

# CRTC data on Parliament’s goals for broadcasting and telecommunications: what do we know?

## Introduction

On 24 October 2018 the Forum had the honour of appearing before the Senate Committee on Transportation and Communications to discuss Canada’s *Broadcasting Act*, *Telecommunications Act* and *Radiocommunication Act*.

We argued, among other things, that one of the important challenges in Canada’s communications system is that Parliament’s ability to oversee the performance of its delegate, the CRTC, is that the Commission publishes very few data describing the implementation of Parliament’s policy objects for broadcasting and telecommunications, achievement of which is the CRTC’s mandate. Section 5(1) of the *Broadcasting Act* states that the CRTC “... shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1)...”, while section 47(a) of the *Telecommunications Act* says the CRTC “... shall exercise its powers and perform its duties under this Act and any special Act ... with a view to implementing the Canadian telecommunications policy objectives ....”

The question addressed by this research note, is whether the data published by the CRTC describe how Parliament’s objects for broadcasting and telecommunications are being implemented. The note begins by summarizing the way in which Parliament’s legislative objects for the communications sector may be measured, briefly describes the data collected by the CRTC, explains our approach to analyzing the data set out in the CRTC’s 2017 *Monitoring Report*, presents results from our analysis, and ends with some questions about the CRTC and the data it collects.

## Parliament’s legislative objects

Parliament has set out altogether 50 objects for broadcasting and telecommunications. Table 1, below, lists the 40 objects set out by Parliament in the *Broadcasting Act*, and the 10 objects set out in the *Telecommunications Act*.

Table 1 Parliament’s objects for broadcasting and telecommunications

1991 <i>Broadcasting Act</i>		1993 <i>Telecommunications Act</i>	
	<b>3.</b> (1) It is hereby declared as the broadcasting policy for Canada that		<b>7.</b> It is hereby affirmed that telecommunications performs an essential role in the maintenance of Canada’s identity and sovereignty and that the Canadian telecommunications policy has as its objectives
	(a) the Canadian broadcasting system <b>shall</b> be effectively owned and controlled by Canadians;	1	[see s. 16, which permits non-Canadian companies to operate as ‘Canadian carriers’ but

1991 <i>Broadcasting Act</i>		1993 <i>Telecommunications Act</i>	
			only if they have less than 10% of total annual telecommunications service revenues]
	(b) the Canadian broadcasting system, operating primarily in the English and French languages and comprising public, private and community elements, makes use of radio frequencies that are public property and provides, through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty;	2	(a) to <i>facilitate</i> the orderly development throughout Canada of a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions;
	(c) English and French language broadcasting, while sharing common aspects, operate under different conditions and <i>may</i> have different requirements;	3	(b) to <i>render</i> reliable and affordable telecommunications services of high quality <i>accessible</i> to Canadians in both urban and rural areas in all regions of Canada;
	(d) the Canadian broadcasting system <i>should</i>	4	(c) to <i>enhance</i> the efficiency and competitiveness, at the national and international levels, of Canadian telecommunications;
	(i) serve to safeguard, enrich and strengthen the cultural, political, social and economic fabric of Canada,	5	(d) to <i>promote</i> the ownership and control of Canadian carriers by Canadians;
	(ii) encourage the development of Canadian expression by providing a wide range of programming that reflects Canadian attitudes, opinions, ideas, values and artistic creativity, by displaying Canadian talent in entertainment programming and by offering information and analysis concerning Canada and other countries from a Canadian point of view,	6	(e) to <i>promote</i> the use of Canadian transmission facilities for telecommunications within Canada and between Canada and points outside Canada;
	(iii) through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society, and	7	(f) to <i>foster</i> increased reliance on market forces for the provision of telecommunications services and to ensure that regulation, where required, is efficient and effective;
	(iv) be readily adaptable to scientific and technological change;	8	(g) to <i>stimulate</i> research and development in Canada in the field of telecommunications and to encourage innovation in the provision of telecommunications services;
	(e) each element of the Canadian broadcasting system <b>shall</b> contribute in an appropriate manner to the creation and presentation of Canadian programming;	9	(h) to <i>respond</i> to the economic and social requirements of users of telecommunications services; and
	(f) each broadcasting undertaking <b>shall</b> make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming, unless the nature of the service provided by the undertaking, such as specialized content or format or the use of languages other than French and English, renders that use impracticable, in which case the undertaking <b>shall</b> make the greatest practicable use of those resources;	10	(i) to <i>contribute</i> to the protection of the privacy of persons.

1991 <i>Broadcasting Act</i>	1993 <i>Telecommunications Act</i>
(g) the programming originated by broadcasting undertakings <i>should</i> be of high standard;	
(h) all persons who are licensed to carry on broadcasting undertakings have a responsibility for the programs they broadcast;	
(i) the programming provided by the Canadian broadcasting system <i>should</i>	
(i) be varied and comprehensive, providing a balance of information, enlightenment and entertainment for men, women and children of all ages, interests and tastes,	
(ii) be drawn from local, regional, national and international sources,	
(iii) include educational and community programs,	
(iv) provide a reasonable opportunity for the public to be exposed to the expression of differing views on matters of public concern, and	
(v) include a significant contribution from the Canadian independent production sector;	
(j) educational programming, particularly where provided through the facilities of an independent educational authority, is an integral part of the Canadian broadcasting system;	
(k) a range of broadcasting services in English and in French <b>shall</b> be extended to all Canadians as resources become available;	
(l) the Canadian Broadcasting Corporation, as the national public broadcaster, <i>should</i> provide radio and television services incorporating a wide range of programming that informs, enlightens and entertains;	
(m) the programming provided by the Corporation <i>should</i>	
(i) be predominantly and distinctively Canadian,	
(ii) reflect Canada and its regions to national and regional audiences, while serving the special needs of those regions,	
(iii) actively contribute to the flow and exchange of cultural expression,	
(iv) be in English and in French, reflecting the different needs and circumstances of each official language community, including the particular needs and circumstances of English and French linguistic minorities,	
(v) strive to be of equivalent quality in English and in French,	
(vi) contribute to shared national consciousness and identity,	
(vii) be made available throughout Canada by the most appropriate and efficient means and as resources become available for the purpose, and	
(viii) reflect the multicultural and multiracial nature of Canada;	
(n) where any conflict arises between the objectives of the Corporation set out in paragraphs (l) and (m) and the	

1991 <i>Broadcasting Act</i>	1993 <i>Telecommunications Act</i>
interests of any other broadcasting undertaking of the Canadian broadcasting system, it <b>shall</b> be resolved in the public interest, and where the public interest would be equally served by resolving the conflict in favour of either, it <b>shall</b> be resolved in favour of the objectives set out in paragraphs (l) and (m);	
(o) programming that reflects the aboriginal cultures of Canada <i>should</i> be provided within the Canadian broadcasting system <b>as resources become available for the purpose</b> ;	
(p) programming accessible by disabled persons <i>should</i> be provided within the Canadian broadcasting system <b>as resources become available for the purpose</b> ;	
(q) without limiting any obligation of a broadcasting undertaking to provide the programming contemplated by paragraph (i), alternative television programming services in English and in French <i>should</i> be provided where necessary to ensure that the full range of programming contemplated by that paragraph is made available through the Canadian broadcasting system;	
(r) the programming provided by alternative television programming services <i>should</i>	
(i) be innovative and be complementary to the programming provided for mass audiences,	
(ii) cater to tastes and interests not adequately provided for by the programming provided for mass audiences, and include programming devoted to culture and the arts,	
(iii) reflect Canada's regions and multicultural nature,	
(iv) as far as possible, be acquired rather than produced by those services, and	
(v) be made available throughout Canada by the most cost-efficient means;	
(s) private networks and programming undertakings <i>should</i> , to an extent consistent with the financial and other resources available to them,	
(i) contribute significantly to the creation and presentation of Canadian programming, and	
(ii) be responsive to the evolving demands of the public; and	
(t) distribution undertakings	
(i) <i>should</i> give priority to the carriage of Canadian programming services and, in particular, to the carriage of local Canadian stations,	
(ii) <i>should</i> provide efficient delivery of programming at affordable rates, using the most effective technologies available at reasonable cost,	
(iii) <i>should</i> , where programming services are supplied to them by broadcasting undertakings pursuant to contractual arrangements, provide reasonable terms for the carriage, packaging and retailing of those programming services, and	

1991 <i>Broadcasting Act</i>		1993 <i>Telecommunications Act</i>
	(iv) <i>may</i> , where the Commission considers it appropriate, originate programming, including local programming, on such terms as are conducive to the achievement of the objectives of the broadcasting policy set out in this subsection, and in particular provide access for underserved linguistic and cultural minority communities.	
40 objectives; 35 are discretionary (should or may) 14 “shoulds” 4 “mays” 8 “shalls” What does “as resources become available for the purpose” mean? Whose resources? Who makes these available? What does “become” (as compared to “are”) mean? Must the resources be specifically allocated for the purpose, or may they be resources in general?		No specific requirements in the ten objectives: “facilitate” orderly development “render” telecommunications services affordable “enhance” efficiency and competitiveness “promote” Canadian ownership & control “promote” use of Canadian transmission facilities “stimulate” research to “encourage” innovation “respond” to users’ economic and social requirements “contribute” to privacy

It is possible to ‘operationalize’, or devise measures for, many of these ‘objects’. For instance, section 3(1)(a) of the *Broadcasting Act* refers to effective ownership and control by Canadians, section 3(1)(d)(iii) of the *Broadcasting Act* refers to employment opportunities, while section 3(1)(f) refers to “the “... predominant use, of Canadian ... resources in the ... presentation of programming ....”. Measures of these objects could include the percentage ownership of Canadians of the voting shares in Canadian broadcasting services, the numbers of people employed by Canadian broadcasters, and the hours of Canadian programs that are being broadcast by Canadian radio and television services (including broadcasting distribution undertakings that still broadcast programming developed for or produced by local communities).

Section 7(d) of the *Telecommunications Act* says Canadian telecommunications policy should “promote the ownership and control of Canadian carriers by Canadians”, while 7(g) refers to “research and development ... in the field of telecommunications”. Measures of these objects could include the percentage ownership by Canadians of the voting and non-voting shares in Canadian telecommunications services, and expenditures on research and development.

## Data collected by the CRTC

Parliament empowered the CRTC to collect information from those it regulates, in [sections 10\(i\) and \(j\)](#) of the *Broadcasting Act*, and [section 37](#) of the *Telecommunications Act*.

The CRTC requires most broadcasters to submit monthly programming reports<sup>1</sup> (“logs”) to it, and to submit an annual statistical and financial report<sup>2</sup> to Statistics Canada.

Telecommunications companies also complete annual surveys from Statistics Canada (but the surveys, while described, are not available on its website<sup>3</sup>). The CRTC’s “Data Collection System”<sup>4</sup> summarizes the data collected about telecommunications<sup>5</sup> but as it does not include a publicly accessible copy of its survey collection instrument, it is somewhat unclear what data it collects.

Some of the information submitted by broadcasters and telcos is provided in the annual [Departmental Results Report](#) submitted by the CRTC to the Minister of Canadian Heritage; similar annual reports from the CRTC to the Minister of Innovation and Economic Development (or the office’s predecessor, the Minister of Industry) are not posted on the CRTC’s website.

Additional information is included in annual reports submitted for roughly the last twenty years. The CRTC began to publish *Broadcasting Policy Monitoring Reports* in the late 1990s, and reports on the *Status of Competition in Canadian Telecommunications Markets-Deployment/Accessibility of Advanced Telecommunications Infrastructure and Services* since 2001. The CRTC combined these reports in 2008, in an annual *Communications Monitoring Report*. The *Monitoring Reports* for 2013 to 2017 are available online

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<sup>1</sup> S. 10 of the *Television Broadcasting Regulations* (<https://laws-lois.justice.gc.ca/eng/regulations/SOR-87-49/index.html>) requires licensees to keep a record of all programming (programs, advertisements, public service announcements, station identification announcements) broadcast each month, to submit that record (electronically) to the CRTC within 30 days of the end of that month, and to otherwise retain the record for one year.

<sup>2</sup> Broadcasters submit information that is primarily financial ( revenues, expenses) in ‘Annual Returns’ submitted to Statistics Canada. The Annual Returns also inquire about employment: for example, lines 33 to 37 of the *Annual Return of Television Survey 2017* ([file:///C:/Users/mlaue/Downloads/2724\\_q8\\_v9-eng.pdf](file:///C:/Users/mlaue/Downloads/2724_q8_v9-eng.pdf)) require television licensees to provide the “Average number of employees (the typical weekly average of full & equivalent part time employees) | working in Programming and production, Technical, Sales and promotion, Administration and general, and Total average number of employees” (as well as the total number of volunteers and the hours they worked) in the broadcast year.

<sup>3</sup> The Statistics Canada website describes the “Annual Survey of Telecommunications” (<https://www.statcan.gc.ca/eng/survey/business/2722>), and provides a link to “survey number 2722” (<http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=274095>) .

The “survey number 2722” link describes “Annual Survey of Telecommunications (AST)”, questionnaire (<http://www23.statcan.gc.ca/imdb/p2SV.pl?Function=getSurvey&Id=274095>), and provides a link to “Questionnaire(s) and reporting guide(s)”.

The “Questionnaire(s) and reporting guide(s)” link leads to a page for “Annual Survey of Telecommunications, 2015” ([http://www23.statcan.gc.ca/imdb/p3Instr.pl?Function=getInstrumentList&Item\\_Id=274096&UL=1V&](http://www23.statcan.gc.ca/imdb/p3Instr.pl?Function=getInstrumentList&Item_Id=274096&UL=1V&)). A line on this page - “ARCHIVED-HTML” *Annual Survey of Telecommunications, 2015*” says that “Survey forms can be viewed at: [www.crtc.gc.ca/dcs/eng/current/dcs4\\_2.htm](http://www.crtc.gc.ca/dcs/eng/current/dcs4_2.htm)”.

[www.crtc.gc.ca/dcs/eng/current/dcs4\\_2.htm](http://www.crtc.gc.ca/dcs/eng/current/dcs4_2.htm) returns “Page not found (Error 404)”.

<sup>4</sup> <https://crtc.gc.ca/eng/dcs/current/dcs2.htm>.

<sup>5</sup> See “Annual Telecommunications Survey”, at [https://crtc.gc.ca/eng/dcs/current/dcs4\\_2.htm](https://crtc.gc.ca/eng/dcs/current/dcs4_2.htm).

(<https://crtc.gc.ca/eng/publications1.htm>); the [2018 Monitoring Report](#) is, at the time of writing, incomplete.

With 387 pages the CRTC's 2017 *Monitoring Report* is more extensive than its 41-page 2017 *Departmental Results Report* to the Minister of Canadian Heritage. The 2017 *Monitoring Report* presents 339 tables, figures, charts and maps about communications, broadcasting and telecommunications; the *Departmental Results Report* presents four, one-line summaries of "Results achieved" in the broadcasting system, and several charts about the CRTC's budget and staffing.

Given the wealth of data in the 2017 *Monitoring Report*, we analyzed it to determine the information the CRTC publishes with respect to its broadcasting and telecommunications mandates. We based our analysis on the tables, figures and maps listed by the CRTC in the 2017 *Monitoring Report*'s table of contents, on the assumption that information that the CRTC considers relevant to its mandate and, hence, Parliament's objects, would be described by these tables, figures and maps.

We began by copying the 2017 *Monitoring Report*'s List of Tables and Figures ("List") into an Excel spreadsheet, with one line for each table, figure and map. We included categorizations for the List using the headings and subheadings included by the CRTC in the List. Finally, we assigned our own descriptions of the tables, figures and maps in the List, based on the CRTC's title headings, including: the applicable statute (*Broadcasting Act*, *Telecommunications Act* or both statutes); sector (broadcasting, telecommunications or both ['communications']); and the primary measure (or variable) described by the table/figure/map/chart headings, such as revenues, expenditures, profits, subscriptions or complaints.

We then added our estimation of the section 3 broadcasting object and the section 7 broadcasting object being described by each table, figure and map.

## Results

### A. 2017: 339 tables, figures or maps

The 2017 *Monitoring Report* included 339 tables, figures, maps and charts, divided among four sections (the communications system, the industry, broadcasting and telecommunications):

*Table 2 Tables, figures, maps and charts in the 2017 Monitoring Report*

CRTC Section	Broadcasting	Broadcasting & Telecommunications	Telecommunications	Total	% of total
Section 2.0 Canada's Communication System: An Overview for Canadians	3	6	20	29	9%
Section 3.0 The Communications industry	1	12		13	4%

Section 4.0 Broadcasting sector overview	138			138	41%
Section 5.0 Telecommunications sector overview			159	159	47%
Total	142	18	179	339	100%
% of total	42%	5%	53%	100%	

Just over half (179 or 53%) of the charts, figures and tables in the 2017 *Monitoring Report* described aspects of telecommunications.

*Table 3 Types of data presentation in the 2017 Monitoring Report*

Number of charts, figures etc.	Broadcasting	Broadcasting & Telecommunications	Telecommunications	Total	% of total
<b>Chart</b>	3			3	1%
<b>Figure</b>	55	8	91	154	45%
<b>Map</b>	1		4	5	1%
<b>Table</b>	83	10	84	177	52%
<b>Total</b>	142	18	179	339	100%
<b>% of total</b>	42%	5%	53%	100%	

More tables were used in the 2017 *Monitoring Report* to describe information about broadcasting (58%) than telecommunications (47%).

*Table 4 Data presentations in the 2017 Monitoring Report - percentages*

Number of charts, figures etc.	Broadcasting	Broadcasting & Telecommunications	Telecommunications	Total	% of total
<b>Chart</b>	3 (2%)			3	1%
<b>Figure</b>	55 (39%)	8 (44%)	91 (51%)	154	45%
<b>Map</b>	1 (1%)		4 (2%)	5	1%
<b>Table</b>	83 (58%)	10 (56%)	84 (47%)	177	52%
<b>Total</b>	142 (100%)	18 (100%)	179 (100%)	339	100%
	42%	5%	53%	100%	

## **B. Measurement of Parliament's objects for broadcasting and telecommunications in the 2017 *Monitoring Report***

The 2017 *Monitoring Report* presents its tables, charts, figures and maps under four headings (Sections 2.0, 3.0, 4.0 and 5.0). The four headings include nine subheadings (three in Section 4.0 and six in Section 5.0), and 74 sub-subheadings (four in section 3.0, 30 in section 4.0 and 40 in section 5.0). None of the headings, sub-headings or sub-subheadings refer expressly to Parliament's broadcasting and telecommunications objects in sections 3 and 7 of the *Broadcasting Act* and *Telecommunications Act*, respectively.



Table 5 CRTC sections, subsections and sub-subsections in the 2017 Monitoring Report

Count of CRTC Tables and figures			
CRTC Section	CRTC subsection	CRTC sub-subsection	Total
Section 2.0 Canada's Communication System: An Overview for Canadians			29
Section 3.0 The Communications industry	No subsection	i. Revenues	4
		ii. Industry characteristics	2
		iii. Financial performance	6
		iv. Consumer voices	1
Section 4.0 Broadcasting sector overview	4.1 Radio sector	i. Revenues	9
		ii. Financial performance	8
		iii. Availability of radio and audio services	6
		iv. Audience measurement	8
		v. Programming contributions and expenditures	7
		vi. Tangible benefits	1
		vii. Programming of high standards	4
		viii. Ownership groups	1
	4.2 Television sector	i. Revenues	13
		ii. Internet-based video services	4
		iii. Financial performance	4
		iv. Availability of television and video services	5
		ix. Ownership groups	7
		v. Audience measurement	11
		vi. Programming expenditures	14
		vii. Tangible benefits	1
	4.3 Broadcasting distribution sector	viii. Programming of high standards	4
		i. Revenues	2
		ii. Subscriber Data	4
		iii. Financial performance	1
		iv. Performance indicators	1
		ix. Contribution to Canadian programming	2
		v. Price	2
vi. Competitive landscape		1	
vii. Consumer voices		1	
viii. Online television services		6	
x. Affiliation payments		2	
No subsection	xi. Broadcasting dispute resolution	1	
	i. Revenues	2	
	ii. Industry characteristics	4	
Section 5.0 Telecommunications sector overview	5.1 Telecommunications retail sectors	iii. Financial performance	2
		i. Revenues	3
		ii. Technology indicators	4
		iii. Competitive landscape	3
		iv. Contribution	1

Count of CRTC Tables and figures			
CRTC Section	CRTC subsection	CRTC sub-subsection	Total
	5.2 Wireline voice retail sector	v. Consumer voices	2
		i. Revenues	4
		ii. Subscriber Data	3
		iii. Performance indicators	5
		iv. Price	2
		v. Type of local facilities	2
		vi. Competitive landscape	1
	vii. Pay telephone service	2	
	5.3 Retail Internet sector and broadband availability	i. Revenues	3
		ii. Subscriber Data	5
		iii. Performance indicators	4
		iv. Price	6
		ix. Broadband service availability	6
		v. Consumer trends	2
		vi. Competitive landscape	4
		vii. Capacity requirements	2
	viii. Key indicators	3	
	5.4 Data and private line retail sector	i. Revenues	4
		ii. Competitive landscape	4
	5.5 Wireless retail sector	i. Revenues	5
		ii. Subscriber Data	6
		iii. Competitive landscape	5
		iv. Technology indicators	13
		v. Performance indicators	2
		vi. Price	11
		vii. Coverage/availability details	10
	5.6 Wholesale telecommunications sector	i. Revenues	14
		ii. Subscriber Data	1
		iii. Competitive landscape	3
		iv. Forbearance	3
v. Inter-provider expenses		1	
No subsection	i. Revenues	2	
	ii. Forbearance	1	
	iv. Number, size, and type of companies	3	
	v. Financial performance	2	
	vi. Annual investment in plant and equipment	2	
	Total		

In the absence of identification by the CRTC of the relationship between the data set out in the 2017 *Monitoring Report*, and Parliament's policy objects for broadcasting and telecommunications, the Forum assigned the tables, figures, charts and maps in the 2017 *Monitoring Report* to one of the objects, based on educated guesses and its understanding of the CRTC's regulatory behaviour.

In some cases, it was difficult to determine the relationship between a data element and Parliament’s policy objects. It was unclear, for example, what policy object in broadcasting is measured by the “number of private commercial radio stations reporting financial results, by language of broadcast and frequency band” (Table 4.1.2), as none of the section 3 broadcasting objects addresses broadcast language and revenues (or, more broadly, resources).

Overall, 227 (67%) of the 339 tables, charts, figures and maps in 2017 *Monitoring Report* had a reasonably clear connection to Parliament’s objects, while the remaining 112 (33%) data element did not.

*Table 6 Link between Parliament’s objects for broadcasting and telecommunications policy, and the tables, figures, maps and charts in the CRTC’s 2017 Monitoring Report*

Count of CRTC Tables and figures							
Section	Object	CRTC subsection	CRTC sub-subsection	Broad’g	Broad’g & Tele’ns	Tele’ns	Total
3(1)(a)	Ownership & control	4.1 Radio sector	vi. Tangible benefits	1			1
		4.2 Television sector	ix. Ownership groups	7			7
			vii. Tangible benefits	1			1
	<i>Subtotal</i>			9			9
3(1)(d)(iii)	Linguistic duality	No subsection (Section 2.0)		3			3
	Serve Canadians' needs	4.1 Radio sector	iv. Audience measurement	8			8
		4.2 Television sector	iv. Availability of television and video services	1			1
			v. Audience measurement	11			11
<i>Subtotal</i>			23			23	
3(1)(d)(iv)	Ready adapt'n to tech'l change	No subsection (Section 3.0)	ii. Industry characteristics		1		1
		4.1 Radio sector	iii. Availability of radio and audio services	2			2
			4.2 Television sector	ii. Internet-based video services	4		
		iv. Availability of television and video services		1			1
		4.3 Broadcasting distribution sector		viii. Online television services	4		
	<i>Subtotal</i>			11	1		12
3(1)(f)	Predominantly Canadian	4.1 Radio sector	v. Programming contributions and expenditures	7			7
		4.2 Television sector	vi. Programming expenditures	12			12

Count of CRTC Tables and figures							
Section	Object	CRTC subsection	CRTC sub-subsection	Broad'g	Broad'g & Tele'ns	Tele'ns	Total
		4.3 Broadcasting distribution sector	ix. Contribution to Canadian programming	2			2
		<i>Subtotal</i>		21			21
3(1)(g)	High standard	4.1 Radio sector	vii. Programming of high standards	4			4
		4.2 Television sector	viii. Programming of high standards	4			4
		4.3 Broadcasting distribution sector	vii. Consumer voices	1			1
		<i>Subtotal</i>		9			9
3(1)(m)v)	Equivalent quality in Eng/French	4.2 Television sector	i. Revenues	1			1
3(1)(o)	Aboriginal programming	4.1 Radio sector	i. Revenues	1			1
3(1)(s)	Available resources	4.1 Radio sector	i. Revenues	7			7
			ii. Financial performance	8			8
			viii. Ownership groups	1			1
		4.2 Television sector	i. Revenues	12			12
			iii. Financial performance	4			4
		No subsection (Section 4.0)	i. Revenues	2			2
			ii. Industry characteristics	4			4
			iii. Financial performance	2			2
			<i>Subtotal</i>		42		
3(1)(s)(i)	Sign't contr'n to Cancon	4.3 Broadcasting distribution sector	x. Affiliation payments	2			2
3(1)(t)(ii)	Affordability	4.3 Broadcasting distribution sector	ii. Subscriber data	1			1
			iii. Financial performance	1			1
			iv. Performance indicators	1			1
			v. Price	2			2
			vi. Competitive landscape	1			1
			viii. Online television services	1			1
				<i>Subtotal</i>		9	
3(1)(t)(ii); 7(b)	Affordability	No subsection (Section 2.0)			3		3
3(1)(t)(iii)	Reasonable terms	4.3 Broadcasting distribution sector	xi. Broadcasting dispute resolution	1			1

Count of CRTC Tables and figures								
Section	Object	CRTC subsection	CRTC sub-subsection	Broad'g	Broad'g & Tele'ns	Tele'ns	Total	
7(a)	Orderly development	5.3 Retail Internet sector and broadband availability	iii. Performance indicators			2	2	
		5.5 Wireless retail sector	iv. Technology indicators			2	2	
			vii. Coverage/availability details			2	2	
		5.6 Wholesale telecommunications sector	i. Revenues			1	1	
<i>Subtotal</i>						7	7	
7(b)	Accessible to all Canadians	No subheadings (Sections 2.0, 5.0)				5	5	
		5.3 Retail Internet sector and broadband availability	ix. Broadband service availability			4	4	
			vi. Competitive landscape			1	1	
			viii. Key indicators			3	3	
	5.5 Wireless retail sector	ii. Subscriber data			1	1		
		vii. Coverage/availability details			4	4		
	<i>Subtotal</i>						18	18
	Affordability	No subsections (Sections 2.0, 5.0)				1	7	8
		5.2 Wireline voice retail sector	iv. Price				2	2
			vii. Pay telephone service				1	1
5.3 Retail Internet sector and broadband availability		iv. Price				6	6	
		ix. Broadband service availability				1	1	
5.5 Wireless retail sector		iii. Competitive landscape				1	1	
		vi. Price				11	11	
		vii. Coverage/availability details				1	1	
<i>Subtotal</i>					1	30	31	
High quality	5.1 Telecommunications retail sectors	v. Consumer voices				2	2	
Reliable service	No subsection (Section 5.0)	vi. Annual investment in plant and equipment				2	2	
7(c)	Competitiveness	5.3 Retail Internet sector and broadband availability	vi. Competitive landscape			1	1	

Count of CRTC Tables and figures							
Section	Object	CRTC subsection	CRTC sub-subsection	Broad'g	Broad'g & Tele'ns	Tele'ns	Total
		5.5 Wireless retail sector	iii. Competitive landscape			2	2
			vii. Coverage/availability details			2	2
	Subtotal					5	5
7(g)	Encourage innovation	5.1 Telecommunications retail sectors	ii. Technology indicators			2	2
		5.3 Retail Internet sector and broadband availability	ii. Subscriber data			1	1
		No subheading (Section 5.3)	vii. Capacity requirements			1	1
	Subtotal					4	4
	Innovation	5.5 Wireless retail sector	iv. Technology indicators			1	1
7(h)	Respond to users' requirements	No subheading (Section 2.0)				1	1
		5.5 Wireless retail sector	iv. Technology indicators			2	2
	Users' economic req'ts	5.3 Retail Internet sector and broadband availability	ii. Subscriber data			1	1
			v. Consumer trends			1	1
			vi. Competitive landscape			1	1
		5.4 Data and private line retail sector	i. Revenues			4	4
		No subheading (Section 5)	ii. Competitive landscape			4	4
		5.5 Wireless retail sector	i. Revenues			4	4
	Subtotal					15	15
	Users' social req'ts	No subheading (Section 2.0)					3
5.3 Retail Internet sector and broadband availability		ix. Broadband service availability				1	1
Subtotal					4	4	
Subtotal, sections with a discernible connection to Parliamentary objects				125	7	95	227
Subtotal, as % of total				88%	39%	53%	67%
Unclear		No subsection (section 2.0)	i. Industry landscape and competition		2	4	6
		No subsection (Section 3.0)	i. Revenues (Sections		4		4
			ii. Industry characteristics		1		1
			iii. Financial performance	1	5		6
			iv. Consumer voices		1		1

Count of CRTC Tables and figures								
Section	Object	CRTC subsection	CRTC sub-subsection	Broad'g	Broad'g & Tele'ns	Tele'ns	Total	
		4.1 Radio sector	i. Revenues	1			1	
			iii. Availability of radio and audio services	4			4	
		4.2 Television sector	iv. Availability of television and video services	3			3	
			vi. Programming expenditures	2			2	
		4.3 Broadcasting distribution sector	i. Revenues	2			2	
			ii. Subscriber data	3			3	
			viii. Online television services	1			1	
		5.1 Tele'ns retail sectors	i. Revenues				3	3
			ii. Technology indicators				2	2
			iii. Competitive landscape				3	3
			iv. Contribution				1	1
		5.2 Wireline voice retail sector	i. Revenues				4	4
			ii. Subscriber data				3	3
			iii. Performance indicators				5	5
			v. Type of local facilities				2	2
			vi. Competitive landscape				1	1
			vii. Pay telephone service				1	1
		5.3 Retail Internet sector and broadband availability	i. Revenues				3	3
			ii. Subscriber data				3	3
			iii. Performance indicators				2	2
			v. Consumer trends				1	1
			vi. Competitive landscape				1	1
			vii. Capacity requirements				1	1
		5.5 Wireless retail sector	i. Revenues				1	1
			ii. Subscriber data				5	5
			iii. Competitive landscape				2	2
			iv. Technology indicators				8	8
	v. Performance indicators				2	2		
	vii. Coverage/availability details				1	1		

Count of CRTC Tables and figures								
Section	Object	CRTC subsection	CRTC sub-subsection	Broad'g	Broad'g & Tele'ns	Tele'ns	Total	
	5.6 Wholesale tele's sector		i. Revenues			13	13	
			ii. Subscriber data			1	1	
			iii. Competitive landscape			3	3	
			iv. Forbearance			3	3	
			v. Inter-provider expenses			1	1	
	No subsection (Section 5.0)		i. Revenues				2	2
			ii. Forbearance				1	1
			iv. Number, size, and type of companies				3	3
			v. Financial performance				2	2
	Unclear, subtotal				17	11	84	112
As % of Total				12%	61%	47%	33%	
Total				142	18	179	339	

In fact, if viewed purely in terms of the content of the tables (charts, figures and maps) themselves, more than half (193, or 57%) of the tables, figures, charts and maps in the 2017 *Monitoring Report* focus on broadcasters' and telcos' financial performance: not on whether Canada's broadcasting system is producing and broadcasting programming by, for and about Canadians, or whether its telecommunications system is reliable and affordable.

*Table 7 Output measures in the 2017 Monitoring Report*

Count of CRTC Tables and figures						
General output	Output	Broadcasting	Broadcasting & Telecommunications	Telecommunications	Total	% of Total
Audience	Audience	26			26	8%
Device adoption	Devices	1		6	7	2%
Dissatisfaction	Dissatisfaction	10	1	3	14	4%
Financial performance	Expenditures	24		1	25	7%
	Prices	2		25	27	8%
	Profits	10	1		11	3%
	Revenues	44	12	74	130	38%
	Subtotal	80	13	100	193	57%
Household spending	Household spending		3		3	1%
Infrastructure	Infrastructure	8		33	41	12%
Infrastructure Total		8		40	48	14%
Official language minorities	Official language minorities	3			3	1%
Ownership	Ownership	8			8	2%
Subscriptions	Subscriptions	6	1	28	35	10%
Texts/data	Texts/data			2	2	1%
Total		142	18	179	339	100%



### C. Gaps in the measurement of Parliament's objects for broadcasting and telecommunications

Despite the wealth of data in the 2017 *Monitoring Report*, many of Parliament's objects for broadcasting and telecommunications are not addressed empirically, even when the CRTC collects data fit for that purpose.

No information is presented in the *Report*, for instance, about levels of foreign ownership in Canadian broadcasting or telecommunications services. As it stands, the CRTC's current *Direction to the CRTC (Ineligibility of Non-Canadians)* (SOR/97-192) prohibits non-Canadians from owning and controlling more than 20% of a Canadian broadcasting company's issued and outstanding voting shares, from owning or controlling more than a third (33.3%) of the voting shares of a broadcast subsidiary's parent corporation, or from exercising control through "personal, financial, contractual or business relations or any other considerations relevant to determining control", such as debt. The CRTC requires broadcasters and telcos to file ownership information, and to update this information when it changes. The 2017 *Monitoring Report* does not publish this information, however, making it impossible to know the level of foreign ownership in Canada's communications systems, or to evaluate whether changes in the level of foreign ownership in companies affects programming or other decision-making.

None of the tables, charts, figures or maps in the 2017 *Monitoring Report* describe overall employment levels in broadcasting or telecommunications, or employment by broadcast function (programming, technical, sales and administrative functions). (While Statistics Canada publishes some data on this issue, it is unclear why the CRTC publishes no data on the issue at all, especially in light of section 3(1)(d)(iii), which refers to the requirement for the broadcasting system to serve Canadians' needs for employment opportunities.

While sections 3(1)(d), (e), (f) and (i) refer explicitly to the presentation of programming, the 2017 *Monitoring Report* does not present any data about the programming that Canadian radio and television services actually broadcast – even though the CRTC collects these data from radio and television services in monthly "programming logs". The logs show, for instance, the programming broadcast by category ("(1) News", for instance), by origin (Canada, the United States or other), whether the programming is live (rather than recorded), new (first-run, or "Original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking") or obtained from another station ("Production source").

In 2015 the Forum used the TV logs to analyze, among other things, television broadcasters' approach to news. We found that the news reported by some television stations, actually consisted of news presented at the same time by local radio stations. In 2014, for instance, more than a third (30 hours/week) of the news that CIVI-DT Victoria said it had broadcast in

November of that year, consisted of a television broadcast of the news of a local radio station (CFAX-AM):

*Table 8 Information provided by CRTC's November 2014 program log data*

November 2014 Original news produced and originated by CIVI-DT	Program composition		Total hours
	First play	Recorded live	
<i>CFAX Live</i>	30.01		30.01
<i>CTV News Vancouver Island</i>	0.50		0.50
<i>CTV News Vancouver at Six</i>	19.99		19.99
<i>CTV News Vancouver Island</i>	16.03		16.03
<i>CTV News Vancouver Island at Five</i>	20.01		20.01
<i>News Tease</i>		0.03	0.03
<i>News Update</i>		0.40	0.40
Total hours of local station news	86.54	0.43	86.96
Average per day, times seven ( <i>i.e.</i> , per week)	20.19	0.10	20.29
Weekly average, excluding radio	13.19	0.10	13.29

Source: CIVI-DT's program log for November 2014

Until December 2015 the CRTC published the logs for television programming services at <ftp://support.crtc.gc.ca/logs>, enabling the public to access and analyze the data (as shown above). The logs became less accessible – altogether inaccessible in the Forum's case – when they were moved to the federal Open Data portal - <https://open.canada.ca/data/en/dataset/800106c1-0b08-401e-8be2-ac45d62e662e>. Where the CRTC website permitted the public to download a single month of data for a single programming services (a step taking roughly 5 minutes in Excel), each data set published by the Open Data portal includes the logs for three months, for all (several hundred) television services. Downloading a single file from the Open Data portal takes more than an hour, and the resulting data cannot be manipulated by software programs such as Excel.

While radio and TV broadcasters submit their logs to the CRTC every month, none of the 339 tables, figures, charts or maps in the 2017 *Monitoring Report* describes the hours of programming that radio and TV programming services actually broadcast. It is therefore now impossible to evaluate whether these services are broadcasting more (or less) original (first-run) Canadian programming, local news, independently produced Canadian programming, or Canadian drama over time; similarly, it is impossible to evaluate the number of hours of French-language Canadian programming available to audiences of French-language television stations outside of Quebec. If programming quality (and the ability to attract audiences) depends on programming expenditures, the absence of any data on broadcast hours of programming makes it impossible to evaluate whether the CRTC's current expenditure-oriented television programming policies have, or have not, increased hourly spending on programming.

The CRTC recently explained its approach to evaluating programming performance, to the Minister in its Departmental Results Report 2016-2017. In brief, it said that broadcasters' expenditures on programming are a surrogate for hours of broadcast programming:

The CRTC measures the effectiveness of this [Canadian Content Creation] Program by looking at the total spending on Canadian television production by independent production companies and private as well as public broadcasters (including the Canadian Broadcasting Corporation (CBC)/Radio-Canada), as measured annually by the Canadian Media Producers Association (CMPA) and published in "Profile," its annual economic report on the screen-based production industry in Canada. In 2015–16, the most recent year for which data is available, this spending was \$2.6 billion. This result is the same as spending for the prior year and meets the CRTC's target of \$2.6 billion.<sup>6</sup>

As for accessibility, the CRTC in 1987 told the CBC that over the longer term, and "... given the CBC's obligation to make its services available to all Canadians", it should "closed caption the complete program schedules of the English and French television networks to ensure full access by the hearing-impaired to the programming offered by the CBC."<sup>7</sup> The CRTC's television programming logs include columns to identify whether programs are captioned or described, but – thirty years after stipulating basic accessibility requirements for the CBC – the 2017 *Monitoring Report* provides no information about the accessibility of television programming in Canada. It reports instead on the numbers of complaints it received in 2016/17 about accessibility (Tables 4.3.8 and 4.3.21).

No information is provided at all on the programming of Canada's Indigenous programming services (the APTN television programming service, and some 30 radio stations).

As for telecommunications, a fundamental problem of the 1993 *Telecommunications Act* is that the language Parliament used to describe its policy objects is somewhat vague. What did Parliament intend when it said that its policy has, as an objective, the 'facilitation' of the "orderly development" of a telecommunications system?

That said, it is striking that when the language in the 1993 *Telecommunications Act* is somewhat more clear ("reliable"), the 2017 *Monitoring Report* provides no information at all – although, according to Public Safety Canada's "Canadian Disaster Database", thousands of Canadians are affected in a typical year, by dozens of major events such as hurricanes, floods and fires. Evaluations of the reliability of the system could include questions about the numbers of wireline, wireless and internet service outages, the numbers of subscribers affected by the outages, and time required to restore service. Such information is not included in the 2017 *Monitoring Report*.

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<sup>6</sup> <https://crtc.gc.ca/eng/backgrnd/drr2017/drr2017.htm#h11>.

<sup>7</sup> *Canadian Broadcasting Corporation/Société Radio-Canada Applications for the Renewal of the English and French Television Network Licences*, Decision CRTC 87-140 (Ottawa, 23 February 1987).

Finally, considering the importance of the broadcasting and telecommunications systems to Canada, and Canadians, it is puzzling that the CRTC's 2017 *Monitoring Report* does not include any information on regulatory compliance, such as the number of times (if any) that the CRTC determined that broadcasters had breached the *Broadcasting Act*, its regulations, or their conditions of licence, or that telcos (or others) breached the *Telecommunications Act*. The absence of such information might lead to the incorrect conclusion that regulatory compliance is complete – whereas, of course, a search of the CRTC's website for the terms, “breach” or “administrative monetary penalty”, demonstrates that this is not the case: the CRTC issued seven decisions in 2017 in which it found that broadcast licensees had breached their requirements,<sup>8</sup> and ten Notices of Violation in relation to the CRTC's Unsolicited Telecommunications Rules or Canada's Anti-Spam Law.<sup>9</sup>

## Conclusions and questions raised

The Forum's analysis of the CRTC's 2017 *Monitoring Report* reveals not only that few of the data presented by the CRTC's tables and charts relate clearly to Parliament's objects for Canada's broadcasting and telecommunications systems, but also that performance with respect to some of these objects is not measured at all.

This result raises at least seven questions:

1. Why does the CRTC not provide any data about levels of foreign ownership Canadian broadcasting and telecommunications?
2. Why does the CRTC collect, but not report any, data about radio and television programming?
3. Why does the CRTC collect data about employment in broadcasting and telecommunications, without reporting the results?
4. Why does the CRTC not report the degree to which original and repeat programming in the broadcasting system is accessible to Deaf and Blind communities?
5. Why does the CRTC not report on the level of original programming made available in the broadcasting system for Indigenous communities?
6. Why does the CRTC not report on the reliability of Canada's telecommunications system, by reporting on service outages, numbers of subscribers affected, and recovery timing?

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<sup>8</sup> See Decisions CRTC 2017-297, -302, -314, -315, -317, -354 and -454.

<sup>9</sup> [https://crtc.gc.ca/eng/DNCL/dnclc\\_2017.htm](https://crtc.gc.ca/eng/DNCL/dnclc_2017.htm).