



Canadian  
Association of  
Broadcasters

L'Association  
canadienne des  
radiodiffuseurs



March 2, 2006

Ms. Diane Rhéaume  
Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa ON  
K1A 0N2

*Sent via Email*

Dear Ms. Rhéaume:

**Re: Broadcasting Public Notice CRTC 2006-16 *Call for comments on the Commission's service standards* – Comments of the Canadian Association of Broadcasters**

1. The Canadian Association of Broadcasters (CAB), the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, and specialty, pay and pay-per-view services, is pleased to submit these comments concerning Broadcasting Public Notice CRTC 2006-16 *Call for comments on the Commission's service standards* (PN 2006-16).
2. The CAB strongly supports the Commission's commitment to ensuring that decisions on broadcasting applications are issued in a timely manner and in accordance with a predictable schedule. Adopting specific and measurable service standards, along with a public reporting mechanism to assess the Commission's actual performance against those standards, should lead to improved efficiency and accountability in the Commission's licensing activities and a higher degree of certainty for applicants with respect to their licence amendment and renewal applications.
3. In a rapidly changing communications environment, such efficiency and certainty in the regulatory process are important to broadcasting licensees, enabling them to respond more quickly to the changing needs of their audiences and to the realities of a competitive marketplace.

4. In PN 2006-16, the Commission invites comment on proposed service standards that would apply to the processing of licence amendment applications that are dealt with administratively and by public notice, as well as licence renewal applications that are dealt with by public notice. The proposed standards would take effect on April 1, 2006 and would apply to applications processed during the Commission's 2006/2007 fiscal year.
5. The CAB understands that the service standards proposed in PN 2006-16 represent one element of its broader commitment to introduce new streamlining activities. In this regard, the Commission has stated its intention to develop service standards for applications for new licences and other applications that require a public hearing, for implementation in the 2007/2008 fiscal year, and will invite comments on those standards at a later date.
6. The CAB urges the Commission to consider other initiatives that will serve to increase the efficiency and effectiveness of its various processes. For example, in light of the large number of Category 2 licences that will be considered for renewal in 2007, the CAB submits that the Commission should develop a streamlined Category 2 licence renewal application process to minimize the regulatory burden placed on licensees.
7. With regard to the specific service standards proposed in PN 2006-16, the CAB offers the following comments.

#### **Applications processed administratively**

8. The CAB submits that all applications processed administratively should be processed within two months of their receipt in the Commission. Such applications are typically routine in nature and raise no policy issues. In the absence of a requirement for a public process, the CAB submits that these applications can and should be processed expeditiously.

#### **Applications processed via public notice**

9. The proposed service standard that 80% of applications processed via public notice should be processed within six months, where no interventions are received, and where no policy issues are raised, should, in the CAB's view, be re-visited.
10. First, the CAB wishes to clarify that where the Commission refers to "no interventions," the intent is to refer to no *negative* interventions having been received, as supporting interventions should not slow down the processing of an application.
11. Second, the CAB is of the view that the service standard should be applicable even where negative interventions are received, provided that such interventions do not raise policy issues. In these circumstances, the CAB believes the service standard should be four months, rather than six.
12. Applications processed via public notice (excluding renewals), that do not raise policy issues, are generally straightforward in nature, and are similar in complexity to applications processed administratively. For this reason, the CAB is of the view that an appropriate

service standard for these applications is one that is consistent with the standard for applications processed administratively, with an appropriate adjustment to reflect the time required to issue the required public notice and to allow for the usual intervention period (typically 35 days).

13. Accordingly, the CAB submits that the Commission should consider a service standard of four months, rather than six months, to process 80% of all such applications.
14. For applications, other than licence renewals, processed via public notice and for which negative interventions that raise policy issues are received, the CAB acknowledges that a longer processing time may be required to complete the public file and assess issues raised by the interventions. The CAB believes that processing 80% of these applications within six months is a reasonable standard in light of the inherent uncertainties with respect to the number of applications and their complexity.

#### **Licence renewals processed by public notice**

15. Licence renewals processed by the public notice route are usually processed according to a pre-determined schedule that takes into account the expiry date of the current licence. Provided that such a schedule is known in advance and adhered to, the CAB has no objection to the proposed standard of processing renewal applications processed by public notice within eight months.
16. The CAB understands that at least one other intervener proposes that the Commission further streamline “non-controversial” renewal of licences that are processed by public notice. Specifically, the suggestion has been made that licence renewal processes that attract no substantive public comments, and/or which raise no significant policy issues, should be processed within 2 months of the deadline for public comments. The CAB recognizes that such a standard would represent a savings in administrative overhead for both the Commission and the licensee, particularly where the licensee operates multiple licenses that come up for renewal at the same time.
17. The CAB further recognizes that, from time to time, the Commission may issue a short-term administrative renewal to allow it to finish the analysis of substantive matters associated with a licence renewal application. The CAB urges the Commission to take the necessary measures to minimize the use of short-term renewals for administrative reasons, to avoid the uncertainty inherent with such renewals and the resultant impact on a licensee’s ongoing operations.

#### **Other**

18. Finally, the CAB suggests that the Commission consider implementing an additional measure for any application that, for one reason or another, cannot be processed within the time frame specified in the applicable standard. Specifically, the CAB submits that, in such

situations, the Commission should advise the applicant as soon as it becomes aware that the standard won't be met and, to the extent possible, indicate to the applicant when it expects a decision to be issued.

19. Such a procedure would provide a greater degree of certainty to all applicants, even where the processing time exceeds the standard adopted by the Commission.
20. The CAB appreciates the opportunity to submit these comments.

Yours sincerely,

A handwritten signature in cursive script, reading "Wayne Charman". The signature is written in dark ink and is positioned above the printed name and title.

Wayne Charman  
Vice-President  
Television and Specialty & Pay Services

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