9 October 2025

Marc Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Dear Secretary General,

Re: ***Call for comments – A new approach to funding public interest participation in Commission proceedings*****, Broadcasting and Telecom Notice of Consultation 2025-94 (Gatineau, 12 May 2025) - Reply**

1 The Forum for Research and Policy in Communications (FRPC) is a non-profit and non-partisan organization established a decade ago to undertake research and policy analysis about communications, including telecommunications, and to advocate on behalf of the public interest.

2 The Forum submitted its intervention in the above-noted proceeding on 9 September 2025.

3 FRPC's reply to other parties in the proceeding is attached; its decision not to reply to individual submissions should not be understood as its acquiescence to those parties' positions.

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At the table – or on the menu?

Public-interest participants in CRTC proceedings in the 21st century:

Reply by the
Forum for Research and Policy in Communications (FRPC)

To other interveners participating in

Call for comments – A new approach to funding public interest participation in Commission proceedings

Broadcasting and Telecom Notice of Consultation 2025-94
(Gatineau, 12 May 2025)

9 October 2025

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Executive Summary

I Introduction

ES 1 The Forum for Research and Policy in Communications (FRPC) is a not-for-profit corporation established in late 2013 to undertake legal, policy and empirical research about issues related to telecommunications and broadcasting in Canada. FRPC submitted an intervention in this proceeding on 9 September 2025.

ES 2 This proceeding pits hypothetical fear against reality. Companies such as Bell are fearful that "broad access to costs recovery *may* inadvertently incentivize participation in matters that lack a genuine consumer interest" (italics added) and argue repeatedly that the only entity capable of administering costs processes in broadcasting and telecom is the CRTC. They advocate fundamental changes to the current costs-application process that will not only complicate this process, but will essentially seriously impair – if not outright prevent – public-interest participants from participating on a equitable basis in the Commission's proceedings. The result, to coin a phrase, is that the public interest will no longer be represented at the table, but will be on the menu.

ES 3 Public-interest participants fear that nothing will change after this proceeding and that they will remain trapped within two separate cost applications processes, continue to be reimbursed at rates set in and unchanged from 2007 and continue to lack the resources needed to gather necessary and reliable objective evidence concerning the public-interest in broadcasting and telecommunications. A number of participants including FRPC expressed frustration with the current broadcast and telecom costs application processes: decisions are not readily available, no online database of cost applications exists and the processes lack clarity and useful, one-stop guidance.

ES 4 FRPC's reply addresses a number of points. The most important of these are as follows:

a. In evaluating participants' comments, the Commission must assess the evidence presented in support of arguments; arguments unsupported by evidence should be accorded less weight than arguments supported by evidence.

b. The Commission must also bear in mind that, unlike the provincial and territorial public-utilities boards to which it has been compared, caselaw confirms that the CRTC is, in reality, a polycentric decision-maker that must balance competing interests that include and are not limited to the 'public interest' and its subset of the 'consumer interest'; consequently the CRTC's public processes require a fulsome public record to enable the Commission to weigh arguments and evidence. Introducing new threshold eligibility requirements will effectively limit public-interest participants' ability to participate on a playing field that is at least close to, if not level with, the field on which larger companies engage with the CRTC.

c. Finally, the CRTC must be cognisant of the Courts' position on the CRTC's historic approach to costs: namely, that it is reasonable for the Commission to reimburse public-interest participants' costs so as to enable these parties to develop and maintain their expertise in and base of knowledge concerning CRTC proceedings, and to "take a broad view of the principle of … compensation" rather than being bound by the civil-costs litigation model. Briefly, the Supreme Court agreed in 1986 that the CRTC was correct to take a more liberal approach when decisions are made about public-interest participants' expenses, than a more strict approach.

d. Since the FCA and SCC decisions of the 1980s, Canadian courts' positions have evolved in other areas. For example, outcomes that produce consequences that are unreasonable, illogical, inequitable or incoherent are absurd – which the legislature cannot be presumed to have ever intended. Consequently, the CRTC must recognize admonitions that it apply more detailed, stricter, more limiting and more complicated criteria to its current costs processes should be dismissed due to the absurd result they will yield: which is a more complicated rather than a simplified cost-applications process.

e. The available evidence regarding the number of cost applications and the timing of their decisions shows that the BPF-FPR's broadcasting process is more efficient than the CRTC's telecom costs process. The CRTC should require the BPF-FPR to submit proposals to increase its transparency, and approve the concept of a new Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC) based on the foundation of the BPF-FPR.

f. A new CPF/FPC must be provided with annual funding sufficient to meet unexpected costs from unexpected or unplanned proceedings. This funding should come from the five largest Canadian vertically integrated companies in Canada's regulated communications system.

g. FRPC believes it is preferable for the CPF/FPC to process and make decisions about all public-interest participation cost applications. An alternative – supposing that the CRTC believes it lacks jurisdiction to do this under the *Telecommunications Act* – would be for the CRTC to require the CPF/FPC to process and make recommendations regarding telecom costs applications, for the CRTC to make the telecom decisions and to require the CPF/FPC to make approved payment.

h. The CRTC must require the CPF/FPC to promote itself to OLMCs and Indigenous organizations and to report annually on the allocation of its funds to these organizations.

II FRPC set out 8 principles that should be considered before the Commission decides the matters in 2025-94, and has added a 9th related to the concept of regulatory symmetry. Any new approach adopted by the CRTC should meet these princples.

Nine foundational principles for the CPF/FPC
The **legitimacy** that an independent and neutral third-party organization dealing with cost orders related to public-interest participation in CRTC proceedings would lend to the CRTC's decisions about those proceedings
The need for a clearly stated **purpose** for the proposed Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC) requiring it to reimburse public-interest participants' advance, interim and/or final costs in CRTC proceedings, and to provide financial support for new and objective research about Canada's communications system and for the development of expertise (through affordable, annual law-and-policy conferences of public-interest participants)
The necessity to enable **qualified public-interest participants** to make relevant, evidence-based submissions to strengthen the public record of CRTC proceedings and widen the ideas and information available to the Commission
The need for funded, **organizational capacity** of the CPF/FPC to meet its purpose effectively and efficiently with at least two full-time staff, preferably with legal and technical expertise
The imperative for consistent, **stable** funding that keeps pace with inflation, the CPF/FPC's purpose and public-interest participants' needs
The need for a 60-day **timeliness** standard to decide and pay public-interest participants' costs
The need for **efficient** operations including the processing and decision-making of applications, the design of cost applications and more frequent meetings with cost applicants to elicit their concerns (if any),
The necessity for the CPF/FPC to be **accountable** to applicants, public-interest participants, the Commission, the companies and Parliament through transparent operations, a publicly accessible database of past and current decisions, and quarterly reports.
The necessity in establishing a costs process to consider the resources used by proceedings' participants in terms of **symmetry**: each party in a proceeding should be able to • determine their approach to the proceeding (when the choose to or are directed by the CRTC to participate) • decide whether to make their case on their own or in conjunction with other parties • choose legal counsel, experts and other advisors when needed to make their case (through evidence or advice), • undertake the collection of evidence either on their own or in conjunction with parties with common interests and • pay for legal, expert and other services based on reliable time-based dockets using rates that do not decrease in real terms over time

I. Introduction

1 The Forum for Research and Policy in Communications (FRPC) is a not-for-profit corporation established in 2013 to advocate on behalf of the public interest in broadcasting and telecommunications by undertaking empirical, policy and legal research and making submissions that rely on Parliament's broadcasting and telecommunications policies as a proxy for the concept of public interest. FRPC generally appears before the CRTC and has also participated in the proceedings of other bodies, including and not limited to Parliamentary standing committees and legislative review panels.

2 FRPC submitted its intervention in the TBNoC 2025-94 proceeding on 9 September 2025 and has read with interests the submissions of other interveners, focussing in particular on interventions that set out proposals on how the Commission "can better support people, including public interest groups, to participate in its proceedings" (2025-94, "Summary") and on the "single application process" for which the CRTC expressed preliminary support (¶8).

3 The Forum's reply to a number of other parties in this proceeding follows. FRPC notes that section 27(2) of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* enables parties to reply to points raised in others' comments, to admit or deny the facts alleged by those parties' comments' and to state the basis of parties' opposition to other parties' comments:

> Form and content of reply
> [27](2) The reply must
> (a) be restricted to the points raised in the answer or the document;
> (b) admit or deny the facts alleged in the answer or the document;
> (c) state the grounds of objection or opposition, if any, to points raised in the answer or the document;
> (d) be accompanied by a list of the persons on whom the reply is served and the email address of each, if any; and
> (e) be served on the respondents and the interveners to whom the applicant is replying and any other persons that the Commission directs.

4 As this reply is being made in the context of a CRTC-initiated consultation FRPC will not be adhering to subsections 27(2)(c) and (d), and will instead submit its reply through the CRTC's online interventions portal.

II. Legal context for the CRTC's decision in 2025-94

5 The Indigenous Connectivity Institute points out (pp. 3-4) that "telecommunications proceedings involve highly technical and regulatory issues (e.g., spectrum allocation, broadband deployment, wholesale access). Effective participation often requires engineers, technical consultants, and legal specialists." FRPC agrees with the Institute.

6 The CAB, on the other hand, appears to argue (¶3) that "robust participation from individual intervenors" is today "a staple of large broadcasting policy proceedings" because the CRTC "has reduced technical barriers to participation and increased awareness of its consultations in recent years", and because "the Commission has often engaged independent firms to conduct public opinion research and included the results of those studies in its evidentiary records". The CAB therefore concludes that "the public interest is already adequately represented in broadcasting regulatory proceedings" (paragraph 3), and that what is needed is the application to broadcasting costs of "the more rigorous and detailed telecom approach to awarding costs" (page 5). Bell agrees (¶28) that "[s]tricter application and enforcement of the Commission's rules are essential…."

7 The recommendations of Bell and the CAB that the CRTC should adopt a stricter approach to public-interest participation are fundamentally flawed for two reasons.

8 First, while section 26(2)(f) of the *CRTC Rules* requires interveners to "contain a clear and concise statement of the relevant facts" that support its position, the CAB did not provide any evidence describing how interventions by individual interveners today are "robust", or how often the CRTC undertakes valid and reliable survey research in its many proceedings. Insofar as 'robust participation' is concerned, moreover, FRPC notes that several hundred parties intervened in the BNoC 2021-281 proceeding concerning Rogers' purchase of Shaw's broadcasting assets. Of 365 interventions filed, however, it seems that just two considered whether the level of tangible benefits that Rogers proposed to direct to the broadcasting system (and, consequently, to the public interest) was calculated correctly. The CRTC's decision in the proceeding mentioned that PIAC raised this issue (2022-76, paragraph 47) and while not mentioned in the decision FRPC devoted four pages of its intervention to explaining why the $5.6 million proposed by Rogers for tangible benefits was underestimated by at least $17.6 million: the existence of the BPF-FPR made these interventions possible – and Decision CRTC 2022-76 subsequently required Rogers to increase its tangible benefits by almost five times.

9 Consequently, and as noted by Canadian Telecommunications Association (¶3), what matters is not so much that the level of "robust participation" in CRTC proceedings, but the "robust record" that is made possible by "Canadians' ability to participate in regulatory matters" and in the case of public-interest organizations, the financial support to develop, maintain and strengthen the quality of their participation.

10 The quality of the public record matters in CRTC proceedings because the Commission's role in both broadcasting and telecommunications is to be that of a 'polycentric adjudicator' that balances a number of competing and sometimes opposing interests: *Société Radio-Canada v. Métromédia Cmr Montréal Inc.*, 1999 CanLII 8947 (FCA),, per Létourneau, J.A. for the Court, at paragraph 5 and *Bell Canada v. Bell Aliant Regional Communications*, [2009] 2 SCR 764, 2009 SCC 40 (CanLII), at paragraph 38.

11 These decisions show that Parliament has not directed the CRTC to place the public interest first and foremost in its decisions but rather requires it to balance a wide range of interests. Yet as the *CRTC Rules* establish, the CRTC requires interveners not just to state their preferences, but to set out evidence in support of their case. The companies regulated by the CRTC generally follow these requirements – and public-interest participants must do the same. Consequently, public-interest participants bear a burden of identifying relevant issues in any proceeding, determining their position on those issues and then also gathering and presenting evidence to support their positions.

12 The CRTC and Canadian courts agreed several decades ago that meeting this burden requires both experience and expertise on the part of public-interest participants. Specifically, Canadian courts have upheld the CRTC's position that orders reimbursing public-interest organizations' costs of participating in its proceedings enable these groups to develop and maintain expertise in CRTC proceedings. In 1983, for example, the Federal Court of Appeal upheld the CRTC's 1981 decision to award public-interest participation costs in a telecom proceeding: *Bell Canada v. Canada (Canadian Radio-Television and Telecommunications Commission)*, 1983 CanLII 4959 (FCA), [1984] 1 FC 79 at 87. The FCA quoted the CRTC's view in 1981 that

> … **the proper purpose of such awards is the encouragement of informed public participation in Commission proceedings**. **It would inhibit public interest groups from developing and maintaining expertise in regulatory matters** if, in order to be entitled to costs, they had to retain and instruct legal counsel in the manner

> appropriate to proceedings before the courts in civil matters. On the other hand, no useful purpose would be served by requiring public interest groups artificially to arrange their affairs, by means, for instance, of forgivable debts or bonus accounts, in order to avoid a restrictive interpretation of the term "costs".

13 The Federal Court of Appeal understood the Commission's comments to be "an amplification of the Commission's view as to the proper principles to be applied in awarding costs in rate-application hearings" (*Ibid.*). Explaining that as a matter of law the FCA would have "interfered with that exercise of the Commission's discretion" if it "had been satisfied that the Commission had proceeded on a wrong principle in arriving at its conclusion", the FCA upheld the CRTC's approach to awarding public-interest participation costs – including the encouragement, development and maintenance of expertise and informed participation.

14 The argument for 'stricter' application of (additional) rules for cost-applications in CRTC proceedings also ignores the 1986 decision of the Supreme Court of Canada regarding the same CRTC decision: *Bell Canada v. Consumers' Assoc. of Canada*, 1986 CanLII 49 (SCC), [1986] 1 SCR 190, per Le Dain J. The SCC also quoted the CRTC's statement that it

> … considers that **the active participation of established organizations such as CAC and NAPO et al in regulatory proceedings is desirable in view of their continuing interest and knowledge base in the field.** In the Commission's view, the adoption of Bell's argument concerning double recovery would in effect mean that only *ad hoc* organizations could expect to obtain awards of costs from the Commission. Such organizations would not likely have the base for informed participation upon which established organizations such as CAC and NAPO et al can build their specific interventions. Such organizations are called upon to intervene in a number of regulatory proceedings and the Commission has concluded that the taxing officer did not err in principle when he interpreted the Commission's direction to take into account government funding as a direction to deduct from awards of costs only funds specifically designated for the 1978 Bell rate case.

15 The Court went on to hold (at paragraph 30) that in view

> … of the nature of the proceedings before the Commission and the financial arrangements of public interest interveners, **the discretion conferred on the Commission** by s. 73 **must**, in my opinion, **include the right to take a broad view of the application of the principle of indemnification or compensation**. The Commission therefore should not be bound by the strict view of whether expense has been actually incurred that is applicable in the courts. It should, for example, be able to fix the expense which may be reasonably attributed to

> a particular participation by a public interest intervener as being deemed to have been incurred, whether or not as a result of the particular means by which the intervention has been financed there has been any actual out-of-pocket expense. …

16 In other words, the Supreme Court did not object to the Commission's desire for "the active participation", "continuing interest and knowledge" of public-interest organizations. Rather, the Court agreed that <u>the CRTC was correct to take a more liberal approach in deciding public-interest</u> participants' expenses, rather than a more strict approach.

17 Canadian law has continued to evolve since those early decisions about the CRTC. In 1998 the Supreme Court affirmed the "well-established principle of statutory interpretation that the legislature does not intend to produce absurd consequences": *Rizzo & Rizzo Shoes Ltd. (Re)*, 1998 CanLII 837 (SCC), [1998] 1 SCR 27, at paragraph 27. An interpretation is absurd if it

- leads to ridiculous consequences
- "is extremely unreasonable or inequitable"
- is "illogical or incoherent"
- leads to ridiculous consequences
- "is extremely unreasonable or inequitable"
- "is illogical or incoherent"
- "if it is incompatible with other provisions or with the object of the legislative enactment"
- defeats "the purpose of a statute" or
- renders "some aspect of it pointless or futile".

18 The call for a stricter approach to cost applications must consequently be rejected not just because there is no evidence to support it or because it contradicts the development of Canadian law regarding public-interest participation in CRTC proceedings – but because maintaining the CRTC's 46-year old adversarial approach to telecom costs and imposing it on broadcasting would have the absurd effect of discouraging rather that encouraging public-interest participation in the Commission's proceedings.

III. Current approach to CRTC costs

19 Many of the parties in the current proceeding addressed the first question raised by the CRTC: "Q1. Should the application process for funding the participation of public interest groups be the same in both telecommunications and broadcasting proceedings?".

A. *Costs processes in telecom and broadcasting*

20 Bell argues (¶¶147-149) that a single costs system administered by the CRTC would yield the benefit of efficiency but does not set out evidence in support of its claim, by describing the actual steps involved in the telecom and broadcasting cost-applications processes.

21 The approach in telecom with respect to interim and final cost applications is in fact described by sections 60 to 64 and sections 65 to 68 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*; for broadcasting by the BPF-FPR's requirements[1] and its standards (BPF-FPR, paragraph 27).

22 Table 1 summarizes the requirements of the CRTC and the BPF-FPR regarding advance, interim and final costs applications in telecom and broadcasting proceedings. In addition to its interim- and final-cost application processes, the CRTC has in the past year introduced an advance-costs process. The CRTC's advance-costs process has four steps; its interim- and final-costs processes each have ten steps. The BPF-FPR does not provide for advance costs, its interim and final costs processes each have six steps.

Table 1

Telecom	**Broadcasting**
Advance costs	**No provision for advance costs**
1. Write to CRTC to describe proceeding, proposed approach to intervening, resources required and estimated funding needed	
2. Other parties may reply	
3. Await CRTC decision	
4. Ask CRTC to review and vary decision	
Interim costs (*Telecommunications Act*, sections 60-64)	**Interim costs**
1. Complete CRTC form	1. Complete final-cost application form and include any CRTC materials already filed

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[1] BPF-FPR, By-law No. 1, section 48(b):

> … [t]he Board intends that the Corporation's costs determinations shall also be consistent with precedents set by the CRTC in telecommunications costs determinations; provided, however, that the Corporation's interpretation and application of such precedents, processes, criteria, rates, policies and forms will require some allowances to reflect differences in broadcasting and online news regulation. ….

Telecom	Broadcasting
2. Serve application on CRTC and all parties	2. Submit application and all submissions (made to date) to CRTC
3. CRTC may ask questions	3. BPF-FPR may ask questions
4. Other parties may answer application within 10 days and serve on all parties	4. Answer BPF-FPR questions
5. Applicant may respond to other parties	
6. Await CRTC decision	5. Await BPF-FPR decision and payment
7. [Appeal decision to CRTC if required]	
8. Wait for payors to remit payment (not all payors pay)	
9. Contact payors that have not paid	6. [Ask BPF-FPR to review and vary decision if necessary]
10. If awarded interim costs, file final cost application	
Final costs	**Final costs**
1. Complete CRTC form (up to 24 hours of preparation time compensated)	1. Complete form based on CRTC telecom form ($0 compensation for preparation)
2. Submit application to two or more parties (CRTC and potential payors) within 30 days after date of final reply (section 65)	2. Submit application and submissions to CRTC to BPF-FPR
3. CRTC may ask questions	3. BPF-FPR may ask questions
4. Applicants may reply to CRTC questions	4. Applicants may reply to BPF-FPR questions
5. Potential payors may comment	
6. Applicant may reply [unpaid time]	
7. Await CRTC decision	5. Await BPF-FPR decision and payment (direct payment to applicants' banks)
8. Ask CRTC to review and vary decision	6. [Ask BPF-FPR to review and vary decision]
9. Wait for payors to remit payment (not all payors pay)	
10. Contact payors that have not paid	
Average time from applications' submission to decision: Varies by year, from (lowest) average of 3.7 months in 2007, 2008 and 2013 to 13.7 months in 2022	Average time (based on BPF-FPR standards) 45 to 60 days

23 FRPC submits that the companies' proposal that the CRTC apply its current telecom costs process to broadcasting would yield the absurd result of adding steps and lengthening the time needed to make decisions, and should therefore be rejected.

B. Transparency issues

1. Telecom

24 Bell (¶146), Eastlink (¶7) and CTA (¶14) consider that the CRTC's approach to telecom costs is transparent but provide no evidence in support of this claim.

25 TELUS, on the other hand, notes (at ¶30) that the CRTC's public-interest costs process in telecom lacks transparency:

> … [t]he Commission has a separate webpage for telecommunications cost claims; however, this webpage does not provide a consolidated summary of eligibility requirements, the nature or scale of costs that can be claimed, or any timelines for when applicants can expect a cost decision. For instance, the webpage neither summarizes in plain language the Commission's interpretation of the eligibility criteria that requires an applicant to demonstrate that they "represent a group or a class of subscribers," nor does it provide a link to the decision that does so (Telecom Information Bulletin 2016-188). While the webpage does provide a link to the decision that offers the Commission's guidance on the nature or scale of costs that can be claimed (Telecom Regulatory Policy 2010-963), this lengthy decision is not summarized in plain language. As a result, applicants must read and interpret the complex regulatory decision themselves to understand what costs they can claim, creating an unnecessary barrier to participation.
> [footnote omitted]

26 The Forum agrees with TELUS (¶31) that the CRTC's

> … webpage should provide clear, step-by-step, plain language guidance on eligibility requirements; links to the application forms, including sample application forms that indicate how to fill in each section; how to determine eligible expenses and documentation requirements; and contact information for first-time applicants who need further support. …

27 FRPC notes as well that the only way to understand trends in the Commission's approach to telecom cost orders is to review each decision, one by one, since (unlike the BPF-FPR) the CRTC does not publish annual lists of the costs orders it has issued.

28 Amending the CRTC's website, redesigning its forms, providing plain-language guidance and maintaining a publicly accessible online database of telecom and

broadcasting cost orders will require additional resources from the CRTC. The *Telecommunications Act* and *Broadcasting Act*, on the other hand, permit the CRTC to delegate this work to others. As the Forum has argued, this could and should be done by establishing a new Communications Participation Fund/Fonds pour la participation aux communications aux communications or CPF/FPC, funded by Canada's largest communications companies.

29 Bell also claims (¶100) that the CRTC does not address "inefficiency, duplication, or overbilling" in telecom cost applications. Bell also states (¶33) that even if the CRTC reduces costs claimed by applicants, the reduction does not show that the CRTC is addressing inefficiency or overbilling, but rather proves that some participants seek compensation for "every hour of their time … regardless of whether it actually assisted the Commission to develop a better understanding of the issues of the proceeding." In other words, costs – whether granted or reduced – are themselves evidence of applicant malfeasance: using Bell's approach, the only way for applicants to demonstrate appropriate restraint would be not to apply for costs at all, an absurd result for this proceeding.

30 If cost awards did *not* address issues related to inefficiency, duplication and overbilling, one might expect that cost orders would be granted rather than reduced or denied. As explained in FRPC's 9 September 2025 intervention, the Forum reviewed the CRTC's cost orders from 2000 to 2025, and reviewed the BPF-FPR's costs orders from 2013 to 2025. These data show that the CRTC denied or reduced 15.7% of the cost applications it received while the BPF-FPR denied or reduced 31.6% of the cost applications it received: Table 2. In terms of costs, the CRTC denied 9.9% of the amounts claimed by public-interest participants while the BPF-FPR denied 13.1% of amounts claimed: Table 3.

Table 2

	Broadcasting					**Telecom**					
Year of order	**Granted**	**Denied**	**Increased**	**Reduced**	**Total**	**Granted**	**Denied**	**Increased**	**Reduced**	**Submitted later**	**Total**
2000						12				6	18
2001						8				4	12
2002						12			1	4	17
2003						10					10
2004						16					16
2005						16			1		17
2006						18			3		21
2007						18		2		1	21
2008						23			1		24
2009						13		1	2	1	17
2010						10			5		15

2011						15		1	2		18
2012						13			2		15
2013	14	8		7	29	21			2		23
2014	24	7		13	44	22	1		5		28
2015	33		2	9	44	21	3		4		28
2016	27	4		6	37	24	2		2		28
2017	15	1	1	6	23	16		1	14		31
2018	8		1	4	13	13		3	16		32
2019	3			1	4	22		1	8		31
2020	13	1		6	20	5					5
2021	10	1		4	15	25	1		1		27
2022	7	1		1	9	26			3		29
2023	14	1		2	17	24					24
2024	39	4	1	11	55	28			3		31
2025	22	1		9	32	14			5		19
Total	229	29	5	79	342	445	7	9	80	16	557
%	**67.0%**	**8.5%**	**1.5%**	**23.1%**	**100.0%**	**79.9%**	**1.3%**	**1.6%**	**14.4%**	**2.9%**	**100.0%**

Table 3

Year of order	**Broadcasting**		**Telecom**	
	Total claimed	**Total granted**	**Total claimed**	**Total granted**
2000			$ 32,218.39	$ 34,218.39
2001			$ 30,773.03	$ 21,892.53
2002			$103,178.20	$ 98,849.37
2003			$ 55,060.74	$ 55,060.74
2004			$251,864.47	$247,830.57
2005			$271,324.86	$270,319.31
2006			$290,493.10	$289,829.72
2007			$415,787.57	$409,932.06
2008			$354,044.07	$280,601.70
2009			$287,928.17	$285,137.06
2010			$479,634.52	$383,520.23
2011			$527,146.64	$497,165.37
2012			$143,785.37	$130,274.98
2013	$355,811.00	$330,773.00	$596,466.50	$552,780.81
2014	$838,812.00	$801,612.00	$370,261.03	$305,546.61
2015	$347,088.00	$340,255.00	$527,150.54	$429,288.75
2016	$1,073,597.00	$817,481.77	$275,457.07	$212,705.68
2017	$910,670.55	$904,661.91	$ 1,572,890.67	$ 1,461,881.88
2018	$248,660.80	$220,615.33	$614,846.36	$492,925.47
2019	$88,151.44	$88,022.09	$709,386.89	$666,008.28
2020	$920,159.42	$567,256.85	$ 70,297.45	$ 70,297.45
2021	$533,390.81	$527,393.13	$498,426.96	$373,049.78
2022	$193,976.76	$190,274.29	$287,317.70	$281,087.56
2023	$178,248.31	$168,330.81	$349,418.13	$349,418.13

	Broadcasting		Telecom	
Year of order	**Total claimed**	**Total granted**	**Total claimed**	**Total granted**
2024	$531,358.63	$450,467.24	$403,272.39	$390,070.13
2025	$431,795.69	$373,895.20	$526,890.68	$465,006.28
Total	**$6,651,720.41**	**$5,781,038.62**	**$10,045,321.50**	**$ 9,054,698.84**
Amounts denied		$870,681.79		$990,622.66
As % amounts claimed		**13.1%**		**9.9%**

31 While both the telecom and broadcasting cost applications processes require more transparency, there is no evidence that telecom cost applicants in the CRTC's telecom process are effectively 'bilking' the cost-applications processes as Bell implies. Rather, if the outcomes summarized above accurately reflect the BPF-FPR's approach to evaluating broadcasting costs applications, it is surprising that Bell would prefer to retain the CRTC telecom approach that, according to Bell (¶¶29-30), lacks needed "consistency and rigour", "scrutiny" and "robust oversight". This is what the BPF-FPR appears to have done.

2. Broadcasting

32 A number of parties expressed concerns about the lack of transparency from the BPF-FPR. These involve the absence of published decisions about applications or appeals on its website, and the general lack of updates from the BPF-FPR to applicants regarding the timing of applications' consideration, decisions about applications and the timing of approved payments.

33 The Forum shares these concerns but also notes that while the CRTC has had a full-time or equivalent staff of some four hundred or more people since it began issuing telecom costs orders 45 years ago, the BPF-FPR has operated with a part-time costs officer, a three-member (part-time) Board and ongoing uncertainty since the late 2010s as to its ability to continue operations.

34 To put this another way, from 2013 to 2025 the Commission members issued 336 telecom cost decisions, for an average of 37 decisions per Commissioner (assumes 9 Commissioners throughout). Over the same period, the BPF-FPR's 3-member Board issued 261 decisions – for an average of 87 decisions per Director.

35 In our view, the transparency problems noted above are correctable and would be corrected if the CPF/FPC proposed by the Forum has adequate annual funding, full-time staff (including subject experts), an expanded Board and greater transparency.

IV. A simplified cost-application approach

A. Basic principles

36 FRPC's 9 September 2025 intervention set out 8 principles that should be considered before the Commission decides the matters in 2025-94.

37 In hindsight one of these – described as 'efficiency' by FRPC – should also have included a reference to simplification. FRPC shares the Commission's perspective that a single cost-application system would simplify the costs-application process – and would, in our view, also make that process more efficient, by applying the same coherent and transparent approach to all costs applications. That said, we believe that the concept of efficiency applies to the same degree to the Forum's proposal for the Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC) that we have proposed.

38 Also, and having reviewed other interventions, FRPC believes it would be appropriate to add a 9th principle to our 9 September 2025 list of principles: regulatory symmetry.

39 Bell advocated for and explained this concept in 2010, stating its expectation that the CRTC would "apply regulatory symmetry to cable and telecom companies, either by removing advantages for cablecos in phone services or by applying similar rules to telecom companies offering competitive TV services": Bell Canada, "Bell asks the CRTC to implement "regulatory symmetry" by applying the same rules to cable and telecom companies when they sign up new customers" (27 May 2010).

40 The CRTC then applied the concept of regulatory symmetry in broadcasting and telecom in 2011 when it streamlined "the cancellation process for the customers of bundled telecommunications and broadcasting services": *Prohibition of 30-day cancellation policies*, Broadcasting and Telecom Regulatory Policy CRTC 2014-576 (Ottawa, 6 November 2014) at ¶29, citing Broadcasting and Telecom Regulatory Policy 2011-191.

41 If the CRTC has accepted that symmetry can be beneficial when it comes to regulating similar aspects of broadcasting and telecommunications companies' regulated activities, it is unclear why symmetry would be detrimental in the case of public-interest participation costs processes. We believe a symmetrical approach to costs applications would reduce the time currently being taken to deal with telecom costs applications, and would eliminate the risk that public-interest

participants may either have to chase payors or forgo costs that have been granted but not paid.

42 FRPC has therefore added 'regulatory symmetry' as a 9th principle that should be the foundation for establishing a single process to support public-interest participation in the CRTC's proceedings.

43 The Forum's nine principles are set out below, showing as well whether they are supported by other parties: Table 4. These principles should be used to assist a new costs-process system to meet its purpose in efficiently, fairly, transparently and in a timely manner. Regarding timeliness, and to restate more clearly the position set out in our intervention, and in the same way that the CRTC expects all parties in its proceeding to abide by the timelines set out in the *CRTC Rules* or its notices of consultation, public-interest participants are entitled to expect decisions about their applications within two months – in other words, 78% more quickly than the 9.3 months required by the CRTC to issue telecom cost decisions in 2024 (FRPC intervention, Figure 5, ¶48).

Table 4

Nine foundational principles for the CPF/FPC	**Other interveners' principles**
The **legitimacy** that an independent and neutral third-party organization dealing with cost orders related to public-interest participation in CRTC proceedings would lend to the CRTC's decisions about those proceedings	Fairness to all parties (Bell, ¶23)
The need for a clearly stated **purpose** for the proposed Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC) requiring it to reimburse public-interest participants' advance, interim and/or final costs in CRTC proceedings, and to provide financial support for new and objective research about Canada's communications system and for the development of expertise (through affordable, annual law-and-policy conferences of public-interest participants)	Well-defined and objective (Bell, ¶23) TELUS (¶¶30-31)
The necessity to enable **qualified public-interest participants** to make relevant, evidence-based submissions to strengthen the public record of CRTC proceedings and widen the ideas and information available to the Commission	
The need for funded, **organizational capacity** of the CPF/FPC to meet its purpose effectively and efficiently with at least two full-time staff, preferably with legal and technical expertise	
The imperative for consistent, **stable** funding that keeps pace with inflation, the CPF/FPC's purpose and public-interest participants' needs	
The need for a 60-day **timeliness** standard to decide and pay public-interest participants' costs	"timely disposition of funding applications" (Bell, ¶24) CAMP (¶5)

Nine foundational principles for the CPF/FPC	Other interveners' principles
The need for **efficient** operations including the processing and decision-making of applications, the design of cost applications and more frequent meetings with cost applicants to elicit their concerns (if any),	Bell (¶23) TELUS (¶28): "one simplified standardized process to facilitate the ease of its use"
The necessity for the CPF/FPC to be **accountable** to applicants, public-interest participants, the Commission, the companies and Parliament through transparent operations, a publicly accessible database of past and current decisions, and quarterly reports.	Bell (¶3, ¶91); Rogers (¶4(a)) Ongoing evaluation (Bell, ¶3)
The necessity in establishing a costs process to consider the resources used by proceedings' participants in terms of **symmetry**: each party in a proceeding should be able to • determine their approach to the proceeding (when the choose to or are directed by the CRTC to participate) • decide whether to make their case on their own or in conjunction with other parties • choose legal counsel, experts and other advisors when needed to make their case (through evidence or advice), • undertake the collection of evidence either on their own or in conjunction with parties with common interests and • pay for legal, expert and other services based on reliable time-based dockets using rates that do not decrease in real terms over time	

44 FRPC also considers that the CRTC must reject some parties' proposals outright.

45 TELUS argues (¶51), for instance, that public-interest participants bringing forward a Part 1 application must be "wholly successful in achieving the order it seeks from the Commission". Adopting this suggestion would, of course, re-introduce through the backdoor the long-dismissed *inter lis* costs approach from civil litigation to the CRTC's public-interest participation model. Moreover, the CRTC explained almost 20 years ago that "the costs criterion of 'contributing to a better understanding' is not dependent on the Commission adopting the intervener's position." (TCO 2007-14, ¶14)

46 As noted at the outset of our reply, the Courts have held that the goal of public-interest participation in CRTC proceedings is to strengthen the public record by ensuring that diverse views and evidence are made available to the Commission. A well-developed public record strengthens the legitimacy of Commission's decisions that consider these views and evidence. Moreover, as there is no straightforward way to evaluate 'whole success' – other than, perhaps, CRTC decisions lauding applicants for their 'whole success' their applications, an outcome that seems neither desirable nor likely – this principle adds complexity and burden without yielding meaningful results. Adopting TELUS' principle would be absurd.

B. Defining terms

47 If the CRTC decides to continue with its initial conclusion that a single costs-application process is needed, it should include in its decision answers to key questions.

48 The most important of these involves clear definitions of terms, beginning with the concept of 'costs'.

1. Costs

49 Costs are often discussed in terms of the stages of a CRTC proceeding that is underway.

50 Regulated broadcasters and telcos may begin their work as soon as the CRTC publishes a revised regulatory plan for the year or announces a proceeding in general discussions at a conference or other public or private event. Public-interest participants, however, are only paid for work that begins on or after the date that the CRTC publicly announces a proceeding through a notice of consultation or a Part 1 application. This limitation means that even if the Commission informs those attending conferences – such as the IIC conference held each fall – that it will be launching a proceeding on a specific matter within the very near future, public-interest participants that begin to undertake research on this matter will not be paid for this work. Further, and assuming the CRTC imposes its nearly standard 30-calendar-day intervention process in that proceeding, public-interest participants will be unable to commission survey research unless the survey research company is willing to undertake such work for free. Regulated broadcasting and telecommunications companies, however, are free to begin their work – and to pay their staff (including legal counsel), internal and external experts and/or consultants as well as any external legal counsel.

51 Applying the principle of regulatory symmetry would enable public-interest participants to begin work on proceedings when these are announced – though only to a reasonable level. (A proceeding announced a year before it begins should not enable participants to bill for an entire year's work, for example.)

52 Costs awarded before public-interest participants begin their work should be considered '**advance costs'**. To limit the risk that parties that obtain costs in advance do not then complete the work to which they committed, the CPF/FPC could be advised in the CRTC's decision to only grant advance costs to parties that have participated in at least three CRTC proceedings in compliance with the requirements of those proceedings.

53 **'Interim costs'** should only be awarded when public-interest participants have already completed one or more stages of a proceeding. These stages are generally standard across all CRTC proceedings, always consisting of interventions, but possibly also involving procedural requests, replies, public hearing preparation, answers to requests for information and final replies.

54 Although many parties file procedural requests, FRPC suggests that costs should not be granted simply for procedural requests, but that costs for procedural requests be included within the known CRTC proceeding stages.

55 FRPC also believes that parties should be able to apply for interim costs without having applied for advance costs: FRPC does not, therefore, support CAMP's proposal (¶4) that interim costs be a fixed percentage of costs against an approved budget.

56 **'Final costs'** should only be awarded beginning on the date after the public-participation phase of a CRTC proceeding ends. That said, provision should be made for the rare instances when the CRTC re-launches a proceeding (as with the French-language vocal music proceeding), so that parties are able to apply for new work undertaken in a re-launched process.

2. Service providers

57 Public-interest participants and other parties rely on at least four categories of service providers: analysts, consultants, legal counsel and experts. FRPC considers that these service providers' functions are distinctive. For example, while analysts are generally employed by public-interest participants, consultants are generally engaged for individual proceedings. Those describing themselves as legal counsel must be a member of the provincial or territorial bar, while experts generally have earned their qualification through professional certification (as economists or accountants) or experience.

58 FRPC opposes Rogers' proposal (¶¶66-67) which appears to suggest that analysts be required to have "expert professional experience", on the grounds that other provincial and territorial regulatory tribunals "prioritize expert and qualified professional experience". This proposal creates confusion where none currently exists by conflating the three separate concepts of analyst, consultant and expert. It also ignores the fact that in many cases, today's 'consultants' likely gained much of their experience working for companies as 'analysts'.

3. Payors

59 In FRPC's view, the 'payors' in CRTC proceedings insofar as public-interest participation cost are concerned consist of the parties currently required by the CRTC to pay for public-interest participation costs.

60 Currently four broadcasters – Bell, Astral, Sirius and Rogers – have made payments in to the Broadcasting Participation Fund (BPF), Inc./Le fonds de participation à la radiodiffusion (FPR), to support public-interest participation in CRTC broadcasting proceedings; these payments are combined in a single fund used to make payments to individual public-interest participants. To put this another way, two very large, one much smaller and one no-longer-in-operation broadcasters have supported public-interest participation in broadcasting since 2013.

61 The CRTC makes a separate decision in each telecommunication proceeding about the telecommunications companies it orders to pay public-interest participants, based primarily on the size of the companies' total operating revenues (TORs).

62 The CAB (¶11) urges the Commission to be "sensitive to the burden it places on the Canadian private radio and television industry" and not to add "any additional regulatory obligations, especially ones with direct financial consequences." The Forum agrees with the CAB, and has proposed that only the three or four largest Canadian vertically integrated companies – with interests in both broadcasting and telecommunications – be required to support the Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC).

63 TELUS recommends (¶¶46, 49) that the Commission bear in mind the importance of ensuring that parties are neither excessively burdened or freed of responsibility for public-interest participation costs, on the grounds that parties will decline to participate in proceedings due to their fear of being made responsible for public-interest participation costs. That said, TELUS then also recommends, among other things, that

- only broadcasting revenues be used for broadcasting proceedings and only telecom revenues for telecom proceedings even if the proceeding is a joint telecom-broadcasting proceeding (¶40)
- revenues from specific sectors such as wireless should be used to determine the proportion of costs paid for proceedings involving wireless (¶40)
- a two-factor approach be adopted "that considers both relevant revenue proportionality and degree of interest in the proceeding" (¶39)
- "only the revenue segments directly relevant to the proceeding's subject matter" be used (¶39)

- companies with a "greater interest in or benefit from the proceeding should bear proportionally higher costs, while those with minimal interest should either be excluded or allocated significantly smaller shares" (¶41)

64 FRPC overall opposes TELUS' recommendations because their adoption would greatly complicate the costs process in broadcasting while doing nothing to simplify the costs process in broadcasting.

65 Bell argues (¶27) that public-interest participation in broadcasting "awards should be funded by broadcast undertakings with over $25 million in revenue, including online undertakings, regardless of their interest or participation in the proceeding. This approach would ensure that the financial responsibility for supporting public participation is allocated to those entities with significant market presence and capacity". It says this would "promote fairness, consistency, and sustainability in the funding of public interest participation in broadcasting proceedings."

66 While FRPC does not oppose Bell's proposal, we lack evidence showing how many vertically integrated companies earn more than $25 million. Also, and like TELUS' proposals, adoption of Bell's proposal would replace the current straightforward-except-it-has-run-out-of-money BPF-FPR process with the more complicated, longer and more time-consuming process used in telecom. We therefore do not support Bell's proposal, and propose instead that annual financial support for a single new fund for public-interest participation be provided by the five largest, Canadian, regulated and vertically integrated companies.

67 Also, while Bell argues (¶27) that replacing the BPF-FPR approach with the CRTC telecom approach "would promote fairness, consistency, and sustainability in the funding of public interest participation in broadcasting proceedings", it is unclear why simply funding the BPF-FPR – or, preferably, the CPF/FPC – would not also achieve fairness, consistency and sustainability, while also offering public-interest participants a much simpler process and faster turnaround.

4. *Eligible applicants*

a. Symmetry or inequality

68 The BPF-FPR currently defines public-interest participants through a set of criteria:

> What Criteria describe a Public Interest Group or Consumer Group which would be eligible under the BPF guidelines?
>
> - A Public Interest or Consumer Group represents non-commercial public interest or consumer intervenors in proceedings before the CRTC in broadcasting matters under the Broadcasting Act;

- A Public Interest or Consumer Group is formed explicitly to benefit the public good;
- Public Interest and Consumer groups are non-profit groups which are focused on non-commercial ends and broad public interests;
- Public interest and Consumer groups are non-partisan;
- Public Interest and Consumer groups should reflect the public values of inclusion and diversity of Canadian society;
- The board of directors and leadership of the Public Interest and Consumer groups are Canadian;
- The head office and any branch offices of the Public Interest or Consumer group are located in Canada;
- For the most part, Public Interest and Consumer groups are intervenors and not applicants in the CRTC process;
- Public Interest and Consumer groups are often membership-based (e.g. FRPC and CACTUS) or have charitable status (e.g., PIAC) which differentiates them from for -profit organizations.[2]

69 The BPF-FPR's current criteria impose an eligibility limit on public-interest participants, by stating that public-interest participants are "[f]or the most part … not applicants in the CRTC process". The BPF-FPR did not explain the foundation of this limitation[3] – whether it found it in law, in a CRTC decision or in its understandable concerns about its funding – and it is unclear why public-interest participants may not make well-founded, well-argued and evidence-based applications to the CRTC when nothing prevents telecommunications and broadcasting companies and other parties from making such applications (even if they do not comply with the CRTC *Rules* for submitting Part 1 applications[4] or when potential broadcasters specifically state their intention not to comply with CRTC policies[5]).

70 TELUS similarly argues (¶51) that "… [u]nmeritorious Part 1 proceedings are a waste of Commission and industry resources, and need to be strongly discouraged." The Forum agrees that some Part 1 proceedings lack merit due, for instance, to the failure to provide relevant, evidentiary support for the requests made by the applicants.

71 The question that the CRTC must address, though, is whether its approach to Part 1 applications remains appropriate, particularly with respect to section 23 of the

[2] BPF-FPR, "What Criteria describe a Public Interest Group or Consumer Group which would be eligible under the BPF guidelines?", https://www.bpf-fpr.ca/en/home.html.

[3] And a number of BPF stakeholders including the Forum objected to its proposed adoption.

[4] See *e.g.* Part 1 Application 2023-0210-8.

[5] See *e.g.* BNoC 2025-18, item 5, Part 1 application 2024-0433-3.

CRTC Rules. By way of background, section 23 states that the CRTC "must post on its website all applications that comply with the requirements set out in section 22" (that has to do with filing, service, form and content of the application), adds at section 9 that the CRTC "must not dismiss an application or complaint by reason solely of a defect in form" and always retains the power to ignore is own *Rules* (section 7).

72 The CRTC does not post all Part 1 applications, however, and because it does not assign numbers to these applications, makes it impossible to track their processing within the Commission. The BPF-FPR in turn denies applications for the reimbursement of costs of Part 1 applications that the CRTC does not post. What, then, should happen when the CRTC within a year or two of receiving (and not posting) a public-interest participant's Part 1 application launches a consultation on the very subject of that Part 1 application? In such cases the regulated companies would have probably paid their staff, their consultants and their experts, while the costs of the public-interest participant are never compensated.

73 The principle of regulatory symmetry should ensure that cost applications by public-interest participants for Part 1 applications that meet the requirements of the *Broadcasting Act* or the *Telecommunications Act* as well as the *CRTC Rules* receive the same treatment as cost applications for public-interest participants' interventions. Even though it is unlikely that the CRTC will address this matter in its decision, it should consider explaining its approach to Part 1 applications to clarify its approach (and to enable public-interest participants, if necessary, to plan their work accordingly).

b. Eligibility threshold

74 Parliament's current broadcasting and telecommunications proceedings empower Canadians to participate in its proceedings. Bell is fearful that "broad access to costs recovery may inadvertently incentivize participation in matters that lack a genuine consumer interest" (¶8).

75 Bell proposes (¶¶7-8) that the CRTC override its enabling statutes by requiring those planning to apply for costs "to demonstrate that they meet certain eligibility criteria at the outset of each proceeding", how they serve the public interest, "their interest in the proceeding and the issues they want to address, and the participant's mandate, objectives, membership, and governance structure". The company fears that "broad access to costs recovery may inadvertently incentivize participation in matters that lack a genuine consumer interest."

76 The Forum disagrees with this proposal for several reasons. First, public-interest participants must already explain how their participation has served the public interest, and the data provided by the BPF-FPR show that it denies or reduces 31.6% of public-interest costs applications, a number of them due to ineligibility.

77 Second, while Bell says (¶2) that "[p]ublic participation is a cornerstone of effective regulatory decision-making, and Bell has no intention of challenging that notion", it has also not shown how adding more steps to the CRTC's existing public-interest participation process simplifies and encourages more public-interest participation. It is noteworthy that Bell is not proposing regulatory symmetry in this area: it does not suggest that broadcasting or telecom companies set out at the beginning of each proceeding their interests in the proceeding, the issues they want to raise, their mandate to do so, their companies' objectives, a list of their shareholders and their governance structure. (If, however, the CRTC adopts Bell's suggestion, it should also require the same information from broadcasting or telecom companies whether these are regulated or exempted from regulation.)

78 Third and last, Bell argues (¶44) that an intervener eligibility process "is the norm where costs recovery is available", citing a number of provincial or territorial regulatory authorities. What Bell has not mentioned is that – unlike the *Broadcasting Act* and the *Telecommunications Act* – the enabling legislation of each of these authorities mandates the regulatory authorities to serve the public or consumers' interest: Table 5.

Table 5

Jurisdiction	Statutory duty to serve public interest
British Columbia	*Utilities Commission Act* s. 23(1) The [BC Utilities] commission has general supervision of all public utilities and may make orders about …. (g) other matters it considers necessary or advisable for (i) the **safety, convenience or service of the public** …. s. 23(2) Subject to this Act, the commission may make regulations requiring a public utility to conduct its operations in a way that does not unnecessarily interfere with, or cause unnecessary **damage or inconvenience to, the public**. 24 In its supervision of public utilities, the commission must make examinations and conduct inquiries necessary to keep itself informed about (a) the conduct of public utility business, (b) compliance by public utilities with this Act, regulations or any other law, and (c) any other matter in the commission's jurisdiction. 25 If the commission, after a hearing held on its own motion or on complaint, finds that the service of a public utility is unreasonable, unsafe, inadequate or unreasonably discriminatory, the commission must (a) determine what is **reasonable, safe, adequate and fair service**, and (b) order the utility to provide it.

Jurisdiction	**Statutory duty to serve public interest**
Alberta	*Alberta Utilities Commission Act* Duty of care 6(1) Every member, in exercising powers and in discharging functions and duties, (a) shall act honestly, in good faith and i**n the public interest** .., 17(1) Where the Commission conducts a hearing or other proceeding on an application to construct or operate a hydro development, power plant, energy storage facility or transmission line under the Hydro and Electric Energy Act or a gas utility pipeline under the Gas Utilities Act, **it shall**, in addition to any other matters it may or must consider in conducting the hearing or other proceeding, **give consideration to** whether construction or operation of the proposed hydro development, power plant, energy storage facility, transmission line or gas utility pipeline is in **the public interest**, having regard to the social and economic effects of the development, plant, storage facility, line or pipeline and the effects of the development, plant, storage facility, line or pipeline on the environment.
Manitoba	*The Public Utilities Board Act* 74(1) The board has a general supervision over all public utilities and the owners thereof subject to the legislative authority of the Legislature, and may make such orders regarding equipment, appliances, safety devices, extension of works or systems, reporting, and other matters, as are necessary for the **safety or convenience of the public** or for the proper carrying out of any contract, charter, or franchise involving the use of public property or rights.
Ontario	*Ontario Energy Board Act, 1998* Board objectives, electricity 1 (1) The Board, in carrying out its responsibilities under this or any other Act in relation to electricity, shall be guided by the following objectives: 1. **To inform consumers and protect their interests** with respect to prices and the adequacy, reliability and quality of electricity service. …. 2 The Board, in carrying out its responsibilities under this or any other Act in relation to gas, shall be guided by the following objectives: … 2. **To inform consumers and protect their interests** with respect to prices and the reliability and quality of gas service. …
Québec	*Act respecting the Régie de l'énergie* 5 In the exercise of its functions, the Régie shall reconcile **the public interest**, consumer protection and the fair treatment of the electric power carrier and of distributors. It shall promote the satisfaction of energy needs in a manner consistent with the Government's energy policy objectives and in keeping with the principles of sustainable development and **individual and collective equity**. … 49(12) … The Régie may, in respect of a consumer or class of consumers, fix rates to compensate for energy savings which are not beneficial for a natural gas distributor but are **beneficial for the consumer or class of consumers.**
Northwest Territories	*Public Utilities Act* 39(4) The Board shall approve a franchise or an amendment where the Board is satisfied that the franchise or amendment is **in the public interest**.
Yukon	*Public Utilities Act* 21 Grant of franchise (1) The Commissioner in Executive Council may, with the approval of the board and subject to any terms and conditions that the board may recommend,

<table>
<tr><th>Jurisdiction</th><th>Statutory duty to serve public interest</th></tr>
<tr><td></td><td>(a) grant a franchise to a public utility; or
(b) renew, alter, or revoke a franchise granted to a public utility or deemed by section 77 to have been granted.
(2) The board may give its approval for the purposes of subsection (1) if, after hearing representations from, or with the consent of, any persons that the board considers appropriate, the board determines that
(a) the franchise is necessary and proper for the public convenience and properly conserves the public interests [sic];
…</td></tr>
<tr><td colspan="2">Bold font: added by FRPC</td></tr>
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79 As these regulatory authorities are already required to serve the public interest, they bear a responsibility to ensure that public-interest participants in their proceedings are not simply duplicating the authorities' existing research and work.

80 By contrast, the CRTC must undertake polycentric decision-making and balance a range of competing interests, only one of which is the public interest. It consequently makes sense for the CRTC to encourage public-interest participation to ensure that its record is complete.

c. *Limit public-interest participation to highly visible broadcasting matters*

81 Bell proposes (¶48) that public-interest participants be restricted from participating in technical or complex and "obscure broadcast licensing matters, where no meaningful public interest is at stake" because of the risk that these participants "could dilute the effectiveness of the process, divert resources, and undermine the credibility of the costs award mechanism." Presumably Bell believes that public-interest participants should only participate in highly visible, well-understood broadcast licensing matters in which a meaningful public interest is at stake.

82 Bell's argument should be rejected because it puts the cart before the horse: surely one role of public-interest participants is to determine whether to participate and if they participate, to explain how "proceedings that are highly technical … in nature, such as obscure broadcast licensing matters" – perhaps such as Part 1 Application 2024-0604-0 (by Cogeco and Bell regarding the unauthorized simulcast of Quebecor online programming weekdays on Leclerc's CJPX-FM – touch on the public interest (in this case, the public interest in the integrity of the CRTC's licensing process).

83 Bell's argument should also be rejected because it is based on an assumption rather than fact – that public-interest participants that do participate in CRTC proceedings that Bell believes to be 'obscure licensing matters' will be granted

their costs, 'diluting the effectiveness of the costs-application process, diverting resources [of companies to public-interest participants?] and undermining the cost-award mechanism's credibility.' As noted in Table 2, above, however, the BPF-FPR appears capable of denying or reducing public-interest cost applications without harming its own integrity: from 2013 to 2025 it denied or reduced roughly one in three (31.6%) cost applications. The depletion of the BPF-FPR itself is due overall to the CRTC's decision not to allocate tangible-benefits funding to the Fund, rather than to the BPF-FPR's misallocation of funding to public-interest participants.

84 The Forum also opposes the proposals by Bell (¶¶7, 49) that "all participants be required to provide a clear and substantive rationale for why their intervention serves the public interest, particularly in proceedings where consumer impact is not readily apparent". Apart from the elementary fact that Parliament has effectively set out its conceptualization of the public interest in its *Telecommunications Policy for Canada* and its *Broadcasting Policy for Canada* – leaving it to individual public-interest participants to explain in their costs applications how their concerns are tied to these policies – it is also reasonably well known that the public interest includes <u>but is not limited</u> to consumer interests. In fact, neither the *Telecommunications Act* nor the *Broadcasting Policy for Canada* mentions the term, "consumer": they speak instead to "a telecommunications system that serves to safeguard, enrich and strengthen the social and economic fabric of Canada and its regions" (s. 7(a)) and a broadcasting system that "provides through its programming, a public service essential to the maintenance and enhancement of national identity and cultural sovereignty" (s. 3(1)(b)).

85 FRPC also opposes Bell's proposal (¶¶50) that all public-interest participants "first apply for recognition of the expert witness or external consultant, within their request to intervene, prior to incurring such costs." Bell has not provided any evidence establishing that experts retained by public-interest participants have been unqualified. Even if some experts lack the qualifications established by caselaw, the remedy lies in denying the allocation of expert costs – not in requiring participants in CRTC proceedings to lay out their case to the trier of fact (CRTC) and (one assumes) the companies before the CRTC's proceeding has even begun.

86 FRPC similarly opposes Bell's proposal (¶59) that the CRTC "assess and, if necessary, limit the scope and costs of expert witness or external consultant participation before expenses are incurred, reducing the risk of excessive claims and providing clarity to participants regarding costs recoverability." If adopted by

the Commission, this approach risks giving the appearance of prejudgment of decisions involving complex or technical issues.

d. *Commercial interests*

87 An area that would help to clarify the scope of public-interest participants has to do with the concept of commercial interests. In 1991 the CRTC denied an applicant's requests for costs in a telecom proceeding on the ground that, as a commercial enterprise in the communications industry, it had sufficient incentive to participate in the CRTC's telecommunications proceedings: TCO 91-3, ¶3, citing *In re: British Columbia Telephone Company, General Increase in Rates*, Telecom Decision CRTC 83-8, 22 June 1983,Telecom Costs Order CRTC 83-4.

88 The BPF-FPR's current criteria take a slightly different approach, permitting applicants to seek costs in broadcasting proceeding if they are "non-profit groups which are focused on non-commercial ends and broad public interests". It appears from Appendix A of the BPF-FPR's intervention that it has granted costs to what would typically be described as industry associations (AMPIA, DOC) as well as broadcasters (CACTUS, NCRA/ANREC, CHCO, CSUR, ICTV). It has also granted costs to funding agencies (the BSO and DSO). The Forum does not question the value of these organizations in the CRTC's proceedings or the fact that, for example, not-for-profit broadcasters serve a role that is closer to the public than to the private interest. FRPC nevertheless recommends that – regardless of this proceeding's overall outcome – the CRTC clarify its understanding of 'public-interest' participants.

e. *Unnecessary threshold tests*

89 Bell has proposed a series of threshold tests for both broadcasting and telecom.

90 It proposes (¶59) that the Commission pre-approve public-interest participants' expert witnesses and the external consultants, ostensibly to reduce "the risk of excessive claims". Bell has not, however, provided any evidence that retaining experts or consultants has yielded excessive claims, and does not explain how the CRTC's pre-approval of these consultants and experts would not be interpreted as predetermining decisions' outcomes.

91 Bell also proposes (¶10) that public-interest participants expecting to claim more than $15,000 in costs submit a detailed budget "at the outset of the proceeding", "update the Commission promptly if they anticipate exceeding their approved budget" and "address and justify any overage in their final costs claim".

92 Bell does not explain why these steps are needed since the substance and duration of proceedings are set by the CRTC itself, not public-interest participants.

93 What is really needed to facilitate public-interest participation is the updating of the CRTC's *Rules*. For instance while the CRTC states many questions in its policy consultations, it does not clearly state what it knows: this means that public-interest participants must take a stab in the dark to determine the evidence they should locate and present. The *CRTC Rules* should require the CRTC to publish the evidence it has already gathered for specific issues in the notice of consultations it issues – not later through amended notices of consultations.

94 Second, the *CRTC Rules* do not provide for the CRTC's adoption of group licensing proceedings in broadcasting, a step that created an enormous burden on public-interest participants as the public record from large ownership groups grew exponentially while the CRTC's deadlines remained the same – that is, short. We note in this context that even large companies are sometimes unable to cope with the CRTC's deadlines: see *e.g. The Path Forward – Working towards a sustainable Canadian broadcasting system – Extension to the deadlines for the filing of responses to requests for information and final written submissions*, Broadcasting Notice of Consultation CRTC 2025-2-4 (Gatineau, 1 August 2025), in which the Commission granted procedural requests to extend deadlines in the 2025-2 proceeding made by Amazon Canada, Spotify AB, and the Motion Picture Association – Canada and the Digital Media Association on behalf of their members. Proceedings with a voluminous record require longer deadlines to enable parties to review the materials so as to determine the case they must meet and the evidence they will need.

C. Process

1. Independent third party – not the CRTC

95 While public-interest participants expressed concerns about the BPF-FPR's approach to transparency, Bell and other companies argued that the CRTC should process and make decisions about broadcasting and telecommunications costs applications. Bell stated (¶5) that

> … [a]s the regulatory authority with direct oversight of these proceedings, the Commission is uniquely positioned to ensure consistency, transparency, and accountability. Its institutional knowledge and established processes enable it to assess eligibility, monitor compliance, and apply criteria fairly and efficiently

96 The Canadian Telecommunications Association argues (¶¶9) without evidence that "… the CRTC already has robust processes and policies to support public interest participation, especially in comparison to its peers."

97 Eastlink (¶6) urged that the Commission process broadcasting costs applications "in a manner similar to the current telecommunications model", without explaining how adding more work to the Commission's agenda will enable it to meet its current workload and processing standards, and said that the "the Commission provides and is bound to greater transparency than is available through a third-party process."

98 The Forum does not support the CRTC's assumption of the broadcasting costs-participation process, for three main reasons. First, under the principles outlined by FRPC in its intervention and this reply, the legitimacy of the CRTC's decision-making is heightened by the evaluation of public-interest participants' costs applications by a third, independent party.

99 Second, while the BPF-FPR has generally been able to issue decisions within two months of receiving public-interest participants' costs applications, the average time taken by the CRTC to make decisions about telecom costs applications has never achieved a two-month average, and in fact has been consistently higher. Even if the CRTC commits to processing standards, it has failed to meet many of its other processing standards in the last decade, leaving it unclear as to why it would today or tomorrow meet any processing standards. While the BPF-FPR has published summaries of its decisions about broadcast cost applications in its annual reports, the CRTC has never published a summary listing of telecom cost application oucomes.[6]

100 Third, and with respect, some of the parties now arguing that the CRTC will be more efficient than the BPF-FPR have expressed quite different views in the past. In late 2023, for instance, Bell wrote to the Commission to express its frustration with the CRTC's "lethargy" in decision-making: see paragraph 6 in Bell's letter (below).

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6 Its staff advised the Forum to use the CRTC's search engine to create such a list.

Reference: 8662-B38-202206440
8662-B2-202208280
Cost Order 2023-389
Cost Order 2023-387

21 November 2023

Mr. Marc Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Subject: **Bell Mobility Application for the review, rescission and variance of a 25 May 2022 letter decision entitled "Bell Mobility Inc. – application for various orders regarding Videotron Ltd.'s use of Bell Mobility's wholesale roaming service" and Bell Canada Application to Review and Vary Application with Respect to Decisions 2022-160 and 2021-131 and certain Cost Orders in respect of each proceeding**

Dear Mr. Morin,

1. I write to express Bell's serious concerns regarding the Commission's failure to render decisions in respect of the above-captioned two proceedings more than a year since the records of each closed, whilst the Commission saw fit to issue cost awards yesterday in each **before** issuing its decisions on the merits.

2. By way of reminder, Commission File 8662-B38-202206440 is a Part 1 Application by Bell Mobility Inc. for the review and variance of a Commission decision, dated 25 May 2022, regarding systemic illegal permanent roaming by Videotron end-users on the Bell Mobility wireless network, contrary to Bell Mobility's wholesale roaming tariff. Commission File 8662-B2-202208280 is a Part 1 Application by Bell Canada seeking the review and variance of Decisions 2022-160 and 2021-131, relating to administrative monetary penalties imposed by the Commission for alleged non-compliance with the Bell Support Structure Tariff.

3. The timelines associated with each of these two proceedings are summarized in the below table:

Milestone	**Permanent Roaming Part 1 Application** **Ref. 8662-B38-202206440**	**Support Structures Part 1 Application** **Ref. 8662-B2-202208280**
Application filed	19 August 2022	13 September 2022

Posted on CRTC website	26 August 2022	22 September 2022
Interventions filed	7 October 2022	25 October 2022
Record closed	2 November 2022	4 November 2022
Days since record closed	1 year & 19 days (and counting)	1 year & 17 days (and counting)
Cost application date	7 November 2022	17 November 2022
Cost award date	20 November 2023 (Telecom Order 2023-389)	20 November 2023 (Telecom Order 2023-387)

4. We have two broad concerns about the tardiness of the Commission's decision-making in these two proceedings.

5. First, the one-year and three-week (and counting) period that has elapsed since the records of each application closed without a Commission decision is profoundly disappointing. Decisions in each are overdue by more than **eight months** based upon the Commission's own service standards, which strive to issue decisions within four months of the close of the application record.[7]

6. This lethargy is concerning in and of itself; however, the Commission compounded the concern by issuing cost awards yesterday in respect of both decisions **before** having rendered its decisions on the merits.

7. We are frankly at a loss to understand how the Commission could have issued costs awards before rendering its decisions on the merits.

8. In this regard, we note that section 68 of the Commission's Rules of Practice and Procedure[8] lists the criteria the Commission **must** consider in rendering cost awards. Among them are "the extent to which the applicant assisted the Commission in developing a better understanding of the matters that **were considered**."[9] [Emphasis added]

9. To be clear, we are not disparaging the merits of PIAC's submissions in these proceedings. However, given that the Commission has not yet issued its decisions, it has not yet **officially** 'considered' the records of either proceeding. It is therefore unclear on what basis the Commission could form any view on the extent to which the applicant assisted the Commission's understanding of the matters considered, when there is, as yet, no official consideration of the matters in either proceeding. We further note that more timely decision-making by the Commission would also result in a more timely awarding of costs to parties that depend upon cost awards for their participation in proceedings.

Yours truly,

7 See: Service Objective/standards and performance measure for processing telecommunications applications 1 April 2022 to 31 March 2023, *CRTC*, https://crtc.gc.ca/eng/publications/reports/t_standards22.htm.

8 *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (SOR/2010-277), https://laws-lois.justice.gc.ca/eng/regulations/SOR-2010-277/index.html.

9 Ibid., section 69(b).

[Original signed by R. Malcolmson]

Robert Malcolmson
EVP & Chief Legal and Regulatory Officer

c.c.: Parties to the above-captioned proceedings
PIAC
QMI
Telus

[Bell's *** End of Document ***]

101 Cogeco has also now formally filed an application with the Federal Court of Appeals regarding the CRTC delays, asking that the Court for a writ of mandamus (paragraph 53 of its application) and a declaration that "le délai du CRTC à rendre une décision dans le dossier 2024-0604-0 est déraisonnable" (paragraph 46): *Cogeco Inc. v. Le procureur général du Canada* (3 October 2025).

102 Overall, the evidence suggests that the Commission should not add to its workload by taking on the BPF-FPR's work, but should rather enable the BPF-FPR to correct its current problems by ensuring it has the staff it needs to perform its current role with respect to public-interest participation in broadcasting along with a new role with respect to public-interest participation in telecommunications.

2. Parliament's statutes enable 3rd party processing and decision-making

103 The Forum submits that Parliament's introduction of section 11.1(1)(c) and 11.1(5) in the *Broadcasting Act* establish the legislature's desire to maintain the current approach (if not the same organization) for supporting public-interest participation in broadcasting, of the *Broadcasting Act*. And, while section 56(1) of the *Telecommunications Act* enables the CRTC to determine and award costs in telecom proceedings, section 56(2) also permits it to direct others – such as the CPF/FPC we have proposed – to do so:

> Award of costs
> 56 (1) The Commission may award interim or final costs of and incidental to proceedings before it and may fix the amount of the costs or direct that the amount be taxed.
> Payment of costs
> (2) The Commission may order by whom and to whom any costs are to be paid and by whom they are to be taxed and may establish a scale for the taxation of costs.

3. The current actual risk of non-payment in the telecom process

104 In addition to heightening the integrity of the CRTC's decision-making process, adopting the CPF/FPC model proposed by FRPC would also address the fact that some payments may never reach public-interest participants in the CRTC's telecom proceedings. This is because – from time to time – small payments from small players never arrive, despite repeated attempts from recipients to obtain payments: quite simply, public-interest participants do not have the staff or resources to pursue relatively small amounts. Even if the amounts in individual proceedings are small, they matter to public-interest participants, as well as the staff of those participants.

105 The risk of non-payment does not exist with the BPF-FPR as it makes payments directly to recipients. (That said, a very high risk now exists that the broadcast costs-application process is ending: the BPF-FPR announced at the beginning of September 2025 that it would not accept cost applications after 26 October 2025.)

106 Establishing the CPF/FPC proposed by FRPC would also enable the CRTC to eliminate the actual existing risk of non-payment in some telecom proceedings.

V. Other steps the CRTC should take

107 As noted above, the CRTC needs to review and update its *Rules of Practice and Procedure*, and one of the most important steps the Commission could take is to re-evaluate its decision to consolidate dozens of renewal applications by multiple large ownership groups in a single proceeding – without providing the time needed to review the application materials. Participation cannot be informed if participants do not have the time to review the hundreds and hundreds of pages on the public record.

108 A second important step that the CRTC could take is to include all evidence that it already has about specific proceedings in its notices of consultation. This would enable public-interest participants and other parties to make their case more efficiently.

109 A third step the CRTC could take is to limit the necessity for parties to download separate files of interventions. Please give interested participants the opportunity to download a single file of all interventions in a proceeding, so that we do not have to misallocate our time to downloading interventions one by one.

110 A fourth step that the CRTC could take is to invite all parties to informal, in-person meetings once but preferably twice a year, to learn whether parties have specific

procedural concerns that are not being addressed. To be blunt, the fact that the CRTC's senior staff and its members meet so frequently with those it regulates – while it only 'meets' with public-interest participants at ever-more rare public hearings – creates an unfortunately appearance of unequal and inequitable favouritism.

VI. Conclusion

111 TBNoC 2025-94 invited public comment about 22 questions set out in TBNoC 2025-94.

112 It seems reasonable to assume that the Commission will need to address itself to a number of questions, set out below. In our view, the answers to these questions support the establishment of a new Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC), as an improved and more transparent version of the BPF-FPR.

Problem to be fixed

1. What problems does the CRTC want to fix? Does it want to
    a. Reduce the time it takes for cost decisions to be issued?
    b. Reduce the complexity of the costs process?
    c. Ensure that cost applicants' costs are reimbursed? (because not reimbursed for replies to cost interventions)
    d. Reduce duplication of work (separate processes for broadcasting and for telecom)?

CRTC's legal authority to fix the problem?

2. Is the CRTC legally able to change its current approach to costs in broadcasting and telecom proceedings?

CRTC's legal authority to delegate processing and decision-making responsibilities

3. If the CRTC is legally able to change its approach, can it
    a. empower a third party to process all applications?
    b. empower a third party to make
        i. recommendations about telecom applications, and
        ii. decisions about broadcasting applications?

Parties that should pay the costs

4. Should Canadian and foreign companies pay?
5. If only Canadian, should all broadcasters and telcos pay, or just the larger ones?
6. If only large broadcasters and telcos should pay, should they pay once a year or in every proceeding – ESTIMATE HOW MANY PROCEEDINGS THERE WERE IN EACH OF 2022, 2023, 2024 AND 2025 – or is it more efficient to pay once a year?

Applicants for costs

7. Should public-interest participants be defined to include
    a. commercial entities such as DOC
    b. for-profit industry associations (AMPIA)
    c. not-for-profit industry associations (NCRA/ANREC and CACTUS), or

   d. academics?
8. Should public-interest participants be eligible for costs
   a. in all proceedings
   b. as interveners only
   c. as applicants
   d. if they do not know whether their work has helped the Commission? (because the CRTC's decisions are sometimes silent on this point: see Decision CRTC 2022-76[10])
9. What statute requires the CRTC to require cost applicants to apply for permission to participate in CRTC proceedings in order to apply for costs?
10. What information does CRTC require from cost applicants to meet the law?
11. What statute requires the CRTC to require cost applicants – when each CRTC proceeding begins – to
    a. explain the issues they will address
    b. estimate much time they will take (if they have not reviewed the evidence)
    c. set out a detailed budget (if they do not know the CRTC's timelines)
    d. explain why they are not collaborating with other public-interest participants (especially if making submissions through legal counsel)?

Process or processes

12. Do any of the CRTC's enabling statues establish the process that the CRTC must follow in telecom and/or in broadcasting?
13. Do the CRTC's enabling statutes enable it to change the cost applications process?
14. Should the CRTC maintain separate costs-processing systems for broadcasting and telecom and if so, how much money would payors have to remit for each system?

Who decides the costs application?

15. Would delegating cost-application decision-making to a third party weaken, maintain or strengthen the integrity of the Commission's broadcasting and telecommunications processes?

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[10] *Shaw Communications Inc. – Change of ownership and effective control*, Broadcasting Decision CRTC 2022-76 (Ottawa, 24 March 2022):

> 46. At the hearing and in subsequent submissions to the Commission, Rogers maintained that Shaw's VOD and terrestrial PPV services should not be included in the calculation of the value of the transaction because Shaw would surrender the licences for these services immediately prior to the close of the transaction. Therefore, effective control of the services would not transfer to Rogers. Rogers also noted that the Commission has not imposed tangible benefits in similar cases previously. Specifically, Rogers cited BCE Inc.'s acquisition of MTS Inc.'s terrestrial BDU approved in Broadcasting Decision 2016-487; Rogers' acquisition of Mountain Cablevision Limited and Fido Solutions Inc. approved in Broadcasting Decision 2013-642; and Rogers' acquisition of Aurora Cable TV Limited approved in Broadcasting Public Notice 2008-77.
>
> 47. Interveners that addressed the value of the transaction commented that the proposed value of the transaction was not commensurate with the size and nature of the transaction. PIAC further argued that Shaw surrendering the licences of the on-demand services prior to the close of the transaction would represent a form of non-competition agreement and that these services should be included in the calculation of the value of the transaction regardless of whether Rogers requires the licences for their continued operation.

Appendix 1 FRPC answers to CRTC questions

FRPC answered most of the CRTC's questions in its 9 September 2025 interventions. We set out responses below to the few questions we did not answer at that time.

8(a) Are there specific considerations pertaining to equity-deserving groups, Indigenous rights holders, OLMCs, or academics?

Yes. FRPC notes that of the different 'equity-deserving groups' noted in question 10(a), Parliament has granted official-language minority communities special rights in the 1982 *Charter of Rights and Freedoms*, the quasi-constitutional *Official Languages Act* and also in section 5.2 of the 2023 *Broadcasting Act*. These rights should be reflected in any new costs-application process.

Q11. (a) What costs should be eligible for reimbursement?

As FRPC previously wrote, we have no concerns with the costs that are now eligible for reimbursement except to the extent that this listing of costs should be expanded to include other CRTC-related activities. We do not oppose some public-interest participants' proposals that their administrative costs be eligible for reimbursement.

FRPC recommends that the Commission enable the new funding mechanism – preferably he CPF/FPC we have proposed – to reimburse public-interest participants for research undertaken at a professional level, and for 'development'-type costs such as conferences where public-interest participants (and others) may extend their understanding of public-interest related regulatory issues and trends.

Q12. Should the Commission use a different way to determine how much a party should receive? If so, explain how and why.

The Forum considers that time-based docketing systems enable parties to calculate the time they devote to specific proceedings – and also enables decision-makers to decide whether parties' costs are within the realm of reasonableness.

While other approaches may be proposed – capped costs or costs based on participant averages – these approaches would be asymmetrical in terms of regulatory impact: any different way of deciding parties' cost applications should be considered as if the parties were companies: would they, for instance, agree to cap the amounts they devote to arguing a matter before the CRTC? For example, several of the regulated companies in this proceeding have made near-identical submissions and proposals: should the CRTC somehow discount the value of each company's participation because other companies shared the first company's concerns? In our view, this would be unreasonable.

Q20. Should the Commission establish different processes to fund the participation of Indigenous groups, such as Indigenous organizations and governments, in Commission proceedings? If so, what should those processes be?

FRPC does not support the establishment of separate processes to fund the participation of Indigenous groups in CRTC proceedings due to the concern that this will misallocate scarce resources to multiple administrative processes. We do, however, support these organizations' ability to apply for costs from the existing systems. That said, the CRTC must ensure that any new funding system's procedures are clearly explained and well documented, preferably with actual precedents, to facilitate understanding.

Q21. Should the Commission establish different processes for funding for OLMCs? If so, what should those processes be?

Yes – and no. The CRTC should take care to define OLMCs and OLMCs-related matters clearly. For example, Anglophones in Québec constitute a minority community in the same way that Francophones in other provides and jurisdictions constitute a minority community.

Rather than establishing a different funding process – which creates administrative inefficiencies and the potential for incoherence in decision-making - the CRTC should first estimate the level of funding required for OLMCs participation in its proceedings, and ensure that this funding is targeted at OLMCs participants.

Q20. Should the Commission establish different processes to fund the participation of Indigenous groups, such as Indigenous organizations and governments, in Commission proceedings? If so, what should those processes be?

The Forum does not support different processes to fund Indigenous groups and OLMCs on the grounds that participation funding should not be diverted to duplicative administration. That said, any new funding mechanism (preferably similar to the Communications Participation Fund / Fonds pour la participation aux communications (CPF/FPC) proposed by FRPC) should promote itself to Indigenous communities and organizations. We are somewhat concerned that funding the participation costs of any government may set an inadvertent precedent.

Q21. Should the Commission establish different processes for funding for OLMCs? If so, what should those processes be?

The Forum does not support different processes to fund OLMCs (as separate processes divert funding to administration rather than to cost reimbursement), but does support a requirement that any new costs-participation mechanism – hopefully, something similar the CPF/FPC proposed by FRPC – be granted a budget that makes provision for promoting its existence to OLMCs and ensures that groups within OLMCs such as but not limited to the Alliance des producteurs francophones du Canada and the Québec English-language Production Council have the opportunity to apply for the reimbursement of their participation costs.

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