



2 December 2024

Marc Morin  
Secretary General  
CRTC  
Ottawa, ON K1A 0N2

Filed online

Dear Secretary General,

**Re: *The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector, Notice of hearing, [BNoC 2024-288](#) (Ottawa, 15 November 2024) – procedural request***

- 1 On 15 November 2024 the CRTC published the notice of consultation referenced above. As its title suggests, this CRTC proceeding will deal with a fundamental aspect of the Canada’s audiovisual broadcasting system – namely, how ‘Canadian programming’ is defined. At paragraph 17 the CRTC invites “interested parties” to respond to 50 questions in the notice.
- 2 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about communications, including broadcasting. The Forum supports a strong Canadian communications system that serves the public interest as defined by Parliament in the 1991 *Broadcasting Act*, and amended by the *Online Streaming Act* on 27 April 2023.<sup>1</sup> We are planning to participate in the 2024-288 proceeding, and may commission a national survey of French- and English-speaking Canadians to determine their views on certain elements.
- 3 BNoC 2024-288 explains at paragraph 85 that the [Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure](#) – procedural regulations of the CRTC (Rules) – apply to the proceeding. Section 7 of the Rules enables the CRTC to “dispense with or vary these Rules” if it “is of the opinion that considerations of public interest or fairness permit”.
- 4 The Forum understands that the CRTC’s current procedures for the 2024-288 proceeding are as follows:
  - a. the CRTC “requests that, whenever possible, parties provide evidence in support of their comments or proposals.”<sup>2</sup>

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<sup>1</sup> Parliament of Canada, LEGISinfo, [C-10](#), *An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts*, 43rd Parl., 2nd sess.

<sup>2</sup> BNoC 2024-288, ¶194.

- b. interventions of no more than 20 pages (excluding 5-page summary and any appendices) must be submitted to the CRTC by 8 pm ET on 20 January 2025<sup>3</sup>
- c. the CRTC “does not intend to grant any requests for extensions of time to provide comments except in truly exceptional circumstances where requests are supported by sufficient evidence”<sup>4</sup>
- d. the CRTC will publish public-opinion survey research relevant to the 2024-288 proceeding on an unknown date between 20 January and 31 March 2025<sup>5</sup>
- e. the CRTC will on an unknown date “allow interveners to comment on” the public-opinion research<sup>6</sup>
- f. the CRTC will on an unknown date state which “elements” of 2024-288 “may be addressed only through written interventions and final submissions”<sup>7</sup>
- g. the CRTC’s public hearing begins on 31 March 2025<sup>8</sup>
- h. “[t]he Commission will also indicate” on an unknown date “before the hearing which of the questions included in this notice will be addressed at the hearing”,<sup>9</sup> and parties will be able on an unknown date after the hearing<sup>10</sup> “to file brief submissions” to reply to other interventions,<sup>11</sup> to comments made during the hearing<sup>12</sup> and to respond to undertakings.<sup>13</sup>

5 The Forum supports the extension request submitted by the Motion Picture Association Canada (MPA-Canada) on 27 November 2024 concerning the current 20 January 2025 intervention deadline, so as to provide all parties with a reasonable opportunity to participate in the 2024-288 proceeding.

6 FRPC is also respectfully requesting that the Commission amend four aspects of the procedures it has set out in the above-cited BNoC 2024-288. FRPC believes that if granted, our requests would ensure the best use of available time and provide all parties with the due process to which they are entitled. The changes we seek would provide all parties with

- a. knowledge about the case they must meet,
- b. clarity regarding the timing of final submissions,

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<sup>3</sup> *Ibid.*, ¶187.

<sup>4</sup> *Ibid.*, at ¶92.

<sup>5</sup> *Ibid.*, at ¶19 and ¶84: “This proceeding will also take into consideration information from forthcoming public opinion research ....”; “The Commission intends to publish the report on this public opinion research before the public hearing. ...”

<sup>6</sup> 2024-288, at ¶184.

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<sup>8</sup> 2024-288, ¶186.

<sup>9</sup> 2024-288, ¶93.

<sup>10</sup> *Ibid.*

<sup>11</sup> 2024-288, ¶91.

<sup>12</sup> 2024-288 at “Summary”: “Following the public hearing, parties will have an opportunity to file brief final submissions, in which they will be able to respond to interventions received or comments raised during the proceeding, and, if applicable, responses to undertakings.”

<sup>13</sup> *Ibid.*, and at ¶91.

- c. fair and timely access to the BNoC 2024-288 public record, and with
- d. a fair opportunity to be heard.

7 While two weeks have passed since the CRTC issued BNoC 2024-288 we do not believe that any party will be unduly disadvantaged by the CRTC's consideration and making of the changes FRPC is proposing. Rather, granting the Forum's requests will enable the CRTC to serve the public interest and strengthen the evidentiary record of the 2024-288 proceeding.

## I. CRTC has emphasized its concern for the public interest and evidence-based decision-making

8 By way of context, FRPC notes that the *Broadcasting Act* does not impose an express duty on the CRTC to serve the public interest. Rather, and as the Minister of Canadian Heritage has explained, "the CRTC implements the laws and regulations set forth by Parliament in the public interest."<sup>14</sup>

9 The Commission nevertheless frequently expresses its concern for the public interest. Less than a week ago, for example, the CRTC's Chairperson explained that it is focussed on and pays attention to Canadians' needs:

...

As you know, the CRTC is an independent quasi-judicial tribunal that regulates the Canadian communications sector in the public interest. We hold public consultations on telecommunications and broadcasting matters and we make decisions based on the public record.

In all of these decisions, we are focused on the needs of Canadians.

I often think about something the acclaimed Canadian actor Keanu Reeves once said to a journalist. He said, "the simple act of paying attention can take you a long way."

And at the CRTC, paying attention to Canadians' needs is at the heart of our work. As a public institution, we care about what Canadians care about.

...

We look forward to seeing what new ideas and solutions we can find to empower Canadians even more.

....<sup>15</sup>

10 The Chairperson added that the CRTC engages "with Canadians directly through public consultations, stakeholder meetings, public hearings, and discussions with groups and communities".<sup>16</sup>

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<sup>14</sup> Canadian Heritage, [New CRTC Chair's Leadership Will Help Shape the Future of Canada's Communication System](#), News release, Letter to the CRTC's recently appointed Chair (Gatineau, 6 February 2023).

<sup>15</sup> Vicky Eatrvides, Chairperson and Chief Executive Officer, CRTC, [Taking action on what Canadians care about, Speech to the Public Interest Advocacy Centre](#) (Ottawa, 28 November 2024).

<sup>16</sup> *Ibid.*

- 11 Among the public consultations and public hearings where the CRTC engages with Canadians directly is BNoC 2024-288.
- II. Request that CRTC change procedures announced in BNoC 2024-288**
- 12 FRPC is asking the CRTC to amend several procedures now set out in 2024-288 to ensure that all parties are treated fairly, thereby helping to limit the number of court challenges that could be faced by the CRTC in 2025.
- A. Extend deadlines to provide all parties with reasonable opportunity to participate**
- 13 On 27 November 2024 MPA-Canada asked that the CRTC extend the 2024-288 deadline from 20 January 2025 to 20 February 2025.<sup>17</sup> It noted that the current deadline “provides interested parties with just 44 business days (excluding weekends and Canadian public holidays) to prepare and file interventions in this very important proceeding” and that some of its key individuals will be unavailable during December due to holiday travel or family-related activity.<sup>18</sup>
- 14 The Forum supports MPA-Canada’s request, albeit for different reasons. We begin by noting BNoC 2024-288’s statement at paragraph 85 that the [Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure](#) – procedural regulations of the CRTC – apply to the proceeding. Section 5.1 of these regulations permits any “party or interested person” to ask the CRTC to exercise its powers under the regulations.<sup>19</sup> The *Rules* do not otherwise state any predisposition of the Commission about such requests.
- 15 BNoC 2024-288 varies section 5.1 of the *Rules* by stating that in the 2024-288 proceeding it “does not intend to grant any requests for extensions of time to provide comments except in truly exceptional circumstances where requests are supported by sufficient evidence.”<sup>20</sup> The CRTC provided no reasons for deciding to deny all requests except for ‘truly exceptional circumstances’ and did not explain how “truly exceptional circumstances” differ from merely exceptional circumstances or circumstances in general. FRPC notes that as a signatory to the *Canada-United States-Mexico Agreement*, Canada must “consider reasonable requests to extend the comment period” for submissions on proposed regulations that affect trade.<sup>21</sup>
- 16 In thinking about the intervention deadline in BNoC 2024-288, the Forum notes that it provides a theoretical total of 66 calendar days (excluding the date the notice was issued as

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<sup>17</sup> President, MPA-Canada, *Re: Request for Extension - Broadcasting Notice of Consultation CRTC 2024-288 - The Path Forward – Defining “Canadian program” and supporting the creation and distribution of Canadian programming in the audio-visual sector (“Canadian Content Consultation”)*, Procedural request (27 November 2024), at page 2.

<sup>18</sup> *Ibid.* at page 1.

<sup>19</sup> *Rules*, s. 5(1): “The Commission may exercise any of its powers under these Rules at the request of a party or interested person or on its own initiative.”

<sup>20</sup> 2024-288, ¶192.

<sup>21</sup> *CUSMA*, Art. 28.1, s. 6: “6. In addition, the Party shall consider reasonable requests to extend the comment time period under paragraph 4 [see footnote 21, *infra*] To submit written comments or other input on a draft regulation.”

stipulated by Canada’s *Interpretation Act*)<sup>22</sup> for parties to review 2024-288; plan their approach to the notice’ 50 questions; determine, gather and analyze evidence; consult with their colleagues; make their arguments and prepare their intervention.

17 The theoretical 66 calendar days in fact drops to 49 days because the *Rules* require the CRTC to exclude 18 days from December to January in its consultation periods. This decrease in the available time matters because BNoC 2024-288 states that the CRTC intends to determine from this proceeding “how to: ... further the exportability ... of Canadian programming....”<sup>23</sup> As a signatory to the *Canada-United States-Mexico Agreement (CUSMA)* Canada committed to provide “not less than 60 days” for persons “to submit written comments and other input”.<sup>24</sup>

18 Once Saturdays and Sundays are excluded – being defined as holidays by the CRTC<sup>25</sup> and Canada’s *Interpretation Act*<sup>26</sup> -- just 35 days remain for parties to undertake research, prepare evidence, and then submit written comments:

Date 2024-288 issued:	15 November 2024
Current intervention deadline:	20 January 2025
Days from issue to intervention deadline:	66 calendar days
Less CRTC non-included 18-days (21 Dec to 7 Jan, inclusive):	49 days
Less Saturdays, defined as a holiday by the CRTC’s <i>Rules</i>	42 days
Less Sundays, defined as a holiday by the <i>Interpretation Act</i> :	35 days

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<sup>22</sup> *Interpretation Act*, s. 27(2):

Where there is a reference to a number of days, not expressed to be clear days, between two events, in calculating that number of days the day on which the first event happens is excluded and the day on which the second event happens is included.

<sup>23</sup> BNoC 2024-288, ¶17.

<sup>24</sup> [CUSMA](#), Art. 28.1, s. 4:

If a Party expects a draft regulation to have a significant impact on trade, the Party should normally provide a time period to submit written comments and other input on the items published in accordance with paragraph 1 that is:

(a) not less than 60 days from the date the items identified in paragraph 1 are published; or

(b) a longer time period as is appropriate due to the nature and complexity of the regulation, in order to provide interested persons adequate opportunity to understand how the regulation may affect their interests and to develop informed responses.

<sup>25</sup> *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, s. 12(a):

12 (1) Sections 26 to 29 of the *Interpretation Act* apply to the computation of a time period set out in these Rules or a decision, notice of consultation, regulatory policy or information bulletin, except that

(a) Saturday is considered to be a holiday;

....

<sup>26</sup> *Interpretation Act*, s. 35(1):

In every enactment,

...

holiday means any of the following days, namely, Sunday; ....;

....

(The *Interpretation Act* includes Christmas and New Year’s Day as holidays, but these are already included in the CRTC’s non-included 18-day period.)

- 19 Yet even these theoretical 35 days cannot be devoted entirely to BNoC 2024-288 because the CRTC had – even before issuing BNoC 2024-288 – scheduled deadlines for other broadcasting proceedings which overlap the 2024-288 deadlines:

Proceeding	Issued	Intervention deadline	Final replies due
<b>Broadcasting proceedings</b>			
<a href="#">2024-137 Captioning online</a>	25 Jun 2024	<del>19 Aug 2024</del>	<del>18 Sep 2024</del>
<a href="#">2024-137-1</a>	10 Sep 2024	<del>13 Nov 2024</del>	<del>13 Dec 2024</del>
<a href="#">2024-137-2</a>	18 Nov 2024	11 Dec 2024	29 Jan 2025
<a href="#">2024-138 Described video</a>	25 Jun 2024	<del>26 Aug 2024</del>	<del>25 Sep 2024</del>
<a href="#">2024-138-1</a>	19 Sep 2024	20 Nov 2024	20 Dec 2024
<a href="#">2024-270 Local radio fund</a>	4 Nov 2024	4 Dec 2024	19 Dec 2024
<a href="#">2024-288 Cancon definition</a>	15 Nov 2024	20 Jan 2025	Unknown
<a href="#">2024-290 Radio modern'n</a>	15 Nov 2024	20 Jan 2025	4 Feb 2024

- 20 The CRTC’s decision to conduct five public consultations in broadcasting over the same time frame means that those wanting to participate in these processes have fewer hours to devote to each separate proceeding. Even if FRPC allocated 8 hours of every day from 15 November 2024 to January 2025 it would only have an average of 17.6 days to devote to BNoC 2024-288 to meet the CRTC’s 20 January 2025 – fewer than a third (27%) of the total 66 days in that period.

15 Nov 2024 to 20 Jan 2025	Total hypothetical hours available		Sum of average daily hours per proceeding	
	Hours	8-hour days	Hours	8-hour days
Total hours of 8-hour days	536	67	140.7	17.6
Excluding CRTC break (21 Dec-7 Jan)	392	49	98.7	12.3
Excluding CRTC break and Sundays	336	42	84.5	10.6
Excluding CRTC break and weekends	280	35	70.4	8.8

- 21 FRPC does not intend to devote every day until 20 January 2025 to meet the CRTC’s deadline, however, because even working seven days a week will not provide enough time to make evidence-based arguments in response to the CRTC’s 50 questions.
- 22 BNoC 2024-288 explains that “efficiency, balance and fair participation is necessary for this policy making proceeding in order to swiftly facilitate the additional proceedings necessary to implement the policy determinations.”<sup>27</sup> The meaning of this sentence is unclear because while only the CRTC can implement a policy resulting from 2024-288, the sentence does not state whose efficiency, whose balance and whose fair participation the 2024-288 intervention deadline is intended to serve. As the Forum has explained above, the CRTC’s decision to undertake a major – perhaps *the* major policy proceeding of all those it undertakes to implement the *Online Streaming Act* – during the same time that it is already holding four other broadcasting proceedings will provide parties such as FRPC with far less

<sup>27</sup>

BNoC 2024-288, ¶189.

time to prepare their evidence and arguments: providing parties with inadequate time does not ensure but rather negates fair participation.

- 23 2024-288 deals with issues that are central – critical, in fact – to the future of ‘Canadian’ audiovisual programs in terms of how they reflect Canada and Canadians, how they will be made available to people in Canada and – last but not least – how they will be funded. While FRPC would like the opportunity to participate fairly in this proceeding and to provide relevant evidence for the public record, the 2024-288 deadlines and the CRTC’s decisions to schedule other proceedings overlapping with BNoC 2024-288 have made this impossible.
- 24 The CRTC could decide to extend the deadlines in the four other broadcasting proceedings now underway: 2024-137 (online captioning); 2024-138 (described video); 2024-270 (local radio fund); 2024-290 (radio modernization). Given the urgency of the local-radio fund proceeding, FRPC does not support extending its deadlines: even if the CRTC does not make its decision on this matter public until January 2025, private radio broadcasters will at least have certainty that a decision is forthcoming. The CRTC’s rationale for holding a radio-modernization proceeding simultaneous with the Canadian content audiovisual definition proceeding is unclear; perhaps it could be postponed. FRPC does not support postponements with respect to 2024-137 and -138 because Parliament has clearly affirmed that accessibility is no longer optional, but mandatory. Briefly, it may be reasonable for the CRTC to extend the deadline of only one of its four other proceedings, leaving participants in the 2024-288 proceeding almost as poorly off in terms of available time as they are now.
- 25 For the reasons set out above, **FRPC asks that the CRTC grant MPA-Canada’s extension of deadline request.**

***B. Enable all parties to know the case they must meet***

- 26 Canadian law has long held that parties are entitled to a “fair hearing”.<sup>28</sup> Although the CRTC’s *Rules* do not address the issue of CRTC-provided evidence FRPC has noted and believes the CRTC Chairperson’s statement in February 2023 that the CRTC “will rely on the evidence” of its consultations to make its decisions.<sup>29</sup> The CRTC further asks in BNoC 2024-288 “that, whenever possible, parties provide evidence in support of their comments or proposals.”<sup>30</sup>
- 27 The Forum is concerned that BNoC 2024-288 also states that the CRTC has engaged “a third party” that is “conducting public opinion research” on the Commission’s behalf and that

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<sup>28</sup> See *e.g. Cardinal v. Director of Kent Institution*, 1985 CanLII 23 (SCC), [1985] 2 S.C.R. 643, at ¶123:  
... the denial of a right to a fair hearing must always render a decision invalid, whether or not it may appear to a reviewing court that the hearing would likely have resulted in a different decision. The right to a fair hearing must be regarded as an independent, unqualified right which finds its essential justification in the sense of procedural justice which any person affected by an administrative decision is entitled to have. It is not for a court to deny that right and sense of justice on the basis of speculation as to what the result might have been had there been a hearing.

<sup>29</sup> Chairperson and Chief Executive Officer, CRTC, *Letter addressed to The Honourable Pablo Rodriguez, P.C., M.P., Minister of Canadian Heritage and Québec Lieutenant and The Honourable François-Philippe Champagne, P.C., M.P., Minister of Innovation, Science and Industry*, (Ottawa, 13 February 2023), at page 2.

<sup>30</sup> BNoC 2024-288, ¶194.



“[t]he Commission intends to publish the report ... before the public hearing” (paragraph 84).<sup>31</sup>

- 28 To put the CRTC’s statement another way, the Commission – having been working to implement new broadcasting legislation since late 2020 – decided before issuing BNoC 2024-288 to engage an unidentified company on an unidentified date to undertake public-opinion research using an unknown research instrument at an unidentified time dealing with topics that, while currently unknown, are presumably relevant to BNoC 2024-288. The CRTC intends to release the results of this public-opinion research on an unknown date between 20 January 2025 and 30 March 2025, and to then “allow interveners to comment on” the public-opinion research at another unknown date.<sup>32</sup>
- 29 The Forum has three concerns with this approach. The first is that Canadian law accepts the principle that parties in administrative proceedings are entitled to know the case they must meet, the second has to do with the BPF-FPR while the third has to do with provisions of the *Canada-United States-Mexico Agreement* to which Canada is a signatory.
- 1. *Delaying publication of CRTC’s public-opinion research prevents parties from knowing case they must meet***
- 30 Regarding parties’ knowledge of the case they must meet, the CRTC’s current decision to publish its own relevant evidence after the intervention deadline places all parties at a disadvantage since they will be unable to determine the evidence they may wish to provide in response to the CRTC’s evidence. Parties may also find themselves having to change their positions they set out on 20 January 2025 once they review the CRTC’s new evidence.
- 31 Rather than participating in a fair process in which affected parties “have the opportunity to present their case fully and fairly, and have decisions affecting their rights, interests, or privileges made using a fair, impartial, and open process”,<sup>33</sup> parties in BNoC 2024-288 are

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<sup>31</sup> BNoC 2024-288, ¶184:

84. Concurrent with the public consultation initiated by this notice, a third party hired by the Commission is conducting public opinion research to ensure that the points of view of Canadians and Indigenous peoples are fully included on the public record. The Commission intends to publish the report on this public opinion research before the public hearing. The Commission will place the report on the public record for this proceeding to allow interveners to comment on it. These comments will form part of the public record.

<sup>32</sup> 2024-288, at ¶184.

<sup>33</sup> *Baker v. Canada (Minister of Citizenship and Immigration)*, 1999 CanLII 699 (SCC), [1999] 2 SCR 817 per the majority, at ¶¶22-28:

22. Although the duty of fairness is flexible and variable, and depends on an appreciation of the context of the particular statute and the rights affected, it is helpful to review the criteria that should be used in determining what procedural rights the duty of fairness requires in a given set of circumstances. I emphasize that underlying all these factors is the notion that the purpose of the participatory rights contained within the duty of procedural fairness is to ensure that administrative decisions are made using a fair and open procedure, appropriate to the decision being made and its statutory, institutional, and social context, with an opportunity for those affected by the decision to put forward their views and evidence fully and have them considered by the decision-maker.

...

28. ... These principles all help a court determine whether the procedures that were followed respected the duty of fairness. Other factors may also be important, particularly when considering aspects of the duty of



faced with the procedural equivalent of a pig in a poke whose nature will only become apparent after they have made their payment – or intervened.<sup>34</sup>

- 32 The CRTC’s apparent offer of an opportunity after the intervention deadline “to comment on” the CRTC’s public-opinion research is at best a weak and at worst an inappropriate substitute for disclosure of key evidence before the intervention deadline. The CRTC has not said, for instance, whether once it releases its public-opinion research it will grant parties time to undertake public-opinion research of their own to support or rebut conclusions drawn from the CRTC data, meaning that the final public record may be unreliable as it is incomplete.

## 2. Possibility that public-interest parties’ public-opinion research may not be funded

- 33 The CRTC’s current plan to publish public-opinion research after the intervention deadline also places public-opinion participants at a disadvantage because the risk exists that the Broadcasting Participation Fund (BPF), Inc./Le fonds de participation à la radiodiffusion (FPR) may ultimately deny such organizations’ requests for reimbursement of the costs of this research. The BPF-FPR may, for instance, conclude that the research was unnecessary or immaterial to the 2024-288 proceeding. As the CRTC knows<sup>35</sup> public opinion research can be costly, meaning that if the BPF-FPR fails to remunerate its costs, the cost applicant may be undertaking a hefty financial risk that few can afford.

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fairness unrelated to participatory rights. The values underlying the duty of procedural fairness relate to the principle that the individual or individuals affected should have the opportunity to present their case fully and fairly, and have decisions affecting their rights, interests, or privileges made using a fair, impartial, and open process, appropriate to the statutory, institutional, and social context of the decision.

More recently, the Ontario Superior Court held in *Certas Direct Insurance Company v. Gonsalves*, [2011 ONSC 3986](#), at ¶18 that “[f]undamental to any administrative process, is the requirement that it be fair. At its most basic, procedural fairness requires that a party have an opportunity to be heard and that it be able to respond to the position taken against it.”

In 2022 the Federal Court held in *Tafreshi v. Canada (Citizenship and Immigration)*, [2022 FC 1089](#) (CanLII) knowing the case a party must meet is “[c]entral to procedural fairness”, citing to *Canadian Pacific Railway Company v Canada (Attorney General)*, 2018 FCA 69 at ¶15, quoting Rennie JA [at paragraph 56 of *CPR*]:

No matter how much deference is accorded administrative tribunals in the exercise of their discretion to make procedural choices, the ultimate question remains whether the applicant knew the case to meet and had a full and fair chance to respond. It would be problematic if an a priori decision as to whether the standard of review is correctness or reasonableness generated a different answer to what is a singular question that is fundamental to the concept of justice – was the party given a right to be heard and the opportunity to know the case against them? Procedural fairness is not sacrificed on the altar of deference.

The Federal Court went on to hold at ¶19 that “... failure by a decision maker to provide an applicant with notice of the case to meet constitutes a breach of procedural fairness likely requiring the matter to be sent back for proper redetermination ... [citations omitted]”.

<sup>34</sup> Wikipedia, “[Pig in a poke](#)”:

...

Starting in the 19th century, this idiom was explained as a confidence trick where a farmer would substitute a cat for a suckling pig when bringing it to market. When the buyer discovered the deception, he was said to “let the cat out of the bag”, that is, to learn of something unfortunate prematurely, [3] hence the expression “letting the cat out of the bag”, [4] meaning to reveal that which is secret. [5]

<sup>35</sup> On 27 July 2024 the CRTC made a contract for \$246,379.84 with IPSOS Limited Partnership for “Public Opinion Research” ([Contract Details: 8061033](#)); on 11 April 2023 the CRTC made a contract for \$130,870.29 with Sage Research Corporation for \$130,870.29 for “Public Opinion Research” ([Contract Details: 8056227](#)).

### 3. *Lack of relevant data before intervention contravenes CUSMA*

34 FRPC's third concern is that, as stated earlier, publishing public-opinion research after the intervention deadline means that parties will be unable to comment on this research in their interventions. As a signatory to *CUSMA*, Canada has agreed that "when a regulatory authority is developing a regulation" [underlining added] it "shall, under normal circumstances<sup>36</sup> publish ... an explanation of the data, other information, and analyses the regulatory authority relied upon to support the regulation...."<sup>37</sup> Canada also agreed to publish this information "at a time that will enable the regulatory authority to take into account the comments received".<sup>38</sup> *CUSMA* entered into force in 2020 and requires Canada, the United States and Mexico to review the agreement by 2026.<sup>39</sup> Assuming Canada wishes to renew *CUSMA* after this review, FRPC is concerned that the CRTC's current approach to publishing evidence after the intervention deadline, without an explicit commitment to permit parties to submit their own, new evidence after the CRTC publishes its evidence, creates risks for Canada's negotiation of this renewal.

35 For the three reasons set out above, **FRPC asks that the Commission disclose the complete research design including all survey instruments or questionnaires of the public-opinion research it has engaged, on or before 20 December 2024, so that parties may decide for themselves whether to undertake their own public-opinion research.**

### C. *Timing of final replies*

36 BNoC 2024-288 explains at paragraph 85 that the [Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure](#) apply to the proceeding: "[t]he Rules of Procedure set out, among other things, the rules for ... replies ... and the conduct of public hearings." FRPC notes that these [procedural regulations](#) require the CRTC to set out deadlines for reply in its notices of consultation:

Notice of consultation

21 (1) If a matter is brought before the Commission on the Commission's own initiative, the Commission must post a notice of consultation on its website.

Content of notice

(2) The notice must set out

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<sup>36</sup> *CUSMA*, footnote 2:

For the purposes of paragraphs 1 and 4, "normal circumstances" do not include, for example, situations when publication in accordance with those paragraphs would render the regulation ineffective in addressing the particular harm to the public interest that the regulation aims to address; if urgent problems (for example, of safety, health, or environmental protection) arise or threaten to arise for a Party; or if the regulation has no substantive impact upon members of the public, including persons of another Party.

<sup>37</sup> *CUSMA*, Art. 28.9, s. 1(c).

<sup>38</sup> *CUSMA*, Art. 28.9, s. 2.

<sup>39</sup> *CUSMA*, Art. 34.7, s. 2:

On the sixth anniversary of the entry into force of this Agreement, the Commission shall meet to conduct a "joint review" of the operation of this Agreement, review any recommendations for action submitted by a Party, and decide on any appropriate actions. Each Party may provide recommendations for the Commission to take action at least one month before the Commission's joint review meeting takes place.

...  
(b) any deadline for filing a reply with the Commission;  
....

37 While the *Rules* do not state so explicitly, the CRTC appears to have granted itself the power to amend the notices of consultation it issues. Since 1 January 2023, for example, it has amended several notices of consultation:

- Broadcasting Notice of Consultation CRTC 2023-6, 2023-6-1, 2023-6-2, 2023-6-3
- Broadcasting Notice of Consultation CRTC 2023-129, 2023-129-1
- Broadcasting Notice of Consultation CRTC 2023-138, 2023-138-1, 2023-138-2
- Broadcasting Notice of Consultation CRTC 2024-11, 2024-11-1
- Broadcasting Notice of Consultation CRTC 2024-137, 2024-137-1, 2024-137-2
- Broadcasting Notice of Consultation CRTC 2024-143, 2024-143-1, 2024-143-2
- Broadcasting Notice of Consultation CRTC 2024-172, 2024-172-1, and
- Broadcasting Notice of Consultation CRTC 2024-182, 2024-182-1

38 BNoC 2024-288 refers to at least two sets of deadlines but does not provide dates for either. At paragraph 84 the CRTC says that it will “allow interveners to comment” on an unknown date about “public-opinion research” that it will publish after the intervention deadline but before 31 March 2025 when its public hearing begins.<sup>40</sup> At paragraph 91 the CRTC says it will provide “parties” (rather than interveners) with “an opportunity to file brief submissions” to reply to other interventions, to comments made during the hearing<sup>41</sup> and to respond to undertakings.<sup>42</sup>

39 BNoC 2024-288 does not set out any reasons for the CRTC’s decision to vary from section 21(2)(b)’s requirement that notices of consultation set out “any deadline for filing a reply with the Commission”.

40 So that parties may plan their time responsibly and efficiently, **FRPC asks that the Commission exercise its power under section 21(1) of its *Rules* to issue an amended notice of consultation for 2024-288 by 20 December 2024 which announces the deadlines for comments on the CRTC’s public-opinion research and for submissions in reply to other interventions, comments at the hearing, undertakings and final replies.**

#### ***D. Provide fair and timely access to 2024-288 public record***

##### ***1. Create a distribution list for 2024-288***

41 BNoC 2024-288 may result in fundamental changes to the audiovisual programming produced in Canada as well as production investment and employment, Effective

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<sup>40</sup> 2024-288, at ¶184.

<sup>41</sup> 2024-288 at “Summary”: “Following the public hearing, parties will have an opportunity to file brief final submissions, in which they will be able to respond to interventions received or comments raised during the proceeding, and, if applicable, responses to undertakings.”

<sup>42</sup> *Ibid.*, and at ¶191.

participation in this proceeding requires parties to be aware of changes to the public record and the organization of the proceeding: BNoC 2024-288 specifically “encourages interested persons and parties to monitor the record of the proceeding, available on the Commission’s website, for additional information that they may find useful when preparing their submissions.”<sup>43</sup>

42 The type of information that has been posted in similar proceedings has included more than interventions. The public record for the first C-11 proceeding – *The Path Forward – Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content*, [Broadcasting Notice of Consultation CRTC 2023-138](#) (Ottawa, 12 May 2023) – included links to 12 separate sets of materials about the consultation and 3 sets of materials related to subsequent proceedings:

1. Broadcasting Notices of Consultation CRTC 2023-138, -138-1, 138-2
  2. Commission Letters
  3. Secretary General Letter 1 November 2024
  4. Responses to requests for information<sup>44</sup>
  5. Procedural requests
  6. Interventions
  7. Replies
  8. Agenda - Revised 4 December 2023
  9. Presentations at hearing
  10. Transcript
  11. Final submissions
  12. RP2024-121 [outcome – policy]
  13. *Follow-up to RP2024-121*
  14. *Further Comments on proposed orders*, and
  15. *Final replies proposed orders*.
- [Italics – references to follow-up proceedings]

43 The 2024-288 public record will also include interveners’ appendices and the CRTC’s public-opinion evidence, and may also include other evidence made available by the CRTC, parties’ undertakings and amended submissions from parties.

44 The CRTC announced BNoC 2024-288 on its [Today’s Releases](#) page. It also uses this page to announce notices of consultation for telecom and the *Online News Act* and to publish broadcasting, telecom and online-news decisions. The CRTC publishes all other materials related to broadcast notices of consultation elsewhere, on its [open notices of consultation page for broadcasting](#) and BNoC 2024-288 provides a link to this page: [1011-NOC2024-0202](#) (see Figure 1, next page).

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<sup>43</sup> BNoC 2024-288, ¶100.

<sup>44</sup> BNoC 2024-288 states at ¶94 that “... the Commission may ask parties to respond to additional questions. These questions and the responses will be placed on the public record. ....”

- 45 Checking the CRTC’s website pages daily wastes time that for many parties is already scarce. The 2023-138 proceeding engaged 370 participants’ interest. If only a quarter of that number (46 parties) checked the BNoC 2024-288 public record pages every weekday for a week they would devote 42 8-hour days to this process: Table 1.

**Table 1 Hypothetical time needed for 25 % of 2024-288 participants to check public record daily**

<b>Hypothetical scenario to obtain 2024-288 changes to public record</b>	
Hypothetical number of participants (one-quarter of the 370 participants in the 2023-138 proceeding)	46
Number of public-record elements	12
Minutes to check all public record elements once for changes	5 minutes
Total time for 10% of participants (37) to check once	185 minutes
Total time to check each weekday (5 times/week)	925 minutes
	15.4 hours
Duration of proceeding until hearing ends, excluding Dec-Jan break	22 weeks
Weeks x hours (22 x 15.4)	339 hours
8-hour days	42 days

- 46 The Forum proposes that the CRTC maintain its current approach in which parties may check the consultation public record but that it also give parties the option of subscribing to a CRTC broadcast distribution list: the CRTC’s staff could then notify all parties on the distribution list about additions or changes to the public record.
- 47 The Forum asks that the CRTC notify potential participants in the 2024-288 proceeding about a distribution list by
- a. emailing all parties to the 2023-138 proceeding along with the 136 parties that registered to attend the CRTC’s 15 November 2024 morning briefing about BNoC 2024-288, to inform them that they may subscribe to a distribution list and to provide the link to the sign-up list,
  - b. issuing an amended notice of consultation with instructions for interested parties to sign up to the distribution list (so as to notify parties of which the CRTC may be currently unaware) and by
  - c. including a sign-up option on the BNoC 2024-288 Open Notices of Consultation page and on its Closed Notices of Consultation page once the public record ends, so that parties may receive notification of the CRTC’s subsequent determination(s) and processes).
- 48 **FRPC asks that the CRTC create a mechanism enabling all interested parties to subscribe to a 2024-288 distribution list, and that it send e-mail notifications to those on the list when the 2024-288 public record changes.**

## 2. Create single file folders of interventions and appendices

- 49 BNoC 2024-288 limits interventions to 20 pages not including appendices. Reviewing parties' submissions requires an interested person to visit the 2024-288 page, select the "Interventions" hyperlink, select the intervener in whose materials they are interested, select a document of the intervener in which they are interested and download that document: Figure 1 (next page).

Figure 1



- 50 This process must be repeated for every document of every intervener whose submissions the interested person needs to review.
- 51 Given the importance of BNoC 2024-288 – as it will define the elements needed for a program to be Canadian; how Canadians and their country are reflected in this programming; the control, ownership and financing of such programs, and the employment opportunities they create – the Forum assumes that many people and organizations may want to participate. For example, the 2023-138 proceeding launched in November 2023 – [Working towards a modernized regulatory framework regarding contributions to support Canadian and Indigenous content](#) – attracted 370 parties.<sup>45</sup>
- 52 Downloading interveners' documents one by one takes time and the total time needed to download all the documents of a given proceeding depends on how many parties intervene in the proceeding. Suppose that only half the parties that intervened in the 2023-138 proceeding – 185 people and organizations – submit interventions in the BNoC 2024-288

<sup>45</sup> See CRTC, [Interventions](#), Public process number: 2023-138 (accessed 23 November 2024).

proceeding. If only half of those parties (92) also submit from one to five appendices, 2024-288 may result in 390 intervener documents: Table 2.

**Table 2 Hypothetical scenario concerning interventions in BNoC 2024-288**

Hypothetical scenario to obtain 2024-288 interventions	Hypothetical interveners	
	%	#
Hypothetical total of interveners: 185		
Assume half of interveners only file Interventions	50%	92
Assume half of interveners file interventions <i>and</i> appendices	50%	92
Total appendices, assuming diminishing number of appendices filed by 92 interveners		
46 interveners – 1 appendix	50%	46
23 interveners – 2 appendices	25%	46
15 interveners – 3 appendices	16%	45
6 interveners – 4 appendices	6%	24
3 interveners – 5 appendices	3%	45
Total appendices, 92 interveners	100%	206
Total documents requiring separate downloads		
Total interventions (92.5 + 92.5)		185
Total appendices filed with interventions by 90 interveners		206
Total documents, all partes:		390

53 If an interested person locates, downloads and saves a document (for later review) within 2 to 5 seconds, the total time for to download all 390 interventions and appendices could take from 13 to 32 minutes:

Seconds to locate, download and save one document:	2	3	4	5
Downloading all 348 documents (time in seconds)	780	1170	1560	1950
Time in minutes (seconds % 60)	13.0	19.5	26.0	32.5

54 Supposing that only half the hypothetical participants – 92 of 185 parties – want to review all of the submissions, simply downloading (not reading) the documents would take them from 2.5 to 6.2 eight-hour days:

Time in seconds for 92 parties to download all interventions	2	3	4	5
Total minutes x 92 parties	1,196	1,794	2,392	2,990
Total hours for parties to download documents	19.9	29.9	39.9	49.8
Total 8-hour days	2.5	3.7	5.0	6.2

55 Large companies like Bell, Québecor, Netflix and Amazon can cope with this process by deploying their existing employees or by retaining outside assistance to download and, if necessary, print interventions and appendices.

56 Smaller organizations like the Forum and other public-interest organizations likely to participate in the BNoC 2024-288 proceeding have fewer staff and are unable to readily



retain outside assistance,<sup>46</sup> and even those organizations that have several staff may be working on the four other proceedings the CRTC has scheduled whose deadlines overlap with the BNoC 2024-288 deadlines.

- 57 This places participants with fewer resources at an unfair disadvantage in the BNoC 2024-288 proceeding as they must devote more of their limited resources before the 20 January 2025 deadline just to downloading documents.
- 58 The Forum notes that the CRTC currently makes procedural requests such as this one available in a single file that contains all parties' procedural requests. FRPC proposes that the CRTC maintain its existing one-by-one process for accessing interventions, while providing interested parties with two other options: to download a single file of all interventions, and to download all English-language and all French-language submissions in separate files, thereby facilitating translation if required. This change would save all participants in this proceeding including FRPC time (and, therefore, money), would facilitate more efficient access to the public record of this important proceeding and would provide all parties with options to obtain the information they need in a timely manner.
- 59 In addition to allowing parties to download individual interveners' documents one by one, **FRPC asks that the CRTC provide a single, downloadable folder of all submissions and separate files for English-language and French-language submissions, thereby enabling parties to devote their limited resources to the substance of BNoC 2024-288.**

### **3. *Disclose all information to all parties at the same time***

- 60 BNoC 2024-288 “encourages interested persons and parties to monitor the record of the proceeding, available on the Commission’s website, for additional information that they may find useful when preparing their submissions” (paragraph 100). FRPC notes, however, that the CRTC sometimes makes relevant information available to some parties before it discloses this information to others. In the 2023-138 proceeding, for instance, the CRTC’s staff sent two requests for information (RFIs) on 21 December 2023 to certain parties that had appeared before the CRTC’s 2023-138 hearing panel. The CRTC’s staff planned not to publish the RFI questions until the RFI responses were published,<sup>47</sup> and in fact the 2023-138 public record still does not include a set of materials described as “Requests for information”. When asked, the CRTC subsequently published its RFIs, seeing “no harm in sharing the questions more broadly in advance”.

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<sup>46</sup> Assuming public-interest organizations rely on the BPF-FPR, for instance, and that the BPF-FPR agrees to make interim payments with respect to the BNoC 2024-288 proceeding, it currently takes FRPC an average of two months after filing cost applications to receive payments approved by the BPF-FPR. Moreover, as the CRTC last revised the tariff for its telecommunications and, therefore, the BPF-FPR’s broadcasting cost applications in 2007, the rates these organizations can pay have – compared to their value in 2002 – decreased in value by more than a third. It is difficult to engage assistance on these terms.

<sup>47</sup> See Secretary General, CRTC, *Subject: Procedural requests to file Requests for information (RFIs) on the public record of the Contributions proceeding launched by Broadcasting Notice of Consultation CRTC 2023-138 (NoC 2023-138)*, (Ottawa, 26 January 2024) at page 2, unnumbered paragraph 1.

- 61 The indirect effect of the RFI process and its deadlines was to provide parties that received the RFIs with information other parties did not have – namely, that the CRTC was unlikely to be setting the final reply deadline for 2023-138 in January 2024, and also which issues from the CRTC’s perspective still required clarification and evidence.
- 62 Granting some but not all parties access to relevant timing and evidentiary information is unfair to parties whose access to this information is delayed until the CRTC decides to publish the RFI answers. This approach creates two classes of participants: those who receive advance information about the proceeding’s timing and the evidence of interest to the Commission, and those who do not. In the case of the 2023-138 proceeding – had the CRTC not changed its procedure (in response to procedural requests) the advance-warning participants knew of the RFIs 36 days before other parties would have known about the questions and answers when these were due and presumably posted on 26 January 2024.<sup>48</sup>
- 63 The CRTC ultimately required that parties submit their final replies in that proceeding on or before 15 February 2024. The CRTC therefore effectively granted a select number of participants knowledge about the timing of the 2023-138’s end phase – a headstart, so to speak, that represented two-thirds (36 days or 64.3%) of the 56 days from when the CRTC issued the RFIs on 21 December 2023 to the final reply date of 15 February 2024. Advance knowledge about timing and issues of interest to the regulator enables parties with that knowledge to plan their behaviour and how they allocate their resources, before parties without that knowledge can do so.
- 64 Some may believe that nothing turns on advance warnings of this kind: the corollary to that belief is that if nothing turns on advance warning, everyone should be warned in advance. Therefore, **FRPC asks that the CRTC post any and all RFIs in the BNoC 2024-288 proceeding on its public record on the date they are sent to RFI respondents, and that it notify parties on its distribution list about the dates involved and the CRTC website page where they may obtain the RFIs.**

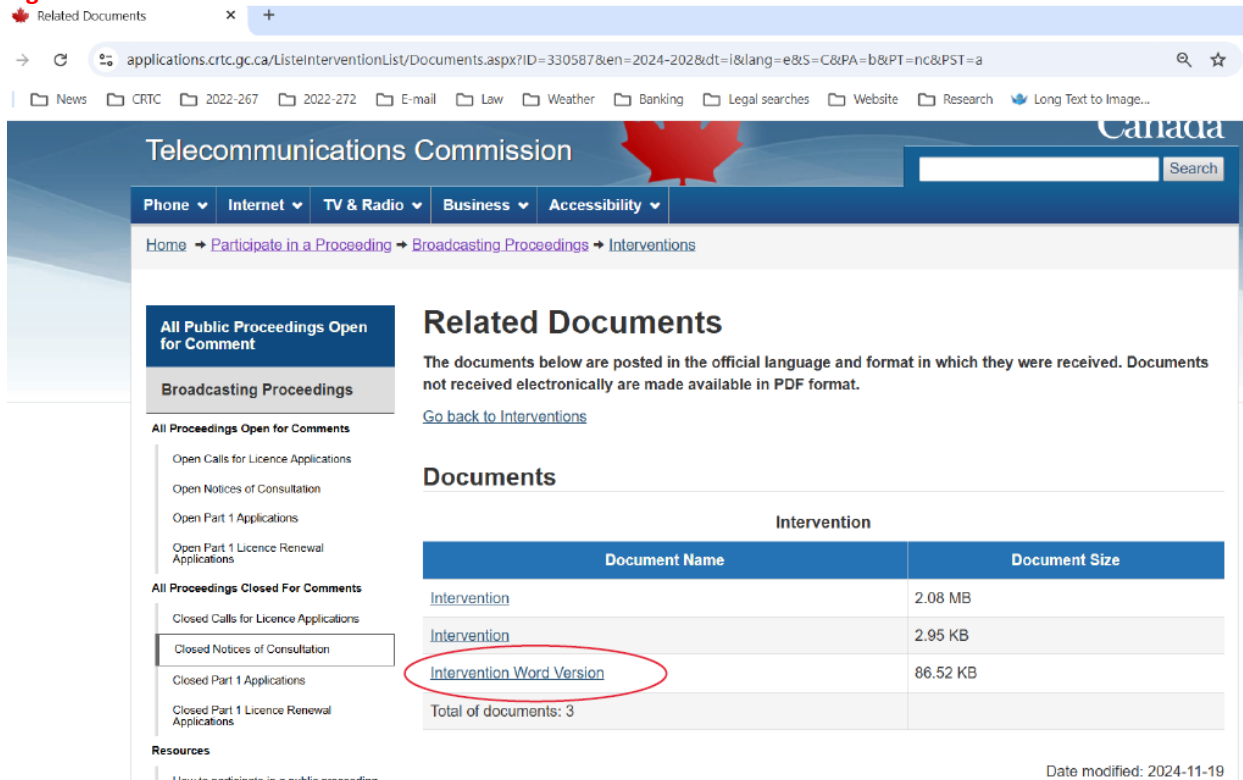
**4. Identify all change to the 2024-288 public record when these occur**

- 65 Even if interested parties and participants check the CRTC’s public record daily they may remain unaware of changes to the public record.
- 66 For example, in the recently-closed proceeding on official-languages minority communities (Broadcasting Notice of Consultation CRTC 2024-202) the CRTC record shows that one party filed an “Intervention” as well as an “Intervention Word Version”: Figure 2. Neither description includes the date of the document.

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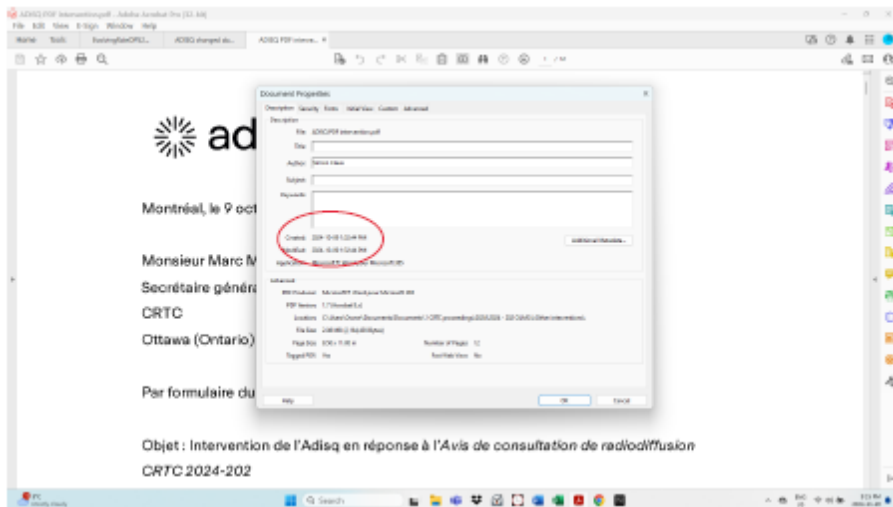
<sup>48</sup> Some respondents received and answered RFIs dated 21 December 2023; others received and answered RFIs dated 6 January 2024; the dates on which the RFI answers were apparently sent [the CRTC’s file of RFI responses does not include the dates when responses were posted but rather the dates the responses were last changed] ranged from 8 January 2024 to 22 February 2024. See [“Responses to requests for information”](#).

**Figure 2 Intervention dated 9 October 2024**



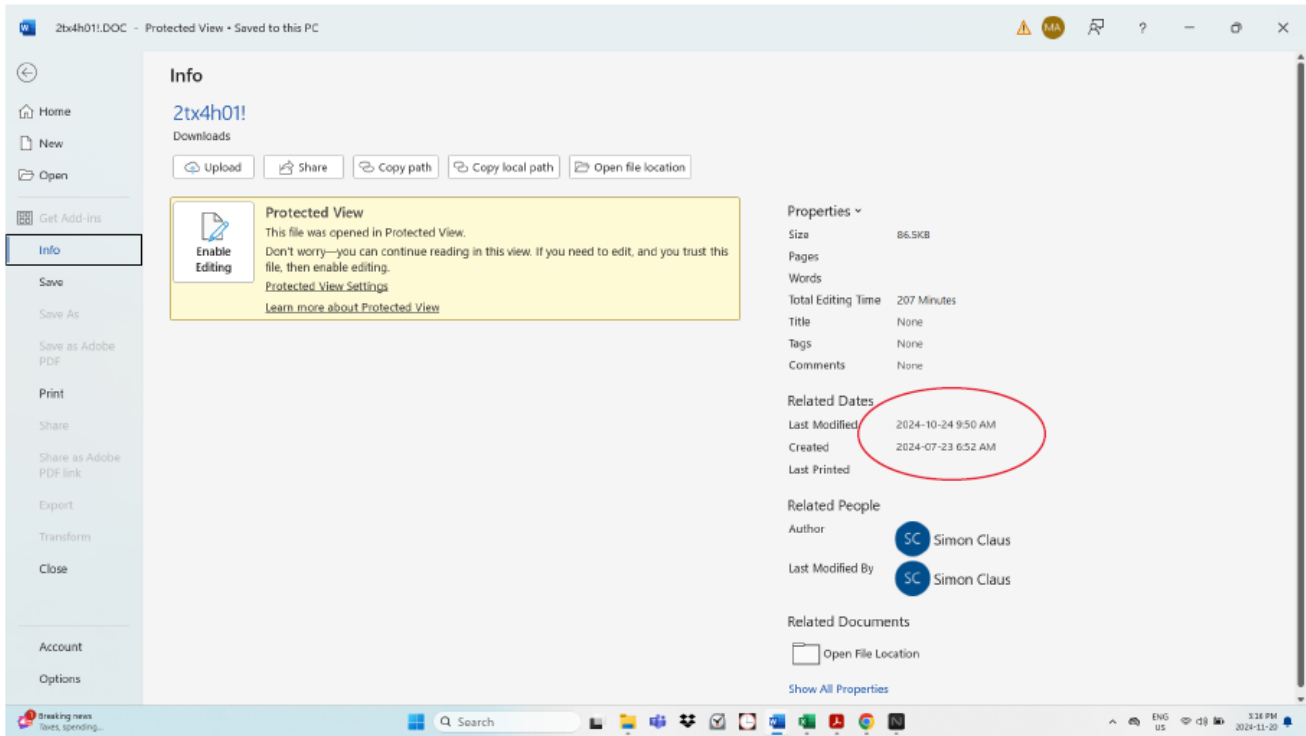
67 The “Intervention” document is formatted using Adobe Acrobat. Its PDF Properties show that the document was created 9 October at 1:32:44 PM – the intervention deadline in the 2024-202 proceeding: Figure 3.

**Figure 3 9 October 2024 document properties show final date of 9 October 2024**



68 The “Intervention Word version” appeared on the CRTC’s website sometime after the 9 October 2024 intervention deadline and, based on the Word document’s information properties, on or after 24 October 2024 at 9:50 AM: Figure 4.

**Figure 4 Word Version document created 29 October 2024**



69 Adding amended documents to the BNoC 2024-288 public record without clear descriptions creates uncertainty and may lead to parties’ devoting scarce time to downloading and re-reading documents they have already downloaded and read. Therefore, **FRPC asks that the CRTC identify documents to show their format, the date when they are posted and whether they have been amended from a previously filed document.** The onus of determining how and why individual participants’ documents have changed should not fall on all other parties in the proceeding.

**E. Provide all parties with fair opportunity to be heard**

**1. CRTC seeks fulsome public record**

70 The CRTC states at paragraph 81 of BNoC 2024-288 that “it wishes to engage with Canadians within and outside the audio-visual production industry” so as to “have a fulsome public record”. The Forum supports this wish because the core of Parliament’s broadcasting policy for Canada in section 3 of the *Broadcasting Act* is the reflection of Canada to Canadians. How this concept is defined and measured therefore matters to all Canadians.

71 FRPC notes that the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* empower the CRTC to require broadcast licensees to provide notice about BNoC 2024-288. Specifically, section 35(2) of the *Rules* enables the CRTC to determine

whether in the case of a regulatory policy, “it is in the public interest” to require broadcast licensees to give notice of the BNoC 2024-288.<sup>49</sup>

- 72 If the CRTC wishes to “have a fulsome public record”, the CRTC has the option of increasing the scope of its current public notice system to include broadcast notifications, thereby providing many, if not the majority of Canadians, with an opportunity to be heard concerning the definition of Canadian audiovisual content.

## 2. **Restricting issues parties may raise at March- April hearing**

- 73 The Commission’s *Rules* empower it to simplify the issues at a public hearing through a “preparatory conference”. Under section 37 the CRTC may

... request the parties to appear prior to a public hearing before one of its members ... or any other person designated by the Commission, on a day and at a time and place specified by the Commission, for the purpose of formulating the issues and considering  
(a) the simplification of the issues;

...

(e) ... and

(f) any other matters that might aid in the simplification of the evidence and disposition of the proceedings.

- 74 BNoC 2024-288 does not refer to a preparatory conference held by the Commission but nonetheless advises that the CRTC “will also indicate before the hearing which of the questions included in this notice will be addressed at the hearing”, adding that some “elements may be addressed only through written interventions and final submissions”.<sup>50</sup>

- 75 The Forum notes that while the CRTC’s *Rules* give it the discretion to “dispense with or vary” its *Rules* – by not holding, for instance, a preparatory conference to simplify the issues at a public hearing – they only enable the CRTC to exercise this discretion if the CRTC “is of the opinion that considerations of public interest or fairness permit”.<sup>51</sup> BNoC 2024-288 does not set out the “considerations of public interest or fairness” that have led the CRTC to decide to determine which issues parties may raise at the March-April 2025 public hearing. Rather, according to 2024-288 the CRTC “considers that efficiency, balance and fair participation is

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<sup>49</sup> Subsection 35(2) of the *Rules* states that

When a public hearing is held in respect of a regulatory policy, the Commission must determine, if it is in the public interest to do so, which licensees and telecommunications service providers must fulfill the obligations set out in subsection [35](1).

Subsection 35(1) provides that

When a public hearing is held in respect of an application, the applicant must

...

(b) give notice of the notice of consultation in any manner that the Commission directs, including through broadcast over the applicant’s facilities ... which notice must set out

(i) the nature of the matters to be considered,

(ii) the deadline for intervening in the proceeding, and

(iii) the date and time of the commencement of the hearing.

<sup>50</sup> BNoC 2024-288, ¶193.

<sup>51</sup> *Rules*, s. 7.

necessary for this policy making proceeding in order to swiftly facilitate the additional proceedings necessary to implement the policy determinations.”

- 76 It is easy to understand that the CRTC wants to make policy efficiently. What the CRTC has not explained is why its desire to make policy efficiently overrides parties’ freedom of expression and their right to make their case about the matters that most concern them. Stating that it is necessary to limit parties’ freedom of expression to ensure “balance and fair participation” does not state how limiting parties’ participation is either fair or serves the public interest.
- 77 Therefore, **FRPC asks that the CRTC either hold a preparatory conference as its Rules require to limit the scope of the 2024-288 public hearing, or that it rescind its planned limitation of parties’ discussions of the issues that matter to them.**

### III. Summary of FRPC procedural requests

- 78 In summary, considering the CRTC’s emphasis on its role in serving the public interest and its desire for evidence, the Forum
1. supports MPA-Canada’s request for a one-month extension to provide all parties with a reasonable opportunity to participate,
  2. asks that the CRTC on or before 20 December 2024 publish the research design and, specifically, the public-opinion questions or questionnaire, of the public-opinion research that the Commission currently intends to publish after the 20 January 2025 deadline for interventions so as to enable all parties to know the case they must meet,
  3. requests that, pursuant to section 21(2)(b) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* and in order to enable parties to plan their time responsibly, the CRTC publish an amended notice of consultation setting out all deadlines for reply for the BNoC 2024-288 proceeding,
  4. asks that the CRTC
    - a. create and allow interested parties to subscribe to a 2024-288 distribution list to receive e-mail notifications of any changes to the public record (saving, hypothetically, several weeks of 8-hour days of participants’ time)
    - b. provide interested parties with a single downloadable folder in which all intervention materials are included, and for the purposes of ready translation, separate folders for English-language and French-language submissions (saving several days of participants’ time)
    - c. disclose all requests for information to all parties at the same time to ensure that all parties have access to relevant timing and evidentiary information
    - d. Either provide reasons for purporting to limit the scope of issues that parties may raise at the public hearing or by 20 December 2024 clarify the topics the CRTC does



not wish to discuss at the public hearing to enable parties to make the best use of their preparation time; and

- e. Identify in their titles the dates of all amended documents placed on the public record,
5. supports the CRTC's desire for a fulsome public record and notes that section 35(2) of the *Rules* empowers the Commission to require licensed broadcasters to broadcast notifications of the BNoC 2024-288 proceeding, and
6. asks that the CRTC either hold a preparatory conference before limiting the scope of the 2024-288 public hearing, or that it rescind its stated intention to limit parties' discussions of the issues of concern to them.

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