



# Broadcasting and Telecom Regulatory Policy CRTC 2015-357

PDF version

Reference: 2015-115

Ottawa, 6 August 2015

## ***Amendments to the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure***

*The Commission announces that it has made amendments to the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure (the Rules of Procedure). The amendments remove the requirement to publish notices of consultation for licence renewal applications, take into account amendments made to the Telecommunications Act and clarify that the Rules of Procedure do not apply to the Canadian anti-spam legislation.*

*These amendments will be published in the Canada Gazette, Part II, and will come into force on the date of their registration.*

### **Introduction**

1. In Broadcasting and Telecom Notice of Consultation 2015-115, the Commission called for comments on proposed amendments to the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure). The proposed amendments are as follows:
  - remove the requirement to publish notices of consultation for licence renewal applications set out in section 53 of the Rules of Procedure in order to allow the Commission to process renewal applications under the rules relating to applications set out in Part 1 of the Rules of Procedure;
  - exclude from the application of the Rules of Procedure proceedings arising from the new general administrative monetary penalty regime, unless the penalty is imposed in a decision in the course of a proceeding before the Commission under the *Telecommunications Act*; and
  - clarify that the Rules of Procedure do not apply to the Canadian anti-spam legislation.

## Comments

2. The Commission received a number of interventions in response to the call for comments. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca).
3. All of the interventions related to the proposed amendment to section 53 to remove the requirement to publish notices of consultation for licence renewal applications. Some interveners questioned the Commission's jurisdiction to make the proposed changes under section 21 of the *Broadcasting Act* (the Act) and the process followed. Other concerns related to the perception that the Commission would no longer provide notice to the public of the applications for licence renewal and of the Commission's concerns with certain applications, such as issues of non-compliance.

## Commission's analysis and decision

### Jurisdiction to change rules of procedure

4. The Commission has the jurisdiction to make the amendments in question. In this regard, section 21 of the Act confers broad powers to the Commission for the making of rules of procedure. The Commission also followed the required process to proceed with the amendments in question.
5. Some interveners argued that the Commission is required under section 19 of the Act to publish notices of consultation. However, this section requires the Commission to publish notifications of applications received in the *Canada Gazette*. It does not create a statutory obligation to publish notices of consultation with respect to all applications for licence renewal. Notifications of applications received will continue to be published in the *Canada Gazette* as required by the Act. As noted below, renewal applications will continue to be published on the Commission's website and the public will have an opportunity to submit interventions.

### Informing the public about licence renewal applications

6. Some interveners were concerned that the Commission would no longer provide notice to the public of the applications for licence renewal and of the Commission's concerns with those applications, as it currently does in notices of consultation.
7. As indicated in Broadcasting Information Bulletin 2015-116, the Commission will publish notices of consultation calling for the submission of licence renewal applications in the spring of each year. The notices will include a list of all licences expiring in the following broadcast year and provide instructions on how and when licensees must submit their licence renewal applications. The public will therefore be informed early in the process of the applications that will be filed within the next year.
8. Further, the renewal applications will be published on the Commission's website. In cases where the licensee is in apparent non-compliance, a note on the website will identify the Commission's concerns. The public will have an opportunity to file interventions by following the process set out in Part 1 of the Rules of Procedure. In

addition, the Commission will continue to issue notices of consultation for applications that raise important issues, such as serious and repeated non-compliance by the licensee. The notices will set out the Commission's concerns and the licensee may be required to appear at a public hearing to discuss these issues.

9. The new process provides more notice to the public of licence renewal applications than the previous process by providing two opportunities to find out about licence renewal applications. Notice to the public is given when the notice of consultation calling for applications is published and when the applications received are published.

## **Conclusion**

10. In light of the foregoing, the Commission announces amendments to the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*. The amendments will come into effect on the date of their registration. A copy of these amendments is provided in the appendix to this regulatory policy and will be published in the *Canada Gazette*, Part II.

Secretary General

## **Related documents**

- *New procedures for licence renewal applications*, Broadcasting Information Bulletin CRTC 2015-116, 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*, Broadcasting and Telecom Notice of Consultation CRTC 2015-115, 31 March 2015

# Appendix to Broadcasting and Telecom Regulatory Policy CRTC 2015-357

## 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*<sup>1</sup> 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.**

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<sup>1</sup> SOR/2010-277