



The CRTC and 21st century expectations of openness, transparency and accountability: a month of comments on how Parliament's delegate performs its responsibilities

29: Accountability means using valid and reliable 'metrics' to measure performance

29 March 2023

This is the twenty-ninth of a series of comments by FRPC about the openness, transparency and accountability of the Canadian Radio-television and Telecommunications Commission (CRTC). Parliament established the CRTC on 1 April 1968 and delegated responsibility to it for implementing Parliament's broadcasting and telecommunications policies for Canada.

The Ministers of Canadian Heritage and Innovation, Science and Economic Development wrote Chairperson Eatrdes in early February 2023 to offer congratulations on her appointment to the Commission¹ and also to "inform her of the Government's vision and priorities with respect to Canada's broadcasting and telecommunications system".² The Ministers said they sensed "that public confidence and trust in the CRTC has waned in recent years", pointing to undue delays in its decision-making, unequal access to its processes and the insufficient reasoning, evidence and data in the CRTC's determinations ("decisions").

The 21st to 30th commentaries in this series consider the 'accountability' of the CRTC. As noted above, the Heritage and ISED Ministers are concerned that public trust and confidence in the CRTC has been decreasing. What the Ministers' letter elides, however, is the degree to which the CRTC is accountable for its performance, and whether it should be more accountable as it (to quote the Ministers) "implements the laws and regulations set forth by Parliament in the public interest".

The CRTC "must regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1)" of the [Broadcasting Act](#). Through the [CRTC Act](#) it "must also exercise the powers and perform the duties vested in the Commission and the Chairperson, respectively, by the [Telecommunications Act](#)". Other laws that apply to the Commission include: the [Accessible Canada Act](#), [Canada Elections Act](#), [CASL](#), [Canadian Multiculturalism Act](#), [Official Languages Act](#), [Personal Information Protection and Electronics Documents Act](#), [Privacy Act](#) and the [Radiocommunications Act](#). Publicly available information about the CRTC's own performance is important to its accountability as it enables interested Canadians to monitor the Commission and its performance of its responsibilities.

There are currently two sources of information about the CRTC's performance of its responsibilities: annual reports published by the CRTC and a federal government Infographic about the CRTC which again describes the Commission's performance of its responsibilities.

¹ CRTC, "[Meet Vicky](#)" (accessed 1 March 2023).

² Department of Canadian Heritage, "[New CRTC Chair's Leadership Will Help Shape the Future of Canada's Communication System](#)", News release (Gatineau, 6 February 2023).



Insofar as the CRTC's self-published evaluations are concerned, the CRTC has published dozens of reports about its own activities since its establishment nearly 55 years ago:

- 1968 to 1991: *Annual Reports*
- 1992 to 1997: Part III Expenditure Plan Estimates, and
- 1997 to 2016: *Departmental Performance Reports* ([years 2011 to 2016 available here](#)).

Since 2016 the CRTC has published annual *Departmental Results Reports*. The CRTC's "[General Plans and Reports](#)" page currently lists five *Results* reports (from 2017-18 to 2021-22). While advising that its Library catalogue may have archived copies of older documents. The *Results Report* for 2016-17 is available [here](#).

The CRTC's 2016-2017 *Results Report* listed four steps taken by the CRTC that year: setting a new Universal Service Objective for telecommunications services, creating broadband funding to build the infrastructure needed to make faster Internet service available to all Canadians, revising its policy for local and community television to ensure the availability of local programming and "high-quality local news" and signing agreements with three regulatory colleagues (US, New Zealand and Australia) "to better address the growing threat posed by unwanted and unsolicited communications."

The CRTC then said that the report's "Results: what we achieved" section provided "more information on the department's plans, priorities and results achieved" (page 3). In 2016-2017 the *Results Report* stated that the Commission's "main responsibilities include the following" three categories and 11 subcategories:

Regulatory Policy, Legislative Implementation and Regulation

- Developing regulatory policies for Canada's communication system
- Approving mergers, acquisitions and changes of ownership of broadcasting undertakings
- Approving tariffs and agreements for certain telecommunications services
- Issuing, renewing and amending licences for broadcasting distribution and programming undertakings
- Resolving competitive disputes

Outreach and Engagement with Stakeholders and Canadians

- Consulting and informing Canadians
- Responding to enquiries and complaints from Canadians
- Collaborating with domestic and international partners on issues
- Facilitating industry co-regulation and self-regulation through consultations, committees and working groups

Monitoring, Compliance and Enforcement

- Monitoring and reporting on the Canadian communication system
- Promoting and enforcing compliance with legislation, regulation and rules such as the Unsolicited Telecommunications Rules (UTRs), Canada's anti-spam legislation (CASL) and the Voter Contact Registry (VCR)

In addition, the CRTC annually updates a Three-Year Plan that details forecasted activities with respect to its three pillars: Create, Connect, and Protect.

In the social sciences (and other fields) concepts such as the CRTC's categories and sub-categories are often 'operationalized' to transform concepts into measures. Two goals in operationalization are to



develop valid measures that accurately reflect a concept (intelligence is not necessarily indicated by hair colour, for example), and to develop reliable measures that do not vary from one time to the next (using elastic thread as a measuring tape might over time yield unreliable results for waist size, for instance).

The CRTC could have ‘operationalized’ its categories and subcategories using valid and reliable quantitative indicators such as the examples in Table 1.

Table 1

Results Report categories and subcategories	Possible measures of categories and subcategories
Regulatory Policy, Legislative Implementation and Regulation	
<ul style="list-style-type: none"> Developing regulatory policies for Canada’s communication system 	Number of policies issued in 2016/17
<ul style="list-style-type: none"> Approving mergers, acquisitions and changes of ownership of broadcasting undertakings 	Numbers approved (or denied) of broadcast <ul style="list-style-type: none"> - Mergers - Acquisitions - Changes of ownership
<ul style="list-style-type: none"> Approving tariffs and agreements for certain telecommunications services 	Numbers approved (or denied) of telecom <ul style="list-style-type: none"> - Tariffs - Agreements
<ul style="list-style-type: none"> Issuing, renewing and amending licences for broadcasting distribution and programming undertakings 	Numbers of broadcast licences <ul style="list-style-type: none"> - Issued - Renewed - Amended
<ul style="list-style-type: none"> Resolving competitive disputes 	Numbers of competitive dispute resolutions <ul style="list-style-type: none"> - Sought by parties - Attempted - Concluded successfully - Dropped - Ongoing
Outreach and Engagement with Stakeholders and Canadians	
<ul style="list-style-type: none"> Consulting and informing Canadians 	Numbers of <ul style="list-style-type: none"> - Consultations - Interventions - Appearing hearings - Appearing interveners - Non-appearing hearings
<ul style="list-style-type: none"> Responding to enquiries and complaints from Canadians 	Numbers of <ul style="list-style-type: none"> - Enquiries - Complaints received - Complaints transferred to CCTS, CBSC, ASC - Appeals received about CCTS, CBSC, ASC determinations
<ul style="list-style-type: none"> Collaborating with domestic and international partners on issues 	Numbers of meetings with <ul style="list-style-type: none"> - Domestic partners - International partners
<ul style="list-style-type: none"> Facilitating industry co-regulation and self-regulation through consultations, committees and working groups 	Numbers of groups and meetings held through <ul style="list-style-type: none"> - Consultations - Committees, and



Results Report categories and subcategories	Possible measures of categories and subcategories
	- Working groups
Monitoring, Compliance and Enforcement	
<ul style="list-style-type: none"> Monitoring and reporting on the Canadian communication system 	<ul style="list-style-type: none"> Numbers of reports issued and still available online Numbers of current-year statistics presented
<ul style="list-style-type: none"> Promoting and enforcing compliance with legislation, regulation and rules such as the Unsolicited Telecommunications Rules (UTRs), Canada's anti-spam legislation (CASL) and the Voter Contact Registry (VCR) 	Numbers of <ul style="list-style-type: none"> Investigations launched Investigations completed Investigations abandoned

The CRTC has measured its outcomes differently. Its 2016/17 *Results Report* set out measures for three “Programs”, without addressing the obvious questions about the measures’ validity – whether the measures accurately reflected the CRTC’s programs. Some of these questions are set out in Table 2.

Table 2

Programs - Description	Measures - Description	Are the measures valid?
2016/17, p. 11 Canadian Content Creation: “the creation of diverse programming that reflects the attitudes, opinions, ideas, values and artistic creativity of Canadians. By requiring the display of Canadian content in entertainment programming and the provision of information and analysis concerning Canada, the CRTC is enabling Canadians to better participate in their country’s democratic and cultural life.”	Total spending on Canadian television production by independent production companies and broadcasters, as measured annually by the Canadian Media Producers Association Canadian Programming Expenditures (CPEs) by broadcasters Total investment in Canadian television programming production by broadcasters and by other funding sources: Canada Media Fund, certified independent production funds, BDU local expression funding, tangible benefits and federal and provincial tax credits	Does spending on TV programs measure the diversity of programming on TV? Does spending on TV programs measure the diversity of programming on radio? Does spending on TV programs measure Canadians’ participation in Canadian democracy? Does spending on TV programs measure Canadians’ participation in Canadian culture?
2016/17, p. 13 Connection to the Communication System: “...ensuring that Canadians can connect to a choice of accessible, innovative, and quality communication services at affordable prices, and thereby have access to, amongst other things, compelling and creative Canadian programming.	“the percentage of retail telecommunications service revenues from competitive markets. (“Competitive markets” are defined as areas where the CRTC has forborne from regulation, having found that a service is subject to sufficient competition that the interests of users are protected, or where refraining from regulation is consistent with the Canadian telecommunications policy objectives.”	Does % of retail telecom revenues from markets where the CRTC has stopped regulating actually measure <ul style="list-style-type: none"> Choice Affordability Innovation or Quality of service?



Programs - Description	Measures - Description	Are the measures valid?
2016/17, p. 16 Protection with the Communication System: “the CRTC promotes compliance with and enforcement of its various laws and regulations, including unsolicited communications. It helps to ensure that Canadians have access to emergency communication services such as 9-1-1 service and alerting systems”	“The CRTC currently assesses the effectiveness of this Program by the percentage of Canadians who consider that the CRTC is taking measures to enhance their safety and protection in the communication system.”	Does asking Canadians if the CRTC is protecting their safety and protection actually measure <ul style="list-style-type: none"> • Whether unsolicited telecommunications are increasing, staying the same or decreasing • Whether 9-1-1 services operate 24/7 in every province and territory • Whether broadcasters and telecommunications service providers all provide alerting systems?

Since issuing that 2016/17 *Results Report*, the CRTC has changed how it measures its performance. The 2021/22 *Results Report* now sets out four categories of performance and ten performance measures, shown in Table 3. Two performance categories and three measures used in 2016/17 no longer appear in the 2021/22 *Results Report*.

Table 3

Performance category	Measure [struck through: no longer published]	“Target”
Canadian content is created	Total spending on Canadian television programming projects by independent producers and broadcasters	DROPPED
	1. Total investment in Canadian television programming production	\$4 - \$4.5 B
Canadians are connected to a world-class communications system	2. % of households that have access to fixed broadband Internet access services	At least 90% by Dec/21 100% by Dec/31
	3. % of households that have access to the latest generally deployed mobile wireless technology	100% by Dec/26
	4. % of total fixed broadband subscriptions that are high capacity network connections [compared to OECD average]	7.9 percentage point lead compared to the OECD average
Canadians are protected within the communications system	5. % of organizations that remain compliant within 12 months after compliance / enforcement action is taken on unsolicited commercial communications	At least 80% by Mar/22
	6. % of broadcasting undertakings participating in public alerting system	At least 90% by Mar/22
	7. % of Canadian subscribers with access to public alerting through wireless service providers	At least 90% by Mar/22



Performance category	Measure [strikethrough: no longer published]	“Target”
	8. % of facilities-based telecommunications service providers in compliance with 911 requirements	100% by Mar/22
Proceedings related to the regulation of the communications system are efficient and fair.	9. % of decisions on telecom and broadcasting applications (Part 1) issued within four months of the close of record	At least 75%
	10. Number of decisions overturned on judicial appeal related to procedural fairness	Zero
2016/17 category The communications system provides quality and affordable service options to Canadians	Percentage of retail telecommunications revenues from competitive markets	DROPPED
2016/17 category Canadian communication services contribute to the protection and safety of Canadians	Percentage of Canadians who consider that the CRTC is taking measures to enhance their safety and protection in the communication system	DROPPED

While the CRTC’s current *Results Report* shows four outcomes and ten measures, the government’s [“InfoBase” Departmental Results Report Summary \(2019-20 to 2021-22\)](#) says that the CRTC “sought to achieve 7 results” and that its progress “towards meeting these results was measured using 14 indicators”.

A review of the CRTC InfoBase’ “Actual Results by Indicator (2019-20 to 2021-22)” table shows that it actually set out 4 (not 7) core responsibilities. Although there are 14 numbered indicators, indicators 1 and 13 as well as 6 and 12 are identical, leaving 12 unique indicators. Two additional indicators in the InfoBase describe the percentage of broadcasters examined by the CRTC which met its requirements to fund Canadian program creation and its regulations: see Table 4.

Table 4

Core Responsibility / Program	Indicator Highlighting shows repeated elsewhere in table Green shading shows new indicators	Target	Actual result	Date to achieve target	Status
Regulate and Supervise the Communications System (Core Responsibilities)	1. % of households that have access to fixed broadband Internet access services =>13	At least 90%	91.20%	Dec 21	Target met
	2. % of total fixed broadband subscriptions that are high capacity network connections compared to the OECD average	At least 7.9%	4.80%	Dec 21	Target not met



Core Responsibility / Program	Indicator Highlighting shows repeated elsewhere in table Green shading shows new indicators	Target	Actual result	Date to achieve target	Status
	3. % of households that have access to the latest generally deployed mobile wireless technology	At least 100%	99.40%	Dec 26	Result to be achieved in the future
	4. % of Canadian subscribers with access to public alerting through wireless service providers	At least 90%	99.98%	Mar 22	Target met
	5. % of organizations that remain compliant within 12 months after compliance / enforcement action is taken on unsolicited commercial communications	At least 80%	100%	Mar 22	Target met
	6. % of facilities-based telecommunications service providers in compliance with 911 requirements => 14	At least 100%	100%	Mar 22	Target met
	7. % of broadcasting undertakings participating in public alerting system	At least 90%	96.40%	Mar 22	Target met
	8. Number of decisions overturned on judicial appeal related to procedural fairness	At most 0 (Decisions)	0 (Decisions)	Mar 22	Target met
	9. % of decisions on telecom and broadcasting applications (Part 1) issued within four months of the close of record	At least 75%	59%	Mar 22	Target not met
	10. Total investment in Canadian television programming production	Between \$4 and \$4.5 billion	\$4.01	Mar 22	Target met
Support for Canadian Content Creation (Programs)	11. Percentage of examined undertakings compliant with regulatory requirements to spend and/or contribute to funds and initiatives supporting Canadian content creation	At least 90%	93.90%	Mar 22	Target met
	12. Percentage of examined undertakings compliant with regulatory requirements regarding broadcasting of Canadian programming	At least 90%	98%	Mar 22	Target met
Connection to the Communications System (Programs)	13. Percentage of households that have access to fixed broadband Internet services	At least 90%	91.20%	Dec 21	Target met
Protection Within the Communications System (Programs)	14. Percentage of facilities-based telecommunications service providers in compliance with 911 requirements	At least 100%	100%	Mar 22	Target met



The CRTC’s Results Reports currently suffer from three basic problems: the measures used by the CRTC are not valid, they are not reliable and they are incomplete.

Measurement validity

As mentioned earlier, a valid measure accurately reflects the concept it is measuring. Even a casual reading of the CRTC’s measures of its performance raises concerns that some of its measures have nothing to do with the concept they purport to measure.

Take the matter of procedural fairness. The CRTC says it measures this concept by counting the number of its decisions that are subsequently overturned on judicial appeal “related to procedural fairness”.

First, it is extremely unlikely that any court appeal of a CRTC decision could meet this criterion because nearly all involve more than the issue of procedural fairness (issues of statutory interpretation and jurisdiction spring to mind).

Second, what would a non-negative result actually ‘indicate’? As Table 5, below, shows, it takes an average of 2.6 years after the CRTC has made a decision for it to be finally settled by the courts. Assuming a case focussed to a requisite extent on the law regarding procedural fairness, how would the CRTC report the first case in the table (*TVA v. Bell*)? It began in the CRTC’s 2019/20 fiscal year and ended in its 2022/23 fiscal year: in what year, then, did the CRTC ‘show’ procedural unfairness? Does the CRTC intend to retroactively change its procedural fairness results over time?

Table 5

Court case	CRTC outcome	Court filing	Final court decision	Time from CRTC outcome to final court decision	
				Days	Years
<i>TVA Group Inc., et al. v. Bell Canada, et al.</i> , 2022 CanLII 38791 (SCC)	18-Apr-19	14-Aug-19	12-May-22	1120	3.1
<i>BCE Inc. v. Québecor Média Inc.</i> , 2022 FCA 152	19-Dec-19	24-Jan-20	28-Jul-21	587	1.6
<i>Bell Canada v. British Columbia Broadband Association</i> , 2020 FCA 140 (CanLII), [2021] 3 FCR 206,	15-Aug-19	10-Dec-19	25-Feb-21	560	1.5
<i>3510395 Canada Inc. v. Canada (Attorney General)</i> , 2020 FCA 103 (CanLII), [2021] 1 FCR 615,	09-Oct-17	20-Nov-17	04-Mar-21	1242	3.4
<i>Bell Canada v. 7262591 Canada Ltd.</i> , 2018 FCA 174 (CanLII), [2019] 2 FCR 414	24-Sep-15	09-Feb-16	01-Oct-18	1103	3.0
<i>Bell Canada v. Canada (Attorney General)</i> , 2019 SCC 66 (CanLII), [2019] 4 SCR 845	09-Jan-15	31-Oct-16	19-Dec-19	1805	4.9



Court case	CRTC outcome	Court filing	Final court decision	Time from CRTC outcome to final court decision	
				Days	Years
<i>2251723 Ontario Inc. (VMedia) v. Rogers Media Inc.</i> , 2017 FCA 186 (CanLII)	04-Apr-16	10-Jun-16	15-Sep-17	529	1.4
<i>Aboriginal Voices Radio Inc. v. Canada (Attorney General)</i> , 2016 FCA 275	25-Jun-15	20-Oct-15	10-Nov-16	504	1.4
Average time				931.25	2.6
Median time				845	2.3

More valid measures of the CRTC's due process include the actual time it takes process broadcasting and telecom applications (see [9 March 2023](#) commentary in this series) and the number of applications the Commission receives but declines to consider (see [3 March 2023](#) commentary).

Measurement reliability

A second problem with the CRTC's measures is that they are unreliable. Take the example of the CRTC's measure of the percentage of organizations that remain compliant within 12 months after the CRTC takes compliance / enforcement action regarding unsolicited commercial communications. FRPC downloaded the CRTC's compliance and enforcement data which include 695 citations, notices of violations and decisions issued by the CRTC with respect to unsolicited telecommunications. The CRTC has report 100% compliance by all organizations targeted by the CRTC, in all of its *Results*. In fact – and ignoring the one organization that was penalized twice on the same day – at least six other organizations received a second or third penalty within a one-year period: see Table 6. It is therefore unclear what the CRTC is actually measuring when it says that no organizations have ever breached its requirements more than once in the same year.

Table 6

Repeat	Date	CRTC year	Action type 1	Repeat	Person or business
Same year	2018-05-23	2018/19	Citation	1 st	2341652 Ontario Limited
	2018-05-31	2018/19	Citation	2nd	2341652 Ontario Limited
Same year	2014-11-28	2014/15	Decision	1st	3510395 Canada Inc. (dba Compu.Finder)
	2015-03-05	2014/15	Notice of violation	2nd	3510395 Canada Inc. (dba Compu.Finder)
2 years	2017-10-19	2017/18	Decision	3rd	3510395 Canada Inc. (dba Compu.Finder)
	2012-03-30	2011/12	Decision	1st	9184-8630 Québec Inc. (dba Ramonage Plus)
Same year	2012-06-12	2012/13	Decision	2nd	9184-8630 Québec Inc. (dba Ramonage Plus)
	2022-11-24	2022/23	Decision	3rd	9184-8630 Québec Inc., operating as Ramonage Plus
10 years	2010-06-10	2010/11	Decision	1st	Action Windows and Doors Ltd.
	2014-07-23	2014/15	Decision	2nd	Action Windows and Doors Ltd.
Same day	2016-03-10	2015/16	Citation	1st	Adnan Rehman
	2016-03-10	2015/16	Citation	2nd	Adnan Rehman



Repeat	Date	CRTC year	Action type 1	Repeat	Person or business
2 years	2013-07-25	2013/14	Citation	1st	Blue Dream HT Ltd.
2 years	2015-12-22	2015/16	Decision	2nd	Blue Dream HT Ltd. (Blue Dream)
2 years	2019-09-09	2019/20	Decision	3rd	Blue Dream HT Ltd.
3 years	2016-12-14	2016/17	Notice of violation	1st	Brian Conley, nCrowd, Inc.
	2019-04-23	2019/20	Decision	2nd	Brian Conley
2 years	2013-10-08	2013/14	Decision	1st	Canadian Choice Home Improvements Inc.
	2015-10-26	2015/16	Notice of violation	2nd	Canadian Choice Home Improvements Inc.
2 years	2010-08-05	2010/11	Citation	1st	CR Group Marketing Inc.
	2012-02-29	2011/12	Citation	2nd	CR Group Marketing Inc.
2 years	2010-08-04	2010/11	Citation	1st	Imperial Data Supply Corp.
2 years	2012-02-15	2011/12	Decision	2nd	Imperial Data Supply Corp.
	2017-06-16	2017/18	Citation	3rd	Imperial Data Supply Corp.
Same year	2020-11-09	2020/21	Citation	1st	iPro Realty Ltd., Brokerage
	2021-01-21	2020/21	Citation	2nd	iPro Realty Ltd., Brokerage
	2010-06-17	2010/11	Citation	1st	Les Aliments SRC Inc.
2 years	2012-03-23	2011/12	Decision	2nd	Les Aliments S.R.C. Inc.
Same day	2012-03-06	2011/12	Citation	1st	Lev Olevson (dba Advantage Pro)
	2012-03-30	2011/12	Decision	2nd	Mr. Lev Olevson (dba Capital Windows and Doors)
In one year	2014-02-28	2013/14	Decision	3rd	Lev Olevson
1 year	2014-08-12	2014/15	Decision	4th	Lev Olevson
	2015-04-01	2015/16	Notice of violation	5th	Lev Olevson
2 years	2012-03-06	2011/12	Citation	1st	Loyal Seal Windows and Doors Inc.
6 years	2014-05-28	2014/15	Notice of violation	2nd	Loyal Seal Windows and Doors Inc.
	2020-08-07	2020/21	Notice of violation	3rd	Loyal Seal Windows & Doors Inc.
4 years	2011-03-24	2010/11	Settlement	1st	Rogers Communications
	2015-11-20	2015/16	Undertaking	2nd	Rogers Media Inc.
1 year	2021-03-29	2020/21	Notice of violation	1st	Scott William Brewer
	2022-01-04	2021/22	Undertaking	2nd	Scott William Brewer
4 years	2013-12-17	2013/14	Notice of violation	1st	Solus VB Inc.
	2017-12-10	2017/18	Citation	2nd	Solus VB Inc.
4 years	2012-03-06	2011/12	Citation	1st	Sunnyside Window Cleaning Ltd.
	2016-01-20	2015/16	Citation	2nd	Sunnyside Window Cleaning Ltd.
1 year	2009-08-26	2009/10	Decision	1st	Waterproofing by Peerless Mason Inc.
	2010-07-21	2010/11	Decision	2nd	Waterproofing by Peerless Mason Inc.

Another example of an indicator that may not be reliable involves the two measures concerning broadcasters' compliance with the CRTC's regulatory requirements (see Table 4, indicators 11 and 12 in the GC InfoBase). According to the InfoBase data, the CRTC has met its target of 90% compliance. Presumably, this means that an average of 90% of all radio programming services, television programming services and broadcast distribution undertakings were in compliance in the 2021/22 broadcast year. Yet when the CRTC's staff studied radio stations' non-compliance in 2019, it found that the level of non-compliance for all radio stations renewed from October 2014 to 2018 ranged from 31% to 48%: Figure 1. In other words, radio stations' compliance ranged from 52% to 69%: do the CRTC's InfoBase indicators somehow reflect those results?



Figure 1 CRTC 31 March 2021 Response to A-2020-00068, p. 4 of 98

Table 1: Non-compliance rate of radio stations due for licence renewal since October 28, 2014:

Sector	2014-15			2016			2017			2018		
	A*	**B	***C	A*	**B	***C	A*	**B	***C	A*	**B	***C
Commercial	56	12	21%	67	18	27%	78	12	15%	26	9	34%
Commercial Ethnic/specialty	9	2	22%	3	2	67%	9	8	89%	12	7	58%
Campus/community	12	8	67%	17	9	53%	10	5	50%	18	9	50%
Native	13	10	77%	3	3	100%	4	4	100%	4	4	100%
Other	6	2	33%	4	0	0%	4	3	75%	0	0	0%
TOTAL	96	34	35%	94	32	34%	105	32	31%	60	29	48%

*A = Total # of stations/licences renewed **B = Total # of stations in non-compliance ***C = Non-compliance rate

Highlights:

- ✓ Overall, non-compliance issues affect less than half of all stations being renewed each year, or on average slightly more than a third (37%) of these stations.

Performance that is ignored

A third problem with the CRTC’s measurement of its own performance has to do with responsibilities imposed on the Commission by statute and which it has chosen not to report. For example, why would the CRTC not report how many complaints and representations it considers each year and how many of these were decided by the CRTC rather than by its senior staff (as in [Centre For Research-Action On Race Relations v. Canadian Radio-Television and Telecommunications Commission](#)) or by a single Commissioner (as in [Communications, Energy and Paperworkers Union of Canada v. CanWest MediaWorks Inc.](#))?

Should the CRTC provide easy-to-use and easy-to-understand measures of affordability of broadcasting and telecommunications services? It does not report such information now in the context of its own responsibilities – and in the (much distant) past provided data that appeared to have little to do with the concept of affordability:



Figure 2 CRTC, *Broadcast Policy Monitoring Report 2001*, page 63

III. Affordability of Basic Service Rates

- The following table presents the average basic service monthly rates for the last four years for cable. The basic service rates are regulated for only Class 1 cable systems.

Table 6: Average Cable Basic Service Monthly Rates (\$)

DISTRIBUTION TYPE	1997	1998	1999	2000
Class 1	18.70	18.51	19.02	19.50
Class 2	20.80	20.88	21.64	21.78
Class 3	25.32	25.52	24.01	24.23
STV	23.10	24.28	25.16	25.02
Average	19.38	19.29	19.60	20.00

Source: CRTC Financial Database

Discussions about measurement indicators, their validity and their reliability may sound arcane – yet indicators that do not measure what they purport to measure and measures that are inconsistent with similar (or the same) information reported elsewhere have real world consequences for those subject to administrative decision-makers.

If, as is expected, Parliament gives the CRTC additional responsibilities this year, a poorly designed reporting system will leave Parliamentarians, the public and civil-society organizations in the dark when it comes to understanding how the CRTC is operating and how it has changed its operations to deal with its new powers and duties: see Figure 3.

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Figure 3

From the Minister

Each year, organizations within the Canadian Heritage Portfolio make arts and culture shine, preserve our heritage and strive to listen to Canadians in order to best respond to their needs. In 2021-22, these organizations, including the Canadian Radio-television and Telecommunications Commission (CRTC), fulfilled their mandate despite challenges brought on by the COVID-19 pandemic. They also contributed to the Government of Canada's efforts in promoting the cherished values of equity, diversity and inclusion in Canadian society.



During the last fiscal year, the CRTC focused on the proceeding for the Canadian Broadcasting Corporation/Société Radio-Canada's broadcasting licences. The CRTC assessed Canadians' comments and the evidence submitted by interested parties on how the national public broadcaster should continue to fulfill its mandate across all its services and platforms in the coming years. After the publication of the CRTC's licence renewal decision, an order from the Governor in Council was issued, referring the decision back to the Commission for its reconsideration on how to ensure that the Corporation continues to make important contributions to local news, children's programming, original French-language programming and programming produced by independent producers.

The CRTC has also been working towards introducing a three-digit number for mental health and suicide prevention services. Implementing this in Canada would have many benefits, including directing a caller to the appropriate mental health or suicide prevention service in their area. This initiative could help someone receive the support they urgently need.

Finally, the CRTC has been actively working to prepare for its new responsibilities under Bill C-11 and Bill C-18. As the media ecosystem changes, we must rethink the way we regulate online content and digital platforms. The CRTC will have an important role in establishing how online broadcasters will support Canadian content and in ensuring that there is fairness across the digital news market.

As Minister of Canadian Heritage, I invite you to have a look at the 2021–22 Departmental Results Report for the CRTC to get a better idea of its accomplishments in service to Canadians.

Recommendations

The CRTC should establish a CRTC Consultative Committee of scholars, academics and civil-society organization members experienced in social science or scientific research methods to meet at least annually to study the empirical indicators available to measure the CRTC's processes and to make recommendations to the Commission about the strengths and weaknesses of such indicators.

Maintaining the *status quo* – in which some of the indicators chosen by the CRTC to measure its own performance are either invalid or unreliable – would inexcusably misrepresent the performance of this important agency and bring the CRTC's administration of its responsibilities into disrepute.

~ Forum for Research and Policy in Communications (FRPC)



Other comments in this series

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