



Broadcasting Circular CRTC 2005-463

Ottawa, 18 April 2005

Expedited procedure for resolving issues arising under the *Broadcasting Act*

Background

1. The Commission has consistently sought to implement practices and procedures that bring about the timely resolution of issues arising under the *Broadcasting Act*. For example, the Commission's central objective in issuing *Practices and procedures for resolving competitive and access disputes*, Public Notice CRTC 2000-65, 12 May 2000 was to allow it to reach determinations with respect to competitive disputes as expeditiously as possible.
2. As a further means to hasten the resolution of broadcasting disputes, the Commission considers that it would be appropriate at this time to implement procedures for the conduct of expedited public hearings. These hearings would complement the Commission's existing dispute resolution guidelines and tools, and be similar to the procedures that it recently established for resolving disputes arising under the *Telecommunications Act* (see *Expedited procedure for resolving competitive issues*, Telecom Circular CRTC 2004-2, 10 February 2004).
3. In this regard, as noted in *Good commercial practices*, Broadcasting Public Notice CRTC 2005-35 of today's date, the Commission recently employed such an expedited hearing process to deal with an allegation of undue preference raised under both the *Telecommunications Act* and the *Broadcasting Act*¹.

New practices and procedures

4. In order to expedite decisions on certain issues arising under the *Broadcasting Act*, panels of Commissioners will be struck to conduct brief public hearings to deal with such issues on an accelerated basis. These panels will generally consider matters involving no more than two parties, where the issues to be resolved involve questions of interpretation concerning an existing Commission decision, regulation or other regulatory requirement, or its application to a particular fact situation.

¹ See *Complaint by Aliant Telecom Inc. against Bragg Communications Incorporated and its subsidiaries alleging breaches of section 9 of the Broadcasting Distribution Regulations and section 27(2) of the Telecommunications Act*, Broadcasting Decision CRTC 2005-120, 1 April 2005.

5. The approach currently followed and the timeframes set aside for developing the public record in dispute resolution matters (generally complaint, response and reply) will continue to apply, in any given case, until such time as the Commission determines that the matter is appropriate for referral to a panel for an expedited hearing process. At that point, given the importance that the Commission attaches to the timely resolution of these matters, extensions of time for the filing of materials as set out below will generally not be granted.
6. When the Commission decides that a matter before it should be determined by a panel under the expedited procedures, parties will generally be called to attend a brief oral hearing. At the beginning of the hearing, each party will be accorded a brief opportunity (generally 10 minutes) to address the panel. The parties will then be questioned by the Commission first, and then be given an opportunity to question each other (generally 20 minutes each). Finally, each party will again be accorded a brief opportunity (generally 10 minutes) to address the panel, following which the oral hearing will conclude. These procedures may be modified as circumstances require. Verbatim transcripts of the hearing will be posted on the Commission's web site.
7. Parties attending such hearings will be required to bring with them personnel knowledgeable of the issues at hand and all relevant documentation. Where appropriate, the Commission may draw an adverse inference should a party fail to appear at the oral hearing accompanied by such personnel and by all relevant documentation.
8. At least ten days before the oral hearing, each party to an expedited hearing process will be required to file with the Commission and the other party, a document of no more than ten pages containing a concise argument that states the facts, and identifies the Commission decisions, regulations or other regulatory requirements relied on by the party. Each party should also include in this document a concise statement of any relief sought. The Commission may also request a party or parties to file further information before or at the oral hearing.
9. Hearings will generally be held in Salon Réal Therrien on the 7th floor of the Central Building, Les Terrasses de la Chaudière, 1 Promenade du Portage, Gatineau, Quebec. Either at or within a few days of the oral hearing, the panel will issue a brief decision with respect to each matter disposed of by the panel. The new expedited procedures will be introduced effective as of today's date.

10. The Commission encourages parties, prior to applying for formal dispute resolution pursuant to the procedures announced in this Circular or to any of the other existing guidelines and tools, to exhaust all other alternative methods to resolve their disputes, including bilateral negotiations, third-party mediation or dispute resolution assisted by Commission staff.

Secretary General

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