial Activities, and to Amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*.

Call for comments

6. The proposed amendments to the Rules of Procedure are appended to this notice. The Commission invites comments on the wording of the proposed amendments. The Commission will accept interventions that it receives on or **1 June 2015**.

Procedure

7. The Rules of Procedure apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "Statutes and Regulations." Broadcasting and Telecom Information Bulletin 2010-959 provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
8. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
9. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
10. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

11. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
12. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
13. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

14. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
15. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
16. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information

contained therein, in the official language and format in which they are received.
Documents not received electronically will be available in PDF format.

17. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

18. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
19. Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
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Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

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Metropolitan Place
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Fax: 902-426-2721

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Montréal, Quebec
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Fax: 204-983-6317

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Regina, Saskatchewan
S4P 2H1
Tel.: 306-780-3422
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Alberta

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Calgary, Alberta
T2G 4X3
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British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1

Tel.: 604-666-2111

Fax: 604-666-8322

Secretary General

Related documents

- *New procedures for licence renewal applications*, Broadcasting Information Bulletin CRTC 2015-116, 31 March 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

Appendix to Broadcasting and Telecom Notice of Consultation CRTC 2015-115

Rules Amending the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure

AMENDMENTS

1. Section 2 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*² is replaced by the following:

Application

2. (1) Except if they provide otherwise, these Rules apply to all proceedings before the Commission other than a proceeding arising from an application listed in Schedule 1 or from a contravention of a prohibition or requirement of the Commission for which a person is liable to an administrative monetary penalty under any of sections 72.001 to 72.19 of the *Telecommunications Act*, unless the penalty is imposed in the course of a proceeding referred to in section 72.003 of that Act.

Non-application

(2) These Rules do not apply to proceedings before the Commission under sections 6 to 46 of *An Act to promote the efficiency and adaptability of the Canadian economy by regulating certain activities that discourage reliance on electronic means of carrying out commercial activities, and to amend the Canadian Radio-television and Telecommunications Commission Act, the Competition Act, the Personal Information Protection and Electronic Documents Act and the Telecommunications Act*.

2. The heading before section 53 of the Rules is replaced by the following:

Application for Issuance of Licence or for Approval of Transfer of Ownership or Change in Control

3. Subsection 53 (1) of the Rules is replaced by the following:

Notice of consultation

53. (1) The Commission must post on its website a notice of consultation in relation to any application made to the Commission for the issuance of a licence under subsection 9 (1) of the *Broadcasting Act* or for the approval of the transfer of ownership or the change in control of a broadcasting undertaking and must provide in the notice an electronic link to the application.

COMING INTO FORCE

4. These Rules come into force on the day on which they are registered.

² SOR/2010-277