



29 November 2018

Claude Doucet
Secretary General, CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

Re: *Call for comments – Proceeding to establish a mandatory code for Internet services, Telecom Notice of Consultation CRTC [2018-422](#) (Ottawa, 9 November 2018)*

On 9 November 2018 the CRTC issued TNoC CRTC 2018-422, asking interested parties to submit “detailed comments, with supporting rationale” on an 11-page draft *Internet Code*, the CRTC’s 12 preliminary views, and on 19 questions and 45 sub-questions about the *Code* by Wednesday 19 December 2018 – *i.e.*, no later than 27 working days later. On 10 November the Public Interest Advocacy Centre (PIAC) asked the CRTC to extend the December deadline, for several valid and practical reasons. The Forum wrote the CRTC on 11 November 2018, supporting PIAC’s request, and setting out its grounds for that support. The Canadian Network Operators Consortium, the Canadian Association of the Deaf-Association des Sourds du Canada (CAD-ASC), the Manitoba Branch of the Consumers’ Association of Canada and three other parties also supported PIAC’s request.

The CRTC denied PIAC’s procedural request on 22 November 2018, nine working days (or one third of 2018-422’s entire working-day intervention period) after receiving it, but decided to permit CAD-ASC to file survey research on 7 March 2019 – three months after the 19 December 2018 comments deadline, and more than a month after the 28 January 2019 deadline for first replies to interventions.

The CRTC did not address the matter of the 2018-422’s deadline overlapping with two legislative reviews. Its position that other CRTC proceedings with deadlines overlapping those of 2018-422 are unrelated to the latter, ignored the fact that those proceedings use resources needed for the 2018-422 by parties seeking an extension. The CRTC did not clarify why it extended the deadline for submitting survey research to one, but not all, of parties participating in the 2018-422 proceeding. Finally, the CRTC did not explain how lack of access to all relevant evidence at the time interveners must file comments on 19 December 2018 will affect the proceeding’s procedural fairness, or whether the CRTC later intends to modify its process to allow subsequent comment on new evidence filed after the intervention deadline.

It remains the case that the 27-working-day comment period in the 2018-422 proceeding is insufficient for FRPC to adequately review and analyze the proposed *Code*, to undertake to obtain independent public input to better inform the process, to draft and circulate comments, and to submit substantive, informed comments by 13 December 2018. Even with its considerable resources the Commission itself would be unable to meet this deadline; expecting organizations with modest resources which provide a voice for the public on such matters, to meet such a deadline is unreasonable. Under these circumstances the Forum is unable to and will not participate in the TNoC CRTC 2018-422 proceeding.

The Forum regrets that the CRTC’s decision to deny PIAC’s request for an extension of time will now result in a record that will be more limited than necessary in terms of public interest perspectives.

Sincerely yours,

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