



# The CRTC and 21<sup>st</sup> century expectations of openness, transparency and accountability: a month of comments on how Parliament’s delegate performs its responsibilities

## 10: Openness means effective engagement with the public

10 March 2023

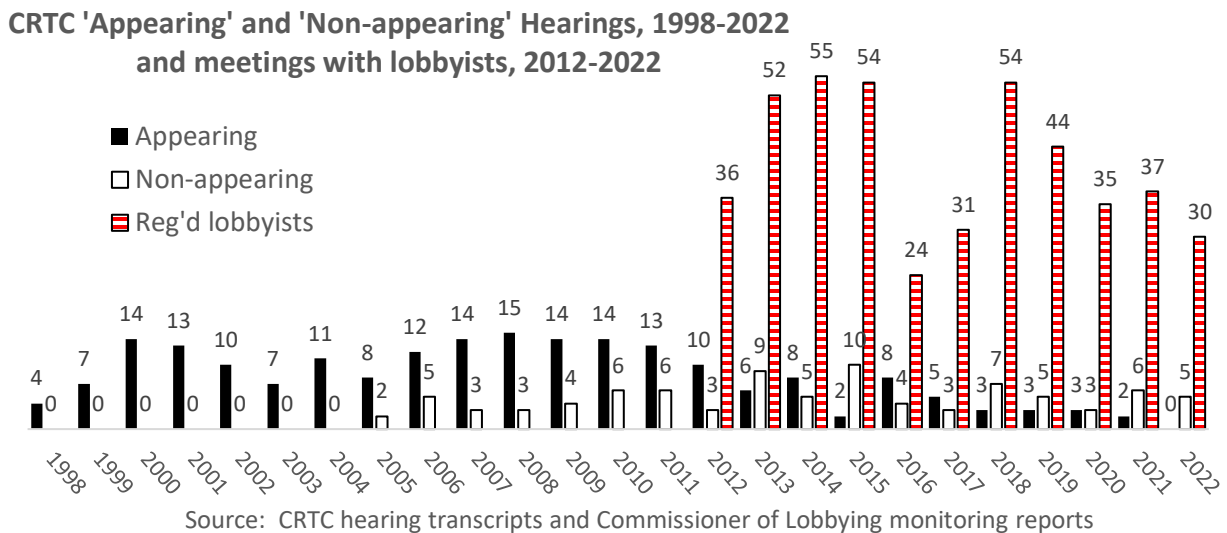
This is the tenth of a series of comments by FRPC about the openness, transparency and accountability of the Canadian Radio-television and Telecommunications Commission (CRTC). Parliament established the CRTC on 1 April 1968 and delegated responsibility to it for implementing Parliament’s broadcasting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

The Ministers of Canadian Heritage and Innovation, Science and Economic Development wrote Chairperson Eatrides in early February 2023 to offer congratulations on her appointment to the Commission<sup>1</sup> and also to “inform her of the Government’s vision and priorities with respect to Canada’s broadcasting and telecommunications system”.<sup>2</sup> The Ministers referred to “a perception among many that access to CRTC processes is unequal” for the public and civil-society organizations. Among other things the Ministers expressed confidence in the new Chairperson’s ability to see to the CRTC’s “to being more open ...”

In 2019 the CRTC’s [submission to the Broadcasting and Telecommunications Legislative Review Panel](#) commented that the “the interactions between Canada’s citizens and its institutions are best maintained when these institutions are verifiably held to account in an open and transparent way.” Four years later the Ministers of Heritage and Innovation, Science and Economic Development said “barriers to participation” still exist at the CRTC, despite its “open and evidence-based processes.” The Ministers added that “[s]maller organizations and civil society groups, in particular, expressed concern about not having the same level of resources as large corporate interests to participate in CRTC proceedings.

Evidence supporting civil-society organizations’ concerns can be found by comparing the number of hearings held by the CRTC with its meetings with those required to register as lobbyists: Figure 1.

Figure 1



<sup>1</sup> CRTC, “[Meet Vicky](#)” (accessed 1 March 2023).

<sup>2</sup> Department of Canadian Heritage, “[New CRTC Chair’s Leadership Will Help Shape the Future of Canada’s Communication System](#)”, News release (Gatineau, 6 February 2023).



Public hearings play a diminishing role in the CRTC's regulatory toolkit, decreasing from 10 in 2012, to 0 in 2022. Over this period the CRTC instead began to hold Kabuki-style public hearings attended only by CRTC Commissioners and staff in which the otherwise-empty room is told that the CRTC will take into account all the written submissions made by the public.

While the CRTC's Kabuki-style hearings have outnumbered actual public hearings open to the public since 2018, meetings between CRTC Commissioners and/or staff and registered lobbyists have continued. Most of these meetings involve companies regulated directly by the CRTC, or the companies' industry associations: of the 452 meetings reported to the Commissioner's office, 78% (353) involved CRTC Commissioners and/or staff, and representatives of telecom/broadcasting companies or their industry associations.

As the CRTC does not publish any information about these meetings, the public has no way of knowing whether these are regularly planned, whether they occur as needed (and if so, by whom?) or to what degree the discussions relate to the Commission's administration of its responsibilities. Yet three industry-based working groups publish their meeting agenda on the CRTC's website for anyone's review. These include the [Business Process Working Group Meeting Schedules](#), the [Emergency Services Working Group Meeting Schedules](#) and the [Network Working Group Meeting Schedules](#).

The CRTC's switch to Kabuki-style hearings, and the minimal engagement it offers public interveners ('you have 5 minutes to speak') shows that the CRTC effectively closed the door on engaging with the public it purports to serve, years ago. Its decision to have dozens of private meetings each year with the companies it regulates, for unknown reasons and with unknown outcomes, has created a two-tier system that is open to the regulated, and largely closed to all others.

### **Recommendation**

The CRTC should invite all interested parties to a meeting at the beginning of each calendar year to provide information on the proceedings it plans to undertake, bearing in mind that not every application can be predicted. It should solicit parties' views on such proceedings' timelines and concerning the evidence that should be made available when such proceedings are announced.

Maintaining the *status quo* – leaving the public excluded from, as well as uninformed and uninvolved in the CRTC's planning – would surely contradict the concern about openness raised by the Ministers to whom the CRTC reports.

~ Forum for Research and Policy in Communications (FRPC)

*Other comments in this series*

1 March 2023: [Openness means not hiding applications from public view](#)

2 March 2023: [Openness means not just describing but explaining the CRTC's process and proceedings](#)

3 March 2023: [Openness means 'real' public hearings, published decisions and published meeting schedules](#)

4 March 2023: [Openness means publishing information about CRTC meetings with those it regulates](#)

5 March 2023: [Openness today means easier access to CRTC programming, ownership and financial data](#)

6 March 2023: [Openness means knowing who sets the CRTC's agenda](#)

7 March 2023: [Openness means disclosing relevant evidence](#)



8 March 2023: [Openness means being open to all, not just to some or most](#)

9 March 2023: [Openness means timeliness](#)

10 March 2023: Openness means active efforts by CRTC to engage public