

28 November 2020

Claude Doucet,
Secretary General,
CRTC,
Ottawa, ON K2A 0N2

claude.doucet@crtc.gc.ca

Dear Secretary General:

Thank you for your emails of 27 November, 2020 regarding the request we submitted to the CRTC on 13 November, 2020 asking the Commission to investigate the CBC's use of branded content, either

a) By way of a Part 1 application process in which the CRTC would initiate an investigation of CBC's past, present and proposed use of branded content on its licensed and online services,

or

b) by granting a procedural request to add the issue of branded content to the CRTC's current Proceeding (Broadcasting Notice of Consultation CRTC 2019-379) to hear the CBC's applications and, in particular, to consider the matter at the CRTC public hearing scheduled to begin on 11 January, 2021.

The CRTC did not acknowledge receipt of our submission. We therefore wrote to the Commission on 23 November, 2020 to confirm receipt of our document. Specifically, we asked:

"... that the CRTC acknowledge receipt of this letter and of our letter of 13 November, 2020, ten days ago.

"Further, we request that the Commission either post the latter as a Part 1 application or as a procedural request in relation to its 2019-379 proceeding within the next three business days to ensure that other interested parties have an opportunity to respond."

Yet, while the CRTC's *Rules of Practice and Procedure* state that "The Commission must post on its website all applications that comply with the requirements set out" by the Rules – and which our application met – the CRTC has not yet posted our application as a Part 1 application, nor has it posted the document as a procedural request in the 2019-379 proceeding.

The absence of our request from the CRTC's list of Part 1 applications and from the procedural requests of the public record of the 2019-379 proceeding leaves us uncertain as to whether the Commission has indeed received our request, either as a Part 1 application or as a procedural request with respect to the CBC licence renewal proceeding. Your very succinct responses to our enquiries also leave it unclear whether you are answering on your own behalf or on behalf of the Commission.

We think the distinction between answers by you, on your behalf, and answers by you on behalf of the Commission is very important. As you may recall from the 2000 decision of the Federal Court of Appeal in *Centre for Research Action on Race Relations v. Canadian Radio-television and Telecommunications Commission*, determinations issued by the CRTC's staff are not determinations of the Commission. Similarly, the 2008 decision of the same court in *Communications, Energy and Paperworkers Union of Canada v. CanWest MediaWorks Inc.* held that a determination of a single CRTC Commissioner is not a determination of the Commission.

We therefore respectfully ask that you confirm the Commission is aware of the Part 1 application/procedural request with respect to the 2019-379 proceeding which my colleagues and I filed more than two weeks ago.

We also ask, once again, that the Commission immediately post our request as a Part 1 broadcasting application or post it as a procedural request as part of the 2019-379 website page.

Yours sincerely,

Undersigned former CBC employees

Tony Burman, former Editor-in-Chief, CBC News

Jane Chalmers, former Vice President, CBC Radio

Adrienne Clarkson, former CBC Television Host (*Take Thirty*, *The Fifth Estate*, *Adrienne Clarkson Presents*) and former Governor General of Canada 1999 to 2005

Kelly Crichton, former Executive Producer, *The Fifth Estate* and *The National*

Kelly Crowe, former Medical Sciences Correspondent, CBC News

Jeffrey Dvorkin, former Managing Editor and Chief Journalist, CBC Radio

Mellissa Fung, former National Correspondent, CBC News

Paul Gaffney, former Senior Director, Regulatory Affairs

Elizabeth Gray, former Host, *As It Happens*

Bernie Lucht, former Executive Producer, *Ideas*

Tony Manera, former President 1992 to 1995

Peter Mansbridge, former Host, *The National*

Linden MacIntyre, former Host, *The Fifth Estate*

Tassie Notar, former Executive Producer, *Marketplace*

Robert O'Reilly, former Executive Director, Radio Canada International, and Director, International Relations

Robert Rabinovitch, former President 1999 to 2007

Susan Reisler, former host of Newsworld Business News

Julian Sher, former Senior Producer, *The Fifth Estate*

Ruth-Ellen Soles, former Spokesperson and Head of Media Relations, English Services

Mark Starowicz, former Executive Director, Documentary Programming

Bruce Steele, former Host, *What on Earth?*

Brian Stewart, former Senior Correspondent, *The National*

David Studer, former Director, Journalistic Standards and Policy

Doug Ward, former Director of Radio, National Capital Region

Kealy Wilkinson, former Special Advisor, Planning