



30 January 2026

Marc Morin
Secretary General
CRTC
Ottawa, ON K1A 0N2

Filed online

Dear Secretary General,

Re: Canadian Association of Broadcasters, *Amendment to conditions of service relating to TV logs, Part 1 Application 2025-0593-3 (Ottawa, 4 December 2025)*

The Forum for Research and Policy in Communications (FRPC) – a non-profit and non-partisan organization established in 2013 to undertake research and policy analysis about communications – is intervening in opposition to the above-noted application by the Canadian Association of Broadcasters (CAB).

The Forum's intervention is attached.

Regards,

Monica Auer, M.A., LL.M.
Executive Director
Ottawa, Ontario

execdir@frpc.net

c. Kevin Desjardins
President
Canadian Association of Broadcasters

kdesjardins@cab-acr.ca



Let's all pretend!

CAB asks CRTC to approve pretense that data describing one month of a licensed television service' programming proves its regulatory compliance throughout the year, closing the door on evidence-based decision-making

Intervention by the Forum for Research and Policy in Communications (FRPC) opposing Part 1 Application 2025-0593-3 (Ottawa, 4 December 2025) by the Canadian Association of Broadcasters – *Amendment to conditions of service relating to TV logs*

Monica Auer, M.A., LL.M.
Executive Director
Forum for Research and Policy in Communications (FRPC)



Contents

Summary 1

I.	Introduction	1
II.	The law on logging	2
A.	Legislative and regulatory requirements for logging, 1932-2022	2
B.	Current statute and Cabinet’s Order	6
1.	<i>Online Streaming Act</i> amendments to the <i>Broadcasting Act</i>	7
2.	Cabinet’s November 2023 <i>Order</i>	9
C.	Current regulation	11
1.	CRTC’s role in enforcing its broadcast regulations	11
2.	Current logging requirements	12
III.	CRTC Rules for applications and interventions	16
A.	Applications	16
B.	Interveners	16
IV.	The CAB’s application to change television logging requirements	17
A.	CAB wants TV services to file fewer logs and CRTC to change its approach to enforcement	17
B.	Grounds	19
C.	Relevant facts	19
V.	Why the CRTC should deny the CAB’s application	20
A.	CAB’s application misconstrues statutory provisions related to logging	20
1.	Misinterpretation of the <i>Broadcasting Act</i>	20
a.	Incorrectly identifies Act’s Regulatory policy as mandatory	20
b.	Misstates dynamic between <i>Broadcasting Policy for Canada</i> and Regulatory policy	21
c.	Misrepresents impact of administrative burden	22
d.	Mischaracterizes impact of changes made by <i>Online Streaming Act</i>	23
2.	Overstates ‘alignment’ amendments would yield for radio and TV regulation	23
3.	Ignores <i>CUSMA</i>	24
B.	CAB’s application provides no facts to support its arguments	25
1.	What ‘significant administrative burden’ results from submitting logs?	26
a.	Application does not explain how submitting logs is burdensome	28



b.	Application does not address evidence needed for ‘red-tape reduction’ initiatives	29
2.	Where are logs’ information ‘duplicated’?	31
C.	FRPC’s other grounds for denying CAB’s application	32
1.	Reduces confidence in CRTC’s administration of the <i>Broadcasting Act</i>	32
a.	Risks loss of evidence of performance and capacity for impact analysis	32
b.	Deeming non-compliance to be compliance creates ‘alternative facts’	35
c.	Explanations and corrections must not transform non-compliance into compliance	37
2.	Private broadcasters’ ‘culture of compliance’ open to question	39
3.	CAB’s application is not urgent – but premature	42
VI.	Conclusions and Recommendations	42
	Appendices	47
Tables		
Table 1	Only CRTC empowered to gather evidence for its regulatory and supervisory duties	1
Table 2	Information required from broadcasters about broadcast programming in 1936	3
Table 3	<i>November 2023 Order</i> and matters measurable through logs	9
Table 4	Current record-keeping requirements for television and discretionary services	12
Table 5	Regulatory requirements for logging, by type of broadcaster	14
Table 6	CAB’s proposed changes to television and discretionary regulations	17
Table 7	Correlation between TV services’ administrative and Canadian programming expenses	28
Table 8	Incidence of regulatory non-compliance by television services, 1968-2023	34
Figures		
Figure 1	TV broadcasters’ administrative and Canadian-programming expenses, 2015-24	27
Figure 2	Hours of programs certified as Canadian, 1998-2024	37
Figure 3	CRTC, Non-compliance rate of radio stations, 2014-15 to 2014	41
Figure 4	CRTC says its data systems are “outdated”	44
Appendices		
Appendix 1	No record of Circulars 335 and 344 on CRTC website (27 January 2026)	48
Appendix 2	CRTC Circular No. 344	49
Appendix 3	Sampling of events related to broadcast logs	50



Appendix 4	<i>Television Broadcasting Regulations, 1987</i>	55
Appendix 5	Television regulations: 'Key Figures'	57
Appendix 6	<i>Discretionary Services Regulations</i>	64
Appendix 7	Discretionary services, 'Key Figures'	66
Appendix 8	Private broadcaster's 27 June 2022 letter to CRTC regarding DCS, being Appendix 2 of CAB's 20 January 2025 intervention regarding BNoC 2024-290	72
Appendix 9	CRTC data-collection system problems identified by major private broadcasters	78
Appendix 10	20 January 2025 e-mail re DCS meeting minutes	82
Appendix 11	Information required of TV and radio programming services by CRTC's regulations	83
Appendix 12	Television regulations in Canada regarding logging, 1973 to 2026	86



Summary

- ES 1** The Forum for Research and Policy in Communications (FRPC) is a not-for profit organization established in 2013 to participate in the CRTC's proceedings on behalf of the public interest, defined by Parliament's statutes regarding broadcasting and telecommunications.
- ES 2** The Canadian Association of Broadcasters (CAB) is an industry association representing private broadcasters.
- ES 3** This intervention responds to CAB application 2025-0593-3 concerning the submission of television program logs by private television stations and discretionary services. It begins by setting out the history of logging requirements in Canadian broadcasting, showing that broadcasters submitted information about the programming they broadcast each day from the 1920s through to the 1970s. Radio broadcasters today need only submit the log for one day of programming, when the CRTC makes a request; apparently it does so "in general once per license period".¹
- ES 4** The CRTC's regulations now require television stations and discretionary services to submit these logs to the CRTC within 30 days of the end of each month and to retain the logs for one year. The CRTC has posted these logs on the federal 'open data' website, from fall 2014 to the near present.

CAB's request

- ES 5** The CAB's application asks the CRTC to
- Change the regulations so that broadcasters would submit a single log only when the CRTC asks for it
 - Deem a broadcaster to be in compliance when the log for one month shows compliance
 - Deem non-compliant broadcasters to be fully compliant when they explain or correct problems, and
 - On an urgent basis impose a condition of service on all television services requiring that logs be submitted only when the CRTC asks for these.
- ES 6** The CAB makes four sets of arguments in support of its requests. These are based on aligning radio and television regulation, administrative burden, 'exhibition-based' regulation and duplication of log data in other broadcaster reports.

¹ CRTC release package of 20 February 2023, release package page 000020.

1 Aligning regulation of radio and television

- a. The CAB's application states that approving its application will align radio and television regulation (paragraph 14).

ES 7 FRPC disagrees. If the CAB's proposal is approved, the radio and TV regulations will align only insofar as the CRTC will be unable to determine the degree to which these broadcasters are or are not implementing the *Broadcasting Policy for Canada*.

ES 8 Otherwise the CRTC's regulatory approach to radio and television will continue to differ: radio broadcasters will have to submit a one-day log using descriptive categories unique to radio, while television broadcasters will have to submit a log for one month using descriptive categories unique to TV.

2 Monthly logs are a significant administrative burden

- b. The CAB's application states that filing monthly logs is a "significant administrative burden" because the CRTC's log-filing system "regularly generates 'error reports'" that prevent the logs from being submitted (paragraph 9) because delays in receiving Canadian-certification numbers ("C-numbers") generate automated error reports and require "forms" to be resubmitted (paragraph 19);
- c. The CRTC must shift from monthly to occasional logs because the Regulatory policy (s. 5(2)(g)) and Cabinet's November 2023 *Order* require the CRTC to "be sensitive to" administrative burden imposed by its regulation (paragraph 15);
- d. The CAB's application's proposal will reduce administrative burden as the federal Red-Tape Reduction initiative requires (paragraph 5);
- e. Approval of the CAB's application will enable the CRTC to direct its resources "towards other, more important, initiatives and efforts" (paragraph 19);
- f. Occasional logs are more effective than monthly logs and will reduce administrative 'burden' for broadcasters and the CRTC alike (paragraph 21).

ES 9 FRPC notes that contrary to the CRTC's *Rules of Practice and Procedure*, the CAB's application does not set out any facts about the administrative burden it alleges and in particular does not set out facts about: the number of TV services that must actually file monthly logs (as some are exempt); the number of full-time or equivalent staff required to submit (not collect or correct) logs; the staff hours required by each station over an entire year to submit (not collect or correct) logs; or each TV service's expenditures on submitting (not collecting or correcting) logs.

ES 10 The CAB's application also does not explain how a description of one month of programming is "as effective" as a description of twelve months of programming – given that television programming tends to vary by season (summer months vs fall, winter and spring) and by 'sweep' periods (times when new programming is introduced to attract audiences).

- ES 11** FRPC submits that the complete absence of facts in the CAB’s application, in contravention of the CRTC’s procedural *Rules*, requires its denial. While the Commission may exercise its discretion to vary its *Rules* the Supreme Court decision in *Vavilov* require it to make a determination based on facts and a clear line of reasoning – not on the basis of internal records unavailable to affected parties.
- ES 12** FRPC notes, however, that if the administrative burden alleged by the CAB were as ‘significant’ as it claims, one might have expected other broadcasters to raise concerns about the monthly log requirement. Yet when five major broadcasters wrote the CRTC to detail the “numerous technical and other issues ... that increase the administrative burden of completing annual returns and reports” using the Commission’s data-collection system, the four pages of their letter that detailed 20 specific areas of concern did not refer to the submission of program logs (see Appendix 8).
- ES 13** The CAB’s application has also not explained why the CRTC’s evaluation of TV services’ program logs to determine their compliance with its regulations and their conditions of service, and their progress in implementing Parliament’s *Broadcasting Policy for Canada* is less important than the other “initiatives and efforts” to which it refers but fails to identify.

3 The CRTC can and is moving away from regulation of broadcast programming

- g.** The CAB’s application states that the CRTC is moving away from “exhibition-based regulation” (paragraph 18);
- h.** Minute-by-minute program logs serve no regulatory or supervisory purpose that justifies their administrative burden because broadcasters have had to terminate staff (paragraph 20), and the “granular” information in monthly program logs is no longer needed in general (paragraph 9), and also because the CRTC has stopped regulating advertising and program genres (paragraph 16).
- ES 14** FRPC notes that the CAB’s application does not address the fact that Parliament not only retained the exhibition-related objectives for broadcasters which it first detailed in the 1991 *Broadcasting Act*, but increased the number of these objectives when it passed the *Online Streaming Act*.
- ES 15** The application also does not address Parliament’s decision to add sections 5.1 and 5.2 regarding consultation with OLMCs. These provisions now require the CRTC to provide these communities with the evidence on which the CRTC relies when it comes to policies that affect the communities. A decision to stop collecting monthly logs will not only prevent the Commission from determining whether the level of first-run French-language television programming is increasing over time, but will also prevent the communities themselves from monitoring these trends.

4 Program logs' information duplicated in other reports

- i. The CAB's application argues that assessing compliance can still take place because broadcasters' annual returns and production reports duplicate logs information (CAB 6, paragraph 17).

ES 16 FRPC disagrees. First, the application provides no evidence demonstrating how the annual returns and production reports duplicate the information in the logs. The production reports, in particular, do not include any data about non-Canadian programming, making it impossible to evaluate whether Canadian or non-Canadian content predominates in Canada's broadcasting system.

ES 17 Second, the CAB's application provides no evidence showing that broadcasters' annual returns include a duplicate of the information in broadcasters' program logs. Even if they provide this duplicate information, the CAB does not address the fact that the CRTC does not make broadcasters' annual returns available to the public. Consequently the level of transparency and accountability currently provided by publishing broadcasters' monthly logs will evaporate.

Why the CRTC should deny the CAB's application

ES 18 Apart from the fundamental problem that the CAB's arguments are unsupported by facts, the CAB's application raises several other problems.

ES 19 First, the application misstates the statutory provisions related to logging, by writing that the *Broadcasting Act's* Regulatory policy is mandatory and overrides Parliament's *Broadcasting Policy for Canada*.

ES 20 This is not the case: the Regulatory policy is entirely discretionary (introduced by "should", not "shall"), and includes a provision that the *Broadcasting Policy for Canada* 'wins' when the two policies are in conflict. The law explicitly prevents administrative burdens – even if proven – from overriding the provisions of the *Broadcasting Policy for Canada's*, including those referring to broadcasters' exhibition of programming or to audiences' access to programming.

ES 21 Second, the CAB's application entirely ignores *CUSMA*. This agreement includes provisions that require administrative agencies such as the CRTC to publish the evidence on which their regulations are based. Even if the agreement is changed during the *CUSMA* negotiations scheduled for this year or is terminated, the Agreement's provisions remain in force

ES 22 Third, approving the CAB's application as a whole is more rather than less likely to bring the CRTC's administration of the *Broadcasting Act* into disrepute because, going forward, the CRTC would deem television broadcasters' to be fully compliant throughout the year based on a review of one month of their programming or when broadcasters identify and correct their non-compliance.

- ES 23** Fourth, the CAB’s application provided no evidence to support its claim that “Canadian broadcasters have demonstrated a strong culture of compliance and regulatory good faith” and that television broadcasters’ non-compliance “is rare and generally minor or inadvertent” (paragraph 22). Unpublished research by the CRTC’s staff found that from 2014/15 to 2018 the compliance of a sample of commercial radio stations decreased from 79% to 66%, indicating that a third of the stations were non-compliant in 2018.² Preliminary research by FRPC to date found that from 1968 to 2023 60 private TV stations breached the CRTC’s regulations or their conditions of service at least once. To put this in perspective, the CRTC’s 2020-24 *Statistical and Financial Summaries* were based on reports filed by 92 private television reporting units, indicating a non-compliance rate of 65% (60 stations as a percentage of 92 units) with 22 (37% of the 60 stations) found by the CRTC to be in breach more than once.
- ES 24** Last, the CRTC should deny the CAB’s application because it is premature. Granting the application now would affect the CRTC’s consultation on “tailored conditions of service” now scheduled for Winter 2026, and the consultation on diversity and inclusion scheduled for late 2026 or early 2027. If the application is approved before these consultations take place, the CRTC will no longer have the time-series data it needs to determine television broadcasters’ current attainment of the objectives in the *Broadcasting Act* and to set new targets for these broadcasters.

Conclusions and recommendations

- ES 25** The CRTC should deny the CAB’s application, in light of the absence of any evidentiary support for its approval. Nothing prevents the CAB from resubmitting this application after it gathers evidence to support its arguments and address concerns raised by interveners in this proceeding.
- ES 26** FRPC strongly supports one aspect of the CAB’s application, however, having to do with C-number errors. Could the CRTC not introduce a new C code to its logging system, such as a temporary value indicating that the C-number is currently unavailable and which does not automatically reject the log that is being submitted? The log could then be provisionally accepted provided the temporary value were corrected within (say) 45 calendar days. This may not be feasible - as the CRTC does not hold regular meetings with interested parties to address its data-collection practices, participants in CRTC proceedings such as FRPC have no way of knowing why, when or whether the CRTC changes or improves its data-collection system.
- ES 27** FRPC also again urges the CRTC to convene a meeting of broadcasters and third parties (such as and including the Forum) to discuss the problems surrounding evidence in CRTC proceedings. As Cabinet’s *Order* clearly establishes, accountability and transparency in broadcasting matter to

² CRTC, Release package re A-2020-00068; CRTC staff, French-language radio, *Radio non-compliance – Overview and measures*), page 000003 of 000098.

decision-makers and to Canadians. Meeting to share common problems and to discuss solutions would strengthen the quality of evidence on which the public and others rely when participating in the CRTC's proceedings.

ES 28 FRPC's recommendations are summarized below;

Recommendation 1	The CRTC should correct inconsistencies with respect to logging requirements in its broadcasting regulations	16
Recommendation 2	The CRTC should continue to collect and publish monthly television programming logs	36
Recommendation 3	The CRTC should resume the collection of monthly radio logs	36
Recommendation 4	The CRTC should publish monthly radio logs	36
Recommendation 5	The CRTC should immediately begin to publish quarterly – preferably monthly – reports on the hours of first-run Canadian television programming being broadcast in Canada, by programming service and ownership group, and in terms of the CRTC's television programming categories.	36
Recommendation 6	The CRTC should begin to publish annual results from its television-log collection that measure the objectives identified in the <i>Broadcasting Policy for Canada</i>	37
Recommendation 7	The CRTC should publish quarterly and annual reports stating the hours of first-run Canadian and foreign programming broadcast by individual television programming services and by ownership groups	37
Recommendation 8	The CRTC should introduce a new, temporary value for program's Canadian certification variable to indicate that the C-number is currently unavailable but will be provided within 30 calendar days of the log's submission, and whose use will not automatically reject the log being submitted.	45
Recommendation 9	The CRTC should continue to publish television services' monthly logs – but in an Excel or Excel-compatible format that includes column headings and excludes commercials (while retaining public service announcements and station identifications)	45
Recommendation 10	The CRTC should also publish, for each television service, a log that consists of a broadcast year of logs	46
Recommendation 11	The CRTC should convene a meeting every year or every second year consisting of CRTC Commissioners, CRTC staff, broadcasters and all interested parties to discuss long- and still-standing problems with the CRTC's data-collection system which prevent participants in its proceedings	46

I. Introduction

- 1 The Forum for Research and Policy in Communications (FRPC) is a not-for profit organization established more than a decade ago to advocate in the CRTC's proceedings on behalf of the public interest, defined by Parliament's statutory policies for broadcasting and telecommunications.
- 2 Under the *Broadcasting Act* the CRTC has been and remains the only institution specifically empowered to obtain relevant information about broadcasters' performance: Table 1.

Table 1 Only CRTC empowered to gather evidence for its regulatory and supervisory duties

1991 <i>Broadcasting Act</i>	2023 <i>Broadcasting Act</i>
10(1). CRTC may make regulations (i) requiring licensees to submit financial or other information about their programming and financial affairs (j) about the audit or examination of records of licensees	9.1(1) CRTC may make orders imposing conditions regarding (n): information about licensees' ownership, governance, control and affiliation with licensees or exempted persons (o): information about financial, commercial, programming, expenditure, audience matters 10(1) CRTC may make regulations about auditing and examining broadcasters' records

- 3 The CRTC's regulations currently require Canadian television broadcasters to submit electronic information about the programming they broadcast on their licensed programming services, every month.
- 4 The Canadian Association of Broadcasters (CAB) is asking that the CRTC instead ask broadcasters to submit one log each year, chosen randomly. If this log shows compliance with regulations and conditions of service, the CRTC would then deem the broadcaster to be compliant for the other eleven months.
- 5 Since its establishment in 2013 FRPC has downloaded, analyzed and relied on the television programming logs published by the CRTC as evidence in the Forum's submissions to the Commission and to Committees of Parliament. FRPC appreciates broadcasters' frustration with the CRTC's data-collection system, as the Forum is equally frustrated with the Commission's data-publication approach.
- 6 The Forum nevertheless opposes the CRTC's approval of this application. First, the arguments made by CAB ignore the duties imposed on the CRTC by the *Broadcasting Act*, by the *Canada-USA-Mexico Agreement* and by the common law. Second, the application provides no evidence to support its arguments.
- 7 FRPC's intervention begins by explaining the long-standing importance of 'logging' in broadcasting, sets out the current law regarding logging, analyzes the CAB's arguments and

evidence and concludes with 11 proposals that would serve the public interest while meeting certain concerns of private broadcasters.

II. The law on logging

8 The concept of tracking performance through ‘logs’ predates broadcasting by centuries. ‘Logs’, shortened from term, “log-book”, were used by sailors at least by 1574 to record their ships’ speed and progress. They would measure the distance a log of wood traveled over a given period of time once thrown overboard.³

9 Canadian broadcasters have been required to log information about their broadcasts for just over a century. In 1923, even before Parliament’s authority over broadcasting had been confirmed by the Supreme Court of Canada and the Judicial Committee of Great Britain’s Privy Council, each radio licensee had to transcribe and retain a “proces verbal of all signals transmitted”.⁴

A. Legislative and regulatory requirements for logging, 1932-2022

10 In May 1932 Parliament enacted the *Canadian Radio Broadcasting Act* to control the new communications medium of broadcasting.⁵ Parliament empowered the Canadian Radio Broadcasting Commission (CRBC) to regulate broadcasters – then limited to radio.⁶ By 1933 the CRBC’s *Rules and Regulations* required each radio station to “maintain program and operating logs” whose contents were set out by the regulations.⁷

11 Dissatisfaction with certain broadcast programs⁸ led a new government to replace Canada’s broadcasting legislation with the *Canadian Broadcasting Act* in 1936, establishing the Canadian

³ Stanford Humanities Centre (Arcade), [Logging-In: The Ship’s Log As Medium](#) (accessed 19 January 2026).

⁴ Department of Marine and Fisheries, *License to use Radio*, 18 April 1923 (Source: Roger Bird, ed., *Documents of Canadian Broadcasting*, (Carleton University Press: Ottawa, 1988), 31-34 at 32):

12. A proces verbal of all signals transmitted, giving date, time and nature of such signals shall be kept by the licensee, also such further particulars as the minister shall from time to time reasonably require. The licensee shall preserve all proces verbaux for such period as is from time to time prescribed by the Minister, and such papers shall be open to the inspection of the Minister or his officers thereto authorized at the office of the licensee in between the hours of 10 a.m. and 5 p.m. on every day except Sunday or a public holiday.

⁵ Parliament’s authority over broadcasting (rather than the authority of individual provinces) was confirmed by the judicial committee of Great Britain’s Privy Council on 9 February 1932 in *Re Regulation and Control of Radio Communication in Canada (Radio Reference)*, [1932] A.C. 304, 2 D.L.R. (1932), 81-88.

⁶ *Canadian Radio Broadcasting Act*, 22 & 23 Geo. 5, c. 51, sections 9(1)(a), 9(1)(d) and 10.

⁷ Canadian Radio Broadcasting Commission, *Rules and Regulations*, Part IV – Station Operation, 15 April 1933 (Source: Roger Bird, ed., *Documents of Canadian Broadcasting*, (Carleton University Press: Ottawa, 1988), 124-132 at 128-129).

⁸ Specifically, the broadcast during Canada’s 1935 federal election of the *Mr. Sage* radio series, written by an advertising firm that also worked for the government then in power: Roger Bird, ed., *Documents of Canadian Broadcasting*, (Carleton University Press: Ottawa, 1988), at 133.

Broadcasting Corporation to operate radio stations, to provide programming for its own and private broadcasters and to regulate private broadcasters.⁹

- 12 The 1936 *Act* authorized the CBC to make regulations prescribing private broadcasters' distribution of CBC programs, controlling "the character of any and all programmes broadcast" and setting the proportion of time allocated to advertising or to political broadcasts.¹⁰ The CBC's *Regulations for broadcasting stations* required stations to "maintain a program log in a form acceptable to the Corporation" and to keep each log for one year.¹¹ The information required from broadcasters in that pre-electronic era is summarized below: Table 2.

Table 2 Information required from broadcasters about broadcast programming in 1936

1936 *Regulations*, section 3(1)

- Date
- Call letters
- Location
- Frequency
- Time of station identification
- For each broadcast program:
 - Whether a reproduction
 - Title
 - Time it began
 - Time it ended
 - Brief description
- If talk or speech
 - name of speaker
 - sponsor ("auspices")
- If by or for political candidate
 - Candidate's political affiliation
- If a 'spot' (announcement)
 - Duration
 - Hour of broadcast
- Name of sponsor of any program or announcement for which station is paid to broadcast

- 13 The CBC's 1953 *Regulations for Sound Broadcasting Stations* similarly required each station in Canada to maintain a program log¹² which included the same information¹³ listed in the 1936 *Regulations* (see Table 2P), and again retain it for one year¹⁴. These regulations now also required each station to submit "a true and accurate copy of its program log" every week.¹⁵ Again, in this pre-electronic era, this submission was made on paper.

- 14 Parliament replaced the CBC with the Board of Broadcast Governors (BBG) in the 1958 *Broadcasting Act*.¹⁶ Legislation empowered the BBG to issue regulations about the time reservable for network programs, devoted to advertising, to political content and to the carriage

⁹ *Canadian Broadcasting Act, 1936*, 1 Edw. 8, c. 24, ss. 8(b), 8(e) and 22(1).

¹⁰ *Canadian Broadcasting Act*, s. 22(1)(b), (c), (d) and (e).

¹¹ 1936 *Regulations*, subsections 3(1) and 3(5).

¹² S. 4(1).

¹³ S. 4(1)(a), (b), (c), (d), (e), (f), (g) and (h).

¹⁴ S. 4(5).

¹⁵ S. 4(4): "Each station shall forward to the Corporation within seven days of the end of each week a true and accurate copy of its program log for that week."

¹⁶ 7 Eliz. 2, c. 22.

of network public-interest programs.¹⁷ Parliament also empowered the BBG to require licensees “to submit information ... regarding their programs ...”¹⁸

- 15 The BBG’s 1959 *Regulations Respecting Radio (TV) Broadcasting*¹⁹ required the information in Table 2 as well as programs’ Canadian content classification²⁰ and certification of logs’ accuracy.²¹ After the BBG created a “specimen copy of alternative program logs” in 1961 it worked with the Canadian Association of Broadcasters to revise the logs from time to time.²² The BBG explained that some of the columns set out in the forms were for its own use but that it left columns for use by the stations. It also provided

... a considerable space ... for station use on the right side of the short form. This may be used as the station determines; some stations have indicated the importance of such a column for accounting purposes.

The narrow un-headed column next to “time off” may be used as the station’s needs determine.

- 16 For reasons having nothing to do with program logs,²³ Parliament enacted new broadcasting legislation in 1968. Along with a new *Broadcasting Policy for Canada* and a new “single

¹⁷ *Ibid*, s. 11(1)(a), (c), (d), (f)

¹⁸ S. 11(1)(i).

¹⁹ *Regulations Respecting Radio (TV) Broadcasting*, Canada Gazette, Part 2, Statutory Orders and Regulations, 59-456 (9 December 1959), s. 4(1).

²⁰ S. 4(1)(d): “and a designation indicating Canadian content classification”.

²¹ S. 4(4) stated that

[e]ach station shall present to the Board within seven days of the end of each week its program log for that week carrying the endorsement of the manager of the station, or other officers authorized by the Board, in the following words:

“This is to certify that the undersigned has inspected the foregoing station log. According to the information supplied me and to the best of my knowledge, information and belief, this log represents a true and accurate picture of the station’s operation for the week in question.”

²² *Program Log Guidelines – Television*, BBG Circular 48 (Ottawa, 22 December 1961).

²³ Two factors contributed to Parliament’s decision to revise the 1958 *Broadcasting Act*: Roger Bird, ed., *Documents of Canadian Broadcasting*, (Carleton University Press: Ottawa, 1988) at 307.

First, in 1962 the BBG ordered the CBC to carry the Grey Cup football game on behalf of the newly-licensed CTV network: CBC had transmission and distribution facilities that CTV lacked, meaning the latter’s broadcast could not reach an audience of sufficient size to meet advertisers’ goals. The Corporation refused to comply with the BBG’s order, and it became clear that ambiguities in the *Broadcasting Act* of the time permitted this refusal:

Second, in 1963 the Royal Commission on Government Organization (the ‘Glassco’ Commission) published its the fourth volume: “Special Areas of Administration” (Ottawa, 21 January 1963). In this volume the Glassco Commission noted that the Corporation lacked clear terms of reference, that its programming and production decisions had been made without comparing costs with need and affordability, that annual financing limited planning and that the CBC’s Board of Directors lacked meaningful responsibility and, in turn, accountability.

The Liberal government subsequently created a special committee comprised of the BBG’s Chairperson, the CBC’s President and the President of the CAB. Nicknamed the ‘Troika’, the three submitted a brief joint report (and three separate, non-concurring reports). The Troika’s joint report stated, among other things, that

...

independent public authority” to regulate and supervise the broadcasting system,²⁴ – the Canadian Radio-Television Commission²⁵ (CRTC) – the 1968 *Broadcasting Act* continued to require broadcast licensees “to submit ... such information regarding their programs ... as the regulations may specify” to the Commission.²⁶ The new *Act* also introduced fines of up to \$25,000 for licensees convicted of violating applicable regulations.²⁷

- 17 The CRTC’s 1973 *Television Broadcasting Regulations*²⁸ required stations to “present” their program logs to the CRTC “within seven days of the end of each week”, along with a certification stating that logs ‘represented a true and accurate picture of the station’s operation for the week in question.’²⁹
- 18 By the 1980s desktop computers were becoming widely available. In 1987 the CRTC invited broadcasters to “consider submitting their log information digitally, via computer media”.³⁰
- 19 In 1988 private broadcasters asked for flexibility in coding the start- and end-times of commercial content such as advertisements, promotions and public service announcements. “To meet their obligations towards advertisers”, broadcasters only recognized the commercial content’s ‘scheduled’ time with the ‘actual on-air’ time when the content’s on-air time fell outside a range of (plus or minus) five minutes of the scheduled time.³¹ The CRTC agreed to let private broadcasters continue this practice; see Appendix 2.
- 20 In 1991 Parliament enacted new broadcasting legislation to take into account experience gained from the CRTC’s operations over the two preceding decades and changes in technology such as satellites’ distribution of programming.

Parliament is the supreme broadcasting authority in Canada.

Ptmus, through and under legislation, delegate some of its authority. The delegated authority must extend to both public and private broadcasting. The delegated authority need not be exercised by the same agent of Parliament. However, whoever exercises the delegated responsibility must be held accountable by, and to, Parliament for their stewardship.

....

²⁴ *Broadcasting Act*, 16 & 17 Eliz. 2, c. 25, s. 2.

²⁵ The Commission’s legal name changed in the mid-1970s when Parliament required it to “exercise the powers and perform the duties and functions in relation to telecommunications ... vested ... in the Canadian Transport Commission”. The *Canadian Radio-television and Telecommunications Commission Act*, 19 June 1975, 23&24 Eliz. 2, c. 49 entered into force on 1 April 1976.

²⁶ S. 16(10)(viii).

²⁷ S. 29(1). S. 28 also made it an offence, subject to a fine of up to \$5,000, to broadcast partisan programs or announcements on the day of a related referendum or election.

²⁸ SOR/73-219 (April 25, 1973).

²⁹ S. 4(4)

³⁰ CRTC Circular No. 335 (Ottawa, 5 August 1987); no copy available from CRTC website (Appendix 1).

³¹ *Computer Media Program Logs*, CRTC Circular No. 344 (Ottawa, 13 May 1988); no copy available from CRTC website.

- 21 The legislature also added details to the *Broadcasting Policy for Canada*, clarified the CRTC's powers and, for the first time, stated its objectives for the CRTC and how it wanted the CRTC to achieve these.
- 22 The 'Objects' in section 5(1) dealt with the regulation and supervision of "all aspects of the Canadian broadcasting system". Parliament also added a "Regulatory policy" in section 5(2). This new text required the CRTC to "give primary consideration to the objectives of the broadcasting policy ... if ... a conflict arises between those objectives and the objectives of the regulatory policy...."³²
- 23 While the Regulatory policy encouraged – without mandating– flexible regulation and supervision,³³ the 1991 *Broadcasting Act* continued to empower the Commission to require licensed broadcasters "to submit "such information regarding their programs ... as the regulations may specify;"³⁴
- 24 The CRTC amended its requirements for conventional TV stations to require monthly (rather than weekly) logs³⁵ and set the same regulation for pay television and specialty services.³⁶ In the early 1990s the logs had to be submitted "within seven days after the end of each day";³⁷ by 2006 the regulations had been amended to provide broadcasters with 30 days to file the logs.

B. *Current statute and Cabinet's Order*

- 25 By the mid-2010s impetus had grown to update Canada's broadcasting legislation, thanks largely to the introduction and rapid growth of the Internet in the late 1990s. In June 2018 the federal government commissioned a review of Canada's legislative frameworks for broadcasting and

³² S. 5(

³³ S. 5(1) introduced the new (1991) regulatory policy:

5. (1) Subject to this Act and the Radiocommunication Act and to any directions to the Commission issued by the Governor in Council under this Act, the Commission shall regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

S. 5(2) clarified that the "Regulatory policy" was not mandatory (by using the permissive 'should' rather than the imperative 'shall': *Interpretation Act*, s. 11 ["The expression 'shall' is to be construed as imperative and the expression 'may' as permissive."]):

Regulatory policy

(2) The Canadian broadcasting system should be regulated and supervised in a flexible manner

³⁴ Television Broadcasting Regulations, 1987, as of 16 October 1992, s. 10(1)(i).

³⁵ *Television Broadcasting Regulations, 1987*, SOR/87-49, s. 10(3).

³⁶ *Pay Television Regulations, 1990*, SOR 90/105, s. 4(2); *Specialty Services Regulations, 1990*, SOR/90-106, s. 7(2).

³⁷ S. 10(3)

telecom.³⁸ The review panel's January 2020 report³⁹ led later that year⁴⁰ to legislative proposals to change the 1991 broadcasting statute.

26 Bill C-11, the *Online Streaming Act*, received Royal Assent on 27 April 2023, and the Governor in Council (Cabinet) issued directions to the CRTC later that year to highlight issues it considered important.

27 The current *Broadcasting Act* and Cabinet's *Order* address programming in terms of the sources, producers, accessibility and categories of this content. The Commission has established definitions for many of these terms, enabling the exhibition of and/or expenditures on such programming to be measured quantitatively.

1. *Online Streaming Act amendments to the Broadcasting Act*

28 The current *Broadcasting Act* now applies explicitly to online broadcasters due to Parliament's enactment of Bill C-11, the *Online Streaming Act*, in late April 2023.

29 The *Online Streaming Act* also expanded the scope of the *Broadcasting Policy for Canada*. For example, Parliament now requires each broadcasting undertaking to help implement the *Broadcasting Policy for Canada* (section 3(1)(a.1)). Parliament now expects the broadcasting system to offer

- original programs for Black and other racialized communities (section 3(1)(d)(iii.11))
- original French-language programs (section 3(1)(d)(iii.2))
- original programs for official language minority communities (section 3(1)(d)(iii.3))
- programs in diverse languages that reflect Black and other racialized communities (section 3(1)(d)(iii.6)), and
- fully accessible programming (section 3(1)(p.1)).

30 Parliament also now expects the broadcasting system's programming to include

- "news and current events" (section 3(1)(i)(ii.1)), and
- Indigenous language programming (section 3(1)(ii.2)).

31 Moreover, Parliament's *Broadcasting Policy* still desires the CRTC to ensure that the programming by the Canadian broadcasting system

³⁸ ISED, "[Broadcasting and Telecommunications Legislative Review](#)": "In June 2018, to ensure that Canadians continue to benefit from an open and innovative Internet, the Government of Canada appointed an external Panel to review Canada's communication legislative framework."

³⁹ *Ibid.*

⁴⁰ The first reading of Bill C-10, An Act to amend the Broadcasting Act and to make related and consequential amendments to other Acts, was completed in early November 2020: LEGISinfo, [C-10, "Historical Information"](#).

- “be varied and comprehensive, providing a balance of information, enlightenment and entertainment for people of all ages, interests and tastes” (section 3(1)(i)(i)), and that it
- Include local, regional, national and international programming (section 3(1)(i)(ii)).

32 As well, the current *Broadcasting Act* has clarified the scope of the CRTC’s authority over those who broadcast (rather than those it licensed or exempted), and gives the Commission more flexible regulatory powers. For example, the CRTC may now make regulations that apply to all broadcasters or to broadcasters of a class that it establishes (section 10(2)). It may also issue orders to all broadcasters, to all broadcasters in a class or to individual broadcasters (section 9.1(2)). Persons who contravene its regulations or orders may now face administrative monetary penalties imposed by the Commission.⁴¹

33 Even with the opportunity provided by the *Online Streaming Act* to amend its broadcasting legislation, Parliament did not relieve the Commission of its duty to be accountable to Parliament (through Cabinet and the CRTC’s Minister) and to the public. In fact – and despite the 2015 *Red Tape Reduction Act* – Parliament encouraged the CRTC to provide even more information to the public:

25.2 Subject to section 25.3 [confidential information categories], the Commission shall proactively make available for public inspection any information submitted to the Commission in the course of proceedings before it.
[bold font and underlining added]

34 Similarly, Parliament added a duty to consult with official language minority communities (section 5.2), mandating not just the gathering of “information to test its policies, decisions and initiatives (section 5.2(2)(a)), but also that Commission provide these communities “with all relevant information on which those policies, decisions or initiatives are based” (section 5.2(2)(d)). Parliament also now requires the CRTC to share the data submitted to it by broadcasting undertakings with Statistics Canada or the Minister of Canadian Identity and Culture.⁴²

Broadcasting Act, as of 26 January 2026

5.2 (1) The Commission shall consult with official language minority communities in Canada when making decisions that could adversely affect them.

Objectives of consultations

(2) When engaging in consultations required by subsection (1), the Commission shall

(a) gather information to test its policies, decisions and initiatives;

...

(d) provide them with all relevant information on which those policies, decisions or initiatives are based;

....

35 Finally – and in addition to any other changes not cited here – Parliament empowered the CRTC to levy administrative monetary penalties on those violating its regulations or orders. Companies

⁴¹ Part II.2, s. 34.4(1)(a).

⁴² S. 25.1:

Minister or Chief Statistician

The Commission shall, on request, provide the Minister or the Chief Statistician of Canada with any information submitted to the Commission in respect of a broadcasting undertaking.

could face a fine of up to \$1,000,000 for a first violation fines of up to \$15 million for each subsequent violation.⁴³ The actual amount of the penalty must take into account factors that include “the history of compliance by the person who committed the violation with this Act, the regulations and the decisions and orders made by the Commission under this Act” and “any benefit that the person obtained from the commission of the violation”.⁴⁴

36 Seven months after the *Online Streaming Act* took effect, Cabinet also drew the CRTC’s attention to a number of the new objectives in the *Broadcasting Policy for Canada* by issuing an Order.

2. Cabinet’s November 2023 Order

37 In November 2023 Cabinet made an [Order Issuing Directions to the CRTC \(Sustainable and Equitable Broadcasting Regulatory Framework\)](#).⁴⁵ Three of these directions reinforce aspects of Parliament’s *Broadcasting Policy for Canada*, and address nearly a dozen matters whose results can be measured by tabulating hours of programming: Table 3.

**Table 3 November 2023 Order and matters measurable through logs
Order Issuing Directions (extracts)**

Order Issuing Directions (extracts)	Matters measurable through logs
Meaningful participation of Indigenous persons 3 In furtherance of the objectives of the <i>United Nations Declaration on the Rights of Indigenous Peoples</i> , the Commission is directed to support the meaningful participation of Indigenous persons in the Canadian broadcasting system, including by supporting (a) their ability to create and produce a wide range of programs; (b) access to those programs;	Access to programs produced by Indigenous people
7 The Commission is directed to regulate and supervise the Canadian broadcasting system with a view to supporting the provision of programming that is accessible without barriers to persons with disabilities.	Availability of accessible programming
(c) respect audience choice and, where possible, increase the options available ;	Availability of more options for audiences
(d) where appropriate, use tools that are based on incentives and outcomes ; (e) where appropriate, use digital tools and solutions ;	Use of tools, and preferably digital tools, dealing with outcomes

⁴³ S. 34.5(1)(a) and (b):
 Maximum administrative monetary penalty
 Subject to a regulation made under paragraph 34.995(b), a person who commits a violation is liable to an administrative monetary penalty
 (a) in the case of an individual, of not more than \$25,000 for a first violation and of not more than \$50,000 for each subsequent violation; or
 (b) in any other case, of not more than \$10 million for a first violation and of not more than \$15 million for each subsequent violation

⁴⁴ S. 34.5(2).

⁴⁵ SOR/2023-239, registration on 9 November 2023.

Order Issuing Directions (extracts)	Matters measurable through logs
12 In exercising its powers under section 11.1 of the Act, the Commission is directed to ... (e) where appropriate for a given business model and set of objectives, prioritize the imposition of requirements to make expenditures directly on the ... presentation of Canadian programming;	Expenditures on Canadian programming and its presentation
(f) ensure that expenditure requirements support the creation and availability of programming in French, ...	Availability of French-language programming
(g) ensure that expenditure requirements support the creation and availability of programming	Availability of programming in
(i) by Indigenous creators and broadcasting undertakings ... in Indigenous languages, ...,	Indigenous languages
(ii) by creators who are members of equity-seeking and ethnocultural groups, including Black or other racialized communities, ...	By equity-seeking and ethnocultural creators, including from Black or other racialized communities
(iii) in both official languages, ...	In both official languages
(i) support broadcasting undertakings that offer programming services that are of exceptional importance to the achievement of the broadcasting policy set out in subsection 3(1) of the Act;	Broadcast services of exceptional importance, based on programming and the <i>Broadcasting Policy for Canada</i>

38 The *Order* also required the CRTC to make any changes to its regulations needed to implement its requirements within two years of the Act’s implementation

Implementation

19 The Commission is directed to make any changes to its regulatory framework that are necessary for the purposes of the implementation of this Order within two years after the day on which it comes into force. In doing so, the Commission is directed to prioritize the implementation of sections 13 to 16 and to ensure that any changes to its regulatory framework are made as soon as feasible and on a continual basis during that two-year period.

39 From 9 November 2023 to 8 November 2025, however, the only regulatory change published by the CRTC concerning program-log requirements involved tourist-radio stations (see BRP [2025-265](#) and BNoC [2025-267](#)). The Commission’s 10 October 2025 draft exemption order stated that it “will require tourist information stations to keep audio recordings and program logs similar to the requirement currently imposed on licensed stations.”⁴⁶

⁴⁶ *Modernization of radio processes*, [Broadcasting Regulatory Policy CRTC 2025-265](#) (Gatineau, 10 October 2025), Appendix 2 (“Summary of determinations”), *Exemption orders – Existing exemption orders*.

More specifically, in *Call for comments on proposed amendments to existing exemption orders for various types of radio programming undertakings*, [Broadcasting Notice of Consultation CRTC 2025-267](#) (Gatineau, 10 October 2025), the CRTC invited comments of a “Proposed exemption order for low-power tourist information related radio programming undertakings”. S. 12 of this proposed order states that

C. Current regulation

40 Evaluating the CAB's application requires an appreciation of the CRTC's approach to regulating broadcasters in general, and to setting out requirements for their logs and records.

1. CRTC's role in enforcing its broadcast regulations

41 CRTC states that it was "[e]stablished to develop, implement and enforce regulatory policies on the Canadian communications system..."⁴⁷ It states that it enforces "compliance with regulations".⁴⁸

What we do

- **Promote and enforce compliance with regulations.** To enhance the safety and interests of Canadians, we promote compliance and enforcement of CRTC regulations designed to protect them, including regulations related to unsolicited communications and the loudness of television commercials.
- **Ensure Canadians can access emergency communication services.** We make sure that Canadians can access services such as 9-1-1 and are warned through a public alerting system in the event of imminent perils.
- **Empower Canadians through increased awareness and knowledge.** We provide information to help consumers understand and navigate the communications marketplace, so they know what to do to protect their own interests.

42 Television broadcasters' regulatory compliance levels are unknown. The CRTC does not publish annual summaries of the incidence of broadcasters' compliance or non-compliance with the *Broadcasting Act*, its regulations or the conditions of service it has imposed on broadcasters. Rather, it reports on broadcasters' non-compliance with its regulations in its licensing decisions.

43 Radio broadcasters' regulatory compliance levels are also unknown, although in 2013 the Commission stated that an unspecified "large number" of its radio licensees then remained "in non-compliance on an annual basis".⁴⁹ While stating in 2014 that it "will publish annual lists of radio stations in compliance and non-compliance with the Commission's regulations and their

The undertaking shall keep logs, records and recordings consistent with the requirements set out at section 8 and subsection 9(4) of the *Radio Regulations, 1986*.

⁴⁷ CRTC, *Canadian Radio-television and Telecommunications Commission 2025–26 Departmental Plan*, Cat. No. BC9-26E-PDF, at 6.

⁴⁸ CRTC, *We help protect Canadian interests*, <https://crtc.gc.ca/eng/comm/pro.htm> [accessed 21 January 2026].

⁴⁹ *Call for comments on a targeted policy review for the commercial radio sector*, *Broadcasting Notice of Consultation CRTC 2013-572* (Ottawa, 30 October 2013), at paragraph 60.

conditions of licence”,⁵⁰ the CRTC later disclosed that “[t]hese lists “are no longer available on our web site. A decision was made to remove them because it was not possible to have accurate, up to date information always available.”⁵¹

2. Current logging requirements

- 44 The CRTC currently requires television broadcasters to submit, every month, a log describing the programming they broadcast in the previous month. Table 4 summarizes the CRTC’s current regulations concerning program logs (and recordings) for conventional and discretionary television services; Appendices 4, 5, 6 and 7 set out the actual logging regulations along with the categories and codes used to describe the broadcast programs. (Appendix 12 compares the current TV-station logging regulations with those of 1973.)

Table 4 Current record-keeping requirements for television and discretionary services

Information	TV stations	Discretionary		
Broadcast information				
Who must keep	10(8) TV licensees, if not a remote station whose logging/record-keeping requirements imposed by condition of licence	10(8) titulaires de licence, sauf des stations périphériques dont des exigences de garder les informations sont énoncées dans une condition of licence		
What to keep	10(1)(a) “a program log or a machine readable record of its programming”	10(1) a) “un registre des émissions ou un enregistrement informatisé de sa programmation”	8(1)(a) “program log or record of its programming”	8(1) a) “un registre ou un enregistrement de sa programmation”
When to keep	10(1)(c) “each day”	10(1) c) “chaque jour”	8(1)(c): “each day”	8(1) c): “chaque jour”
How long to keep	10(1)(b) one year after date of program’s broadcast	10(1) b) “un an à partir de la date où la programmation est diffusée”	8(1)(b): one year after date of program’s distribution	8(1) b) “un an après la date de distribution de la programmation”
When to submit	10(3) “within 30 days after the <u>end of each month</u> ”	10(3) “dans les trente jours suivant la fin de chaque mois”	8(1)(d) “within 30 days after the <u>last day of each month</u> ”	8(1) d) “dans les trente jours suivant le dernier jour de chaque mois”
Broadcast recording				
Who must keep	10(7) Except for network affiliates	10(7) Sauf des exploitants d’une station qui exploite son entreprise comme partie intégrante d’un réseau de télévision		

⁵⁰ A targeted policy review of the commercial radio sector, [Broadcasting Regulatory Policy CRTC 2014-554](#), paragraph 67.

⁵¹ CRTC, Response to access-to-information file A-2021-00007 (Ottawa, 10 May 2021).

Information	TV stations		Discretionary	
	10(8) except for remote stations with logging/record-keeping requirements in a condition of licence	10(8) Sauf des stations périphériques lorsque les exigences relatives à la tenue des registres sont énoncées dans une condition de licence		
What to keep	10(5): “clear and intelligible audio-visual recording of all of its programming”	10(5): “un enregistrement audio-visuel clair et intelligible de toute sa programmation”	8(3): “retain a clear and intelligible audio-visual recording of all of its programming”	8(3): “conserve un enregistrement audio-visuel clair et intelligible de toute sa programmation”
How long to keep	10(5)(a) for 4 weeks from the date of broadcast	10(5) a “de quatre semaines à compter de la date où la programmation est diffusée”	8(3)(a): “for 4 weeks after date of programming’s distribution	8(3) a quatre semaines suivant la date de distribution de la programmation
When to submit	10(6) immediately (if CRTC asks within the 4-week retention period	10(6) “... immédiatement au Conseil, lorsque celui-ci lui en fait la demande avant l’expiration du délai applicable visé au paragraphe (5)”	8(4) within 4 weeks of programming’s distribution and without delay	8(4) “Si le Conseil lui en fait la demande avant la fin des périodes prévues aux alinéas (3) a) et b), le titulaire lui remet sans délai un enregistrement audio-visuel clair et intelligible de sa programmation.”

- 45 As Table 4 shows, the wording used in the CRTC’s television and discretionary services regulations about logging is inconsistent. Some inconsistencies are minor in that they describe the same concepts with different words: for example, the television regulations require that logs be submitted to the CRTC within 30 days after the ‘end’ of each month while the discretionary regulations require that logs be submitted after the ‘last day’ of each month.
- 46 In other cases, the English-language and French-language versions of the same regulations are different. The French-language version of the television regulations requires broadcasters to keep a log or “machine readable record” of its programming (“enregistrement informatisé de sa programmation”), while the French-language version of the discretionary regulations requires these services to keep a recording of their programming (“enregistrement de sa programmation”).
- 47 As Table 5 shows (next page), moreover, the same mistranslation – “enregistrement des émissions” rather than ‘record’ – appears in the CRTC’s regulations for radio (section 8(1)a)) and BDUs (section 33(1)).



Table 5 Regulatory requirements for logging, by type of broadcaster

Class	Material required	Data-entry	Retention	Submission to CRTC
Radio	8(1)(a) "a program log or a record of the matter broadcast by the licensee"	8(1)(c) "each day"	8(1)(b): "retain the log or record for a period of four weeks after the date when the matter was broadcast"	8(4) "shall furnish, to the Commission on request, its program log or record for any day"
	8(1) a) "un registre des émissions ou un enregistrement de la matière radiodiffusée par lui"	8(1) c) "chaque jour"	8(1) b) "durant une période de quatre semaines à compter de la date de radiodiffusion"	8(4) "Le titulaire doit fournir au Conseil, sur demande de celui-ci, son registre des émissions ou son enregistrement pour une journée donnée"
TV	10(1)(a) "a program log or a machine readable record of its programming"	10(1)(c) "each day"	10(1)(b) one year after date of program's broadcast	10(3) "within 30 days after the end of each month"
	10(1) a) "un registre des émissions ou un enregistrement informatisé de sa programmation"	10(1) c) "chaque jour"	10(1) b) "un an à partir de la date où la programmation est diffusée"	10(3) "dans les trente jours suivant la fin de chaque mois"
	10(5): "a clear and intelligible audio-visual recording of all of its programming" 10(7) Except for network affiliates 10(8) except for remote stations with logging/record-keeping requirements in a condition of licence		10(5)(a) for 4 weeks from the date of broadcast	10(6) if CRTC requests the recording within 10(5)(a) retention period
	10(5): "un enregistrement audio-visuel clair et intelligible de toute sa programmation"		10(5) a) "de quatre semaines à compter de la date où la programmation est diffusée"	10(6) "Le titulaire doit fournir immédiatement au Conseil, lorsque celui-ci lui en fait la demande avant l'expiration du délai applicable visé au paragraphe (5)"
Discretionary	8(1)(a) "keep a program log or record of its programming"	8(1)(c): "each day"	8(1)(b): "retain the log or record for a period of one year after the day on which the programming was distributed"	8(1)(d) "within 30 days after the last day of each month, provide to the Commission the log or record of its programming for the month and a certificate attesting to the accuracy of the contents of the log or record"
	8(1) a) "tient ... un registre ou un enregistrement de sa programmation"	8(1) c): "chaque jour"	8(1) b) "conserve le registre ou l'enregistrement un an après la date de distribution de la programmation"	8(1) d) "fournit au Conseil, dans les trente jours suivant le dernier jour de chaque mois, le registre ou l'enregistrement de sa programmation pour le mois ainsi qu'une attestation de l'exactitude de son contenu."
	8(3): "retain a clear and intelligible audio-visual recording of all of its programming"		8(3)(a): "for a period of four weeks after the day on which the programming is distributed"	8(4) "If the Commission requests a clear and intelligible audio-visual recording of a licensee's programming from the licensee before the end of the applicable period referred to in paragraph (3)(a) or



Class	Material required	Data-entry	Retention	Submission to CRTC
	8(3): “conserve un enregistrement audio-visuel clair et intelligible de toute sa programmation”		8(3) a) quatre semaines suivant la date de distribution de la programmation	(b), the licensee shall, without delay, provide the recording to the Commission.” 8(4) “Si le Conseil lui en fait la demande avant la fin des périodes prévues aux alinéas (3) a) et b), le titulaire lui remet sans délai un enregistrement audio-visuel clair et intelligible de sa programmation.”
BDUs	33(1)(a) “program log or record”	33(1)(b) Daily	33(1)(a) “a period of one year”	33(2)(a) 4 weeks after program’s distribution
	33(1) “un registre ou un enregistrement des émissions ”	33(1) b) “chaque jour”	33(1) a) “pendant un an”	33(2) a) “quatre semaines suivant la date de distribution de l’émission”
	33(2) “a clear and intelligible audiovisual recording”	33(2)(a) 4 weeks after program’s distribution		33(3) If, before the end of the relevant period referred to in paragraph (1)(a) or subsection (2), the Commission requests from a licensee a program log, a record or a clear and intelligible audiovisual recording, the licensee shall, without delay, furnish the log, record or recording to the Commission.
	33(2) “un enregistrement audiovisuel clair et intelligible”	33(2) a) “quatre semaines suivant la date de distribution de l’émission”		33(3) Si le Conseil lui en fait la demande avant l’expiration du délai applicable visé à l’alinéa (1)a) ou au paragraphe (2), le titulaire lui fournit immédiatement le registre des émissions, l’enregistrement ou l’enregistrement audiovisuel clair et intelligible des émissions.

- 48 Regardless of the CRTC's decision about the CAB's application, FRPC recommends that the Commission correct these inconsistencies before it undertakes the "Consultation on tailored conditions of service" that is now planned for sometime this year: [Regulatory plan to modernize Canada's broadcasting framework](#) ["Date modified: 2026-01-08"].

Recommendation 1 **The CRTC should correct inconsistencies with respect to logging requirements in its broadcasting regulations**

III. CRTC Rules for applications and interventions

A. Applications

- 49 The CAB has filed an application under Part I of the CRTC's *Rules of Practice and Procedure*.
- 50 Section 22(2) of the *Rules* state that an application that is not made using one of the CRTC's forms
- ... must
- ...
- (d) identify the statutory or regulatory provisions under which the application is made;
 - (e) contain a clear and concise statement of the **relevant facts**, of the **grounds of the application** and of the **nature of the decision** sought;
 - (f) set out any amendments or additions to these Rules proposed by the applicant; and
 - (g) include any other information that might inform the Commission as to the nature, purpose and scope of the application, and be accompanied by any supporting documents. [bold font added]
- 51 The *Rules* give the CRTC the discretion to return applications if they do "not comply with a requirement of these Rules" (section 8), but also enable the Commission, to "dispense with or vary these Rules" if it believes that the public interest or fairness permit it to do so (section 7).

B. Interveners

- 52 The CRTC's *Rules* also govern interveners who make submissions about Part 1 applications. Among other things, section 26(2) states that interventions must set out the facts and grounds of their position about the application:

The document of the interested person must

- (a) state that the person wishes to be considered as an intervener in the proceeding;
- (b) set out the name, address and email address of the person and any designated representative;
- (c) be divided into parts and consecutively numbered paragraphs;
- (d) **admit or deny the facts alleged** in the application;
- (e) **clearly state whether the person supports or opposes the application and the nature of the decision sought**;

(f) contain a **clear and concise statement of the relevant facts and of the grounds for the person’s support for or opposition to the application and the reasons for the decision sought**;

(g) state whether the person wishes to participate in any future public hearing in person;

...

(i) include any other information that might inform the Commission as to the nature, purpose and scope of the intervention, and be accompanied by any supporting documents;

(j) be accompanied by a list of the persons on whom the document is served and the email address of each, if any; and

(k) be served on the applicant and any other persons that the Commission directs.

[bold font added]

IV. The CAB’s application to change television logging requirements

53 The CAB’s application is asking the CRTC to “change the television log filing requirements for all private television stations and discretionary services” on behalf of its “members who represent the vast majority of private licensed Canadian programming undertakings” (paragraph 4).

A. CAB wants TV services to file fewer logs and CRTC to change its approach to enforcement

54 The five-page application proposes four sets of changes. First, it asks the CRTC to replace the current regulation’s requirement that television services submit their program logs every month, with a requirement that a single month’s log be submitted at the request and choice of the Commission (paragraph 10). The specific changes proposed by the CAB to the television and discretionary regulations are set out below, in both official languages:

Table 6 CAB’s proposed changes to television and discretionary regulations

1987 Television Broadcasting Regulations, 1987	
English-language version	French-language version
<p>10 (1) Subject to any condition of licence, a licensee shall</p> <p>(a) keep, in a form acceptable to the Commission, a program log or a machine readable record of its programming;</p> <p>(b) retain the log or record for a period of one year after the date when the programming was broadcast; and</p> <p>(c) cause to be entered in the log or record each day the following information: ...</p> <p>...</p> <p>(3) Except as otherwise provided under a condition of its licence, a licensee shall furnish to the Commission, within 30 days after the end of each month upon request, the program log or machine-readable record of the licensee for that a month designated by the</p>	<p>10 (1) Sous réserve des conditions de sa licence, le titulaire doit :</p> <p>a) tenir, sous une forme acceptable au Conseil, un registre des émissions ou un enregistrement informatisé de sa programmation;</p> <p>b) conserver le registre ou l’enregistrement durant une période d’un an à partir de la date où la programmation est diffusée;</p> <p>c) faire consigner chaque jour dans le registre ou l’enregistrement les renseignements suivants : ...</p> <p>...</p> <p>(3) Sauf disposition contraire des conditions de sa licence, le titulaire doit fournir au Conseil, sur demande de celui-ci, dans les trente jours suivant la fin de chaque mois, son registre ou son enregistrement informatisé pour ce mois ainsi qu’une</p>

1987 Television Broadcasting Regulations, 1987	
Commission , together with a certificate signed by or on behalf of the licensee attesting to the accuracy of the contents of the log or record.	attestation de l'exactitude de son contenu, signée par lui ou son représentant.
Discretionary Services Regulations	
English-language version	French-language version
<p>8 (1) Except as otherwise provided under a condition of its licence, a licensee shall</p> <p>(a) keep a program log or record of its programming in a form that is acceptable to the Commission;</p> <p>(b) retain the log or record for a period of one year after the day on which the programming was distributed;</p> <p>(c) cause the following information to be entered in the log or record each day:</p> <p>(d) within 30 days after the last day of each month upon request, provide to the Commission the log or record of its programming for the a month designated by the Commission and a certificate attesting to the accuracy of the contents of the log or record.</p>	<p>8 (1) Sous réserve des conditions de sa licence, le titulaire :</p> <p>a) tient, en la forme acceptable pour le Conseil, un registre ou un enregistrement de sa programmation;</p> <p>b) conserve le registre ou l'enregistrement pendant un an après la date de distribution de la programmation;</p> <p>c) veille à ce que soient consignés chaque jour dans le registre ou l'enregistrement les renseignements suivants :</p> <p>d) fournit au Conseil, sur demande de celui-ci, dans les trente jours suivant le dernier jour de chaque mois, le registre ou l'enregistrement de sa programmation pour le mois ainsi qu'une attestation de l'exactitude de son contenu.</p>

Note: amendments to French-language version provided by FRPC

- 55 Second, the CAB's application proposes that if a broadcaster's log for one month shows compliance, the Commission should deem the broadcasters' undertakings compliant with their conditions of service for the entire broadcast year (paragraph 10):

10. ... where the Commission chooses to monitor a licensee's compliance in a given year, it [would] do so by requesting logs for one random month. Where the submitted log demonstrate [sic] no shortfalls with respect to conditions of service or the regulations, the licensee would be deemed compliant with their requirements for the relevant broadcast year.

- 56 Third, the CAB's application proposes the CRTC should address non-compliance by deeming broadcasters that explain or correct problems to be compliant or by continuing to dialogue. First, it "could require the broadcaster to file a supplementary report explaining the basis for the shortfalls and/or proposing remedies". Second, the CRTC would then review this material and could either deem the licensee compliant or, third the CRTC could "request further dialogue with the licensee to complete the information required for compliance purposes" (paragraph 11).
- 57 Fourth, until the CRTC amends its regulations, the CAB proposes that the Commission impose a condition of service requiring that logs be submitted upon request only, on an urgent basis (paragraph 12).

B. Grounds

58 The CAB's application sets out ten reasons for approving its application:

- CAB 1 Its proposed changes would be “consistent with the Commission’s recent commitments to reduce administrative burden and modernize its data collection practices as described in its Red Tape Reduction Progress Report and in Modernizing of radio processes, Broadcasting Regulatory Policy CRTC 2025-265” (paragraph 5);
- CAB 2 “... the monthly filing of logs creates significant administrative burden, particularly when the Commission’s log filing system regularly generates “error reports” that prevent the submission of monthly logs. ... the logs presently collect a substantial amount of granular information that is no longer required for the supervision of Canadian television (paragraph 9);
- CAB 3 Its proposed changes would align the logging requirements of television and radio (paragraph 14);
- CAB 4 Section 5(2)(g) requires and the Governor in Council’s 2023 policy direction directs the CRTC to be sensitive to the administrative burden that CRTC regulation and supervision may impose on broadcasters (paragraph 15);
- CAB 5 “detailed monthly filing requirements” “are a remnant of an earlier era” and “have outlived their purpose” because the CRTC no longer regulates advertising or programming genres (paragraph 16);
- CAB 6 broadcasters’ annual returns and production reports duplicate logs information “needed to assess compliance with Canadian programming obligations” (paragraph 17);
- CAB 7 the CRTC has said it is moving away from “exhibition-based regulation ... and that new tools are required to support Canadian programming” (paragraph 18);
- CAB 8 Delays in receiving Canadian-certification numbers (“C-numbers”) result in automated error reports and resubmitted forms (paragraph 19);
- CAB 9 “requirements to submit minute-by-minute program logs every month clearly no longer serve a practical supervisory or regulatory purpose sufficient to justify their administrative burden on licensees, especially in a context where licensees have had to make significant headcount reductions” (paragraph 20), and
- CAB 10 This “would be more proportionate and effective and reduce administrative burden for the industry and for Commission staff” (paragraph 21).

C. Relevant facts

59 The CAB's application refers to at least five issues capable of being measured objectively:

- The administrative burden of submitting logs (paragraphs 5, 15) in terms of headcount reductions (paragraph 20)
- The error reports triggered by submitting monthly logs (paragraph 9)

- The degree to which annual returns, production reports and program logs provide the same information (paragraph 17)
- The number and length of delays in receiving C-numbers (paragraph 19), and the
- Reduced administrative burden in terms of time, expenditures and staff if the CRTC approves the CAB's application(paragraph 21).

60 The CAB's application's does not set out facts about these issues.

V. Why the CRTC should deny the CAB's application

61 The CAB's application does not meet the CRTC's rules: it misstates relevant statutory provisions, and does not provide relevant facts in support of its arguments.

62 For ease of discussion the CAB's application's arguments are regrouped in two main themes: the arguments that ignore the law – namely the *Broadcasting Act* and Parliament's *Broadcasting Policy for Canada* in section 3(1), and the arguments that the application does not support with evidence.

A. CAB's application misconstrues statutory provisions related to logging

63 The CAB's application refers to the Regulatory policy set out in subsection 2 of section 5 ("Objects" of the CRTC), to the TV and discretionary regulations requiring that program logs be submitted top the CRTC each month and to the CRTC's "red-tape reduction objectives" (paragraph 24) and its 2025 *Red Tape Reduction Progress Report* (paragraph 5).

1. Misinterpretation of the Broadcasting Act

a. Incorrectly identifies Act's Regulatory policy as mandatory

64 The CAB states at paragraph 15 of its application that under section 5(2)(g) of the *Broadcasting Act*

... the Commission is **required** to ensure that the Canadian broadcasting system is regulated and supervised in a flexible manner that is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings.

[bold font and yellow highlighting added]

65 The application misstates this section of Parliament's statute by implying that the legislature has directed the CRTC that it must or 'is required to' implement the Regulatory policy. Parliament explains at section 11 of the *Interpretation Act*,⁵² however, that imperative requirements are construed by using the word, "shall".⁵³ Section 5(2)(g) uses the conditional tense, "should".

⁵² R.S.C., 1985, c. I-21.

⁵³ For example, Parliament states in its *Broadcasting Act* at section 5(1) that

Consequently section 5(2)(g) does not impose a requirement on the CRTC but highlights that it may exercise its discretion:⁵⁴

5(2) The Canadian broadcasting system **should** be regulated and supervised in a flexible manner that

...

(g) is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings;

...

b. Misstates dynamic between Broadcasting Policy for Canada and Regulatory policy

- 66 The CAB's application misstates the function of section 5(2) overall. When there are conflicts between the Regulatory policy and the *Broadcasting Policy for Canada* – such as an argument that administrative burden requires the CRTC to reduce the evidence it may review in supervising Canada's broadcasting system – Parliament mandates or 'requires' that the CRTC "give primary consideration" to the objectives in section 3(1) – the *Broadcasting Policy*:

5(3) The Commission **shall** give primary consideration to the objectives of the broadcasting policy set out in subsection 3(1) if, in any particular matter before the Commission, a conflict arises between those objectives and the objectives of the regulatory policy set out in subsection (2).

[bold font, underlining and highlighting added]

- 67 In other words, Parliament does not 'require' the CRTC to regulate and supervise in a flexible manner. It only encourages this flexibility while still meeting the objectives in the *Broadcasting Policy for Canada* in section 3(1). Consequently the true effects of Parliament's 'regulatory policy' are first, to ensure that the CRTC weighs options for implementing the *Broadcasting Policy for Canada* and second, to ensure that the options it selects at least maintain or preferably strengthen implementation of the *Policy*.
- 68 To accept arguments about administrative burden which weaken the *Policy's* implementation and which are not supported by fact and or by analysis of their impact on the *Broadcasting Policy*

Subject to this *Act* and the *Radiocommunication Act* and to any directions to the Commission issued by the Governor in Council under this *Act*, the Commission **shall** regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1) and, in so doing, shall have regard to the regulatory policy set out in subsection (2).

[bold font added]

⁵⁴ In *Zoocheck Canada Inc v Alberta (Minister of Agriculture and Forestry)*, [2019 ABCA 208 \(CanLII\)](#), the Alberta Court of Appeal explained

[82] Use of the word "must" should be interpreted to mean compliance with GASZA [Government of Alberta Standards for Zoos in Alberta] is a necessary precondition to receiving and maintaining a zoo permit and failure to comply would presumptively disqualify a zoo from receiving a permit. The Alberta Legislature regularly employs the words "must" and "shall" when it wants to compel conduct (*Alberta (Minister of Justice and Attorney General) v Sykes*, 2011 ABCA 191 at para 31, 334 DLR (4th) 193). **When "shall" and "must" are used in legislation to impose an obligation, they are always imperative; a person who "shall" or "must" do something has no discretion to decline** (Sullivan at §4.80).

[bold font added]

effectively transforms all costs of doing business into an insurmountable barrier to ever meeting the purpose of the *Broadcasting Act*: to implement the *Broadcasting Policy for Canada*.

c. Misrepresents impact of administrative burden

- 69 The CAB's application states that the changes it proposes would be "consistent with the Commission's recent commitments to reduce administrative burden and modernize its data collection practices as described in its *Red Tape Reduction Progress Report* and in *Modernizing of radio processes*, Broadcasting Regulatory Policy CRTC 2025-265" (CAB argument 1, at paragraph 5).
- 70 FRPC notes that Treasury Board Secretariat explained in a July 2025 *News release* about its red-tape initiative that it wanted to 'remove outdated regulation, reduce duplication with provincial rules, and making it easier to access and deliver services'.⁵⁵ It added that a "leaner, more focused government will make regulations more efficient, services more effective, and unlock more private capital for Canadian workers and businesses". The President of Treasury Board is quoted as saying that regulations are key in protecting Canadians' health and safety "but to stay effective, they must be regularly reviewed. Cutting unnecessary red tape is essential to unlocking Canada's full economic potential."⁵⁶
- 71 The legal status of Treasury Board Secretariat's mid-2025 red-tape initiative is unknown, and the CAB's application does not state whether Parliament has, in fact, made its *Broadcasting Act* subordinate to the federal government's 'red-tape reduction' efforts.
- 72 Without this legislative clarification, the federal red-tape initiative cannot itself displace the duties Parliament places on the CRTC in section 5(1) to supervise "all aspects of the broadcasting system with a view to implementing" the *Broadcasting Policy for Canada*.
- 73 Also, as far as the CRTC's commitments in BRP 2025-265 are relevant, the *Broadcasting Act* states explicitly at section 6 that "no such guidelines or statements ... are binding on the Commission". Rather, the CRTC is compelled by Parliament through the mandatory language of section 5(1) of the *Act* to "regulate and supervise all aspects of the Canadian broadcasting system with a view to implementing the broadcasting policy set out in subsection 3(1)".
- 74 As noted earlier, however, Parliament established in subsection 5(3) that when the CRTC chooses between different administrative approaches and implementing the *Broadcasting Policy for Canada*, the Commission must give priority to Parliament's goals for the creation, production and broadcast of programming to serve different communities and different needs.
- 75 Finally, while *Order 2023-239* directs the Commission to "minimize the regulatory burden on the Canadian broadcasting system" (CAB 4, paragraph 15), this provision provides "the clear

⁵⁵ Treasury Board Secretariat, "[Government of Canada moves forward to modernize outdated regulations and reduce red tape](#)", News release (Ottawa, 9 July 2025).

⁵⁶ *Ibid.*

legislative ... foundation” to amend the CRTC’s current television logging regulations. As the CAB’s quotation confirms, *Order 2023-239* directs the Commission in section 8(1) to “minimize the regulatory burden on the Canadian broadcasting system” – “where appropriate”. The CAB’s application has not explained how the CRTC is to explain to Parliament that, despite its powers to gather nearly any kind of information from anyone broadcasting in Canada, it cannot state just how much Canadian programming was broadcast – say – in the year before the *Online Streaming Act* entered into force, or in the year after that.

- 76 Consequently even if the CAB application had set out facts to substantiate its argument that administrative burden exists due to the CRTC’s requirement that television broadcasters submit the monthly programming logs to the CRTC– and it did not – the CRTC would also have needed evidence proving that alleviating this alleged burden would either strengthen or at least maintain the achievement of Parliament’s objects for the broadcasting system. In particular, the red-tape reduction outcome of ‘making more private capital available’ to the broadcasting system should have been but was not addressed. Without this evidence the CAB’s argument must fail, and its application must be denied.

d. Mischaracterizes impact of changes made by Online Streaming Act

- 77 The application states that “... the logs presently collect a substantial amount of granular information that is no longer required for the supervision of Canadian television” (CAB 2, paragraph 9). It argues that “detailed monthly filing requirements” “are a remnant of an earlier era” and “have outlived their purpose” because the CRTC no longer regulates advertising or programming genres (CAB 4, paragraph 16). The CAB says that the CRTC is moving away from “exhibition-based regulation” (CAB 7, paragraph 18). It adds that “requirements to submit minute-by-minute program logs every month clearly no longer serve a practical supervisory or regulatory purpose sufficient to justify their administrative burden on licensees, especially in a context where licensees have had to make significant headcount reductions” (CAB 9, paragraph 20).
- 78 The CAB’s application does not mention the *Online Streaming Act*, however. This legislation added a number of exhibition- and access-related requirements to the 1991 *Broadcasting Policy for Canada*. Parliament’s *Broadcasting Policy for Canada* currently refers at least a dozen times to the availability of programming – indicating the legislature’s lack of interest in requiring the CRTC to focus solely on broadcasters’ programming expenditures.
- 79 The arguments in the CAB’s application regarding detail ignore the actual words used in the *Broadcasting Policy for Canada* which are relevant to the CRTC’s need for information about the programming that is actually broadcast in Canada. The application does not address Parliament’s explicit desire that the Regulatory policy defer to the *Broadcasting Policy for Canada*.

2. Overstates ‘alignment’ amendments would yield for radio and TV regulation

- 80 The CAB’s application states that its “proposed changes would align the television logging requirement with the approach used for radio” (CAB 3, paragraph 14). Since 1993 the *Radio*

Regulations, 1986 have required licensees to “furnish, to the Commission on request, its program log or record for any day” [underlining added]. Television broadcasters have had to submit logs for four consecutive weeks.

- 81 Approval of this application would therefore bring the radio and TV log-submission process into alignment only with respect to submission requirements in general. Like radio, television broadcasters would no longer have to submit program logs regularly. Otherwise, radio and television would continue to describe their programming using different categories and reports developed to ensure compliance with different policies and to submit logs that describe different periods of broadcast programming (single day vs full month).
- 82 As with radio, the CRTC would no longer be able to analyze the impact of its television policies on broadcast programming over time because it would no longer have a continuous set of logs describing broadcast programming over time.
- 83 FRPC notes as well that in 2020 a CRTC staff analysis found that radio non-compliance differs from that of television services – in large part because television broadcasters report regularly using an automated system:

There are few overlaps in the types of non-compliance by radio and television licensees. Much of this can be attributed to differences in how television stations are regulated and the type of regulatory requirements imposed on television licensees. For example, television licensees are required to submit regular reports on programming schedules through an automated system. Any discrepancy between the reported programming schedule and regulatory requirements can be efficiently reviewed by Commission staff and can be subsequently addressed with the licensee prior to undertaking the licence renewal process.⁵⁷

- 84 Rather than supporting approval of the CAB’s application, this evidence argues against it.

3. Ignores CUSMA

- 85 The CAB’s application does not mention the [Canada-United States of America-Mexico agreement](#), the trade agreement that Canada has with Mexico and the United States and that remains in effect.
- 86 CUSMA addresses administrative practices and the development of regulations – such as Consequently, changes to the CRTC’s regulations must comply with Article 28.9(1) of the Agreement. Briefly, Canada has agreed that when the CRTC – as a “regulatory authority” – develops regulations, it must publish “the data”, the “analyses” and “any risk assessment” on which it has relied in support of the regulations, before it finalizes the regulation:

Article 28.9: Transparent Development of Regulations

⁵⁷ *Memorandum to the Executive Director Broadcasting*, (Ottawa, 24 September 2020) DM#3914466 v.1, at page 4 of 9; CRTC release package of 20 February 2023, release package page 000094.

1. ... **when a regulatory authority is developing a regulation, the Party shall, under normal circumstances, publish:**

- (a) the text of the regulation along with its regulatory impact assessment, if any;
- (b) an explanation of the regulation, including its objectives, how the regulation achieves those objectives, the rationale for the material features of the regulation, and any major alternatives being considered;
- (c) **an explanation of the data, other information, and analyses the regulatory authority relied upon to support the regulation;** and
- (d) the name and contact information of an individual official from the regulatory authority who may be contacted concerning questions regarding the regulation.

At the same time the Party publishes the information listed in subparagraphs (a) through (d), the Party shall also make publicly available data, other information, and scientific and technical analyses it relied upon in support of the regulation, including any risk assessment.

2. **With respect to the items required to be published under paragraph 1, each Party shall publish them before the regulatory authority finalizes its work on the regulation** and at a time that will enable the regulatory authority to take into account the comments received and, as appropriate, make revisions to the text of the regulation published under subparagraph 1(a).

[footnotes omitted; bold font added]

87 Canada's agreement with Mexico and the US is also relevant to any decision about increasing or decreasing the evidence on which the CRTC can base its decisions. It is true that it is currently unclear whether *CUSMA* will be renewed and even if it is renewed, whether it will be renewed on the same terms.

88 But for the moment *CUSMA* remains in force. Consequently the CRTC cannot take steps that may place its regulation and supervision of private television services offside insofar as *CUSMA* is concerned, and must publish the evidence, studies and risk assessments related to CAB's application.

B. CAB's application provides no facts to support its arguments

89 Facts generally matter to the CRTC's decisions in broadcasting. The absence of facts – evidence – enables the Commission to dismiss applications⁵⁸ because a decision made “in the absence of any evidence, like a decision rendered without jurisdiction, is a nullity and reviewable as arbitrary.”⁵⁹

⁵⁸ *Paris v. Syndicat des employés de Transports R.M.T. (Unifor-Québec)*, 2022 FCA 173 (CanLII), <https://canlii.ca/t/k5n7j>, at ¶12: “In the absence of [described] evidence, the Board could reasonably dismiss the complaint.”

⁵⁹ *Telus Communications Inc. v. Canadian Radio-Television and Telecommunications Commission*, 2004 FCA 365 (CanLII), <http://canlii.ca/t/1j2f6>, cited with approval by Dawson J.A. for the Court in *Bell Canada v. British Columbia Broadband Association*, 2020 FCA 140 (CanLII), [2021] 3 FCR 206, <<https://canlii.ca/t/j9kz3at> ¶154.

Merely reasoning the CAB's application would be insufficient. *Law Society of New Brunswick v. Ryan*, [2003 SCC 20 \(CanLII\)](#), [2003] 1 SCR 247 explains at ¶¶55-56 that a reasonable decision requires a line of analysis from the evidence to the conclusions that approval is warranted:

90 The CRTC published a decision in 2018 which elucidates the types of evidentiary support needed in some of its proceedings. In that matter the CRTC denied a private, conventional TV station's request that it not be required to broadcast more hours of described video. The CRTC stated that the station's estimate of the incremental cost to meet this requirement "did not demonstrate how that cost would pose a financial burden on the station, and did not indicate the amount of the programming broadcast on CHCH-DT that falls under the described video program categories" and that the new requirement would only apply to some of the station's programming.⁶⁰ The Commission held that imposing the requirement for more hours of described video would not be unreasonable.

91 In the CAB's application being considered here, the arguments in the application are not supported by any facts, including relevant facts ("des faits pertinents") despite the statement in the CRTC *Rules of Practice and Procedure* that applications "must" provide these.

1. What 'significant administrative burden' results from submitting logs?

92 According to the CAB's application, the monthly filing of logs creates a significant administrative burden for licensees and the industry: CAB 2, paragraph 9 - "significant administrative burden"; CAB 9, paragraph 20 - "administrative burden on licensees"; CAB 10, paragraph 21: "administrative burden for the industry".

93 Claims regarding the benefits of reducing 'burden' of administration in broadcasting have been made to the CRTC for decades. Proponents of reducing administrative expenses sometimes suggest that any savings from these reductions could be re-allocated to Canadian programming. Treasury Board's July 2025 *News release* similarly argues that more efficient regulations will "unlock more private capital for workers and businesses."⁶¹

94 One might expect, then, that reductions in the television sector's administrative expenses would be related to increases in Canadian programming expenditures, while increases in administrative

...

55. A decision will be unreasonable only if there is no line of analysis within the given reasons that could reasonably lead the tribunal from the evidence before it to the conclusion at which it arrived. If any of the reasons that are sufficient to support the conclusion are tenable in the sense that they can stand up to a somewhat probing examination, then the decision will not be unreasonable and a reviewing court must not interfere (see *Southam*, at para. 56). This means that a decision may satisfy the reasonableness standard if it is supported by a tenable explanation even if this explanation is not one that the reviewing court finds compelling (see *Southam*, at para. 79).

56. This does not mean that every element of the reasoning given must independently pass a test for reasonableness. The question is rather whether the reasons, taken as a whole, are tenable as support for the decision. At all times, a court applying a standard of reasonableness must assess the basic adequacy of a reasoned decision remembering that the issue under review does not compel one specific result. Moreover, a reviewing court should not seize on one or more mistakes or elements of the decision which do not affect the decision as a whole.

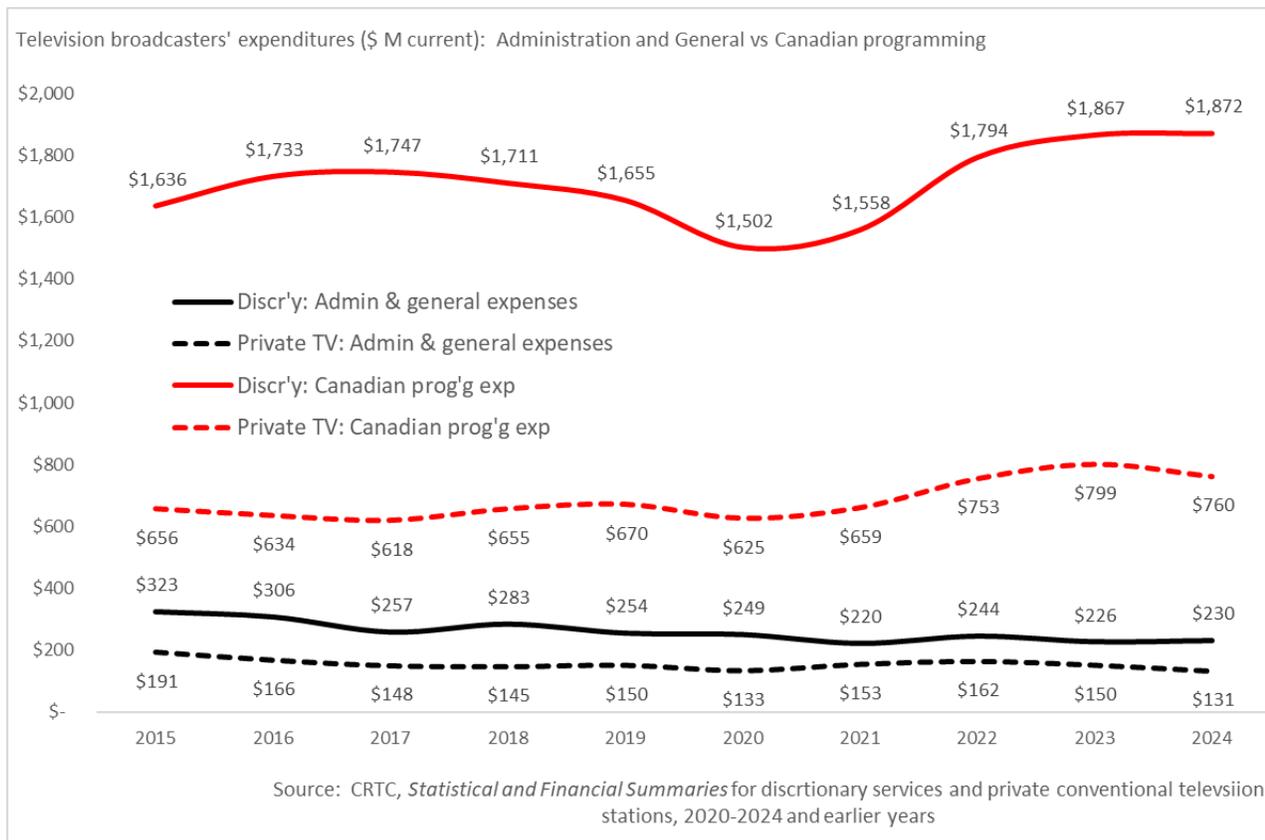
⁶⁰ *Various independent conventional television programming undertakings – Licence renewals*, [Broadcasting Decision CRTC 2018-478](#) (Ottawa, 18 December 2018), paragraphs 49 and 50.

⁶¹ Treasury Board Secretariat, "[Government of Canada moves forward to modernize outdated regulations and reduce red tape](#)", News release (Ottawa, 9 July 2025).

expenses would be related to decreases in Canadian programming expenditures. This relationship is generally described as inverse: as X increases, Y decreases.

- 95 A comparison of the administrative and general expenses of private TV stations and discretionary television services⁶² with their Canadian programming expenditures from 2015 to 2024 does not show a clear, direct or an inverse relationship between these expenditures: Figure 1.
- 96 Images can be deceiving, however, which is why statistics such as Pearson’s r and R squared can be useful.
- 97 Pearson’s r varies between – 1.00 and +1.00; strong correlations are closer to one while weak correlations are closer to zero. Negative values show an inverse correlation; positive values show a direct or one-to-one correlation. Squaring the Pearson’s r yields the R squared: varying from 0 to 1.00, it measures the percentage of changes in one variable that are accounted for by another variable.

Figure 1 TV broadcasters’ administrative and Canadian-programming expenses, 2015-24



⁶² Nearly all part of the private element of broadcasting, except that the CRTC’s discretionary services’ data include services operated by Canada’s national public broadcaster.

98 Table 7 lists the statistical results of the data in Figure 1. The correlation between administrative and Canadian programming expenditures is negative, indicating an inverse relationship, but also that the relationship is tenuous, being close to zero.⁶³ Overall, fewer than 4% of the changes in Canadian programming expenditures are accounted for by changes in administrative expenses: 1.8% for private TV stations and 3.6% for discretionary programming services. Testing the idea that changes in administrative expenses in one year could relate to changes in Canadian programming expenditures the following year did not yield stronger results.

Table 7 Correlation between TV services’ administrative and Canadian programming expenses

Private TV stations			
Correlations	Pearson's r	R squared	
Administrative and CPE at T	-0.135	0.018	
Administrative at T-1 and CPE at T	-0.119	0.014	
Discretionary programming services			
Correlations	Pearson's r	R squared	
Administrative and CPE at T	-0.177	0.031	
Administrative at T-1 and CPE at T	-0.189	0.036	

99 Given these facts, proponents of the idea that reducing administrative ‘burden’ will strengthen Canadian programming should be expected to do more than claim

a. Application does not explain how submitting logs is burdensome

100 By way of context, FRPC notes that the CRTC has considered the burden of logs – more specifically, the burden of compiling (not submitting) logs – in the past. The CRTC’s specialty services regulations in the early 1990s required the services to include the music clips they broadcast in their logs under the “music and dance” category.⁶⁴ In 2016 the CRTC considered whether to require pay television services to log music video clips as well, or whether this would be too burdensome. Deciding that the requirement would not be burdensome, the CRTC explained that

... these clauses are not unduly burdensome and will ensure that it is able to gather the necessary information to monitor all services that choose to broadcast music video clips. Accordingly, it considers it appropriate to extend these requirements to all discretionary services.⁶⁵

101 If the CRTC considered in 2016 that increasing the numbers of programs logged by pay television services would not be “unduly burdensome”, very clear reasons would be needed to explain how the act of submitting program logs once a month is now so burdensome as to require a change.

⁶³ ‘Strength’ does not refer to causation (X causes Y) but to how strongly two concepts are related: when 500 examples of changes in X and Y were studied, they changed in the same direction 400 times out of 500.

⁶⁴ *Specialty Services Regulations, 1990, Schedule I, category 6(8)(a)* (“music video clip”).

⁶⁵ *Call for comments on Discretionary Services Regulations*, Broadcasting Notice of Consultation CRTC 2016-385 (Ottawa, 26 September 2016), at paragraph 19.

Assuming ‘submission’ requires someone at the programming service to press “submit” after the log has compiled or has been compiled, it is difficult to understand how pressing “submit” twelve times per year instead of once constitutes a ‘significant burden’.

- 102 FRPC notes the application’s concern that delays in receiving Canadian-certification numbers (“C-numbers”) result in automated error reports and resubmitted forms (CAB 8, paragraph 19). Again, however, the CAB’s application does not explain how such delays create a ‘significant administrative burden’: how does the delay in submitting a log with the correct C-number translate into “a burden”, a “significant” burden or an actual expenditure?
- 103 As for the degree to which the submission of logs is burdensome, evidence submitted by the CAB to the CRTC in early 2025 shows that the time to submit twelve logs per year did not raise concerns for Canada’s major television broadcasters. Appendix 8 sets out Appendix 2 of the CAB’s intervention in the CRTC’s 2024-290 proceeding, being a letter sent to the CRTC on 27 June 2022 and signed by six broadcasters including Bell, Corus, Rogers and Québecor.
- 104 The private broadcasters’ mid-2022 letter addresses the “numerous technical and other issues – including very slow response times to data entry and form loading – that increase the administrative burden associated with completing annual returns and reports”. A four-page attachment sets out 20 aspects of the DCS which function poorly, inefficiently or unreliably: submitting logs does not appear in this list. Nor, incidentally, are logs mentioned in the CRTC’s own internal correspondence about improving the DCS: Appendix 10.
- 105 The lack of evidence regarding the allegedly ‘burdensome’ process of submitting logs requires the CRTC to deny the CAB’s application.

b. Application does not address evidence needed for ‘red-tape reduction’ initiatives

- 106 The CAB’s application refers to the CRTC’s willingness to reduce ‘red tape’ and to the 2025 [Red Tape Reduction Progress Report](#). The application does not mention the federal government’s 2020 review of Parliament’s 2015 [Red Tape Reduction Act](#).⁶⁶ The government found that some information “such as hourly labour costs and the time required to complete a regulated activity, is fundamental in calculating administrative costs”.⁶⁷ Yet even though the CRTC has required TV services to submit program logs for 50 years (or more) – Appendix 12, 1973 *Television Broadcasting Regulations*, s. 4(4) – the CAB’s application does not provide any facts about
- the number of individual television services that separately submit monthly program logs;
 - the number of television services in large ownership groups whose logs may be filed (not completed) by the group’s central administrative offices rather than the individual television services;

⁶⁶ S.C. 2015, c. 12.

⁶⁷ Canada, [Report on the internal review of the Red Tape Reduction Act](#), (Date modified: 2022-12-22), Findings, “A. Requirement to offset new administrative burden, dollar for dollar”, “Informed consultation”.

- the number of hours each year devoted by staff or by volunteers at each television service full-time to filing (not completing) the logs, or
- television broadcasters' past and current expenditures on filing (not completing) monthly program logs.

- 107 Drawing on the example of the 2018 CRTC decision above, facts relevant to the CAB's application might be the number of television services that must meet the requirement (not being exempted from it), an estimate of the cost to submit a television log for one month, of that cost over a year and evidence showing that such costs constitute a financial burden for each station.
- 108 Bare information about the numbers of undertakings affected by approval of the CAB's application matters because some broadcasters are already exempt from some logging requirements. In 2018, for instance, the CRTC noted that the television stations licensed to RNC RNC⁶⁸ and Télé Inter-Rives⁶⁹ need not submit their TV logs. The absence of information about the number of CAB members allegedly burdened by the requirement to submit television logs means that the overall impact of the alleged burden cannot be estimated – at least, it cannot be estimated by interveners.
- 109 Of parallel importance, the CAB's application does not provide any evidence-based estimates of any savings in staff time or stations' expenditures that these stations would achieve by changing the CRTC's television regulations as the application proposes. Even if such facts had been presented, however, the federal government's 2020 review of the 2015 [Red Tape Reduction Act](#)⁷⁰ concluded that there was "no direct link between the number of repealed regulations and the control or reduction in administrative burden".⁷¹
- 110 The absence of facts regarding administrative burden in an application calling for this burden to be alleviated means that there is no way to assess the claim that this burden is 'significant. It also means there is no way of evaluating the CAB's argument that approval of its application "would be more proportionate and effective and reduce administrative burden for the industry and for Commission staff" (CAB 10, paragraph 21).
- 111 The lack of facts in the CAB's application also makes it impossible to understand whether, if the CRTC approves the application, some part of the 'saved' expenditures might be invested in first-run local news or first-run Canadian drama.
- 112 In sum, FRPC opposes approval of the CAB's application given its complete lack of facts.

⁶⁸ Various conventional television stations – Licence renewals, [Broadcasting Decision CRTC 2018-336](#) (Ottawa, 30 August 2018), at paragraphs 34 and 35.

⁶⁹ Various conventional television stations – Licence renewals, [Broadcasting Decision CRTC 2018-337](#) (Ottawa, 31 August 2018), at paragraphs 25 and 26.

⁷⁰ S.C. 2015, c. 12.

⁷¹ Canada, [Report on the internal review of the Red Tape Reduction Act](#), (Date modified: 2022-12-22), Findings, "B. Requirement to repeal an existing regulation for every new regulation that imposes a new burden on businesses".

2. *Where are logs' information 'duplicated'?*

- 113 The CAB's application states that broadcasters' annual returns and production reports duplicate logs information "needed to assess compliance with Canadian programming obligations" (CAB 6, paragraph 17).
- 114 The information about the programs broadcast by television and discretionary programming services is listed in Appendix 5 and Appendix 7, respectively. Briefly, the logs enable users to measure, among other things,
- the broadcast hours devoted to Canadian and to non-Canadian programming;
 - the hours broadcast of Canadian and non-Canadian programming, by CRTC programming categories;
 - the time-of-day and time-of-year broadcast of Canadian and non-Canadian programming;
 - the number of hours of first-run (original) and repeat broadcasts of Canadian and non-Canadian programming, including in terms of CRTC programming categories;
 - the accessibility of broadcast programs;
 - language of broadcast programs, and
 - (normally) total advertising hours per month.
- 115 The annual return information published by the CRTC provides extensive financial and very limited staffing information; it does not provide any information about the programming that stations broadcast.
- 116 The production reports and the "List of Canadian Programs Certified by the Commission" which are published on the CRTC's website describe Canadian also do not state when programming is broadcast.
- 117 None of these reports provide information about foreign programming – making it impossible to measure whether Canadian or non-Canadian programming predominates in Canadian television broadcasting.
- 118 The CRTC itself relies on logs and logger recordings to provide a 'more accurate and complete' information about broadcast programming. In 2017/18 the CRTC received complaints about BDUs' community channels and used "logs and audio-visual recordings ... to evaluate community channel compliance during the current licence term" in 67 or more BDU of these channels.⁷² The Commission stated that it was appropriate to request and review logs and audiovisual recordings because these

... provide greater amounts and varying types of data. Further, given that the Commission has had the opportunity to follow up with BDUs on their submissions, the information they contain is more accurate and complete than the information provided by complainants.

⁷² *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, [Broadcasting Decision CRTC 2018-263](#) (Ottawa, 2 August 2018), Appendix.

Moreover, the logs and audio-visual recordings provided by BDUs were put under public scrutiny since interested persons were invited to comment on what was submitted. ...

- 119 CAB's application does not set out any evidence establishing that the information submitted to the CRTC in annual returns and production reports is as accurate and as complete as the program logs currently being submitted to the Commission. FRPC therefore opposes approval of the CAB's application.

C. *FRPC's other grounds for denying CAB's application*

- 120 In addition to concerns regarding the grounds cited by the CAB's application and the absence of facts in the application, the Forum submits that the CRTC's approval of the application will bring its administration of the *Broadcasting Act* into disrepute, that the application's claim of a 'culture of compliance' lacks substantiation and that a practice of deeming acts of non-compliance to no longer exist if the acts are explained or corrected will mislead Parliament and Canadians about the degree to which the Commission is or is not enforcing its regulations and broadcasters' conditions of service.

1. *Reduces confidence in CRTC's administration of the Broadcasting Act*

- 121 In February 2023 the Ministers to whom the CRTC reports stated their belief that "public confidence and trust in the CRTC has [*sic*] waned in recent years".⁷³ They referred to the government's proposal for new broadcasting legislation (the future *Online Streaming Act*) "to further enhance the CRTC's information-gathering and data-sharing powers." They supported the idea that the public, civil society and interested parties could "count on the CRTC to help them understand the reasoning, evidence, and data underpinning its decisions", in part because "market monitoring ... can help Canadians understand the context for regulation"

a. *Risks loss of evidence of performance and capacity for impact analysis*

- 122 The CRTC's "[Corporate information](#)" includes a page which states its commitment to transparency:

[w]e are committed to providing open and transparent information about our operations and resources to the public so that Canadians and Parliament are better able to hold the government and public sector officials accountable.

- 123 The CRTC currently makes monthly television program logs from September 2014 to the near present available to the public through the 'open government' initiative:
<https://ouvert.canada.ca/data/dataset/800106c1-0b08-401e-8be2-ac45d62e662e>.

⁷³ Canadian Heritage, "New CRTC Chair's Leadership Will Help Shape the Future of Canada's Communication System", [News Release \(Gatineau, 6 February 2023\)](#).

124 The availability of monthly logs makes it possible for the CRTC to evaluate television broadcasters' performance (and regulatory compliance) over a range of years. Parliament, the federal government, Canadian Identity and Culture, the CRTC and researchers such as FRPC can also undertake quantitative analyses of the programming broadcast by television services in Canada, for any month, any period of the year or over the years from 2014 to 2025.

125 Such evaluations are now impossible in the case of radio. When asked for a list of the radio logs it retained, the Commission said it had no such records:

... following a thorough search of our records, the Canadian Radio-television and Telecommunications Commission has found no documents related to the subject of your request submitted under the Access to Information Act (ATIA). Unlike TV logs, which must be submitted to the Commission on a monthly basis, radio program logs are requested on a case-by-case basis and are included in the individual station's file within our system. These files can only be accessed individually, and with approximately 1,000 radio stations operating in Canada. Unfortunately, the CRTC does not maintain a centralized list of all radio program logs in its possession, which is why we do not have such figures readily available.⁷⁴

126 As it apparently only asks for radio stations' logs "in general once per license period"⁷⁵ insufficient data are available for the CRTC to evaluate radio services' contribution to the *Broadcasting Policy for Canada*. From 2014 to 2020, for example, the CRTC did not undertake any studies of the hours of different types of programming broadcast by radio stations in Canada, of commercial radio stations' total hours of original local news, or of the large ownership groups' radio stations' original local news. The CRTC has not published and the CAB has not provided any evidence showing that stations with one month of compliance are also compliant in the other remaining months of the year.

127 Granting the CAB's application therefore creates at least three risks.

128 The first risk is that a program log may be inaccurate and therefore unreliable. Every television service currently submits logs every month. FRPC has been reviewing the CRTC's licensing decisions for television services from 1968 to 2023 to estimate the incidence of regulatory non-compliance by such services. We coded each unique type of non-compliance identified in the CRTC's decisions.

129 The preliminary results of this research show that the most common regulatory breach noted by the Commission for private TV stations had to do with program logs: Table 8. Fifteen television stations submitted program logs that were incomplete or inaccurate, with one station doing so twice.

⁷⁴ CRTC, Response Letter A-2025-00002 (Ottawa, 11 April 2025).

⁷⁵ CRTC release package of 20 February 2023, release package page 000020.

Table 8 Incidence of regulatory non-compliance by television services, 1968-2023

Type of non-compliance	Stations	Incidence
Program logs incomplete or inaccurate	15	16
Insufficient Canadian content	12	14
Closed captioning requirements not met	9	9
Condition of licence re captioning not met	4	6
<i>Captioning, subtotal</i>	<i>13</i>	<i>15</i>
Insufficient news broadcast	5	5
Programming commitments not met	3	4
Logger tapes incorrect, unclear, incomplete or unavailable	3	4
Insufficient local programming	3	3
Condition of licence re program categories not met	2	2
Insufficient local news	2	2
Total	58	65

- 130** As the CRTC’s 2019-23 financial and statistical summaries for conventional television are based on the annual returns of 92 private television reporting units, an estimated 16% (15 of 92) of private television stations (58 of 92) submitted incomplete or inaccurate logs (despite the requirement that broadcasters certify the logs’ accuracy⁷⁶). A measurable (non-zero) risk therefore exists that the logs received by the CRTC will be inaccurate or unavailable. As Table 8 shows, fifteen television stations submitted program logs that the CRTC later found to be incomplete or inaccurate – despite the logs’ certification as being complete and accurate.
- 131** Shifting to occasional collection of logs creates a second risk, by creating a rational incentive to change program logs that the Commission requests before submitting them. Rather than risk an administrative monetary penalty or additional administrative work, it is possible that broadcasters from whom the CRTC requests a log for a specific month may change such logs retroactively. The CRTC could then also request the logger recordings (‘tapes’) of the month at issue – except that the television regulations only require such recordings to be retained for one month: if the CRTC only completes the first log’s analysis after the four-week period, the logger tapes may not exist as television broadcasters need only retain the recordings for four weeks after broadcast.⁷⁷
- 132** The CRTC’s evaluation of one-twelfth of a television station’s broadcasts in any given period may misstate the degree to which television services are implementing Parliament’s *Broadcasting Policy for Canada*. Without long-term data describing what has actually been broadcast in Canada

⁷⁶ *Television Broadcasting Regulations*, s. 10(3):

Except as otherwise provided under a condition of its licence, a licensee shall furnish to the Commission, within 30 days after the end of each month, the program log or machine-readable record of the licensee for that month, together with a certificate signed by or on behalf of the licensee attesting to the accuracy of the contents of the log or record.

Discretionary Services Regulations, s. 8(1)(d):

... provide to the Commission the log or record of its programming for the month and a certificate attesting to the accuracy of the contents of the log or record.

⁷⁷ *Television Regulations, 1986*, s. 10(5)(a).

how will Parliament, the CRTC or anyone else be able to measure television broadcasters' achievement of Parliament's specific and measurable policy objectives?

b. Deeming non-compliance to be compliance creates 'alternative facts'

- 133 The CRTC has for some years identified broadcasters' acts of non-compliance which it has then subsequently deemed as not having occurred.
- 134 In 2018, for example, it determined that a conventional television station had breached the CRTC's requirements for closed captioning – but deemed the station to be in compliance because the violation was caused by a computer problem.⁷⁸ This approach confuses the identification of regulatory violations with the penalties for the violations: rather than deeming actual non-compliance to have not happened, the CRTC should have exercised its discretion to not apply a penalty (a short-term renewal, a condition of licence or a report, for instance).
- 135 The CAB's application asks the CRTC to deem that one month's compliance by a television broadcaster means that it met the CRTC's regulatory requirements in the other eleven months of the year (paragraph 10) – even if this is not the case (paragraph 10). The application does not explain how Canadians should understand “the reasoning, evidence, and data”⁷⁹ of the CRTC's approval of the CAB's application when the application itself has no evidence.
- 136 Deeming compliance to exist without facts to support this conclusion would force the CRTC to assure the public that it should trust the Commission's decisions even when it has no proof to support their conclusions – and rather than heightening the public's trust this seems likely to erode it even further. Yet without the full year's logs, the CRTC would be unable to determine whether broadcasters were or were not meeting its requirements at all times.
- 137 While a first violation could leave a company liable to an administrative penalty of up to \$10 million, each subsequent violation could attract up to \$15 million each.⁸⁰ Without the remaining logs in a given year, how would the CRTC determine the correct penalty? How would the Commission evaluate a broadcaster's “history of compliance” and its “history with respect to any previous undertaking entered into ...”,⁸¹ factors that the new AMPs provisions of the Act require the CRTC to consider before levying penalties?
- 138 Finally, the *Broadcasting Act* requires the CRTC to consult with all interested parties every seven years about the orders and regulations it has made under sections 9.1 and 11.1, and publish a

⁷⁸ Broadcasting Decision CRTC 2018-337, at paragraph 27.

⁷⁹ Canadian Heritage, “New CRTC Chair's Leadership Will Help Shape the Future of Canada's Communication System”, News Release (Gatineau, 6 February 2023).

⁸⁰ S. 34.5(1).

⁸¹ S. 34.5(2)(b) and (c).

report on these consultations.⁸² The first report is due four years from now: 2030.⁸³ The Minister must table the report before the House of Commons and the Senate.⁸⁴ Supposing that this report summarizes the times the CRTC's orders and regulations were violated, will the report include offences that broadcasters committed and which the CRTC deemed not to have been committed? If the report excludes violations deemed not to have occurred, would the Minister be providing members of Parliament with accurate or inaccurate information?

- 139 The best way to maintain if not **regain** Canadians' trust is for the CRTC to rebuild its credibility by continuing to collect and publish programming logs and to resume the collection of monthly radio logs. The way to regain Canadians' trust is to being publishing annual – and preferably quarterly – summaries of the hours of first-run Canadian and non-Canadian programming being broadcast, by television programming category. Without these data neither the public nor Parliament can have any confidence that the *Broadcasting Act* is being met (and if it is not being met, how it can be met).

- Recommendation 2** **The CRTC should continue to collect and publish monthly television programming logs**
Recommendation 3 **The CRTC should resume the collection of monthly radio logs**
Recommendation 4 **The CRTC should publish monthly radio logs**

- 140 The CRTC has not published information about the level of Canadian content broadcast by television stations since 2012: it should resume publication of this information.

- Recommendation 5** **The CRTC should immediately begin to publish quarterly – preferably monthly – reports on the hours of first-run Canadian television programming being broadcast in Canada, by programming service and ownership group, and in terms of the CRTC's television programming categories.**

- 141 The Commission should also undertake more empirical research based on objective radio and television log data to determine how close to or how far from achieving the *Broadcasting Policy for Canada* the country's broadcasting system is at this time. The CRTC's list of certified Canadian programs shows that while the hours of programs certified as Canadian increased by 13.6% from 2000 to 2008, they decreased by 20% from 2008 to 2024.

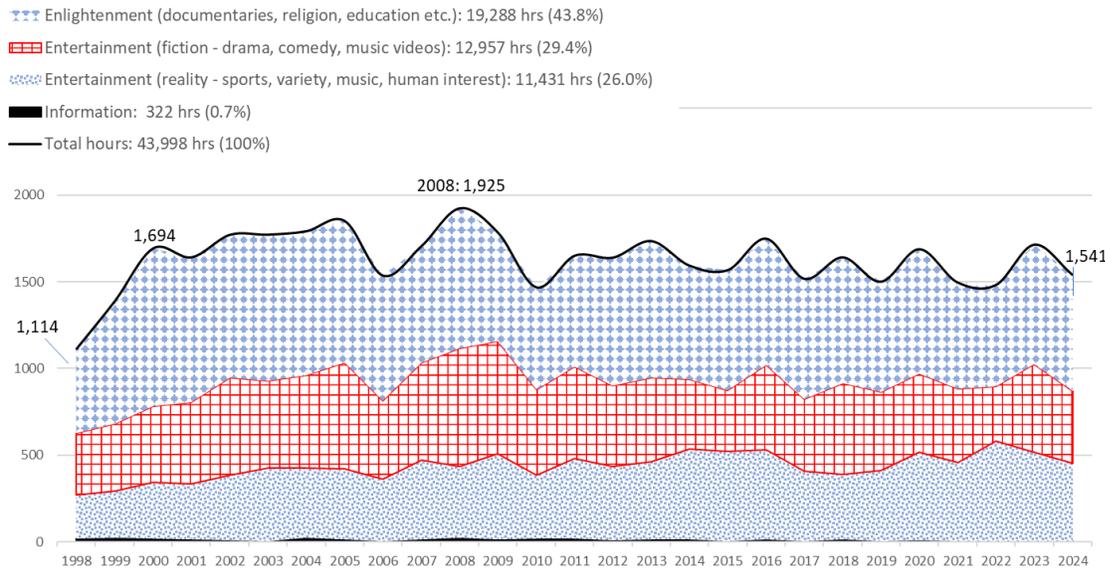
⁸² S. 34.01(1):
Every seven years the Commission shall consult with all interested persons with respect to orders made under section 9.1 and regulations and orders made under section 11.1 and shall publish, on the Internet or otherwise, a report on the consultations that also lists the orders and regulations that the Commission proposes to review as a result of the consultations and sets out its plan for conducting the review.

⁸³ S. 34.01(2):
The Commission shall publish the first report within seven years after the day on which this subsection comes into force and, subsequently, within seven years after the day on which the most recent report is published.

The *Online Streaming Act* received Royal Assent on 27 April 2023.

⁸⁴ S. 34.01(3):
The Minister shall cause a copy of all reports published under subsections (1) and (2) to be tabled before each House of Parliament.

Figure 2 Hours of programs certified as Canadian, 1998-2024



Source: CRTC, List of Canadian programs certified by the Commission, <https://applications.crtc.gc.ca/portail-portal/eng/listes-lists/canrec/1> (accessed 18 January 2025)

142 These data do not answer other key questions raised by Parliament, however. For example, how many hours of first-run French-language television programming have been broadcast over the past decade? How many broadcast hours of first-run Canadian and foreign programming are being broadcast, by television service and by ownership group?

Recommendation 6 The CRTC should begin to publish annual results from its television-log collection that measure the objectives identified in the *Broadcasting Policy for Canada*

Recommendation 7 The CRTC should publish quarterly and annual reports stating the hours of first-run Canadian and foreign programming broadcast by individual television programming services and by ownership groups

c. Explanations and corrections must not transform non-compliance into compliance

143 The CAB also asks that when the single log of a television broadcaster shows non-compliance, the CRTC should deem the broadcaster to be compliant if the broadcaster explains or corrects the problems identified by the Commission:

... where the Commission chooses to monitor a licensee’s compliance in a given year, it [would] do so by requesting logs for one random month.⁸⁵ Where the submitted log demonstrate [sic] no shortfalls with respect to conditions of service or the regulations, the licensee would be deemed compliant with their requirements for the relevant broadcast year”
(CAB’s application, paragraph 10)

⁸⁵ CAB application, footnote 1:

For the avoidance of doubt, this proposal does not contemplate converting any requirements that currently apply on an annual basis (e.g. Canadian programming exhibition requirements) into requirements that would apply monthly or on another timeframe.

144 The CAB's application does not set out the section of the *Broadcasting Act* granting the CRTC explicit authority to decide retroactively that broadcasters' non-compliance did not exist because they subsequently explained or corrected it. The Forum notes that in 2023 the CRTC denied a discretionary service's request that the Commission retroactively amend the regulatory requirements of this service so that the service would be in compliance, rather than non-compliance, with its licence:

MusiquePlus indicated that the administrative renewal of MAX's and ELLE Fiction's broadcast licences for the 2022-2023 broadcast year was detrimental to its services, which must comply with the conditions of service applicable to large ownership groups for an additional year. According to the licensee, this would result in a non-compliance due to its commercial situation.⁸⁶

145 The CRTC denied the request to change the conditions of the service' licence after the fact of non-compliance, in part because the licensee did not explain "how the Commission could attempt to have such power" and in part of the administrative complexity of later assessing broadcasters' non-compliance and of taking "appropriate measures":

...
Furthermore, the Commission has no general practice regarding retroactive regulatory amendments. In any event, the licensee has not explained how the Commission could attempt to have such power. Even if the Commission was able to amend the conditions retroactively, the assessment of licensees' compliance and the possibility of imposing appropriate measures in the event of non-compliance would consequently become much more complex.

....⁸⁷

146 But that lack of legal authority is not the most problematic aspect of the CAB's application.

147 The fundamental problem is that if approved, the CRTC would effectively transform broadcasters' requested response to their own state of non-compliance into evidence of compliance:

If, on the other hand, a submitted log identifies a shortfall against applicable conditions of service or other regulatory obligations, the Commission could require the broadcaster to file a supplementary report explaining the basis for the shortfalls and/or proposing remedies. On review of that supplementary material, the Commission could request further dialogue with the licensee to complete the information required for compliance purposes or deem the licensee compliant.
[CAB's application, paragraph 11)

⁸⁶ *ELLE Fictions and MAX – Licence renewals and amendments to conditions of service*, [Broadcasting Decision CRTC 2023-416](#) (Ottawa, 18 December 2023), at paragraph 74.

⁸⁷ *Ibid.*, at paragraph 78.

- 148 An advantage of this change is that it would enable the CRTC to state that television broadcasters' compliance with its regulations and their conditions of service is rising, indicating that the CRTC is performing its supervisory rôle well.
- 149 The disadvantage is that the statement would be factually incorrect, leading over time to loss of confidence and trust in the Commission.
- 150 More importantly, approving the CAB's application's change confuses the act of non-compliance with the mitigation principle in sentencing.
- 151 The CRTC has for decades relied on the mitigation principle that circumstances in which an offence is committed may justify the imposition of a reduced penalty imposed for the offence. Rather than laying charges, for example, it has for decades imposed informal penalties (short-term licence renewals and/or annual reports).
- 152 But with very rare exceptions⁸⁸ the mitigation principle is not used to wipe away the actual fact of non-compliance. Distinguishing between the commission of offences and the penalties imposed serves a vital purpose: it maintains a society based on accountability and the just administration of rule of law
- 153 Similarly, compliance with CRTC 'penalties' for committing an offence must not be used to erase the reality of the offence. Identifying offences that have been committed – without then 'deeming' them away when broadcasters explain their commission or correct the systems or equipment causing the offence – upholds the *Broadcasting Act* by denouncing those breaching it. It deters offenders from reoffending and warns others that they risk negative consequences for non-compliance. and others from committing offences. It rewards those choosing to comply with the CRTC's orders and regulations by differentiating them from those having actually violated those requirements. It assures Parliament and the public that their interests – as set out in the *Broadcasting Policy for Canada* – are being upheld by the CRTC.
- 154 What remains unclear is whether the CRTC's commitment to the mitigation principle has had a positive impact on Parliament's goal in legislating broadcasting: has mitigation strengthened or weakened implementation of the *Broadcasting Policy for Canada*?
- 155 As the CAB's application has not provided any evidence on this point and has not set out the statutes that would permit the Commission to deem actual violations of its regulations and orders not to have existed at all, the CRTC should reject the application.

2. Private broadcasters' 'culture of compliance' open to question

- 156 In 2019 the Supreme Court addressed the degree to which courts should defer to administrative tribunals such as the Commission. *Vavilov*⁸⁹ explained that courts must consider whether an

⁸⁸ By expunging records upon application, for example, particularly for offences committed when the offenders were minor.

⁸⁹ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65 \(CanLII\)](#), [2019] 4 SCR 653.

administrative decision is reasonable: “based on an internally coherent and rational chain of analysis and that is justified in relation to the facts and law that constrain the decision maker” [bold font added].⁹⁰ As for administrative decision-makers’ experience – formerly important to deciding whether to defer to the tribunal – the Court instructed that

... the exercise of public power must be justified, intelligible and transparent, not in the abstract, but to the individuals subject to it. It would therefore be unacceptable for an administrative decision maker to provide an affected party formal reasons that fail to justify its decision, but nevertheless expect that its decision would be upheld on the basis of internal records that were not available to that party.⁹¹

- 157 The CAB’s application concludes that the CRTC should approve the application because “Canadian broadcasters have demonstrated a strong culture of compliance and regulatory good faith” and their violation of “television exhibition requirements is rare and generally minor or inadvertent” (paragraph 22). It is unclear how the CAB defines ‘strength’ in the context of regulatory compliance, and the CAB’s application did provide any evidence in support of this statement.
- 158 The failure of the CAB’s application to provide relevant facts to support its claims regarding private broadcasters’ culture of compliance and regulatory good faith, may lead the Commission to rely more heavily on its own experience. The CRTC’s [2024-25 Departmental Plan](#) reported in Table 3, for example, that in 2022/23 96.99% of broadcasting undertakings participated the public alerting system (participation being required by the CRTC’s regulations).
- 159 Although the CRTC does not publish annual reports on broadcasters’ compliance with its requirements, it has undertaken its own research about radio stations’ regulatory compliance. It has not published this research, but in response to an access-to-information request the CRTC provided documents that show the incidence of radio stations’ non-compliance from fall 2014 to 2018:⁹² Figure 3.

⁹⁰ *Ibid.*, at paragraph 85.

⁹¹ *Canada (Minister of Citizenship and Immigration) v. Vavilov*, [2019 SCC 65 \(CanLII\)](#), [2019] 4 SCR 653, at paragraph 95.

⁹² CRTC, Release package re A-2020-00068; CRTC staff, French-language radio, *Radio non-compliance – Overview and measures*), page 000003 of 000098.

Figure 3 CRTC, Non-compliance rate of radio stations, 2014-15 to 2014

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

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

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

- 160 The non-compliance rate among the small samples of commercial radio stations chosen by the CRTC ran from 21% (2014/15) to 34% (2018), meaning that compliance decreased from 79% to 66%. The reduced administrative burden of filing logs occasionally rather than monthly does not appear to have strengthened compliance among the radio stations studied.
- 161 As for television, FRPC has been reviewing CRTC licensing files and decisions from 1968 to 2023 to estimate the incidence of regulatory non-compliance in that sector. The files typically include correspondence between the Commission’s staff and licensees and CRTC decisions. (CRTC documents from before 1984 are unavailable online.)
- 162 To date – our review is not yet complete – the decisions over this period show that the CRTC found that 60 private conventional TV stations had breached their conditions of licence or its regulations one or more times. The CRTC’s 2020-24 financial and statistical summaries were based on the annual returns of 92 private television reporting units: using this figure as a base, the CRTC-decisions data indicate that some two-thirds (60 stations or 65% of 92 reporting units) of this number were non-compliant. More than a third (22 or 37%) of the 60 non-compliant stations violated the regulations or their conditions of licence two or more times.
- 163 If a ‘strong culture of compliance’ should support approval of its application, as the CAB’s application appears to argue, a weak culture of compliance should not support approval.
- 164 Times change, of course, and the CRTC may decide based on research of its own that so few television stations violate its regulatory requirements that it need only review their adherence to its regulations or their conditions of service using actual data for a random month, from time to time.

3. *CAB's application is not urgent – but premature*

- 165 Last, the CAB proposes that the Commission impose a condition of service requiring that logs be submitted upon request only, on an urgent basis (paragraph 12) until it amends its regulations.
- 166 The CRTC should deny this request because the application does not explain its request for urgent change and as noted earlier has not provided the evidentiary foundation that might support the claim for urgency.
- 167 Rather than treat it as urgent, therefore, the CRTC should reject the application as premature.
- 168 The Forum also notes that the CRTC's 29 January 2026 *Regulatory plan to modernize the broadcasting system* states that it will launch a consultation on “tailored conditions of service” in Winter 2026 and one on diversity and inclusion in 2026. The CRTC has said as well that the outcome of this consultation will be based on its previous consultations:
- [t]his consultation will finalize the individual contributions and requirements for traditional and online platforms in Canada. These contributions and requirements will be established based on the findings of previous modernized *Broadcasting Act consultations*.⁹³
- 169 As *Vavilov* clarified, however, the CRTC's decisions must be based on reasoning which includes facts. Approving the CAB's application on an urgent basis will leave the CRTC without the evidentiary foundation it requires – what have broadcasters been broadcasting? – before imposing ‘tailored’ conditions of service on broadcasters to implement the *Broadcasting Policy for Canada* going forward.
- 170 Moreover, broadcasters' compliance (or non-compliance) with the CRTC's regulations and their conditions of service has been a factor considered by the Commission before renewing or imposing new requirements. Adopting the CAB proposal to impose a condition of service freeing television services from the requirement to submit monthly logs would prevent the CRTC from incorporating that factor into their analyses.
- 171 Finally, the decision of the Federal Court of Appeal regarding several challenges to the decisions about those previous consultations will also be relevant to any new steps it takes.
- 172 The CRTC should therefore deny the CAB's application's request that the CRTC approve its true purpose – ending access to detailed historical evidence about private broadcasters' programming – on an urgent basis.

VI. *Conclusions and Recommendations*

- 173 The Forum's three conclusions regarding the CAB's application are set out below; a summary of our recommendations follows.

⁹³ *Regulatory plan to modernize the broadcasting system*, [Date modified: 2026-01-29](#).

- 174 FRPC begins by concluding that the CRTC should deny the CAB's application to end television broadcasters' monthly submission of program logs.
- 175 First, the application does not set out any facts establishing that the logs' submission (rather than their completion) constitutes any administrative burden of any kind. While it is true that the CRTC is not a court,⁹⁴ the CAB is an experienced participant in the CRTC's proceedings and cannot readily be assumed to be unfamiliar with the CRTC *Rules'* section 22(2)(e) requirement ("must ... contain....") for "relevant facts".
- 176 Second, while the CAB's application has set out statutory and regulatory provisions that relate to its request as the CRTC *Rules* require, the application mispresents and mischaracterizes the *Broadcasting Act's* Regulatory policy and the *Broadcasting Policy for Canada* and mischaracterizes the *Broadcasting Policy's* objectives. Simply reading the *Broadcasting Policy for Canada* shows that Parliament has not eliminated all objectives related to the exhibition of and Canadians' access to a range of programming.
- 177 Third, the CRTC should deny the CAB's application because its approval will increase rather than reduce Canadians' waning trust in the Commission's decisions. It will be difficult to find that 'reasonable person' on whom courts rely so heavily to agree that broadcasters' explanations or corrections justify converting regulatory violations into acts of regulatory compliance. Approving the CAB's application creates an alternative regulatory universe in which the regulatory offences do not exist as long as they are explained or corrected. Rewriting reality in this way misleads Parliament and Canadians, and encourages a race to the regulatory bottom in which the participants will focus more on evading responsibility for violations of the CRTC's regulations, orders and conditions of service than on meeting Parliament's *Broadcasting Policy for Canada*. Approving the CAB's application firmly sets the rational interest of the private sector in maximizing profits by minimizing expenses well before the public interest.
- 178 If the CRTC cannot decide whether to deny the CAB's application it should suspend consideration of the application until after the Commission has set the terms and conditions for television broadcasters which is currently scheduled for Winter 2026.⁹⁵
- 179 FRPC's second conclusion is that rather than launching a children's game of "Let's pretend", the CRTC should gather and publish the facts to ensure that the regulator and those it regulates can be held to account and to ensure that Parliament understands the progress of the broadcasting

⁹⁴ *Canada (Citizenship and Immigration) v. Canadian Council for Refugees*, 2021 FCA 72 (CanLII), [2021] 3 FCR 294, per Stratas J.A., <https://canlii.ca/t/jfbm9>, at ¶159:

... courts are courts and have to act like courts. Thus, courts can deal only with the challenge the *Charter* challengers have advanced and courts can work only with the evidence the parties have offered concerning that challenge. Courts cannot go beyond the challenge and address a different challenge. Nor can they help themselves to evidence as if they are a roving commission of inquiry. ...

⁹⁵ CRTC, [Calendar and list of activities](#), [Date modified: 2026-01-08].

system to meeting the *Broadcasting Policy for Canada*. This, after all, was one of the main thrusts of Cabinet's [November 2023 Order](#):

18 The Commission is directed to provide information to the public on a periodic basis regarding the progress made in achieving the objectives of the broadcasting policy set in subsection 3(1) of the Act, including progress on the inclusion and participation of Indigenous persons, members of official language minority communities and members of equity-seeking groups and ethnocultural groups in the Canadian broadcasting system.

- 180 FRPC's third conclusion is that the CRTC's data-collection system (DCS) continues to complicate broadcasters' lives and the ability of non-broadcasters to advocate on behalf of the public. How can it be that in 2024 the CRTC's DCS remained outdated and unable to supply reliable results about something as fundamental as accessibility?: Figure 4.

Figure 4 CRTC says its data systems are "outdated"

FRPC, *Accessible broadcasting in the 21st century: The path to full access is not good will, but enforcement of Canadian law*, Comments on BNoC 2024-137 (Ottawa, 19 August 2024), Figure 3, p. 9 of 19

Figure 3 CRTC's 23 July 2024 response to Access-to-information request A-2024-00021

Year	Number of complaints*
2014	195
2015	207
2016	220
2017	106
2018	112
2019	62
2020	62
2021	63
2022	44
2023	37

*The CRTC's data system is outdated, and the reporting has proven to be unreliable. We cannot be reasonably assured of the accuracy of this data.

- 181 The specific example the CAB's application provides (without evidence of its scale or impact on staffing or expenditures) is that of C-numbers that it does not yet have which cause logs filed within the 30-day limit to be rejected.
- 182 Can the CRTC provide a temporary programming fix for this solution, by creating a C-value code that would allow the log to be accepted while also permitting (requiring) this temporary C-value to be changed to the correct value within, say, 30 days of the log's being submitted?

Recommendation 8 The CRTC should introduce a new, temporary value for program's Canadian certification variable to indicate that the C-number is currently unavailable but will be provided within 30 calendar days of the log's submission, and whose use will not automatically reject the log being submitted.

- 183 The Forum also supports structural changes to the CRTC's data-collection system. All broadcast logs should be public – and should be easy to use. Currently, each month of programming for each television broadcaster is published separately. After these logs are downloaded, each must be converted into an Excel spreadsheet for analysis: nearly all of the logs are 30,000 or more lines long – because individual advertisements are logged separately and outnumber instances of programming by a factor of 20 to 1 (for every describing a program, 20 describe advertisements).
- 184 The size of twelve individual logs makes it extremely difficult to combine them into a single broadcast year. Moreover, some of the logs published by the CRTC have errors that 'throw out' the individual lines in the file. These errors cannot be corrected easily: there are often many in a single file and – being a third party – FRPC has no way of knowing the broadcaster's intent as to how the data were meant to be entered.
- 185 A single year describing programming but excluding commercials would be preferable – as it would be more valid – to evaluate a service's implementation of the *Broadcasting Policy for Canada* objectives over time. That said, advertising is currently counted as part of television stations' programming, meaning that the only way to know how many hours of programming without ads, is to deduct the total time used to broadcast ads from the total time listed for programming: it is useful to know how much time is devoted to advertising compared to programming – it is simply very difficult to do it with the current design of the logs.
- 186 FRPC's position is that the CRTC should continue to make monthly logs available. It should ensure their accuracy.
- 187 But the CRTC should also publish, for each programming service, two logs for each broadcast year (when the September to August logs are available) in an Excel (or Excel-compatible) format with column headings (none is included in the current text files), one with and without the commercials. (This assumes the CRTC retains its current log-coding system in which program time includes both programs and ads.)
- 188 These smaller, and more easily understood files would reduce the time that parties such as FRPC spend downloading and formatting program logs.

Recommendation 9 The CRTC should continue to publish television services' monthly logs – but in an Excel or Excel-compatible format that includes column headings and excludes commercials (while retaining public service announcements and station identifications)

Recommendation 10 The CRTC should also publish, for each television service, a log that consists of a broadcast year of logs

- 189 Before undertaking any changes to its data-collection system, however, FRPC urges the Commission to invite third parties and broadcasters to meet (preferably in person) to discuss their respective data needs.
- 190 As FRPC has mentioned from time to time over the past twelve years, the CRTC's overall approach to data is based on the foundation of April 1, 1968. Why is it that, **68 years after its establishment**, the CRTC continues to publish its financial summaries **FIVE YEARS** at a time – and **WITHOUT PUBLICATION DATES TO INDICATE THAT IT HAS CHANGED THE DATA WITHIN?** Why must everyone interested in consolidated media ownership enter the CRTC's **PDF-only ownership charts** datum by datum? The impression gained from the CRTC's firm, if not cement-like adherence to past practices is that parties other than the Commission can add nothing through analysis of the information the CRTC collects which it does not already know.
- 191 Inviting those who use the CRTC's data regularly, those who would like to use the data and those who must actually enter the data to meet in Spring 2026 to set out their concerns and data needs under Chatham-House rules would rebut that impression, would comply with Cabinet's Order regarding transparency and would be welcome, especially if these meetings were held annually or every two years.

Recommendation 11 The CRTC should convene a meeting every year or every second year consisting of CRTC Commissioners, CRTC staff, broadcasters and all interested parties to discuss long- and still-standing problems with the CRTC's data-collection system which prevent participants in its proceedings

- 192 FRPC has appreciated the opportunity to comment on the CAB's application and would also welcome an invitation to the meeting proposed just above.



Appendices

Appendix 1	No record of Circulars 335 and 344 on CRTC website (27 January 2026)	48
Appendix 2	CRTC Circular No. 344	49
Appendix 3	Events related to broadcast logs	50
Appendix 4	<i>Television Broadcasting Regulations, 1987</i>	55
Appendix 5	Television regulations: 'Key Figures'	57
Appendix 6	<i>Discretionary Services Regulations</i>	64
Appendix 7	Discretionary services, 'Key Figures'	66
Appendix 8	Private broadcaster's 27 June 2022 letter to CRTC regarding DCS, being Appendix 2 of CAB's 20 January 2025 intervention regarding BNoC 2024-290	72
Appendix 9	CRTC data-collection system problems identified by major private broadcasters	78
Appendix 10	20 January 2025 e-mail re DCS meeting minutes	82
Appendix 11	Information required of TV and radio programming services by CRTC's regulations	83
Appendix 12	Television regulations in Canada regarding logging, 1973 to 2026	86



Appendix 1 No record of Circulars 335 and 344 on CRTC website (27 January 2026)

The screenshot shows a web browser window with the address bar containing the URL: <https://www.crtc.gc.ca/recherche-search/eng/home/search?q=Circular&target=all&type=all&subjec...>. The browser tabs include "267", "2022-272", "Law", "Weather", "Banking", "Legal searches", "ISED", and "Web".

The search results page is titled "Search" and shows the search term "Circular" entered in the search box. Below the search box are four filter dropdown menus: "Search in:" (set to "All fields"), "Filter results by type:" (set to "All types"), "Filter results by subject:" (set to "All subjects"), and "Filter results by year:" (set to "1988").

The results section is titled "About 4 results for " Circular "" and lists four archived documents:

- ARCHIVED - Circular No. 350 | CRTC**
ARCHIVED - Circular No. 350, To licensees of all television broadcasting undertakings
<https://crtc.gc.ca/eng/archive/1988/C88-350.htm>
- ARCHIVED - Public Notice CRTC 1988-142 | CRTC**
ARCHIVED - A Policy with respect to Election Campaign Broadcasting
<https://crtc.gc.ca/eng/archive/1988/pb88-142.htm>
- ARCHIVED - Public Notice CRTC 1988-89 | CRTC**
ARCHIVED - A policy proposal respecting radio broadcasting networks and radio syndication, and proposed amendments to the radio regulations, 1986
<https://crtc.gc.ca/eng/archive/1988/PB88-89.htm>
- ARCHIVED - Telecom Decision CRTC 88-21 | CRTC**
ARCHIVED - British Columbia Telephone Company - Revenue requirement for the years 1988 and 1989 and revised criteria for extended area service
<https://crtc.gc.ca/eng/archive/1988/DT88-21.htm>

Appendix 2 **CRTC Circular No. 344***To Licensees of all Television Broadcasting Undertakings*

In Circular No. 335 dated 5 August 1987, the Commission suggestion “that broadcasters seriously consider submitting their log information digitally, via computer media”. However, several television licensees have expressed concerns in this regard The comments made by licensees of television stations have been directed primarily to the inclusion of exact “time on” – “time off” entries for commercial content, promotions and public service announcements, etc. on the television program log, rather to programming itself.

The most important concern relates to the administrative and financial burden that would be imposed on the existing resources of licensees in order to meet the commissions regulatory requirements. In many cases, the reconciliation of information contained in a station's operational paper log to a computer media log acceptable to the Commission requires additional human resources. As a result, many licenses have indicated a reluctance to provide computer-media logs to the commission, preferring instead to submit paper logs, as has been the practice up to now.

Television licensees point out that, for many years, they have been allowed a latitude of “plus or minus 5 minutes” when reporting their commercial placements back to the advertising industry. To meet their obligations towards advertisers, these licensees are required to reconcile the scheduled time with actual on-year time of commercial content included in the program log solely in instances where a commercial is broadcast outside of that 5-minute range. Licensees suggest that it would be reasonable for the Commission to accept this same kind of flexibility with respect to “time on”-“time off” entries on the program logs of television stations.

the Commission concurs and hereby advises it is ready to accept the reporting standards employed for the advertising industry for the purposes of the requirement set out in section 10 of the *Television Broadcasting Regulations, 1987* (the regulations). Licensees may, therefore, adopt those same standards for the submission of computer-media program logs to the Commission.

The Commission reiterates, however, that these new logging procedures do not relieve licensees of their obligation responsibility under Section 11 of the regulations.

The Commission expects that the flexibility allowed in this circular will ease the log reporting tasks for individual licensees and further that it will make more practicable for licensees to provide their log information using “computer media”. The Commission notes that, at the present time, a growing number of television licensees have already started to file their logs using computerized data.

Appendix 3 Sampling of events related to broadcast logs

2013 *Call for comments on a targeted policy review for the commercial radio sector*, BNoC 2013-572 (Ottawa, 30 October 2013)

...

Background

65. The Commission uses four types of documents in analyzing a station's programming to verify compliance with the Regulations and with conditions of licence. These also enable the Commission to investigate a station's programming in the case of complaints. The four documents are the following:

Program logs, which contain information about the programming broadcast by a station (date, time, description of program, content category, etc.) over a specific time period;
Tape recordings, consisting of audio recordings of the actual programming broadcast by a station over a specific time period;

Music lists, which contain the musical selections in the order in which they were broadcast by a station during a given time period; and

Self-assessment reports, which are reports produced by the licensee to indicate the levels of different types of content (Canadian music, French-language musical selections, relevant content categories, etc.) broadcast by a station during a given time period.

66. The provisions under which licensees must maintain and submit these documents to the Commission are set out in section 8 and section 9(3) of the Regulations.

....

Changes to wording

67. The Regulations were developed when radio stations used magnetic tapes for recording their programming. In the 1980s, some licensees began to submit program logs electronically and using digital media. This resulted in the revision of the wording cited in the Regulations, to "program logs or machine readable records."

68. Given that storing a station's tape recordings previously required physical space, the Commission required licensees to retain these tapes for a maximum period of four weeks, as opposed to the one-year period for program logs. Program logs, which are used by the Commission to compare and validate audio recordings, are now usually stored digitally and submitted electronically by licensees. Over the years, the storage and submission of audio recordings has been simplified and automated for even the smallest operators with the move from analog to digital media.

A targeted policy review of the commercial radio sector, [BRP 2014-554](#) (Ottawa, 28 October 2014)

...

Positions of parties

87. Interveners raised concerns related to the amount of time that logs, records and audio recordings should be retained. The vast majority of interveners agreed that the

amount of time required to retain program logs and audio content should be synchronized. However, the FRPC argued that the Commission should continue to require that licensees retain program logs for a year.

...

Commission's analysis and decisions

90. The Commission is of the view that the current retention period is sufficient to permit the Commission to obtain audio recordings following the receipt of a complaint.

91. Accordingly, for the purpose of consistency, the Commission will amend the Regulations to require the retention of program logs and audio recordings for four weeks following the date of broadcast. It will also amend the Regulations to incorporate the other changes related to logs and records and reporting requirements described in the Notice. A notice of consultation setting out the text of the proposed amendments to the Regulations will be issued for comment at a later date.

[bold font in original text omitted]

2014

Let's Talk TV: The way forward - Creating compelling and diverse Canadian programming, BRP 2015-86 (Ottawa, 12 March 2015)

...

191. Moreover, quotas can also have unintended detrimental effects. Specifically, data from program logs submitted to the Commission shows that on average well over 50% of Canadian programming broadcast on all services in both English- and French-language markets is repeated on the same service or "recycled" from other services. Often a particular episode of a program is repeated numerous times over the course of a day, week, month and even over a period of many years. For some services, these amounts are far higher and more than 90% of Canadian programming is repeat or recycled programming. While this may be a viable business model for some services, the Commission is of the view that original first-run Canadian productions add more value to the system; the excessive repetition and recycling of programming appears to do little to achieve the objectives of the Act.

2016

Policy framework for local and community television, [Broadcasting Regulatory Policy CRTC 2016-224](#) (Ottawa, 15 June 2016)

...

Monitoring

In this proceeding, conflicting data was filed regarding local stations' exhibition and expenditure levels for locally relevant and reflective programming, including news and information. Currently, the *Television Broadcasting Regulations, 1987* do not include a key figure that could be used in program logs to accurately record the broadcast of locally relevant and reflective programming. Similarly, the annual returns filed by licensees do not itemize expenditures in a way that could allow the Commission to

determine the amounts spent specifically on this type of programming. Therefore, to better monitor exhibition and expenditure levels for locally relevant and reflective programming, the Commission will issue a notice of consultation later this year to initiate a proceeding to amend Schedule I of the *Television Broadcasting Regulations, 1987*. Further, the Commission will change the forms used by broadcasters for their annual returns to require services to indicate the amount of locally relevant and reflective programming produced or acquired for each program category, as well as the associated revenues and expenses.

...

209. Currently, the Regulations [*sic*] require that community channels keep logs of distributed programs for one year and that they submit them to the Commission on request. The same regulations also require community channels to keep an audio-visual recording of programs for four weeks after they are broadcast. The Commission may request logs and recordings from a licensee if it receives a complaint regarding a BDU's compliance with broadcasting requirements on its community channel.

210. The Commission considers that the community television sector would benefit from a more systematic and standardized evaluation of compliance by community channels with their requirements. The Commission will therefore require BDU licensees to submit logs and audio-visual recordings periodically. The Commission will select a sample of community channels and analyze their logs and financial returns. This approach is similar to that used to assess the compliance of radio stations.

211. The Commission will implement this mechanism on a trial basis for a period of three years to assess its effectiveness.

...

Call for comments on Discretionary Services Regulations, [BNoC 2016-385](#) (Ottawa, 26 September 2016)

...

Logs and records

19. Historically, the nature of most pay television services (primarily film) meant that they did not normally broadcast music videos. Specialty services, on the other hand, did broadcast such programming, and some had natures of service designating this as their primary type of programming. Accordingly, contrary to the regulations for pay television, the regulations for specialty services include specific logging requirements for music video clips.

20. The Commission is of the view that these clauses are not unduly burdensome and will ensure that it is able to gather the necessary information to monitor all services that choose to broadcast music video clips. Accordingly, it considers it appropriate to extend these requirements to all discretionary services.

Key figures

21. As originally implemented, the key figures reflected the historically different nature of the programming offered on pay and specialty services. Consequently, the key figures for completing logs set out in Schedule I of the two regulations vary.

22. Since distinctions between pay and specialty services will be eliminated, a single set of figures incorporating the key elements of both sets of figures is necessary. The Commission has already proposed amendments to the key figures for target audiences, which would be the same for the two sets of regulations. Footnote 2

23. Accordingly, the Commission considers it appropriate to streamline the key figures for all discretionary services.

2017

Call for comments on proposed amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987, [BNoC 2017-50](#) (Ottawa, 24 February 2017)

...

Television Broadcasting Regulations, 1987

11. In Broadcasting Regulatory Policy 2016-224, the Commission determined that local television stations would be required to broadcast certain levels of local programming and locally reflective news and information as part of their exhibition requirements. To monitor compliance with these obligations, which will be imposed as conditions of licence, the Commission proposes to add certain data points in the schedules appended to the *Television Broadcasting Regulations, 1987*.

12. Moreover, in the interest of streamlining these reporting obligations, the Commission proposes to further amend the schedules to make them more consistent with those proposed as part of *the Discretionary Services Regulations*. The streamlined schedules will make it easier for licensees of both over-the-air television stations and discretionary services to log their programs. Further, in light of the comments received in response to the proposed *Discretionary Services Regulations*, the Commission proposes to delay the coming into force of the changes to the schedules until 1 September 2018 to provide licensees with time to convert their systems.

13. Finally, in Broadcasting Regulatory Policy 2015-86, the Commission determined that it would maintain the Canadian exhibition requirements for over-the-air television stations only in the evening period. Accordingly, consistent with this policy determination, the Commission proposes to eliminate section 4(6) of *the Television Broadcasting Regulations, 1987*, which requires licensees to devote at least 55% of the broadcast year to Canadian programs.

Amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987 regarding local and community television, and financial support, logging requirements and Canadian exhibition requirements for over-the-air television stations, [BRP 2017-278](#) (Ottawa, 4 August 2017)

....

Minor issues relating to key figures used in the *Television Broadcasting Regulations, 1987*, and to ensure consistency between those key figures and those proposed for the new *Discretionary Services Regulations*

21. The Schedules of the *Television Broadcasting Regulations, 1987* set out the key figures or alphanumeric characters that are to be used by television stations when completing their logs.
22. In the interest of maximizing administrative efficiencies for undertakings, the Commission has, where possible, tried to ensure consistency between the key figures proposed in the *Television Broadcasting Regulations, 1987* and those in the *Discretionary Services Regulations* (see Broadcasting Regulatory Policy [2017-279](#), also published today). In this regard, there are three differences between the key figures for the two sets of regulations:
 - in the descriptive category 4 “Program Source,” “TV station (licensee)” is used in the *Television Broadcasting Regulations, 1987*, whereas “discretionary service (licensee)” is used in the *Discretionary Services Regulations*;
 - the inclusion in the *Television Broadcasting Regulations, 1987* of a logging requirement relating to locally relevant programming in the key figures, which is unnecessary in the *Discretionary Services Regulations*; and
 - in the descriptive category 6 “Categories” in the *Television Broadcasting Regulations, 1987*, the category “filler programming” has been excluded as it is a program category that is not relevant to television stations.
23. Several parties raised concerns with certain aspects of the proposed Schedules. Where the Commission considered it appropriate, it has made amendments to the Schedules proposed for the *Television Broadcasting Regulations, 1987* and the *Discretionary Services Regulations* in response to those concerns.
24. In terms of the logging requirement relating to locally relevant and locally reflective programming in the *Television Broadcasting Regulations, 1987*, several parties expressed concerns in regard to tracking locally reflective programming. Consistent with the approach discussed in the group based licensing proceeding (see Broadcasting Decisions [2017-143](#) and [2017-148](#)), the Commission has deleted the requirement to track locally reflective programming in the key figures. Compliance with requirements relating to locally reflective programming will instead be assessed as part of spot audits.
25. Finally, CUPE noted that there was not an obligation to include locally relevant programming in the logs under section 10 of the *Television Broadcasting Regulations, 1987*. The Commission has added a provision to that effect to section 10(1) of the *Television Broadcasting Regulations, 1987*.
26. The amended key figures will come into force on **1 September 2018** to allow the industry sufficient time to adapt their logging processes.

Appendix 4 *Television Broadcasting Regulations, 1987**Television Broadcasting Regulations, 1987*

SOR/87-49

Logs and Records

- 10 (1) Subject to any condition of licence, a licensee shall
- (a) keep, in a form acceptable to the Commission, a program log or a machine readable record of its programming;
 - (b) retain the log or record for a period of one year after the date when the programming was broadcast; and
 - (c) cause to be entered in the log or record each day the following information:
 - (i) the date,
 - (ii) the call letters, location and channel of the licensee's station,
 - (iii) the time at which each station identification announcement is made,
 - (iv) the time of commencement of advertising material, its duration and, in the case of a commercial message, the name of the person selling or promoting goods, services, natural resources or activities, and
 - (v) in relation to each program broadcast,
 - (A) its title and any additional information that is to be included by the appropriate subitem of Schedule I,
 - (B) subject to subsection (4), the key figure set out in Schedule I describing the program,
 - (C) the time at which the program begins and ends,
 - (D) the code set out in Schedule II indicating the language, type or group, as applicable, and
 - (E) where applicable, the code set out in Schedule II indicating an accessible program, and
 - (F) where applicable, the code set out in Schedule II indicating programming that is locally relevant.
- (2) The times required to be entered pursuant to subparagraphs (1)(c)(iii) and (iv) and clause (1)(c)(v)(C) are local times.
- (3) Except as otherwise provided under a condition of its licence, a licensee shall furnish to the Commission, within 30 days after the end of each month, the program log or machine-readable record of the licensee for that month, together with a certificate signed by or on behalf of the licensee attesting to the accuracy of the contents of the log or record.
- (4) Where more than one subitem of Schedule I applies to a program, a licensee may, in respect of that program, cause to be entered in its program log or machine readable record
- (a) the key figures indicating the subitems that apply to each segment of the program, in the order in which the segments are broadcast; and
 - (b) the start time and duration of each segment of the program.
- (5) A licensee shall retain a clear and intelligible audio-visual recording of all of its programming



- (a) for four weeks from the date of broadcast; or
 - (b) where the Commission receives a complaint from any person regarding programming or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.
- (6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from a licensee a clear and intelligible audio or audiovisual recording of its programming, the licensee shall furnish it to the Commission forthwith.
- (7) Where a program is broadcast during reserved time by a station operator who operates as part of a television network, subsection (5) applies only to the network operator.
- (8) This section does not apply to the licensee of a remote station where logging or record-keeping requirements are set out in a condition of licence.

**Appendix 5 Television regulations: 'Key Figures'**

Logs and Records

SCHEDULE I(Sections 2 and 10)

Key Figures

Column 1		Column 2							
		Alphanumeric Characters							
Item	Program Description	1st	2nd	3rd	4th	5th	6th	7th	8th
1	<u>Origin</u>								
	Canada (other than Quebec)	1							
	United States	2							
	Other	7							
	Quebec	8							
2	<u>Time credits</u>								
	A program for which 150% credit is given under a condition of licence		4						
	A program for which 150% credit is not given under a condition of licence		5						
3	<u>Exhibition</u>								
	Original exhibition of a program that has been broadcast or distributed by another licensed broadcasting undertaking			1					
	Original first-run program (original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking)			2					



Column 1		Column 2							
		Alphanumeric Characters							
Item	Program Description	1st	2nd	3rd	4th	5th	6th	7th	8th
	Repeat exhibition of a program			3					
	Live broadcast			4					
4	<u>Production source</u>								
	TV station (licensee)				1				
	Related production company				2				
	Other TV station or programming service (include call sign or name)				3				
	Television network (include network identifier)				4				
	Canadian independent producer (include Commission "C" number or the number assigned by the Department of Canadian Heritage)				5				
	Co-venture (include Commission "S.R." number)				6				
	Canadian programs from any government and productions of the National Film Board (include the source)				7				
	Programs from any source that are not accredited as Canadian programs (include the pertinent dubbing credit and Commission "D" or "C" number if applicable)				8				
	Treaty co-production				9				



Column 1		Column 2							
		Alphanumeric Characters							
Item	Program Description	1st	2nd	3rd	4th	5th	6th	7th	8th
	(7) Drama and comedy (include the appropriate Commission drama credit if applicable)								
	(a) Ongoing dramatic series						0	7	A
	(b) Ongoing comedy series (sitcoms)						0	7	B
	(c) Specials, mini-series or made-for-TV feature films						0	7	C
	(d) Theatrical feature films aired on TV						0	7	D
	(e) Animated television programs and films						0	7	E
	(f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy						0	7	F
	(g) Other drama						0	7	G
	(8) (a) Music and dance other than music video programs or clips						0	8	A
	(b) Music video clips						0	8	B
	(c) Music video programs						0	8	C
	(9) Variety						0	9	0
	(10) Game shows						1	0	0
	(11) (a) General entertainment and human interest						1	1	A



Column 1		Column 2							
		Alphanumeric Characters							
Item	Program Description	1st	2nd	3rd	4th	5th	6th	7th	8th
	(b) Reality television						1	1	B
	Other:								
	(12) Interstitials						1	2	0
	(13) Public service announcements						1	3	0
	(14) Infomercials, promotional and corporate videos						1	4	0

SCHEDULE II (Sections 2 and 10)Codes

PART 1

Code Indicating Program Language

Column 1		Column 2
Item	Code	Description
1	[Abbreviated name of language]	Language of the original production
2	[Abbreviated name of language]	Language of the program (for all programs of an ethnic station or for programs of a station if the language of the programs differs from the official language for which the station is principally licensed)

PART 2

Code Indicating Accessible Program



	Column 1	Column 2
Item	Code	Description
1	CC [to be inserted following key figure]	Program contains closed captioning for viewers who are deaf or hard of hearing, which has been exhibited during the complete length of the program
2	DV [to be inserted following key figure]	Program contains described video for viewers who are blind or have visual impairments, which has been exhibited during the complete length of the program
3	AD [to be inserted following key figure]	Program contains audio description for viewers who are blind or have visual impairments
4	CD [to be inserted following key figure]	Program contains both closed captioning and described video, which have been exhibited during the complete length of the program
5	CA [to be inserted following key figure]	Program contains both closed captioning, which has been exhibited during the complete length of the program and audio description

PART 3

Code Indicating Type

	Column 1	Column 2
Item	Code	Description
1	Type A	A program in a language other than English, French or a language of the Indigenous peoples of Canada
2	Type B	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is English or French or in whose country of origin a common language is English or French
3	Type C	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is included in Type A



	Column 1	Column 2
Item	Code	Description
4	Type D	A bilingual program in English or in French as well as in a language other than English, French or a language of the Indigenous peoples of Canada that is directed toward a distinct ethnic group
5	Type E	A program in English or in French that is directed toward ethnic groups or toward the general public and that depicts Canada's cultural diversity through services that are multicultural, educational, informational or inter-cultural
6	Type X	If the licensee is not required by a condition of licence to broadcast prescribed levels of Type A, B, C, D or E programming, an ethnic program

PART 4

Code Indicating Group

	Column 1	Column 2
Item	Code	Description
1	[Abbreviated name of ethnic group]	The distinct ethnic group toward which an ethnic program is directed

PART 5

Code Indicating Local Programming

	Column 1	Column 2
Item	Code	Description
1	RL	Programming that is locally relevant

Date modified:

2026-01-12

Appendix 6 *Discretionary Services Regulations**Discretionary Services Regulations (SOR/2017-159)*

...

Logs and Records

Obligations — log or record

8 (1) Except as otherwise provided under a condition of its licence, a licensee shall

(a) keep a program log or record of its programming in a form that is acceptable to the Commission;

(b) retain the log or record for a period of one year after the day on which the programming was distributed;

(c) cause the following information to be entered in the log or record each day:

(i) the date,

(ii) an identification of the licensee or the service provided by the licensee,

(iii) the time at which advertising material that it broadcasts in a break within a program or between programs begins, its duration and, in the case of a commercial message, the name of the person that is selling or promoting goods, services, natural resources or activities,

(iv) in relation to each program other than a music video clip,

(A) its title and any additional information that is to be included in accordance with the appropriate subitem of Schedule 1,

(B) the key figure that describes the program,

(C) the time at which the program begins and ends,

(D) if applicable, the code set out in column 1 of Part A, C or D of Schedule 2 that indicates the language, type or group of the program described in column 2,

(E) if applicable, the code set out in column 1 of Part B of Schedule 2 that indicates the accessibility of the program described in column 2, and

(F) if it is required by a condition of the licence, a brief description of the content of the program,

(v) in relation to each music video clip,

(A) the title of the clip,

(B) the name of and language used by the performer,

(C) an indication as to whether the clip is a Canadian music video clip, as defined in section V of

Appendix I to Public Notice 2000-42, dated March 17, 2000, entitled Certification for Canadian Programs — A revised approach,

(D) the key figure that describes the clip, and

(E) if applicable, the code set out in column 1 of Part B of Schedule 2 that indicates the accessibility of the clip described in column 2, and

(vi) if the licensee distributes its programming in a multi-hour block, the time at which each block begins and ends; and

(d) within 30 days after the last day of each month, provide to the Commission the log or record of its programming for the month and a certificate attesting to the accuracy of the contents of the log or record.

If more than one subitem applies

(2) For the purposes of clauses (1)(c)(iv)(B) and (1)(c)(v)(D), if more than one subitem of Schedule 1 applies to the program, a licensee may, in respect of that program, cause to be entered in its program log or record the key figures indicating the subitems that apply to each segment of the program, in the order in which the segments are distributed, and the starting time and duration of each segment of the program.

Obligation to keep recording of programming

(3) A licensee shall retain a clear and intelligible audio-visual recording of all of its programming

(a) for a period of four weeks after the day on which the programming is distributed; or

(b) for a period of eight weeks after the day on which the programming is distributed, if the Commission receives a complaint from a person regarding any programming, or for any other reason wishes to investigate the programming, and notifies the licensee of the investigation before the end of the four-week period.

Obligation to provide recording to Commission

(4) If the Commission requests a clear and intelligible audio-visual recording of a licensee's programming from the licensee before the end of the applicable period referred to in paragraph (3)(a) or (b), the licensee shall, without delay, provide the recording to the Commission.

...



Appendix 7 Discretionary services, 'Key Figures'

SCHEDULE 1(Sections 1 and 8)

Key Figures

Column 1		Column 2							
Item	Program Description	Alphanumeric Characters							
		1st	2nd	3rd	4th	5th	6th	7th	8th
1	<u>Origin</u>								
	Canada (other than Quebec)	1							
	United States	2							
	Other	7							
	Quebec	8							
2	<u>Time Credits</u>								
	A program for which 150% credit is given under a condition of licence		4						
	A program for which 150% credit is not given under a condition of licence		5						
3	<u>Exhibition</u>								
	Original exhibition of a program that has been broadcast or distributed by another licensed broadcasting undertaking			1					
	Original first-run program (original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking)			2					
	Repeat exhibition of a program			3					
	Live broadcast			4					
4	<u>Production Source</u>								
	Discretionary service (licensee)			1					
	Related production company			2					



Column 1		Column 2							
Item	Program Description	Alphanumeric Characters							
		1st	2nd	3rd	4th	5th	6th	7th	8th
	Other TV station or programming service (include call sign or name)				3				
	Television network (include network identifier)				4				
	Canadian independent producer (include Commission "C" number or the number assigned by the Department of Canadian Heritage)				5				
	Co-venture (include Commission "S.R." number)				6				
	Canadian programs from any government and productions of the National Film Board (include the source)				7				
	Programs from any source that are not accredited as Canadian programs (include the pertinent dubbing credit and Commission "D" or "C" number if applicable)				8				
	Treaty co-production				9				
5	<u>Target audience</u>								
	Preschool children (0-5 years)					1			
	Children (6-12 years)						2		
	Teenagers (13-17 years)							3	
	Adults (18 years and over)								4
6	<u>Categories</u>								
	Information:								
	(1) News						0	1	0
	(2) (a) Analysis and interpretation						0	2	A
	(b) Long-form documentary						0	2	B
	(3) Reporting and actualities						0	3	0



Column 1		Column 2							
Item	Program Description	Alphanumeric Characters							
		1st	2nd	3rd	4th	5th	6th	7th	8th
	(4) Religion						0	4	0
	(5) (a) Formal education and preschool						0	5	A
	(b) Informal education/Recreation and leisure						0	5	B
	Sports:								
	(6) (a) Professional sports						0	6	A
	(b) Amateur sports						0	6	B
	Music and Entertainment:								
	(7) Drama and comedy (include the appropriate Commission drama credit if applicable)								
	(a) Ongoing dramatic series						0	7	A
	(b) Ongoing comedy series (sitcoms)						0	7	B
	(c) Specials, mini-series or made-for-TV feature films						0	7	C
	(d) Theatrical feature films aired on TV						0	7	D
	(e) Animated television programs and films						0	7	E
	(f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy						0	7	F
	(g) Other drama						0	7	G
	(8) (a) Music and dance other than music video programs or clips						0	8	A
	(b) Music video clips						0	8	B
	(c) Music video programs						0	8	C
	(9) Variety						0	9	0



Column 1		Column 2							
Item	Program Description	Alphanumeric Characters							
		1st	2nd	3rd	4th	5th	6th	7th	8th
	(10) Game shows						1	0	0
	(11) (a) General entertainment and human interest						1	1	A
	(b) Reality television						1	1	B
	Other:								
	(12) Interstitials						1	2	0
	(13) Public service announcements						1	3	0
	(14) Infomercials, promotional and corporate videos						1	4	0
	(15) Filler programming						1	5	0

SCHEDULE 2(Section 8)Codes

PART A

Code Indicating Program Language

Column 1		Column 2
Item	Code	Description
1	([Abbreviated name of language])	Language of the original production
2	[Abbreviated name of language]	Language of the program (for all programs of an ethnic station or for programs of a station if the language of the programs differs from the official language for which the station is principally licensed)

PART B

Code Indicating Accessible Program



	Column 1	Column 2
Item	Code	Description
1	CC [to be inserted following key figure]	Program contains closed captioning for viewers who are deaf and hard of hearing, which has been exhibited during the complete length of the program
2	DV [to be inserted following key figure]	Program contains described video for viewers who are blind or have visual impairments, which has been exhibited during the complete length of the program
3	AD [to be inserted following key figure]	Program contains audio description for viewers who are blind or have visual impairments
4	CD [to be inserted following key figure]	Program contains both closed captioning and described video, which has been exhibited during the complete length of the program
5	CA [to be inserted following key figure]	Program contains both closed captioning which has been exhibited during the complete length of the program and audio description

PART C

Code Indicating Type

	Column 1	Column 2
Item	Code	Description
1	Type A	A program in a language other than English, French or a language of the Indigenous peoples of Canada
2	Type B	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is English or French or in whose country of origin a common language is English or French
3	Type C	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is included in Type A
4	Type D	A bilingual program in English or in French as well as in a language other than English, French or in a language of the Indigenous peoples of Canada that is directed toward a distinct ethnic group
5	Type E	A program in English or in French that is directed toward ethnic groups or toward the general public and that depicts Canada's cultural diversity through services that are multicultural, educational, informational or inter-cultural
6	Type X	Where the licensee is not required by a condition of licence to broadcast prescribed levels of Type A, B, C, D or E programming, an <i>ethnic program</i> , as defined in section 2 of the Television Broadcasting Regulations, 1987



PART D

Code Indicating Group

	Column 1	Column 2
Item	Code	Description
1	[Abbreviated name of ethnic group]	The distinct ethnic group toward which an <i>ethnic program</i> , as defined in section 2 of the Television Broadcasting Regulations, 1987 , is directed

Date modified: 2026-01-12



Appendix 8 Private broadcaster's 27 June 2022 letter to CRTC regarding DCS, being Appendix 2 of CAB's 20 January 2025 intervention regarding BNoC 2024-290



2022 06 27

To: Mr. Claude Doucet
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Subject: **Data Collection System – Proposed Improvements**

Dear Mr. Doucet,

1. The Commission introduced the Data Collection System (DCS) in 2004 to facilitate the collection of information from Canadian broadcasting and telecommunications services, to reduce the regulatory burden on the industry in the collection of that information, and to improve the accuracy and timeliness of the data submitted.¹ As a secure and encrypted web-based system DCS was, at the time, a technologically modern solution to the issue of gathering large amounts of data from the industry. Over time, as policies and regulations have been added and/or modified, the amount of data gathered via DCS has increased exponentially. However, the technological capabilities of the system have not evolved to reflect both changes to the data collected and advances in web-based data collection technology.

2. Evanov Communications Inc., Golden West Communications, Corus Entertainment Inc., Rogers Communications Inc., Québecor Inc. and Bell Canada (collectively, the Companies) respectfully wish to explore opportunities to improve DCS in collaboration with the Commission. Collectively we experience numerous technical and other issues – including very slow response times to data entry and form loading – that increase the administrative burden associated with completing annual returns and reports. It is our hope that the Commission will consider and ultimately adopt our proposals, which we believe will streamline and simplify the data collection process.

3. To that end, we have compiled the attached document detailing which aspects of DCS function poorly or are otherwise inefficient, along with suggested means of improvement. The document divides our issues and proposed changes into two broad categories: changes that will greatly improve the system's overall efficiency; and those that will address "bugs" that we have identified over years of use.

4. We recognize that while some of the proposed improvements may be easily achievable in the short term, others may require more significant system upgrades. As we do not have visibility to the system's "back-end", and are not privy to whatever plans the Commission may have in

¹ CRTC Data Collection – Guide: <https://crtc.gc.ca/eng/dcs/current/dcs2.htm>

2022 06 27

2

place for technological upgrades, we propose a collaborative approach whereby our members work with the Commission to establish a roadmap to achieving greater efficiencies with DCS. In partnership, we hope to identify which upgrades are achievable in the short term, which upgrades will require more long-term approaches, and which areas may be inherent limitations of DCS and therefore in need of a different solution.

5. We thank the Commission for considering our DCS improvement proposal, and we look forward to working together to reduce the current administrative burden, optimize the data collection process, and ultimately enable us to better provide the Commission with the data necessary to achieve its policy objectives.

Sincerely,



Jonathan Daniels
VP Regulatory Law
Bell Canada



Peggy Tabet,
VP, Regulatory and Environmental Affairs
Quebecor Inc.



Carmela Laurignano
VP & Regulatory Affairs
Evanov Communications Inc.



Robin Hildebrand
VP – HR & Regulatory Affairs
Golden West Broadcasting Ltd.

[Signed Electronically]

Matt Thompson
VP & Associate General Counsel,
Regulatory and Public Policy
Corus Entertainment Inc.



Susan Wheeler
VP, RSM B2B, Distribution & Regulatory
Rogers Communications Inc.

Attachment

c.c.: Michael Bergeron, CRTC
The Companies

*** End of Document ***



CRTC Data Collection System (DCS): Areas for Potential Improvement

On behalf of Evanov Communications, Golden West Communications, Corus Entertainment, Rogers Communications, Quebecor and Bell Canada, we respectfully submit our request to explore opportunities to improve the DCS system. We would like to work with the Commission to improve DCS in order to simplify and streamline our reporting. We believe that the DCS could be improved by addressing DCS' shortcomings as identified below.

Opportunities for Significant Efficiency Improvements

- We would like to explore if and how the current system could process requests more quickly. The current system is extremely slow and wait times add up quickly across individual forms and across the many entities using the system. All operations take several seconds and wait times can be over a minute for tasks such as loading the forms list. Entering and exiting forms is also very time-consuming.
- We would like to discuss possible upgrades that would allow users to perform multi-form operations within DCS. For example:
 - Select several forms at a time to assign access;
 - Select several forms at a time to download;
 - Upload several forms at a time;
 - Approve several forms at a time (provided the upload process is seamless); and
 - Upload attachments (for example Rep U and Rep B, etc.) at the same time.
- We would like to review the formatting of individual forms. Currently, the forms are not user-friendly. When downloaded, column widths are far too wide and must be individually re-formatted so that all fields are viewable. This unusable formatting makes comparing multiple forms very difficult. Fixing each form manually is very time-consuming. Moreover, reformatting increases the possibility of corrupting a form.
- We would like to discuss if DCS forms can be issued sooner. Releasing the forms sooner would allow our teams to start completing them sooner and would eliminate some time pressure. It is critical that the Commission identify, as soon as possible, which forms will remain the same and where there are changes in format. A September release of forms would be a significant improvement.
- There is a need to better identify the appropriate form set for entities. The release of new forms frequently does not match the forms that were filed in the previous year. In our view, the issued forms should start with the previous year's filing and then include additions/subtractions based on any new facts. However, we frequently receive extra or missing forms or forms that are issued under the wrong corporate entity name or for entities/undertakings that are no longer in operation.
- The .xml file format is not user friendly and is prone to corruption. Once a form has been populated and saved, it does not always re-open and it is not uncommon to get an error message indicating that the file is corrupt. Moreover, .xml file uploads are not fully compatible with the DCS system templates (i.e., the web forms). Some information included in the .xml files do not translate onto the web form and must be added manually



The Companies
DCS Improvements

Attachment
Page 2 of 4

for example, contact information and various checkmarks. We believe that exploring the use of alternative file formats may alleviate the problems identified above.

- We would like to discuss whether it is possible to improve the file uploading function in DCS. A recurring problem is that some forms simply will not upload. It may be possible to alter the system so that it is more flexible and does not require the same degree of precision. We have found that uploads sometimes fail due to benign issues such as extra spaces, too many decimals and rounding issues. Additionally, the DCS system does not adequately identify and explain the reason for an upload failure. Without the proper identification of an error, the solution requires guesswork with manual data entry as a last resort.
- We would like to explore if it is possible to combine some existing forms in order to simplify the process and make it easier to identify input errors. For example, could we combine all emergency alerting forms into one master list form? Could we create a flat file format that would allow us to populate one file per form type (for example, one master file for each of the 1020/1040/1170/1170s/1085 form etc.)? Combining some forms would eliminate the entry of repetitive data and would then make it easier to confirm that all the data has been properly entered on the form and reduce the amount of work including uploading, downloading, verification, etc. Cumulative forms, such as the 1040 for example, could have the aggregate data calculated automatically. We would only need to verify if the data matches our internal data, thus speeding up the process.
- We would like to explore whether it is possible to add new features in DCS. For example:
 - Create the ability to compare current forms to previous year's results (including automatically calculated dollar and percentage changes). Adding this information would greatly improve the verification process on our end. It would also allow us to prepare explanations for year-over-year changes in our results.
 - Build in to DCS the ability to generate aggregate reports automatically. Since the data is already in the system, it should be possible to add this functionality. This would save many hours of custom-creating aggregate returns using Excel.

Targeted Improvement Opportunities (system bugs etc.)

DCS Application Problems

- We would like to discuss some problems with the general functionality/reliability of the current tools in the DCS platform. For example, we have had times where the "filter" tool was not functioning properly to display all of the forms issued to a particular entity, etc.
- There appears to be a problem with the listing of forms within DCS. If the forms list goes over one page the list does not display properly on the 2nd (3rd, 4th, etc.) page. This frequently leads to the conclusion that forms are missing, when they are not. Additionally, we recommend that an option be included to see all forms in the forms list.
- When uploads are done, in some instances, fields are full of "junk" data and it is hard to



The Companies
DCS Improvements

Attachment
Page 4 of 4

Form Errors

- We should consider removing some/all defined cells. Existing forms give some cells a distinct name. This is a problem because cells cannot be easily copied and you cannot drag equations when pulling them from calculation workbooks or pulling the report to make year-over-year comparisons. The user is required to manually add the equation in each cell. We recommend that the names be removed and the cell be left blank.
- Calculated totals do not add correctly for some forms when downloaded. The formulas are missing in some of the row and column total fields when the form is downloaded so the totals don't update as data is input.
- The inclusion of merged cells within the forms is problematic. The transfer of information from working files to the DCS forms is not easy because of merged cells in the forms. The presence of merged cells forces the user to manually input one cell at a time. Eliminating merged cells and using a flat file format might make it easier to populate the forms.

*** End of Document ***

Appendix 9 CRTC data-collection system problems identified by major private broadcasters

Identified problems	Proposals
<p>Timing when forms issued</p> <ul style="list-style-type: none"> • “Releasing the forms sooner would allow [broadcasters’] teams to start completing them sooner and would eliminate some time pressure” • “It is critical that the Commission identify, as soon as possible, which forms will remain the same and where there are changes in format 	<p>Release forms in September</p>
<p>System reliability</p> <ul style="list-style-type: none"> • “If the forms list goes over one page the list does not display properly on the 2nd (3rd, 4th, etc.) page. This frequently leads to the conclusion that forms are missing, when they are not.” 	<p>“we recommend that an option be included to see all forms in the forms list”</p>
<p>System speed</p> <ul style="list-style-type: none"> • “extremely slow” • “wait times can be over a minute for tasks such as loading the forms list • “wait times add up quickly across individual forms” • “all operations take several seconds” • “Fixing each form[’s format] is very time-consuming” 	<p>Allow users to</p> <ul style="list-style-type: none"> • “Select several forms at a time to assign access” • “Select several forms at a time to download” • “Upload several forms at a time” • “Approve several forms at a time” • “Upload attachments”
<p>Reporting entity</p> <ul style="list-style-type: none"> • “There is a need to better identify the appropriate form set for entities, as the “release of new forms frequently does not match the forms that were filed in the previous year” • “the ‘filter’ tool [does not function] properly to display all of the forms issued to a particular entity, etc.” 	<p>Issued forms should begin with previous year’s filing and include additions/subtractions based on new facts</p>
<p>Forms</p> <ul style="list-style-type: none"> • Filenames do not include useful information • Forms list does not include the due dates: users must enter the form to see the due date • “We frequently receive extra or missing forms for forms that are issued under the wrong corporate entity name or for entities/undertakings that are no longer in operation” 	<p>Form names should include the form number, province, [BDU name, BDU id #], broadcast year, etc., so that users do not have to re-name each file</p> <p>Forms should include label descriptors in their header or footer, so that pages can be identified when printing (such as form #, province, [BDU, BDU id], broadcast year</p>



Identified problems	Proposals
<ul style="list-style-type: none"> • “The Manage Forms page has some existing problems. Some undertakings’ names appear as blank in the step 2 scroll-down menu. This is problematic when we try to add respondents because we cannot see the names of certain undertakings.” [see note 1 below] • Some cells in forms are ‘named’, meaning the cells cannot be copied easily and users must “manually add the equation in each cell”: “you cannot drag equations when pulling them from calculation workbooks or pulling the report to make year-over-year comparison. The user is required to manually the equation in each cell” • “Calculated totals do not add correctly for some forms when downloaded. The formulas are missing in some of the row and column total fields when the form is downloaded so the totals don’t update as data [are] input” • Including merged cells in the forms “is problematic” as merged cells limit the transfer of information from working files to the DCS form, and require users to input data manually one cell at a time • “Forms can only be assigned one at a time” • “The .xml fil format is not user friendly and is prone to corruption” • “When uploads are done, in some instances, fields are full of ‘junk’ data and it is hard to see the actual input”: [see note 2 below] • “Once a form has been populated and saved, it does not always re-open and it is not uncommon to get an error message indicating that the file is corrupt’ • “.xml file uploads are not fully compatible with the DCS system templates (i.e., the web forms)” • As DCS does not generate aggregate reports automatically, broadcasters must create custom aggregate returns using Excel • No master list form: “could we combine all emergency alerting forms into one master list 	<p>Forms list should include due dates as a column, and also show the sector name</p> <p>“We would like to explore whether it is possible to add new features in DCS”</p> <p>Cells in forms should not be named and the cell should be left blank</p> <p>Merged cells in forms should be eliminated to facilitate data entry</p> <p>“... forms for previous years should be deleted from the <i>Manage Forms</i> page. These ... clutter the page and respondents don’t have access to them anyway.” [see Example 2 below]</p> <p>“It would be beneficial to be able to batch assign forms to users – either by being able to select multiple forms at once, and/or by being able to assign one particular type of form or all the forms for a particular undertaking to one user”</p> <p>“Create the ability to compare current forms to previous year’s results (including automatically calculated dollar and percentage changes). Adding this information would greatly improve the verification process on our end. It would allow us to prepare explanations for year-over-year changes in our results.”</p> <p>“Build in to DCS the ability to generate aggregate reports automatically. Since the data is already in the system, it should be possible to add this functionality”</p>



Identified problems	Proposals
<p>form?"; "Could we create a flat file format that would allow us to populate one file per form type (for example, one master file for each of the 1020/1040/1170/1170s/1085 form etc.)?"</p> <ul style="list-style-type: none">• "Combining some forms would eliminate the entry of repetitive data and reduce the amount of work including uploading, downloading, verification, etc. Cumulative forms such as the 1040 for example, could have the aggregate data calculated automatically. We would only need to verify if the data matches our internal data, thus speeding up the process."	
<p>Form formats</p> <ul style="list-style-type: none">• "forms are not user-friendly"• As when forms are "downloaded, column widths are far too wide and must be individually re-formatted so that all fields are viewable"• Form formats make "comparing multiple forms very difficult"• Reformatting manually "increases the possibility of corrupting a form"• CRTC does not identify revisions to forms until it issues the forms• "Some information included in the .xml files [does] not translate onto the web form and must be added manually, for example, contact information and various checkmarks"	Explore use of alternative file formats to alleviate the problems noted above
<p>Uploading files</p> <ol style="list-style-type: none">1 "some forms simply will not upload"2 "uploads sometimes fail due to ... extra spaces, too many decimals and rounding issues"3 "the DCS system does not adequately identify and explain the reason for an upload failure", requiring "guesswork with manual data entry as a last resort"	"We would like to discuss whether it is possible to improve the file uploading function in DCS to alter the system so that it is more flexible and does not require the same degree of precision"

Note 1: CAB example 1 of problem 13:



```
<?xml version="1.0" encoding="utf-16"?> <ContactInfo xmlns:xsd="http://www.w3.org/2001/XMLSchema" xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" Type="Entity">
  <LegalName>Bot Media Inc.</LegalName> <TradeName /> <Addresses> <Address Type="Main"> <Street>160 Sign St. Suite 19</Street> <Street2 /> <City>Ottawa</City>
  <CountryCode>1</CountryCode> <ProvinceCode>6</ProvinceCode> <ProvinceName>Ontario</ProvinceName> <PostalCode>K2P 2C4</PostalCode> </Address> </Addresses>
  <Phones> <Phone Number"" Type="Office" /> <Phone Number"" Type="Fax" /> </Phones> <Emails> <Email Address>jonathan.denis@bot.ca</Email Address> </Emails>
  </ContactInfo>
  <Response Manager>
    <Business Entity Information />
  </Response Manager>
  <?xml version="1.0" encoding="utf-16"?> <ContactInfo xmlns:xsd="http://www.w3.org/2001/XMLSchema" xmlns:xsi="http://www.w3.org/2001/XMLSchema-instance" Type="Individual">
  <Salutation /> <FirstName>Yves</FirstName> <LastName>Lee</LastName> <Title /> <Company /> <Addresses> <Address Type="Main"> <Street>1800 McGill College
  27</Street> <Street2 /> <City>Montreal</City> <CountryCode>1</CountryCode> <ProvinceCode>5</ProvinceCode> <ProvinceName>Quebec</ProvinceName>
  <PostalCode>H3A 3J6</PostalCode> </Address> </Addresses> <Phones> <Phone Number"" Type="Office" /> <Phone Number"" Type="Fax" /> </Phones>
  </ContactInfo>
  <Email Address"">yves.lee@bot.ca</Email Address> </Emails> </ContactInfo>
```

Note 2: CAB example 2 of problem 19:

1 Etape 3 : Sélectionner un sondage

Radiodiffusion 2000-2008 ▾

2 Etape 4 : Sélectionner une période

2008 AR ▾



Appendix 10 **20 January 2025 e-mail re DCS meeting minutes**



Access to Information and Privacy Office (ATIP)
Ottawa, ON K1A 0N2

Our File
A-2025-00001 / FA

Dear Ms. Auer:

This is further to your request that was received in this office on April 9, 2025.
We note that, pursuant to the *Access to Information Act* (ATIA), you wish to obtain the following information:

“Please provide a copy of all documents held by the CRTC and dated from 1 January 2020 4 February 2025 regarding the CRTC's Data Collection System that :

- 1. propose to evaluate its performance,***
- 2. evaluate its performance,***
- 2. evaluate its capacity,***
- and***
- 3. make recommendations about the DCS.***

Please note that I am interested in documents that reference any of points 1, 2, 3 and 4, whether in combination with each other or not.”

I am pleased to enclose the releasable documents relevant to your request, which are disclosed under the authority of the *Access to Information Act* (ATIA). You will note that certain records or portions thereof have been withheld under sections 16(2)(c), and 19(1) of the ATIA.

Please be advised that you are entitled to complain to the Information Commissioner concerning the processing of your request within 60 days after the day that you become aware that grounds for a complaint exist.

In the event you decide to avail yourself of this right, your notice of complaint should be addressed to:

Office of the Information Commissioner
30 Victoria Street, 7th Floor
Gatineau, QC K1A 1H3

You may obtain additional information on the complaint process by visiting the website of the Office of the Information Commissioner at www.oic-ci.gc.ca.

This completes our processing of your request. Should you have any questions or concerns about your request, do not hesitate to contact Farah Arzouni by e-mail at AIPRP-ATIP@crtc.gc.ca.

Yours sincerely,


ATIP Coordinator

Enclosures: 170 Pages and relevant sections of the ATIA



Meeting Minutes || DCS

From [REDACTED]@crtc.gc.ca>

Date Mon 1/20/2025 12:27 PM

To [REDACTED]@crtc.gc.ca>

I would send it to them honestly, so that they know we're on top of things, and ask them for corrections.

Meeting Notes

- Upcoming meetings:
 - Tomorrow with IXPL.
 - Next Monday for broadcasting.

Telecom and Broadcasting Surveys

- **Annual Telecom and Large Broadcasting Surveys:**
 - Large broadcasting surveys are more respected due to licensing fees.
 - Telecom survey compliance is a significant issue:
 - Entities do not respect due dates.
 - Submission rate by March 31st is around 60-65% but improves slightly over time.
- **Noncompliance Issues:**
 - Due dates are defined but not respected; entities submit whenever they want.
 - To address the commission, a comprehensive package of noncompliance evidence is required:
 - Must demonstrate best efforts to contact entities and facilitate their submissions.
 - Steps toward compiling this package are ongoing but incomplete.

Reporting Database

- **Current Status:**
 - The reporting database is not updated live.
 - Updates occur daily or every 24-48 hours (unsure of exact timing).
- **Challenges:**
 - During high-pressure periods, data needs to be synced back to DCS in real-time.
 - [REDACTED] manages database updates [REDACTED]
 - Lack of clarity on how database refreshes align with updated data changes.
- **Future Considerations:**
 - How to ensure continuity of critical care services [REDACTED]

Communication and Letter Management

- **Current Process:**
 - [REDACTED]
 - [REDACTED] unavailable, letters cannot be sent.
 - Approximately 1,200 entities receive letters, but not all are necessarily sent.
 - Follow-ups are based on discrepancies and noncompliance [REDACTED]
- **Team Capabilities:**
 - [REDACTED] has some knowledge of query modifications.
 - [REDACTED] has more skilled personnel for query management.
 - [REDACTED]

Training and Process Improvements

- **Training Needs:**
 - Training on SQL query production and structured processes required.
 - [REDACTED] outlined processes for data and servers (Alteryx).
 - This function needs to be discussed [REDACTED]
- **Potential Roles:**
 - EC-06 position could be a good fit for DCS [REDACTED]

Survey and DCS System Improvements

- **Survey Process:**
 - Changes to surveys may be driven by required improvements:
 - Business process issues, response manager changes, and feedback mechanisms are common triggers.
 - A simpler survey system (e.g., DCS) might serve as a temporary solution.
- **DCS System Feedback:**
 - Requires significant improvements.
 - [REDACTED]
 - Frontline feedback and friction points need to loop back to IT for resolution.

Response Managers and Compliance

- **Issues:**
 - Response managers at companies are not updated before surveys begin.
 - Unnotified changes to response managers lead to inefficiencies and delays.
 - There is no formal compliance policy in place.
- **Risks:**
 - [REDACTED] bottleneck for service, survey response times, and data entry.

Shared Responsibilities

- **Generating Reports:**
 - Shared responsibility for noncompliance, email issues, and inactive response managers.

- Late notice reminders lack customization.
 - Customization of company-specific letters for noncompliance is a long-term goal.
 - **Form Management:**
 - Issues with survey forms disappearing after submission:
 - Reissuance processes need to be streamlined.
 - Survey managers must handle reissuances.
-

Security and Data Risks

- **Potential Risks:**
 - If a bad actor gained access to DCS and CRTC accounts, several factors would need alignment to pose a significant risk.
- **Historical Data:**
 - Last year's survey data presents potential security risks:
 - Requires assessment of the actual risk.
- **Deloitte Study:**
 - Reference to accessing and analyzing old data for insights.

Best regards,

[REDACTED]

Conseil de la radiodiffusion et des télécommunications canadiennes |
Canadian Radio-television and Telecommunications Commission
1, prom. du Portage, Édifice central, Les Terrasses de la Chaudière, Gatineau QC J8X 4B1

[REDACTED]

Gouvernement du Canada | Government of Canada

www.crtc.gc.ca  [Suivez-nous sur Twitter](#) |  [Follow us on Twitter](#)



Appendix 11 Information required of TV and radio programming services by CRTC's regulations

Radio Regulations, 1986 (SOR/86-982)	Television Broadcasting Regulations, 1987 (SOR/87-49)
Logs and Records	Logs and Records
8(1)(c) cause to be entered in the log or record each day the following information:	(c) cause to be entered in the log or record each day the following information:
(i) the date,	(i) the date,
(ii) the call letters, location and frequency of the licensee's station,	(ii) the call letters, location and channel of the licensee's station,
(iii) the time at which each station identification announcement is made,	(iii) the time at which each station identification announcement is made,
	(iv) the time of commencement of advertising material, its duration and, in the case of a commercial message, the name of the person selling or promoting goods, services, natural resources or activities, and
(iv) in relation to each program broadcast,	(v) in relation to each program broadcast,
(A) the title and a brief description,	(A) its title and any additional information that is to be included by the appropriate subitem of Schedule I,
(B) subject to subsection (2), the number of the relevant content category,	(B) subject to subsection (4), the key figure set out in Schedule I describing the program,
(C) the time at which the program begins and ends,	(C) the time at which the program begins and ends,
(D) the code set out in Schedule 1 indicating the origin of the program and, if applicable, the language, type or group, and	
(E) if applicable, the code set out in Schedule 1 identifying non-Canadian programming, and	
	(D) the code set out in Schedule II indicating the language, type or group, as applicable, and
	(E) where applicable, the code set out in Schedule II indicating an accessible program, and
	(F) where applicable, the code set out in Schedule II indicating programming that is locally relevant
(v) in relation to each commercial message, the quarter hour during which it is broadcast, its duration and the number of the relevant content subcategory.	

Radio Regulations, 1986 (SOR/86-982)
SCHEDULE 1
(Clauses 8(1)(c)(iv)(D) and (E))Codes Indicating Origin, Language, Type and Group of Programming and Non-Canadian Programming
A. Code Indicating Origin



	Column I	Column II
Item	Code	Description
1	Local	Local programming as defined in Broadcasting Public Notice CRTC 2006-158, dated December 15, 2006 and entitled <i>Commercial Radio Policy 2006</i> .
2	Net (to be followed by the name of the network)	Programming obtained from a network licensed by the Commission
3	Rebroadcast	Programming rebroadcast from another station, other than a network
4	Simulcast	Programming simulcast pursuant to subsection 14(3) of these Regulations
5	Other	Programming other than local programming, network programming, rebroadcasts from another station or simulcasts
B. Code Indicating Language		
	Column I	Column II
Item	Code	Description
1	[Abbreviated name]	Programming in a language other than the official language for which the station was principally licensed or, in the case of an ethnic station, the language of the spoken word content of the program
C. Code Indicating Type		
	Column I	Column II
Item	Code	Description
1	Type A	A program the spoken word content of which is in a language other than French, English or a language of the aboriginal peoples of Canada
2	Type B	A program the spoken word content of which is in French or English and that is directed toward a distinct ethnic group the mother tongue or common language of which in its country of origin is French or English



3	Type C	A program the spoken word content of which is in French or English and that is directed toward a distinct ethnic group the mother tongue of which is included in Type A
4	Type D	A bilingual program the spoken word content of which is in French or English as well as a language other than French, English or a language of the aboriginal peoples of Canada and that is directed toward a distinct ethnic group
5	Type E	A program the spoken word content of which is in French or English and that is directed toward ethnic groups or the general public and that depicts Canada's cultural diversity through services that are multicultural, cross-cultural or inter-cultural
6	Type X	Where the licensee is not required by a condition of licence to broadcast prescribed levels of Type A, B, C, D or E programming, an ethnic program.
D. Code Indicating Group		
	Column I	Column II
Item	Code	Description
1	(Abbreviated name)	The distinct ethnic group toward which an ethnic program is directed.
E. Code Identifying Non-Canadian Programming		
	Column I	Column II
Item	Code	Description
1	NC	Programming that originates outside Canada other than local programming as defined in Broadcasting Public Notice CRTC 2006-158, dated December 15, 2006 and entitled <i>Commercial Radio Policy 2006</i> , and other than programming that is produced by a Canadian as defined in section 1 of the <i>Direction to the CRTC (Ineligibility of Non-Canadians)</i>



Appendix 12 Television regulations in Canada regarding logging, 1973 to 2026

1973 <i>Television Broadcasting Regulations</i>, SOR/73-219, (Canada Gazette, Part II, April 25 1973, p. 980)	<i>Television Broadcasting Regulations, 1987</i> SOR/87-49
Program logs	Logs and Records
4(1) Each station shall maintain a program log, in a form acceptable to the Commission, and shall cause be entered therein each day the following information:	10 (1) Subject to any condition of licence, a licensee shall
	(a) keep, in a form acceptable to the Commission, a program log or a machine readable record of its programming;
	(b) retain the log or record for a period of one year after the date when the programming was broadcast; and
	(c) cause to be entered in the log or record each day the following information:
(a) the dates;	(i) the date,
(b) the calls [<i>sic</i>] letters, location and channel of the station;	(ii) the call letters, location and channel of the licensee’s station,
(c) the times at which station identification announcements were made;	(iii) the time at which each station identification announcement is made,
(d) the title and brief description of each program broadcast, the name of the sponsor or sponsors if any, the time at which the program began and ended, a notation at which the program began and ended, a notation whether the program was reproduced or was a live origination and a designation indicating Canadian content classification;	(iv) the time of commencement of advertising material, its duration and, in the case of a commercial message, the name of the person selling or promoting goods, services, natural resources or activities, and
(2) For the purpose of making entries in logs, all programs are to be classified into one of the subclasses as set forth in Schedule A and the key letters or figures set forth in Schedule A are to be used to identify each program in the log. (3) All times mentioned in the program logs shall be local time and shall be clearly identified in the log; for example, “Eastern Standard Time”, “Central Standard Time”.	(v) in relation to each program broadcast,
	(A) its title and any additional information that is to be included by the appropriate subitem of Schedule I,
	(B) subject to subsection (4), the key figure set out in Schedule I describing the program,
	(C) the time at which the program begins and ends,
	(D) the code set out in Schedule II indicating the language, type or group, as applicable, and
	(E) where applicable, the code set out in Schedule II indicating an accessible program, and
	(F) where applicable, the code set out in Schedule II indicating programming that is locally relevant.
	(2) The times required to be entered pursuant to subparagraphs (1)(c)(iii) and (iv) and clause (1)(c)(v)(C) are local times.
	(3) Except as otherwise provided under a condition of its licence, a licensee shall furnish to the Commission, within 30 days after the end of each month, the program log or machine-readable record of the licensee for that month, together with a certificate signed by or on behalf of the licensee attesting to the accuracy of the contents of the log or record.
(4) Each station shall present to the Commission within seven days of the end of each week its program log for that week, carrying endorsement of the manager of the station, or other officers authorized by the licensee and approved by the Commission, in the following words: “This is to certify that the undersigned has inspected the foregoing station log. According to the information supplied [wording in the original] me and to the best of my knowledge, information and belief	



this log represents a true and accurate picture of the station's operation for the week in question".	
	(4) Where more than one subitem of Schedule I applies to a program, a licensee may, in respect of that program, cause to be entered in its program log or machine readable record
	(a) the key figures indicating the subitems that apply to each segment of the program, in the order in which the segments are broadcast; and
	(b) the start time and duration of each segment of the program.
(5) Unless otherwise instructed in writing by the Commission, each station shall have available for a period of four weeks from the date of broadcast and produce to a representative of the Commission on request:	(5) A licensee shall retain a clear and intelligible audio-visual recording of all of its programming
(a) the continuity used for any program, commercial message, or public service announcement broadcast by that station; and	(a) for four weeks from the date of broadcast; or
(b) the manuscript or audio reproduction of any talk, speech, interview, commentary, editorial, discussion or telephone conversation broadcast by that station.	
	(b) where the Commission receives a complaint from any person regarding programming or for any other reason wishes to investigate it and so notifies the licensee before the expiration of the period referred to in paragraph (a), for eight weeks from the date of the broadcast.
	(6) Where, before the expiry of the applicable period referred to in subsection (5), the Commission requests from a licensee a clear and intelligible audio or audiovisual recording of its programming, the licensee shall furnish it to the Commission forthwith.
(6) Where a program is broadcast by a station operating as a part of a network, subsection 9(5) shall apply only to the originating station.	(7) Where a program is broadcast during reserved time by a station operator who operates as part of a television network, subsection (5) applies only to the network operator.
	(8) This section does not apply to the licensee of a remote station where logging or record-keeping requirements are set out in a condition of licence.

***** End of document *****