



## Broadcasting and Telecom Information Bulletin CRTC 2011-222

PDF version

Ottawa, 1 April 2011

### **New service objectives for the processing of broadcasting and telecommunications applications as of 1 April 2011**

*Effective today, the Commission is adopting a simplified and harmonized approach to measure service results for the processing of the following:*

- *Part 1 broadcasting and telecommunications applications;*
- *proceedings initiated by the Commission as a result of a Part 1 broadcasting or telecommunications application;*
- *broadcasting applications considered at hearings;*
- *broadcasting applications that do not require a public process; and*
- *ownership-related broadcasting and telecommunications applications.*

*Wherever appropriate, the Commission will use the period from the close of record to the publication date of the decision to measure results on an annual basis.*

*The Commission will aim to publish **all** of its decisions on these types of applications within the timeframes specified in the appendix to this information bulletin. These revised service objectives replace the service standards set out in Broadcasting Circular 2006-2 and those concerning the processing of Part VII applications<sup>1</sup> set out in Telecom Circular 2006-11.<sup>2</sup>*

### **Introduction**

1. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) take effect today. These rules will

---

<sup>1</sup> “Part VII applications” refers to telecommunications applications formerly considered under Part VII of the *CRTC Telecommunications Rules of Procedure* (SOR/79-554). Under the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (SOR/2010-277) that take effect on 1 April 2011, these applications will now be considered under Part 1.

<sup>2</sup> The Commission has other service standards which apply to the processing of telecommunications filings from the industry. Examples include standards applying to tariffs and agreements, requests for the withdrawal/dstandardization of service, etc.

apply to both the telecommunications and broadcasting sectors. One of the objectives in combining the broadcasting and telecommunications rules was to harmonize and establish uniform rules for Commission proceedings wherever possible. Among significant changes introduced in the Rules of Procedure, the Commission has decided to apply the basic structure for a written proceeding established in Part 1 of the Rules of Procedure (the Part 1 process)<sup>3</sup> to both broadcasting and telecommunications proceedings.

2. The coming into force of the Rules of Procedure provides an opportunity for the Commission to harmonize its service objectives for the processing of broadcasting and telecommunications applications and to simplify its measurement of results.

### **Measuring service based on close of record**

3. In telecommunications, the Commission has measured its service results for Part VII applications from the close of record to the publication date of the decision.
4. In applying the Rules of Procedure to its various proceedings, the Commission will use the close of record to measure its service results for both broadcasting and telecommunications applications, with a few exceptions (examples are provided in footnote 4). For clarity, the close of record is typically the later of:
  - the deadline for the filing of interventions and answers or, where interventions or answers are received, the deadline for the filing of replies;
  - the deadline for the filing of a response to a request for information by one or more of the parties or the Commission;
  - the last day of the hearing; or
  - the deadline for the filing of post-hearing written submissions (including undertakings by parties at the hearing, final comments and replies, as well as information requested by the Commission).
5. There are instances when events affect the processing of applications under consideration by the Commission.<sup>4</sup> In such cases, the close of record may be deferred until these matters can be addressed.

---

<sup>3</sup> The Part 1 process is described at paragraph 31 of the *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010.

<sup>4</sup> Examples include mergers and acquisitions, court proceedings, negotiations between parties or other forms of alternative dispute resolution efforts by the parties to a dispute, as well as policy changes that materially affect the application. Applications may also be rolled into or addressed subsequently to other proceedings if, for example, multiple applications are closely linked, there is a clear dependency between two processes or an application raises issues that could have an impact on other industry participants.

## Service objectives by type of applications

### Part 1 applications

6. For broadcasting proceedings, the Part 1 process replaces the publication of a notice of consultation for applications received seeking licence amendments and proposed additions to the lists of eligible satellite services. It also applies to applications from industry and associations regarding undue preference or other disputes that are not processed using the Commission's alternative dispute resolution mechanism.
7. The Commission will measure service results on **all** Part 1 broadcasting applications, whether or not they raise substantive issues. This represents a significant benefit to the industry, given that the previous service standard for licence amendments did not include applications that raise substantive issues, which were considered on a case-by-case basis.
8. For telecommunications proceedings, the Part 1 process replaces the process for the treatment of applications formerly described under Part VII of the *CRTC Telecommunications Rules of Procedure*. This process includes applications related to disputes between service providers (e.g. network interconnection and unjust discrimination) and requests for changes to, or forbearance from, regulation.
9. The Commission is simplifying the service standard based on the close of record as determined in Telecom Circular 2006-11. Whereas the Commission previously had different standards for Type 1 and Type 2 Part VII telecommunications applications,<sup>5</sup> it will now have a single service objective for all applications considered under Part 1 of the Rules of Procedure.
10. Accordingly, as of today's date, a single service objective will apply to all broadcasting and telecommunications Part 1 applications. The Commission will aim to publish **its decisions within 4 months after the close of record**, as specified in the appendix to this information bulletin.<sup>6</sup>

### Proceedings unique to broadcasting

#### a) Applications scheduled at hearings

11. The number of broadcasting hearings scheduled each year for licensing matters, such as applications for new services, depends on planned activities. However, it is also

---

<sup>5</sup> Consistent with Telecom Circular 2006-11, the Commission previously categorized telecommunications applications as either Type 1 or Type 2 based on the number of parties involved in the proceeding and if the application raised significant policy issues.

<sup>6</sup> The only exception will be telecommunications applications related to forbearance from the regulation of local exchange service for which decisions will be published within 120 days after the receipt of a complete application, consistent with Order in Council P.C. 2007-532, 4 April 2007.

influenced by unforeseen events such as new policy proceedings, ownership-related applications and expedited and show cause hearings.

12. To efficiently manage its priorities and enhance predictability, the Commission will apply a single service objective to **all** applications scheduled at hearings, whether they be appearing or non-appearing items. The aim is to publish **its decisions within 4 months after the close of record**. This excludes ownership-related applications, which are addressed later.

*b) Applications for licence renewals announced by notice of consultation (notice of applications received)*

13. The Commission's plan for dealing with licence renewal applications is based on licence expiry dates. Each year the Commission announces an average of 175 renewals. To manage the renewal process more efficiently, the Commission usually groups similar types of renewals in one notice. Examples of groupings that occur regularly are streamlined renewals of radio licences and renewals of radio licences held by licensees in apparent non-compliance.

14. For any renewal, the Commission has an obligation to review the performance of a licensee over the current licence term and compliance with regulatory requirements. In doing so, the Commission takes into account complaints that would have been placed on a licensee's file. Some policy issues may only become apparent on examination of the public record once the renewal application has been announced.

15. As indicated in Broadcasting Circular 2006-2, a degree of flexibility can be built into the renewal process that is not available for other types of applications. The objective is to deal with the renewal application before the expiry of the licence, given that the outcome of a Commission renewal decision can only be effective in the new licence term. Accordingly, the Commission is not establishing a specific service objective for renewals announced by notice of consultation as of 1 April 2011.

*c) Applications that do not require a public process (administrative route)*

16. In Broadcasting Information Bulletin 2010-960, the Commission provided a list of the types of applications that are dealt with using the administrative approach.

17. The service objective as of today's date is to render **its decisions on such applications within 1 month after the date of receipt**. This excludes ownership-related applications, which are addressed in the following section.

#### **Ownership-related applications**

*a) Applications scheduled at hearings*

18. Most ownership-related applications, whether for changes in effective control, share transfers or the acquisition of assets, concern broadcasting undertakings. The guidelines for processing each type of application are described in Broadcasting Circular 2008-8, as amended by Broadcasting Information Bulletin 2008-8-1. For

Canadian ownership and control reviews under section 16 of the *Telecommunications Act*, the framework described in Telecom Regulatory Policy 2009-428, as amended by Telecom Regulatory Policy 2009-428-1, provides for processing guidelines.

19. For consistency with the approach adopted for other types of applications, the Commission will use the **close of record** as described in paragraph 4 to calculate the 35-day processing period for broadcasting ownership-related applications and telecommunications ownership and control reviews dealt with at a public hearing. Consequently, the service objective that will apply as of today is to publish **the decisions on such applications within 35 days after the close of record**.

*b) Applications processed by notice of consultation (notice of applications received)*

20. For consistency with the approach adopted for other types of applications, the Commission will rely on the **close of record** to measure its results. The aim is to publish **its decisions within 2 months after the close of record**.

*c) Applications that do not require a public process (administrative route)*

21. Consistent with the approach adopted for other broadcasting applications that do not require a public process, the Commission will continue to measure results from the date of receipt. As of today, the service objective that will apply to ownership-related applications in this category is to render **its decisions within 2 months after the date of receipt**. The service objective is predicated on receiving, within five business days, the applicant's response to requests for information sent by the Commission. If an applicant requests an extension of the deadline to submit a response, the service standard will not apply.

### **Publication of results**

22. The Commission will evaluate the results for all types of applications included in the appendix to this information bulletin on an annual basis. The evaluation will be based on the decisions published by the Commission in each fiscal year (i.e. from 1 April to 31 March). The results will be posted on the Commission's website after each fiscal year.

Secretary General

### **Related documents**

- *Broadcasting applications that do not require a public process*, Broadcasting Information Bulletin CRTC 2010-960, 23 December 2010
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010

- *Canadian ownership and control review policy*, Telecom Regulatory Policy CRTC 2009-428, 20 July 2009, as amended by Telecom Regulatory Policy CRTC 2009-428-1, 28 May 2010
- *A guide to the CRTC application process for changes in effective control and certain transfers of shares of broadcasting undertakings as well as for the acquisition of assets of broadcasting undertakings*, Broadcasting Circular CRTC 2008-8, 21 November 2008, as amended by Broadcasting Information Bulletin CRTC 2008-8-1, 23 December 2010
- *Service standards for the disposition of telecommunications applications*, Telecom Circular CRTC 2006-11, 7 December 2006
- *Introduction of service standards for certain broadcasting applications*, Broadcasting Circular CRTC 2006-2, 5 April 2006

## Appendix to Broadcasting and Telecom Information Bulletin 2011-222

### Service objectives for broadcasting and telecommunications applications, including ownership-related applications, as of 1 April 2011

| Type of application and processing route  | Processing time : the aim is to publish all decisions within the timeframes set out below <sup>7</sup>  |
|---|---|
| <p><b>1. Part 1 broadcasting and telecommunications applications</b></p> <p>proceedings initiated by the Commission as a result of a Part 1 application</p> <p><b>broadcasting applications considered at hearings</b></p>  | <p>within <b>4 months</b> after the close of record<sup>8</sup></p>   |
| <p><b>2. Broadcasting applications that do not require a public process</b> (i.e. administrative route)</p>   | <p>within <b>1 month</b> after the date of receipt</p>  |
| <p><b>3. Ownership-related applications</b></p> <p>a) Hearing route (broadcasting and telecommunications)</p> <p>b) Notice of consultation route (broadcasting only)</p> <p>c) Administrative route (broadcasting only)</p> | <p>a) within <b>35 days</b> after the close of record</p> <p>b) within <b>2 months</b> after the close of record</p> <p>c) within <b>2 months</b> after the date of receipt</p> |

<sup>7</sup> In calculating results, the Commission will count all calendar days except as provided in paragraph 94 of Broadcasting and Telecom Information Bulletin 2010-959. For the 2011-2012 fiscal year, the broadcasting sector will evaluate results on proceedings *initiated* as of 1 April 2011.

<sup>8</sup> Exception: for local forbearance applications, consistent with Order in Council P.C. 2007-532, 4 April 2007, decisions will be published within 120 days after the receipt of a complete application.