



Broadcasting and Telecom Notice of Consultation CRTC 2010-509-1

PDF version

Ottawa, 3 September 2010

Converged Rules of Procedure – Correction relating to Appendix 4: Information that can generally be designated confidential

In *Converged Rules of Procedure*, the Commission called for comments on changes that have been made to its Proposed Rules of Procedure and on proposed Information Bulletins that are intended to complement and clarify these rules.

An appendix to Appendix 4 to Broadcasting and Telecom Notice of Consultation 2010-509 has been omitted by error. Consequently, the Commission hereby replaces Appendix 4 to that document with the Appendix 4 that is appended to this document.

As a result, the deadline to file comments on Appendix 4 only is extended to **15 September 2010**. The deadline for comments on the other documents remains **9 September 2010**, and the deadline for reply comments on all documents remains **20 September 2010**.

Secretary General

Appendix to Broadcasting and Telecom Notice of Consultation CRTC 2010-509-1

Appendix 4 to Broadcasting and Telecom Notice of Consultation CRTC 2010-509

Proposed Broadcasting and Telecom Information Bulletin CRTC 2010-xxx

PDF version

Ottawa, 3 September 2010

Information that can generally be designated confidential

1. The purpose of this information bulletin is to update the list of information that can be designated confidential in a Commission proceeding. Accordingly, the information listed in Guidelines respecting the confidential treatment of annual returns and material or information filed in support of a broadcasting application before the Commission, Circular No. 429, 19 August 1998, is replaced with the information set out in the appendix to this information bulletin.
2. This list sets out information that is often filed as part of a Commission proceeding as well as the specific circumstances under which the information would generally either be placed on the public file or treated as confidential.
3. This list is provided as a reference only. The determination as to whether information can be designated confidential in a proceeding depends on details specific to that proceeding.
4. A party that designates confidential information that is not mentioned in the list appended to this information bulletin must provide the reasons for each piece of information that it designates as such.

Secretary General

Appendix to Broadcasting and Telecom Information Bulletin CRTC 2010-xxx

Broadcasting proceedings:

Radio and television

	Public	Confidential
Annual Returns		X
Financial Statements¹:		
➤ Historical financial statements of other than public companies ⁽³⁾		
• personal holding companies		X
• licensee companies		X
• other operating companies		X
➤ Historical financial statements of public companies	X	
➤ Projected financial statements and assumptions ⁽⁴⁾ :		
i) for projection years remaining in the current licence term: ⁽³⁾		
• for operations which are the subject of the application:		
○ renewals		X
○ amendments	X	
○ asset/share transfers		X
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
ii) for projection years in the prospective licence term: ⁽⁵⁾		
• for operations which are the subject of the application:		
○ new licences	X	
○ renewals	X ⁽⁶⁾	

¹“Financial statements” means any element that is included in the financial statements in accordance with generally accepted accounting principles and any other formal accounting statement, supporting documentation, notes and assumptions, either historical income or forecast.

○ amendments	X	
○ asset/share transfers	X	
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
Evidence of Financial Capacity²:		
Personal net worth statements ³		X
Annual reports and historical financial statements of public companies	X	
Letters from bankers & other credit granting institutions	X	
Bank loan & other financing agreements	X	
Letters from auditors and/or investment dealers	X	
Letters of commitment to purchase debt and/or equity securities	X	
Employee information:		
➤ names of prospective employees ⁴ and/or individual salaries		X
➤ number of employees and/or grouped salary	X	
Other information:		
Technical service information	X	
Proposed service area information	X	
Proposed services to be distributed/carried	X	

² “Evidence of financial capacity” means, without limitation, any document or information relating to the ability of an individual, partnership, association, body corporate, estate, trustee, executor, administrator, or legal representative to make a stated investment. This includes net worth statements, letters of commitment or support of a financial nature, financial statements and loan agreements.

³ Where the party does not provide an abridged version of the net worth statement for the public record, it should provide other evidence, such as a letter from a credit granting institution, sufficient to attest to the financial capacity of the individual in question, including the availability of the financing. The attestation should be in the form described in [Commission policy regarding documentary evidence to confirm the availability of financing](#).

⁴ “Prospective employees” means the names of all prospective employees who will have an "employer-employee" relationship with the applicant. It excludes the names of directors who will not also be employees.

Programming costs for individual programs or series		X
Canadian and foreign programming expenditures (aggregates)	X	
Responses to deficiency questions on public file information	X	
Responses to deficiency questions on confidential file information		X

Pay and specialty services

	Public	Confidential
Annual Returns	X ⁽²⁾	
Financial Statements¹:		
➤ Historical financial statements of other than public companies ⁽³⁾		
• personal holding companies		X
• licensee companies	X ⁽²⁾	
• other operating companies		X
➤ Historical financial statements of public companies	X	
➤ Projected financial statements and assumptions ⁽⁴⁾ :		
i) for projection years remaining in the current licence term: ⁽³⁾		
• for operations which are the subject of the application:		
○ renewals	X ⁽²⁾	
○ amendments	X	
○ asset/share transfers	X ⁽²⁾	
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
ii) for projection years in the prospective licence term: ⁽⁵⁾		
• for operations which are the subject of the application:		
○ new licences	X	
○ renewals	X	

○ amendments	X	
○ asset/share transfers	X	
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
Evidence of Financial Capacity²:		
Personal net worth statements ³		X
Annual reports and historical financial statements of public companies	X	
Letters from bankers & other credit granting institutions	X	
Bank loan & other financing agreements	X	
Letters from auditors and/or investment dealers	X	
Letters of commitment to purchase debt and/or equity securities	X	
Employee information:		
➤ names of prospective employees ⁴ and/or individual salaries		X
➤ number of employees and/or grouped salary	X	
Other information:		
Technical service information	X	
Proposed service area information	X	
Proposed services to be distributed/carried	X	
Programming costs for individual programs or series		X
Canadian and foreign programming expenditures (aggregates)	X	
Responses to deficiency questions on public file information	X	
Responses to deficiency questions on confidential file information		X

Broadcasting distribution undertakings

	Public	Confidential
Annual Returns	X ⁽¹⁾	

Financial Statements⁽¹⁾:		
➤ Historical financial statements of other than public companies ⁽³⁾		
• personal holding companies		X
• licensee companies	X ⁽¹⁾	
• other operating companies		X
➤ Historical financial statements of public companies	X	
➤ Projected financial statements and assumptions ⁽⁴⁾ :		
i) for projection years remaining in the current licence term: ⁽³⁾		
• for operations which are the subject of the application:		
○ renewals	X ⁽¹⁾	
○ amendments	X	
○ asset/share transfers	X ⁽¹⁾	
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
ii) for projection years in the prospective licence term: ⁽⁵⁾		
• for operations which are the subject of the application:		
○ new licences	X	
○ renewals	X ⁽⁶⁾	
○ amendments	X	
○ asset/share transfers	X	
• for related licensed operations (e.g.: sister AM station)		X
• for combined operations of licensed undertakings		X
Evidence of Financial Capacity²:		
Personal net worth statements ³		X
Annual reports and historical financial statements of public companies	X	
Letters from bankers & other credit granting institutions	X	

Bank loan & other financing agreements	X	
Letters from auditors and/or investment dealers	X	
Letters of commitment to purchase debt and/or equity securities	X	
Employee information:		
➤ names of prospective employees ⁴ and/or individual salaries		X
➤ number of employees and/or grouped salary	X	
Other information:		
Technical service information	X	
Proposed service area information	X	
Proposed services to be distributed/carried	X	
Programming costs for individual programs or series		X
Canadian and foreign programming expenditures (aggregates)	X	
Responses to deficiency questions on public file information	X	
Responses to deficiency questions on confidential file information		X

Notes:

(1) The annual returns and financial statements for a broadcasting distribution undertaking whose basic monthly subscriber fee is regulated under the *Broadcasting Distribution Regulations* will be placed on the public file. However, where the basic monthly subscriber fee of a broadcasting distribution undertaking is not regulated, the annual return and financial statements of the undertaking will be treated as confidential commencing with the broadcast year during which the undertaking's basic monthly subscriber fee is no longer regulated. Where the annual return and financial statements include both rate regulated and non-rate regulated undertakings (e.g.: multi-system operators), the financial statements and only that portion of the annual return that contains information related to the non-rate regulated undertaking(s) will be kept confidential.

(2) For Pay TV services and those specialty services that do not have a Commission approved monthly fee and are not carried as part of the basic service package, only the portion of the annual report and the financial statements, up to the profits before interests and taxes (PBIT) inclusively, will be placed on the public file. Any portion of the annual return or financial statement that would lead to the disclosure of a licensee's aggregated net income or loss, such as information below PBIT or detailed information on shareholders' equity, will be treated on a confidential basis.

(3) The broadcast year in which an application is filed, and prior years, are considered to be historical years. Subsequent broadcast years are considered projected years.

(4) Includes all financial statements.

(5) The first year of the projected licence term begins on the day immediately after the expiry date of the current licence term.

(6) All information will be placed on the public file with the exception of (i) the breakdown of revenues and operating expenses for radio and, (ii) the breakdown of revenues for television and non-rate regulated BDUs, all of which, when requested, may be treated as confidential.

Telecommunications proceedings:

	Public	Confidential
Quality of service results by competitor for each of the established indicators		X
Lists of connected buildings in high-speed intra-exchange digital network access services forbearance applications		X
The estimated total number of residential and business local access lines, as applicable, that can be served with local exchange services by a competitor, by exchange, where the competitor is capable of serving less than 50% of the total number of residential and business local access lines, as applicable		X
Tariff applications		
Standard tariff applications	X	
Ex-parte tariff applications		X
Regulatory economic study (filed in support of tariff filings)		
Company-specific cost study inputs (e.g., operating expense unit costs/factors, labour unit costs, capital unit costs/factors, capital and expense increase factors, demand)		X
Cost study inputs to be placed on the public record as identified by the incumbent telephone companies in paragraphs 3-82, 3-83 of their regulatory economic study manuals	X	

Broadcasting and telecommunications ownership proceedings:

	Public	Confidential
Ownership information, i.e.: identification of shareholders, shares held, classes of shares, shares issued, capitalization, ownership structure, etc.	X	
Any contract or document that may impact on governance or	X	

control of an enterprise, for example : shareholder's agreement, joint venture agreement, voting trust agreement, local management agreement, other management agreements, trademark agreement, programming agreement, financing agreement and/or service agreement ⁵		
Calculations and assumptions related to business plans, purchase agreements and schedules, and business valuations	X	
Residential address: <ul style="list-style-type: none"> • name, city and province • other information 	X	X

⁵ For agreements such as trademark agreements and programming agreements, certain information may be designated as confidential under certain circumstances: number of subscribers, profit margin, percentage of revenues, amount payable to a third party, licence fees, duration of the agreement, specific period of programming, number of programming hours targeted.