



## Broadcasting Information Bulletin CRTC 2010-960

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### Broadcasting applications that do not require a public process

*The Commission deals with certain types of applications using an administrative approach. This is the case with routine applications that do not require a public process because they do not raise policy concerns or concerns relating to a licensee's obligations.*

*This information bulletin includes an up-to-date list of applications that are dealt with using the administrative approach and describes the streamlined procedure applicable to such applications. On 1 April 2011, it will replace Broadcasting Circular 2006-1.*

#### Introduction

1. In Broadcasting Circular 2006-1, the Commission announced measures to streamline the processing of certain types of applications for licence amendments through a notice of consultation and an administrative approach.
2. In Regulatory Policy 2010-958, the Commission announced that it has made the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) which provide for a new process to deal with applications for licence amendments (the Part 1 Process). This process will be used, as of 1 April 2011, for applications that are currently dealt with through a notice of consultation (notice of applications received).
3. This information bulletin deals only with applications that do not require a public process and that the Commission will deal with using the administrative approach. These applications are exempt from the provisions of the Rules of Procedure by virtue of section 2, with the exception of certain rules for confidentiality (section 4).

#### A process that works

4. The Commission considers that the administrative approach is an effective way of processing routine applications that do not raise concerns. The streamlined process introduced by the Commission to deal with these applications benefits both the industry and the Commission. Each year the Commission publishes the results of the service standards that apply to applications dealt with using the streamlined process and the results confirm its effectiveness. These results can be found in the Commission's performance reports.

5. In this information bulletin, the Commission reiterates the process that applies to applications that do not require a public process and updates the list of types of applications that will be dealt with using the administrative approach.

### **Updated list of applications to be dealt with using the administrative approach**

6. The following types of applications, which are listed in Schedule 1 of the Rules of Procedure, will generally be dealt with using the process described below, provided that the applications do not raise concerns with respect to Commission policies, regulations or conditions of licence:
  - extensions of deadlines for the implementation of an authority to provide a new service;
  - extensions of deadlines for the filing of documentation or other information in response to a requirement set out in a Commission decision;
  - changes to the authorized contours of over-the-air programming undertakings in cases where:
    - i) the revised contours do not enter a new market; and
    - ii) the proposal will not result in a change of the operating class of a low-power station;
  - changes to the authorized service areas of licensed broadcasting distribution undertakings;
  - amendments to conditions of licence to implement a Commission regulatory policy of the Commission or to incorporate a standard condition; and
  - revocation of a licence at the licensee's request.

### **The expedited process**

7. Applications dealt with using the administrative approach are subject to an expedited process. This process was established in 2006 and will continue to apply so that, within 15 business days following the receipt of an application of the type listed above, the Commission will issue one of the following:
  - a letter approving the application that does not raise policy or other concerns; or
  - a letter returning an application that is deemed incomplete, with supporting reasons.

### **Industry filing process**

8. Applicants should use the Commission's most recent application forms to file an application. The list of application forms is appended to Broadcasting and Telecom Information Bulletin 2010-453, as amended from time to time. In the absence of an application form, applicants should submit a letter that includes all the relevant information set out in section 22(2) of the Rules of Procedure. The bulletin also reiterates the requirement to file applications and related documents in electronic form using Access Key.
9. The procedures for filing confidential information are set out in sections 30 to 32, 33(4) and 34 of the Rules of Procedure and in Information Bulletin 2010-961.

### **Processing of applications using the expedited process**

10. In order to maintain the integrity of the licensing process, the Commission will not generally be disposed to review, on an expedited basis, applications for licence amendments that are received within two years of (i) the implementation date of a new service or (ii) the date of a Commission decision on an amendment concerning the same or a similar matter, except in the following cases:

- The application is filed for the purpose of allowing a broadcasting undertaking to avail itself of a new or amended Commission policy or other relevant Commission determination.
- The application is filed pursuant to a request made by the Commission in an earlier decision.
- The application for an amendment is filed as a result of circumstances genuinely unforeseen at the time of licensing or to deal with a problem caused by a new event affecting the operation of the undertaking. In such circumstances, the licensee filing the amendment application will be expected to demonstrate why the Commission should deal with the proposal using the expedited process.

### **Decisions on applications that do not require a public process**

11. Pursuant to its usual practice, the Commission will issue an information bulletin every two months summarizing the applications that were dealt with using the administrative approach as well as the Commission's determination. That information bulletin provides a link to the application and related documents, excluding any information designated as confidential.

### **Implementation**

12. The updated practices announced in this document will be effective on 1 April 2011 and will replace the measures set out in Broadcasting Circular 2006-1.

Secretary General

**Related documents**

- *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010
- *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 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, as amended from time to time
- *Streamlined processes for certain broadcasting applications*, Broadcasting Circular CRTC 2006-1, 27 March 2006
- *Call for comments on new draft regulations concerning CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Notice of Consultation CRTC 2009-602, 30 September 2009