Canadian Radio-television and Telecommunications Commission



2008–2009 Estimates

Part III - Report on Plans and Priorities

The Honourable Josée Verner, P.C., M.P. Minister of Canadian Heritage, Status of Women and Official Languages

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SECTION I:

Departmental Overview





Ministre du Patrimoine canadien, de la Condition féminine et des Langues officielles

Ottawa, Canada K1A 0M5



Thanks to the contributions of dynamic communities across the country and incomparable creative talent, Canadians enjoy a rich and diverse cultural heritage. Canada's unique brand of culture has overcome the challenges posed by our vast geography and has played a critical role in strengthening the Canadian federation. Our creative and innovative society embraces the many possibilities offered by rapidly changing technologies. The Canadian Heritage portfolio organizations work to ensure that the cultural sector is able to take advantage of every available opportunity and that Canadian arts and culture continue to be robust and accessible to people here and around the world.

The work accomplished by the Canadian Radio-television and Telecommunications Commission (CRTC) represents an important pillar in achieving the goals of the *Broadcasting Act* and the *Telecommunications Act*. In the coming year, the CRTC will continue to support a broadcasting system that showcases Canadian creativity in both official languages, Aboriginal languages, and other languages and that is accessible by Canadians, both as industry participants and as audiences. It will also pursue its work to encourage competition in telecommunications markets and to ensure that Canadians have access to the appropriate safeguards. I am confident that the CRTC will continue to find innovative ways to meet the challenges created by a communications environment that is constantly evolving.

As the work plan outlined in this 2008–2009 *Report on Plans and Priorities* illustrates, the CRTC will continue to preserve and promote our cultural heritage, which is at the very heart of what it means to be Canadian.

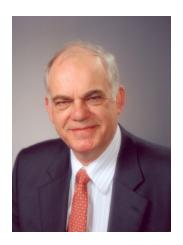
The Honourable Josée Verner, P.C., M.P.



Chairman's Message

I am pleased to present the CRTC *Report on Plans and Priorities* for 2008-2009.

The Commission receives its mandate from the *Broadcasting Act*, the *Telecommunications Act* and the *Canadian Radio-television and Telecommunications Communications Act*. While these Acts have served Canadians well for many years, they have traditionally considered broadcasting and telecommunications as separate and distinct industries. We are seeing more and more evidence that new technologies are not only driving innovation, but also a convergence between the two industries.



The phenomenon of new media is an excellent example of how digital technologies are transforming the communications landscape. It is not yet clear what impact this phenomenon is having on the Canadian broadcasting and telecommunications systems. The CRTC, through its New Media Project Initiative, has been studying this question in detail and will issue a report in 2008. The report will be followed by a public hearing that will focus on the opportunities presented by this new environment, as well as the challenges it poses.

Traditional broadcasters are experimenting with various business models to exploit new media services. However, we recognize that unregulated platforms are now offering the kind of content that has traditionally been broadcast on radio and television. We must ensure that broadcasters can continue to play a vital role in providing high-quality Canadian content to audiences.

To this end, the Commission has been systematically reviewing its major policies over the previous two years. In 2008, we will undertake a review of our policies for broadcasting distribution and discretionary services. Within the context of this exercise, we will revisit the issue of a subscriber fee for the carriage of local conventional television stations. Once we have completed our review, we will hold licence renewal hearings for the major television groups.

Canadian telecommunications markets have benefited from the introduction of new technologies, which has allowed for competition from new players. The CRTC's role is evolving along with these developments. We are moving away from a reliance on regulation and placing more emphasis on market forces, accessibility issues and the mediation of disputes between telecommunications carriers.

In the coming year, we will be working closely with the operator of the National Do Not Call List to ensure its successful implementation. Once the List is fully operational, Canadians will have the option of registering their numbers to reduce the number of telemarketing calls they receive.

We will also continue to advance initiatives designed to improve accessibility to telecommunications services for persons with disabilities. Notably, we are planning to conduct a comprehensive review of our relevant policies.

During 2008-2009, the Commission will continue to work collaboratively with its stakeholders and other government departments to achieve its objectives. We are committed to doing so in the least intrusive and most cost-effective manner possible, and in the best interest of Canadians.

Konrad von Finckenstein, Q.C.

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Management Representation Statement

I submit the Canadian Radio-television and Telecommunications Commission's 2008-2009 Report on Plans and Priorities (RPP) for tabling in Parliament.

This document has been prepared based on the reporting principles contained in *Guide for the Preparation of Part III of the 2008-2009 Estimates: Reports on Plans and Priorities and Departmental Performance Reports.* As such, the report:

- adheres to the specific reporting requirements outlined in the Treasury Board Secretariat guidance;
- is based on the department's strategic outcomes and program activity architecture that were approved by the Treasury Board;
- presents consistent, comprehensive, balanced and reliable information;
- provides a basis of accountability for results achieved by the Commission; and
- reports finances based on approved planned spending estimates from the Treasury Board Secretariat

Robert A. Morin, Secretary General

Raison d'être

The Canadian Radio-television and Telecommunications Commission (CRTC) was established to sustain and promote Canadian culture and achieve key social and economic objectives. The CRTC fulfills this mandate by regulating and supervising Canadian broadcasting and telecommunications in the public interest. The CRTC is governed by the *Broadcasting Act* of 1991 and the *Telecommunications Act* of 1993.

The *Broadcasting Act* seeks to ensure that all Canadians have access to a wide variety of high-quality Canadian programming.

The *Telecommunications Act* seeks to ensure, among other things: that increased reliance on market forces for the provision of telecommunications services is fostered; that regulation, where required, is efficient and effective; and that Canadians have access to reliable telephone and other telecommunications services at reasonable prices.

Since 1928, when the Government of Canada created the first Royal Commission on Broadcasting, the government has sought to develop policies to keep pace with changing technology.

Today, the CRTC is an independent public authority and reports to Parliament through the Minister of Canadian Heritage.

The CRTC's challenge is to serve the public interest by maintaining a balance between the cultural, social and economic goals of the legislation on broadcasting and telecommunications, taking into account the wants and needs of Canadian citizens, industries and various interest groups.

Strategic Outcome:

Broadcasting and telecommunications industries that contribute to Canada's cultural, economic and social prosperity.

The CRTC seeks to achieve this outcome through two main activities: Canadian broadcasting and Canadian telecommunications.

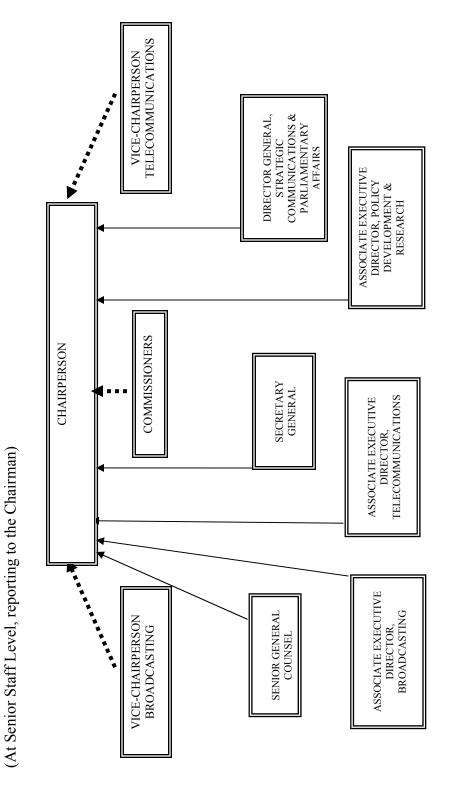
The CRTC fulfils its regulatory responsibilities through a number of interrelated tasks, including:

- issuing, renewing and amending licences for broadcasting undertakings;
- making determinations on mergers, acquisitions and changes of ownership in the broadcasting industry;
- approving tariffs and agreements for the telecommunications industry;
- fostering increased reliance on market forces for the provision of telecommunications services and ensuring that regulation, where required, is efficient and effective;

- monitoring and removing obstacles to competition;
- collaborating with industry to resolve competitive disputes;
- developing and implementing regulatory policies with a view to meeting the objectives of the *Broadcasting Act* and the *Telecommunications Act*;
- monitoring, assessing and reviewing, where appropriate, regulatory frameworks to meet its policy objectives; and
- monitoring the programming and financial obligations of broadcasting undertakings to ensure compliance with regulations and conditions of licence.

For each task the CRTC undertakes, it must balance the needs and desires of Canadians with those of the communications industry. Through its regulatory function, the CRTC addresses, among other matters, social and cultural issues that might otherwise not receive the attention they deserve. For instance, the CRTC promotes: Canada's linguistic duality and cultural diversity; the provision of closed captioning for persons who are deaf or have a hearing impairment and descriptive video for persons who are blind or have a visual impairment; and the development of mechanisms to address concerns such as violence or abusive comment in the broadcast media. The CRTC strives to ensure that its policy responds to emerging technology and that regulation, where required, is efficient and effective.

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Program Activity Architecture

Strategic outcome					
Broadcasting and telecommunications industries that contribute to Canada's cultural, economic and social prosperity.					
Program	ı activities				
Regulation and supervision of the Canadian broadcasting industry	Regulation and monitoring of the Canadian telecommunications industry				

Voted and statutory items as per main estimates

(\$ millions)			
Vote or	Truncated vote or statutory wording	2008–09	2007–08
statutory item		main estimates	main estimates
40	Program expenditures	-	-
(S)	Contributions to Employee Benefit Plans	5.5	5.7
	Total	5.5	5.7

Planned spending and full-time equivalents

(\$ millions)	Forecast Spending 2007-08	Planned Spending 2008-09	Planned Spending 2009-10	Planned Spending 2010-11
Regulation and Supervision of the Canadian Broadcasting Industry	23.5	24.6	24.6	24.6
Regulation and Monitoring of the Canadian Telecommunications Industry	22.3	21.3	21.3	21.3
Budgetary Main Estimates (gross)	45.8	45.9	45.9	45.9
Less: Respendable Revenue	40.1	40.4	40.4	40.4
Total Main Estimates	5.7	5.5	5.5	5.5
Adjustment: Supplementary Estimates Treasury Board Vote 15 –	0.2			
Compensation Adjustments Treasury Board Vote 23 – Operating Budget Carry Forward	1.1	- -	-	-
Treasury Board submission: Funding to address the increased workload in delivering on legislative and regulatory responsibilities (Note 1)	8.0	9.1	-	-
Employee Benefit Plan (EBP) (Note 1)	0.4	0.8	1	-
Total Planned Spending	15.4	15.4	5.5	5.5
Planned Spending	15.4	15.4	5.5	5.5
Less: Non-Respendable revenue (Note 1)	14.0	16.7	21.9	17.4
Plus: Cost of services received without charge	15.7	15.2	15.2	15.2
Net Cost of Program	17.1	13.9	1.2	3.3
	440	460	42.5	42.5
Full Time Equivalents	440	460	435	435

Note 1: In November 2007, Treasury Board approved a two-year increase to the Commission's budget for fiscal years 2007-08 and 2008-09. The full cost of this resource request including EBP and PWGSC accommodation factors is \$8.5M (\$4.5M Broadcasting, \$4.0M Telecommunications) for 2007-08 and \$10.4M (\$5.5M Broadcasting, \$4.9M Telecommunications) for 2008-09. The Commission's actual expenses associated with this resource increase will be recovered as part of the annual billing adjustments for the telecommunications industry in 2008-09 and 2009-10 and for broadcasting licence fee payers in 2009-10 and 2010-11.

Summary Information

Mandate

The CRTC's mandate is to regulate and supervise the broadcasting and telecommunications industries in accordance with the policy objectives set out in sections 3 and 5 of the *Broadcasting Act* and in section 7 of the *Telecommunications Act*.

Financial resources					
2008–2009 2009–2010 2010–20					
(\$ millions)	45.9	45.9	45.9		
			1		
Hum	an resources				
	2008–2009	2009–2010	2010–2011		
Full-time equivalents	460	435	435		
Departr	nental priorities				
Name	•	Type			
Canadian broadcasting					
Canadian programming reflecting Canada's diversity	Previously committed to				
Access by Canadians to the broadcasting system	Previously committed to				
3. Efficient and effective regulation	Previously com	mitted to			
4. New media	Ongoing				
5. Industry convergence	Ongoing				
6. Acquisitions, ownership transfers and other transactions	Ongoing				
7. International initiatives	Ongoing				
Canadian telecommunications					
8. Access by Canadians to reliable, high-quality telecommunications services	nigh-quality telecommunications				
9. Implementation of the <i>Telecommunications Act</i> objectives through an increased reliance on market forces	Ongoing Previously committed to				
10. Efficient and effective regulation	rieviously com	milled to			

Program activities

Strategic outcome:

Broadcasting and telecommunications industries that contribute to Canada's cultural, economic and social prosperity

Program activity title	Expected results	Planned spending (\$ millions)		Contributes to the following	
		2008–2009	2009–2010	2010–2011	priorities
Regulation and supervision of the Canadian broadcasting industry	Realize the social and cultural policy objectives of the <i>Broadcasting Act</i> by ensuring the predominance of Canadian content, and by providing Canadians with access to the broadcasting industry as participants and audiences. Study new media and how they contribute to the	\$24.6	\$24.6	\$24.6	1, 2 and 3 4, 5, 6 and 7
	objectives of the <i>Broadcasting Act</i> .				
Regulation and monitoring of the Canadian telecommunications industry	Ensure that Canadians have access to affordable, reliable telephone and other high-quality telecommunications services through an increased reliance on market forces, and that regulation, where required, is effective and efficient.	\$21.3	\$21.3	\$21.3	8, 9 and 10

Departmental Plans and Priorities

Report on Plans & Priorities for 2008–2009: Canadian broadcasting

- 1. Canadian programming reflecting Canada's diversity
 - a) Reflection of Canada's linguistic duality
 - b) Policy reviews that serve the objectives of the Act
 - c) Cultural diversity
- 2. Access by Canadians to the broadcasting system
 - a) Introduction of new services
 - b) Availability of services to persons with disabilities
- 3. Efficient and effective regulation
 - a) New and simplified regulatory measures
 - b) Accelerated service delivery for public hearing processes
- 4. New Media
- 5. Industry convergence
- 6. Acquisitions, Ownership transfers and other transactions
- 7. International initiatives

Details of priorities

- 1. Provide a predominant presence of Canadian programming through a variety of voices that display Canada's diversity
 - a) Reflection of Canada's linguistic duality

In addition to implementing the policy objectives of section 3 of the *Broadcasting Act* concerning broadcasting services in English and in French, the CRTC is designated by the Minister of Canadian Heritage as a key institution under Part VII of the *Official Languages Act* (OLA). In order to fulfil its mandate under section 41 of the OLA, the CRTC is required to develop an action plan with the collaboration of minority communities of both official languages. This collaboration enables the CRTC to take into account the priorities of the minority communities in its activities, within the limits of its mandate under both the *Broadcasting Act* and the *Telecommunications Act*.

On an ongoing basis, the CRTC will continue to actively support initiatives that encourage linguistic duality, foster the recognition and use of both English and French in Canada, and support and assist the development of the English and French linguistic minority communities, within the limits of its mandate under both the *Broadcasting Act* and *Telecommunications Act*. The CRTC action plan is based on a three-year period (2006-2009) and the Commission files annually with Canadian Heritage an achievements report on the implementation of section 41 of the OLA.

b) Policy reviews that serve the objectives of the Act

The CRTC has undertaken several reviews that will be completed or implemented in 2008-2009. These include:

- Implementation of the Commercial Radio Policy 2006 (Broadcasting Public Notice CRTC 2006-158). As part of Canadian talent-development initiatives, the CRTC has prioritized the promotion and airing of content produced by emerging Canadian artists. Research undertaken by the CRTC on the broadcast of the emerging artists' music provides a clear indication of the need to define this group. The CRTC will announce the results of this research and initiate a process to establish an acceptable definition of an emerging artist.
- Complete the review of the 'hits' policy initiated in Broadcasting Public Notice CRTC 2008-1. The CRTC expects to announce its determination by early 2008.
- Complete the review of the regulatory frameworks for broadcasting distribution undertakings (BDUs) and discretionary programming services (initiated in Broadcasting Notice of Public Hearing 2007-10). The CRTC will hold public hearings beginning on 7 April 2008 and will issue new frameworks for BDUs and discretionary services in fall 2008. These frameworks will be implemented through updated regulations and licence-renewal proceedings.
- Implementation of the review of certain aspects of the regulatory framework for over-the-air television (Broadcasting Public Notice CRTC 2007-53). The scope of the proceeding for the review of the regulatory frameworks for BDU and discretionary services was expanded to include consideration of a fee-for-carriage for over-the-air television signals. The CRTC will render its determination on this issue at the same time as it announces new regulatory frameworks. It will then start the renewal process for conventional television licensees to review their plans with respect to Canadian programming, video description and closed captioning, cultural diversity, and service in high-definition format. At the same time, the CRTC will consider the renewal of specialty programming services that are in the same ownership groups as conventional television services.

• Implementation of the findings resulting from the Canadian Television Fund proceeding (Broadcasting Notice of Public Hearing 2007-15). Following a public hearing beginning on 4 February 2008, the Commission will announce by early spring its findings with respect to the funding of Canadian programming and the governance of the Canadian Television Fund. It will thereafter implement appropriate changes.

In addition to these reviews, the CRTC will initiate a review of the 2002 community programming policy. The CRTC will examine what effect the changes that have occurred since its implementation have had on the provision of community channels in various areas across Canada and how various community programming services address the needs of Canadians. The review will also include the community- and campus-radio policies established in 2000.

2. Canadians have access to the broadcasting system, both as participants in the industry and as audiences

a) Introduction of new services

The CRTC's public hearing agenda has increased over the past years and will continue to do so in 2008-2009. With few exceptions, applications scheduled at public hearings propose new services. The majority of items scheduled as appearing items at a public hearing are part of a competitive scenario for the provision of radio services in most cases and, on occasion, for other types of services.

The CRTC will continue to initiate and complete proceedings to offer new services across Canada that provide diversity programming and choice for Canadians. In this regard, the CRTC will have completed a proceeding and announced its determinations with respect to applications proposing new high definition over-the-air television services.

b) Availability of services to persons with disabilities

Closed captioning

The CRTC issued a new policy with respect to closed captioning in Broadcasting Public Notice CRTC 2007-54. As a result of this policy, English- and French-language broadcasters will be required to caption 100% of their programs (as defined in the *Television Broadcasting Regulations, 1987*) over the broadcast day, with the exception of advertising and promos. The implementation will be addressed in context of upcoming renewals for over-the-air television undertakings. The CRTC will also review closed captioning requirements for discretionary services.

In Public Notice CRTC 2007-54, the CRTC also required the industry to develop universal standards for closed captioning in order to address significant concerns about quality of captioning, in English and French. Industry working groups were established in

late 2007 and will begin the process of developing standards for Commission approval, in 2008

Video description

In Broadcasting Public Notice CRTC 2007-101, the CRTC required all Class 1 broadcasting distribution undertakings (BDU), Direct-to-Home (DTH) operators and satellite relay distribution undertaking (SRDU) operators to pass through video description of all programming services distributed on a digital basis, by not later than 1 September 2009. The CRTC encouraged all distributors to achieve the goals set out above sooner than the specified deadlines. In 2008, the Commission is will be assessing applications filed by Class 1 BDUs requesting to be exempt from the requirement to distribute video description on analog, as per the conditions set out in Public Notice CRTC 2007-101.

Current requirements for the provision of video description by over-the-air television undertakings and discretionary services will be assessed at upcoming licence renewals in 2009.

Access to communications services

In 2008, the Commission will hold a public hearing to assess and prioritize unresolved questions concerning accessibility to telecommunications and broadcasting services. On the broadcasting side, this will involve matters concerning customer service and accessible billing information.

c) Cultural diversity

In Broadcasting Public Notice CRTC 2007-122, the Commission issued a new policy with respect to cultural diversity in radio, setting out reporting requirements for small, medium and large radio operators. The first reports from large operators are due in late 2009.

In Broadcasting Public Notice CRTC 2007-89, the Commission issued a call for comments on the private broadcasters' proposed Equitable Portrayal Code. Approval and implementation of the Code will occur in early 2008.

As part of the group renewals of over-the-air television undertakings and discretionary services in 2009, the Commission will evaluate the results of the implementation of television licensees' cultural-diversity corporate plans, and determine future action.

3. Efficient and effective regulation that is targeted and minimally intrusive

a) New and simplified regulatory measures

The CRTC will continue to respond to stakeholders' concerns through substantive improvements to its regulatory processes. The framework reviews that will be completed in 2008-2009 will result in a reduction and a simplification of the regulations applied to broadcasting distribution undertakings and discretionary programming services.

b) Accelerated service delivery for public-hearing processes

In 2007-2008, the CRTC conducted an exhaustive review of the process for applications that are dealt with by public hearing, and identified a number of measures to streamline this process. In 2008-2009, the CRTC will:

- create an expedited process for public-hearing items
- develop supporting service standards
- increase the number of public hearings, and
- implement the disposition of major ownership transactions within 35 days following the end of a public hearing.

The CRTC will maintain results achieved in 2006-2007 and 2007-2008 on the disposition of applications processed by public notice and administratively through correspondence from the Secretary General.

4. New media

The goal of the New Media Project Initiative is to study the contributions of new media services to the objectives of the *Broadcasting Act*. The project also examines the impact of new media on traditional broadcasting and the telecommunications system.

An intergovernmental New Media Advisory Committee was established in 2007 to provide guidance and advice to the New Media Project Initiative. The first phase of the project—research and consultation—consisted of contracted research, market research and consultations with more than 60 members of the industry and several international regulatory organizations. These consultations were supported by informal discussions to further develop an understanding of the new-media environment, consumer trends, technology developments, impacts on traditional broadcasters, barriers to achieving the objectives of the Act and suggested public-policy measures.

During the second phase of the project—validation —industry stakeholders were asked to comment on the findings identified in the first phase of the project. The third phase of the project will consist of public proceedings to address opportunities and issues, and determine the appropriate public-policy response.

5. Industry convergence

The telecommunications and broadcasting industries are regulated under separate legislation, and have historically operated as distinct entities. In the new digital environment, however, carriers are crossing traditional lines, and boundaries between the two industries are increasingly blurred.

In the past decade, the rapid convergence of carriage and content (text, audio-visual material and voice) has produced profound changes in the communications industry. Where previously technology and geography conspired to create an orderly landscape—monopoly telecommunications companies traditionally provided voice services, broadcasters delivered over-the-air television and cable distributors provided cable services—the new digital environment is characterized by a much more fluid structure. The CRTC will examine this converged environment to better understand its impact on current policies and regulations.

6. Acquisitions, ownership transfers and transactions

The CRTC will continue to review ownership transactions that are subject to its prior approval and collect and monitor ownership information for licensed broadcasting undertakings. In addition, a process has been initiated that will streamline the collection and review of annual broadcast and ownership filings.

7. International initiatives

The CRTC is establishing a framework for its international activities, including the development of an annual International Outreach Plan. The framework and related annual plan are being developed to assure the CRTC's international presence, communicate its strategies and approaches to other jurisdictions, share best practices and initiate specific projects.

Report on Plans & Priorities for 2008-2009: Canadian telecommunications

8. Access by Canadians to reliable, high-quality telecommunication services

a) Accessibility initiatives

Part of the Commission's mandate under the *Telecommunications Act* is to ensure that Canadian carriers provide telecommunications services in a manner that is not unjustly discriminatory. CRTC has placed an emphasis on making telecommunications services more accessible for persons with disabilities.

Most recently, in *Use of deferral account funds to improve access to telecommunications services for persons with disabilities and to expand broadband services to rural and remote communities* (Telecom Decision CRTC 2008-1), the CRTC approved the use of deferral account funds for a number of initiatives proposed by certain incumbent local-

exchange carriers. Some of these initiatives are aimed at providing greater accessibility to telecommunications services for persons with disabilities. The CRTC also approved funding for future accessibility initiatives.

In the coming year, the CRTC intends to review its framework on access to communications services by persons with disabilities.

b) Telemarketing – National Do Not Call List

In *Unsolicited Telecommunications Rules framework and the National Do Not Call List* (Telecom Decision CRTC 2007-48), the Commission established a comprehensive set of regulations for unsolicited telemarketing calls, including rules for the National Do Not Call List. The framework set out in that decision is designed to balance the privacy of individuals with legitimate uses of telemarketing.

After conducting a Request for Proposals process, the Commission awarded a five-year contract to Bell Canada to develop, implement and operate the National Do Not Call List. The list should be launched by 30 September 2008 and will be funded by telemarketer subscriber fees.

Once the National Do Not Call List is launched, the Commission will impose administrative monetary penalties on companies who violate rules set out under the Telemarketing Rules Framework and the National Do Not Call List.

In *Delegation of the Commission's investigative powers with regard to Unsolicited Telecommunications Rules complaints* (Telecom Decision CRTC 2008-6), the Commission determined that it would delegate the investigation of complaints relating to the Unsolicited Telecommunications Rules to an outside party. The Commission issued a Request for Proposals in February 2008 to procure a third party to conduct investigations.

9. Implementation of the policy objectives of the *Telecommunications Act* through an increased reliance on market forces

a) Local forbearance

The *Telecommunications Act* sets out the policy objectives that govern the CRTC's activities in the telecommunications industry, including the requirement to foster increased reliance on market forces, deliver telephone services to Canadians, and ensure that regulation, where required, is efficient and effective. The Act requires that the CRTC refrain from regulating telecommunications services in areas where competition is sufficient to protect the interests of customers.

In 2006-2007, the CRTC approved a number of requests to abstain from regulating local-exchange services in a number of regions. The CRTC expects that market forces in these areas will sufficiently protect the interests of most customers.

In 2007-2008, the Commission will to continue to assess forbearance requests from local-exchange carriers on a priority basis.

b) Implementation of a new policy directive

A new directive from the Governor-in-Council came into effect 14 December 2006. The directive requires that the CRTC meet its policy objectives by relying on market forces to the maximum extent feasible, and regulating, where there is still a need to do so, in a manner that is symmetrical, competitively neutral, and that interferes as little as possible with the operation of market forces.

Following consultation with stakeholders, the CRTC created a three-year action plan that established a schedule for the review of various regulatory measures in light of this new policy directive (see *Action plan for the review of Commission regulatory measures in light of Order in Council P.C. 2006-1534* [Telecom Decision CRTC 2007-51]).

In *Review of general tariff bundling rules and requirements for market trials* (Telecom Decision CRTC 2007-117), the first of these scheduled regulatory reviews, the Commission addressed bundles and market trials.

In the coming year the CRTC will continue to address regulations identified in the action plan, including tariff processes, reporting requirements and other measures.

10. Efficient and effective regulation

a) Industry self-regulation

In Establishment of an independent telecommunications consumer agency (Telecom Decision CRTC 2007-130), the CRTC granted conditional approval to the structure and mandate of a new telecommunications consumer agency: the Commissioner for Complaints for Telecommunications Services Inc. (CCTS). The CRTC directed all service providers with annual domestic telecommunications service revenues of more than \$10 million to become CCTS members.

The CCTS is an effective, accessible and consumer-friendly recourse for individuals and small businesses who have been unable to resolve disagreements with their service providers. As a self-regulating body, the CCTS has the authority to develop and approve industry-related codes of conduct and standards. The organization will also identify and report to the CRTC on industry trends and issues, and publish an annual report on the nature, number and resolution of complaints received for each member. The CCTS has been operational since 23 July 2007 and does not charge for its services.

In the coming year, the Commission will work with the CCTS on the agency's operating procedures and public-awareness campaign.

b) Streamlined telecommunications procedures

The CRTC has streamlined its regulatory processes to reduce delays in—and establish standards for—the processing of telecommunications applications. In the coming fiscal year, the Commission will continue to improve the quality of its analyses and decisions in the following areas:

Retail- and wholesale-tariff applications

Under the streamlined process for retail-tariff applications, the CRTC will inform applicants of the status of their applications within 10 business days of receipt of complete documentation. Quarterly reports on service standards for processing retail-tariff applications are available on the CRTC website.

The CRTC service standards for the disposition of retail- or wholesale-tariff applications are as follows:

- 85 per cent of determinations will be issued on an interim or final basis within two months of receipt of a complete application, and
- 95 per cent of determinations will be issued on an interim or final basis within four months of receipt of a complete application.

Part VII applications

Because Part VII applications vary widely in scope and complexity, the Commission has divided these applications into two types: Type 1 applications, which generally do not involve multiple parties or raise significant policy issues; and Type 2 applications, which involve multiple parties and/or raise significant policy issues.

The CRTC has created the following service standards for these applications:

- 90 per cent of Type 1 determinations will be issued on an interim or final basis within four months of the close-of-record, and
- 85 per cent of Type 2 determinations to be issued on an interim or final basis within eight months of the close-of-record.

Report on Plans & Priorities for 2008-2009: Human Resources

Human Resources Initiatives

The CRTC remains committed to modernizing its management of human resources. As an organization, the CRTC will continue to maximize the flexibility it has under the new legislation to attract, recruit and develop the talent and expertise it needs so that its workforce can rise to the challenge and adapt to the new realities of the communications industries.

As an initial step in 2008/09, the Commission will provide a variety of training and re-education opportunities so that staff can think and perform effectively in a deregulated environment. The CRTC will also recruit and hire specialized expertise for issues associated with the transformation of its regulatory frameworks and new media.

With the potential retirement of one-third of the CRTC's workforce during the next five years, public service renewal is another key human resources management priority for the CRTC. The Commission successfully completed its first post-secondary recruitment campaign in 2007/2008 with offers to sixteen university students graduating in 2008. The CRTC will launch another campaign in September 2008.

The development and implementation of a systemic succession plan to build an evergreen pool of skilled and competent candidates for leadership and other key positions at the CRTC into the future is part of the public service renewal plans and a priority for 2008/09.

Finally, to ensure that the Commission's workforce is fully representative of the Canadian workforce, the CRTC is committed to ensuring that 30% of its new hires in 2008/09 are visible minorities.

SECTION II:

Analysis of Program Activities by Strategic Outcome

Program activity: Regulation and supervision of the Canadian broadcasting industry

Financial resources

2008–09	2009–10	2010–11
\$24.6 million	\$24.6 million	\$24.6 million

Human resources

2008–09	2009–10	2010–11
248	235	235

The broadcasting section provides the CRTC with advice and recommendations in support of the Commission's mandate, as described in the *Broadcasting Act*.

To meet its objectives, the CRTC must encourage the promotion of Canadian creativity and the reflection of Canadian society, and ensure that Canadian programming is prominently displayed.

To achieve its desired outcomes, the CRTC will:

- diversify services to reinforce the Canadian broadcasting system
- increase the presence, participation and portrayal of persons with disabilities
- improve the representation of our ethnocultural and Aboriginal societies, and
- ensure licensee compliance with regulations and conditions.

The CRTC measures success using a variety of indicators, including: the number of scheduled hours of Canadian programming, the viewership for Canadian programs, the amount of money invested in Canadian talent development, the availability of ethnocultural and Aboriginal programming, and the availability of programming in official minority languages.

Program activity: Regulation and monitoring of the Canadian telecommunications industry

Financial resources

2008–09	2009–10	2010–11
\$21.3 million	\$21.3 million	\$21.3 million

Human resources

2008-09	2009–10	2010–11
212	200	200

The telecommunications section advises the CRTC on the realization of objectives set out in the *Telecommunications Act*.

The telecommunications industry continues to rapidly evolve and the introduction of new services provides businesses and consumers with better and faster ways to communicate. These changes, however, also raise complex issues.

The CRTC will continue to address these issues and take advantage of emerging technologies to better serve the telecommunications industry and the Canadian public.

To continue to ensure access to a wide variety of communications services for all Canadians, the CRTC will:

- foster increased reliance on market forces for the provision of telecommunications services
- ensure that regulation, where required, is efficient and effective, and
- promote access to reliable and affordable telecommunications services.

The CRTC will also continue to monitor the evolution of new technologies in the telecommunications industry and the impact of regulation and deregulation. The CRTC will assess progress with regard to its strategic outcome using national and international indicators, such as competition analysis, national trends in market share in regulated and unregulated markets, and financial and economic measurements.

Shared activity: policy development and research

The CRTC's Policy Development and Research section researches and analyzes trends and developments with respect to the financial, technological, legal and market conditions of the broadcasting and telecommunications sectors. In addition, the section recommends new policy measures that enable the Commission to respond to the evolving social, cultural and economic dynamics of the Canadian marketplace.

The CRTC will continue to study the Canadian marketplace, compare trends in the communications industry with international benchmarks, determine consumer needs and conduct strategic research in collaboration with stakeholders in order to:

- ensure that broadcasting and telecommunications policies and regulations are responsive to the needs of Canadians;
- measure and report on progress to make certain that Canadians have access to highquality services at affordable prices and that programming in Canada is reflective of Canadian society; and
- foster increased reliance on market forces for the provision of telecommunications and broadcasting services.

SECTION III:

Supplementary Information

Table 1: Departmental Link to Government of Canada Outcomes

Strategic outcome: E	Broadcasting and telecommunications industries that contribute to Canada's			
c	ultural, economic a	and social prosperity	y	
		Planned spending		Alignment to
	2008–09	2009–10	2010–11	Government of
				Canada
				Outcome Area
Canadian	\$24.6 million	\$24.6 million	\$24.6 million	A vibrant
broadcasting				Canadian culture
				and heritage
Canadian	\$21.3 million	\$21.3 million	\$21.3 million	A vibrant
telecommunications				Canadian culture
				and heritage

Table 2: Services received without charge

2008-09					
(\$ millions)	Regulation and Supervision of the Canadian Broadcasting Industry	Regulation and Monitoring of the Canadian Telecommuni- cations Industry	Total		
A accommodation provided by Dyblic Works					
Accommodation provided by Public Works and Government Services Canada (PWGSC)	1.4	1.3	2.7		
Contributions covering employer's share of employees' insurance premiums and expenditures paid by Treasury Board					
Secretariat (TBS)	1.3	1.2	2.5		
Worker's compensation coverage provided by Social Development Canada (Note)	-	-	_		
Regulation of Broadcasting Spectrum – Industry Canada (IC)	10.0		10.0		
Total 2008-09: Services received without charge	12.7	2.5	15.2		

Note: Amount is less than \$0.1M therefore no amount is reflected in the table.

Table 3: Sources of Respendable and Non-Respendable Revenue

Respendable Revenue

(\$ millions)	Forecast	Planned	Planned	Planned
	Revenue	Revenue	Revenue	Revenue
	2007-08	2008-09	2009-10	2010-11
Regulation and Supervision of the Canadian				
Broadcasting Industry				
Broadcasting Licence Fees – Part I	20.6	21.7	21.7	21.7
Regulation and Monitoring of the Canadian				
Telecommunications Industry				
Telecommunications Fees	19.5	18.7	18.7	18.7
Total Respendable Revenue	40.1	40.4	40.4	40.4

Non- Respendable Revenue

(\$ millions)	Forecast	Planned	Planned	Planned
	Revenue	Revenue	Revenue	Revenue
	2007-08	2008-09	2009-10	2010-11
Regulation and Supervision of the Canadian				
Broadcasting Industry				
Duradasstina Lisanas Fasa Deut I (Nata 1)	7.4	5.5	11 1	11.6
Broadcasting Licence Fees – Part I (Note 1)	7.4	5.5	11.1	11.6
Broadcasting Licence Fees – Part II ¹	-	-	-	-
	7.4	5.5	11.1	11.6
Regulation and Monitoring of the Canadian				
Telecommunications Industry				
Telecommunications Fees (Note 1)	6.6	11.2	10.8	5.8
Total Non-Respendable Revenue	14.0	16.7	21.9	17.4

Total Respendable and Non-Respendable				
Revenue ²	54.1	57.1	62.3	57.8

Note 1: In November 2007, Treasury Board approved a two-year increase to the Commission's budget for fiscal years 2007-08 and 2008-09. The full cost of this resource request, will be recovered from CRTC fee payers, is \$8.5M (\$4.5M Broadcasting, \$4.0M Telecommunications) and \$10.4M (\$5.5M Broadcasting, \$4.9M Telecommunications) for the two fiscal years, respectively. Further details on the approved increase are noted in Broadcasting Circular CRTC 2007-9 and Telecom Circular CRTC 2007-18 dated December 21, 2007 http://www.crtc.gc.ca/archive/ENG/Circulars/2007/c2007-9.htm.

The Commission's broadcasting and telecommunications fee regulations have a provision whereby the Commission is able to adjust the annual fees (Part I Broadcasting Licence Fees and Telecommunications Fees) to take into account the Commission's actual expenditures on both Broadcasting and Telecommunications activities during the fiscal year. The adjustments represent the difference between the estimated costs initially billed in a previous fiscal year and the actual costs incurred. The Commission's actual expenses associated with this resource increase will be recovered as part of the annual billing adjustments for the telecommunications industry in 2008-09 and 2009-10 and for broadcasting licence fee payers in 2009-10 and 2010-11.

Legal proceedings have been filed in the Federal Court of Canada challenging the legality of Part II Licence Fees. See section entitled "Explanation of Revenue" for further information.

² See section entitled "Explanation of Revenue" for further information.

Table 4: CRTC fees

Name of Fee	Fee Type	Fee Setting Authority	Reason for Fee Amendment	Effective date of planned change to take effect	Planned Consultation & Review Process (Note 2 & 3)
Telecommunications Fees (Note 1)	Regulatory Service(R)	Telecommunications Act (Section 68) Telecommunications Fees Regulations, 1995	Part VII application to revise Telecom Fee Regulations (Note 4)	To be determined	Full public consultation see section "Explanation of Revenue" for further information. Telecom Decision CRTC 2006-71
Broadcasting Licence Fees (Note 1)	Regulatory Service (R) Right and Privilege (R&P)	Part I licence fee Broadcasting Act (Section 11) Broadcasting Licence Fee Regulations, 1997 Part II licence fee Broadcasting Act (Section 11) Broadcasting Licence Fee Regulations, 1997	Note 5	- Note 5	- Note 5

Note 1 The *Broadcasting Licence Fee Regulations, 1997* and the *Telecommunications Fees Regulations, 1995* can be found on the CRTC web site at:

http://www.crtc.gc.ca/eng/LEGAL/LICENCE.HTM (i.e. broadcasting) and http://www.crtc.gc.ca/eng/LEGAL/TFEES.HTM (i.e. telecommunications)

- Note 2 Full public consultations occur with each change to the telecommunications fee regulations or the broadcasting licence fee regulations.
- Note 3 The CRTC's dispute resolution process regarding the assessment of broadcasting licence fees and telecommunications fees is summarized as follows:
 - The first point of contact for fee payers concerning issues related to fee assessment or collection is the Commission's Assistant Director, Financial Operations and Licence Fee Processing, and the second point of contact is the Director, Finance and Administrative Services. Fee payers may raise their concerns either by telephone conversation, e-mail or letter. To date, the CRTC notes that the majority of fee payers' concerns have been resolved at the staff level.
 - Where an issue cannot be satisfactorily resolved at the staff level, fee payers are requested to document the
 nature of their concern in writing and submit it to the CRTC's Secretary General for formal consideration.
 Responses to all such letters would be provided by CRTC.
- Note 4 Aliant Telecom Inc. and Bell Canada (8657-A53-200606692) filed an application dated 26 May 2006, pursuant to Part VII of the *CRTC Telecommunications Rules of Procedure*, requesting that the Commission revise the current regulations regarding telecommunications fees and, in particular, the basis on which telecommunications fees are determined and levied. In Telecom Decision CRTC 2006-71, 6 November 2006, the Commission indicated that it would initiate changes to the Telecom Fees Regulations 1995 (the Fees Regulations) so the telecommunications service providers, including those not required to file tariffs, would pay fees using the same approach that applies under the existing contribution regime. The Commission has initiated government inter-departmental deliberations and commenced the necessary process to draft wording changes to the Fees Regulations.
- Note 5 A Federal Court decision rendered on December 14, 2006 declared Part II licence fees to be a tax. On December 4 & 5, 2007, Appeals of the Federal Court decision were heard by the Federal Court of Appeal. A decision is expected to be rendered in early 2008. See section "Explanation of Revenue" for further information.

Explanation of revenue

The CRTC collects fees under the authority of regulations in the *Broadcasting Act* and *Telecommunications Act*. For the fiscal year 2008-2009:

- CRTC Part I broadcasting-licence fees are estimated to be \$27.2 million (\$21.7 million respendable³ and \$5.5 million in non-respendable⁴ revenue). The broadcasting non-respendable revenue also includes a "true-up" adjustment⁵ (credit) of \$0.5 million.
- CRTC telecommunications fees are estimated to be \$29.9 million (\$18.7 million respendable and \$11.2 million in non-respendable revenue). The telecommunications non-respendable revenue also includes an estimated "true-up" adjustment of \$5.4 million. The actual amount of the true-up will be calculated at the completion of the 2007-2008 fiscal year and reflected in the telecommunications billing for the fiscal year 2008-2009 (Telecom Circular CRTC 2007-18 dated 21 December 2007).

Broadcasting licence fees

Section 11 of the *Broadcasting Act* gives the Commission the authority to make regulations respecting licence fees. These regulations apply to most licensees, who are required to pay their Part I and Part II licence fees to the Commission annually.

For 2007–2008, the CRTC expects to receive approximately \$28 million in revenue from Part I fees and "true-up" adjustments. The Commission did not assess any Part II licence fees during 2007-2008 as a result of the December 2006 Federal Court decision, described below.

Part I licence fees

Part I licence fees are based on the broadcasting regulatory costs—excluding spectrum-management costs—incurred each year by the Commission and other federal departments or agencies, and are equal to the aggregate of:

- the costs of the Commission's broadcasting activities
- the share of the costs of the Commission's administrative activities that is attributable to its broadcasting activities, and
- other costs included in the net cost of the Commission's program attributable to its broadcasting activities, excluding the costs of regulating the broadcasting spectrum.

Section III: Supplementary Information

³The CRTC retains respendable revenue to fund its operating budget.

Non-respendable revenue for Part I broadcasting-licence fees and CRTC telecommunications fees recovers the costs incurred by other federal government departments for most services (excluding Industry Canada spectrum management) rendered without charge to the CRTC (see table entitled "Services received Without Charge" for the Estimates Year) and the statutory costs of employee benefit plans. Part II broadcasting-licence fees are also considered to be non-respendable revenue. These revenues are credited to the Consolidated Revenue Fund.

⁵ The true-up adjustment represents the difference between the estimated costs initially billed in a previous fiscal year and the actual costs incurred.

The CRTC's estimated broadcasting regulatory costs are set out in its Expenditure Plan published in Part III of the Estimates of the Government of Canada (Part III Report on Plans and Priorities).

There is an annual adjustment ('true-up') amount to the Part I fee to adjust estimated costs to actual expenditures. Any excess fees or shortfalls are credited or charged to the licensee in a following year's invoice.

Part II fees are calculated at 1.365 per cent of licensees' gross revenues from broadcasting activities in excess of applicable exemptions. The rationale for assessing this fee is three-fold:

- to earn a fair return for the use of the broadcasting spectrum
- to recover Industry Canada costs associated with the management of the broadcasting spectrum, and
- to represent the privilege of holding a broadcasting licence for commercial benefit.

Part II licence fees and legal proceedings

Broadcasters have initiated several legal proceedings in the Federal Court of Canada challenging the legality of Part II licence fees. These claims also seek the return of fees paid pursuant to section 11 of the *Broadcasting Licence Fee Regulations*, 1997 from 1998 to 2006, plus interest and costs.

In its 14 December 2006 decision, the Federal Court declared that:

- Part II licence fees are taxes
- Section 11 of the *Broadcasting Licence Fee Regulations, 1997* is *ultra vires* to the authority conferred on the CRTC by the *Broadcasting Act* to establish a schedule of fees, and
- the plaintiffs are not entitled to the return of monies paid pursuant to section 11 of the regulations.

The CRTC suspended Part II fees for nine months to allow the appropriate branch of the government to react and to make any necessary legislative changes.

In January 2007, the plaintiffs appealed the Federal Court's ruling to refuse their request for repayment of Part II licence fees; the Crown filed its own appeal regarding the Court's decision to label Part II fees as taxes.

The Federal Court of Appeal heard these appeals on 4 and 5 December 2007, and is expected to render a decision in early 2008.

Telecommunications fees

Section 68 of the *Telecommunications Act* grants the CRTC authority to create the *Telecommunications Fees Regulations*.

Each telecommunications company that files tariffs must pay fees based on its operating revenue. For 2007–2008, the CRTC assessed \$26.1 million in telecommunications fees, including "true-up" and adjustments.

The CRTC's annual telecommunications fees are equal to the aggregate of:

- the cost of the Commission's telecommunications activities
- the share of the costs of the administrative activities that are attributable to the Commission's telecommunications activities, and
- other costs attributable to the Commission's telecommunications activities.

The CRTC's estimated telecommunications regulatory costs are set out in its Expenditure Plan, published in Part III of the Estimates of the Government of Canada (Part III - Report on Plans and Priorities).

There is an annual adjustment ('true-up') amount to the telecommunications fees to adjust estimated costs to actual expenditures. Any excess fees or shortfalls are credited or charged to the carriers in the following year's invoice.

Revision of the Telecommunications Fees Regulations, 1995

In Telecom Decision CRTC 2006-71, the Commission indicated it would revise the fees paid by telecommunications service providers. Under the amended regulation, service providers with annual revenues of less than \$10 million will be exempted from paying fees.

The Commission has initiated government inter-departmental deliberations and begun the process of drafting changes to the fees regulations. The proposed regulations will be published in the *Canada Gazette* at least 60 days before their suggested effective date, and interested parties will be given opportunity to comment.

SECTION IV:

Other Items of Interest

CRTC Members and Offices

Members		
Chairperson	Konrad von Finckenstein	(819) 997-3430
Vice-Chairperson, Broadcasting	Michel Arpin	(819) 994-0870
Vice-Chairperson, Telecommunications	Len Katz	(819) 997-4645
Commissioner	Ronald D. Williams*	(819) 953-0435
	(Alberta/Northwest Territories)	(780) 495-4544
Commissioner	Rita Cugini*	(819) 997-2431
	(Ontario)	(416) 954-6289
Commissioner	Helen del Val*	(819) 934-6347
	(British Columbia/Yukon)	(604) 666-2914
Commissioner	Elizabeth Duncan*	(819) 997-4764
	(Atlantic)	(902) 426-2644
Commissioner	Michel Morin	(819) 953-4375
Commissioner (Part-time)	Peter Menzies*	(819) 953-5241
	(Alberta)	
Commissioner	Candice J. Molnar*	(819) 997-4485
	(Manitoba/Saskatchewan)	

^{*} These commissioners also have regional responsibilities.

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Legislation and Associated Regulations

Statutes

Canadian Radio-television and Telecommunications Commission Act

R.S.C. 1985, c. C-22, as amended S.C. 1991, c. 11, as amended S.C. 1993, c. 38, as amended

Broadcasting Act Telecommunications Act

Directions, regulations and rules of procedure

Direction to the (Ineligibility of Non-Canadians)

Direction to the (Ineligibility to Hold Broadcasting Licences)

Directions to the (Direct-to-Home (DTH) Pay-Per-View Television Programming Undertakings) Order

Directions to the (Direct-to-Home (DTH) Satellite Distribution Undertakings) Order

Direction to the (Reservation of Cable Channels)

Direction to the (Reservation of Channels for the Distribution of CPAC)

Rules of Procedure

Broadcasting Information Regulations, 1993

Broadcasting Licence Fee Regulations, 1997

Broadcasting Distribution Regulations

Pay Television Regulations, 1990

Radio Regulations, 1986

Specialty Service Regulations, 1990

Television Broadcasting Regulations, 1987

Tariff Regulations

Telecommunications Rules of Procedure

Telecommunications Fee Regulations, 1995

Canadian Telecommunications Common Carrier Ownership and Control Regulations