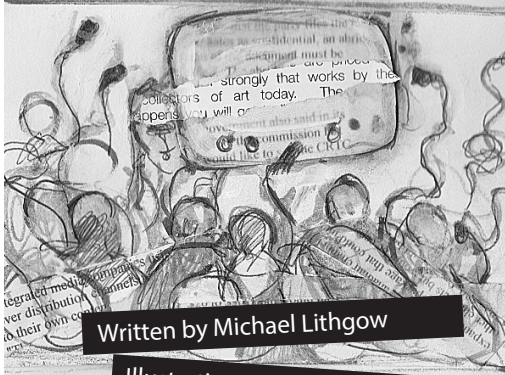


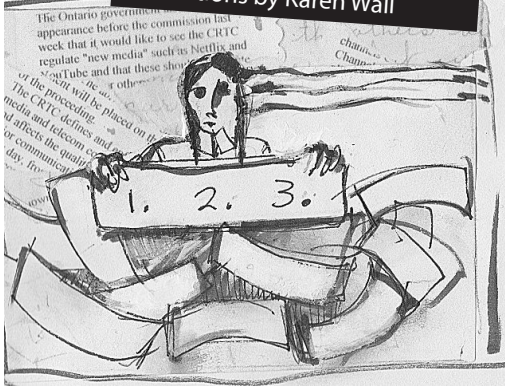
Making Submissions to the CRTC

A Citizen's Guide



Written by Michael Lithgow

Illustrations by Karen Wall



*Making Submissions to the CRTC:
A Citizen's Guide*

Author: Michael Lithgow

Illustrations: Karen Wall

Visual Design: Ian Grivois

Editing: Heather Buzila



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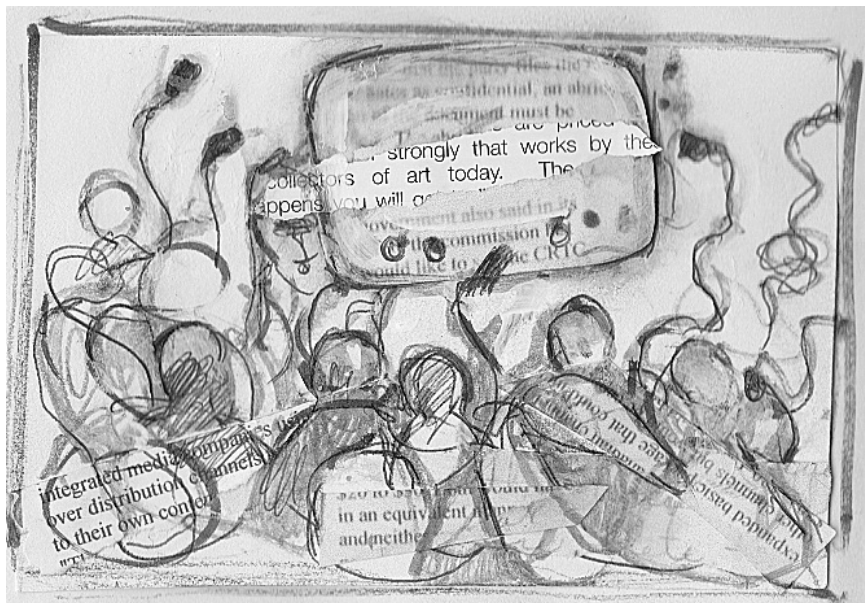
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Forward

We are on the cusp of a veritable tsunami of opportunities and abilities for public engagement in civic decision-making. New media technologies are expanding the ability of public agencies to consult with citizens in unprecedented ways. In a democratic context, this should be a great boon. But of course, communication can be a complicated thing. Not all messages mean what they say, get to where they're supposed to, are paid attention to, are understood, or acted on. One of the often overlooked issues in this changing landscape is a tension between how members of the public communicate and the administrative, commercial and bureaucratic norms and standards that generally govern public agencies like the CRTC and their procedures. The fear is that public expressions of experience and desire contributed to these formal proceedings can get lost in translation. My hope is that this guide can help avoid some of these unnecessary misunderstandings.

Michael Lithgow
Assistant Professor, Athabasca University
michael.lithgow@athabascau.ca



Introduction: The CRTC and Public Participation

The Canadian Radio-television and Telecommunications Commission (CRTC) oversees radio and TV broadcasting, cable distribution, satellite TV, telephone services, spam, and the telecommunications industries. For some decisions, the CRTC invites public input. Having your say is an important democratic entitlement and opportunity for every Canadian.

Public input is usually in connection with:

- (i) Complaints—about services (telephone, cable, internet), spam, programming, etc.
- (ii) License applications and renewals—radio and TV broadcasting licenses, cable distribution licenses, mergers and transfers of corporate license holders, etc.
- (iii) Policy reviews—changes to the rules governing broadcasting, cable, cellphones, telecommunications, etc.
- (iv) Applications—asking the CRTC to make a ruling on some issue of interest to a larger population, such as proposing new policy.

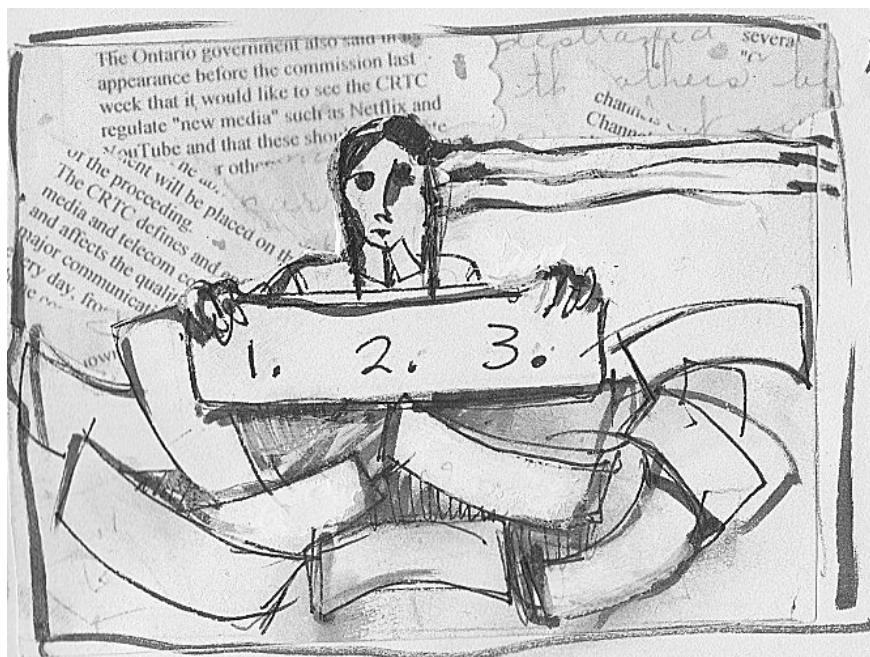
What Is a Policy Process?

The CRTC starts public proceedings by issuing a Notice of Consultation. Typically, notices outline background information, identify problems, often ask specific questions, and usually at some point—perhaps in a follow-up notice—suggest solutions. There may or may not be a public hearing held in connection with the notice. If there is, the notice will ask you to indicate in your submission that you would like to participate in the public hearing.

What Is a Submission?

A submission is a written document addressing issues relevant to a proceeding. The Commission identifies what issues it thinks are relevant, either by asking questions or by describing the situation that it wants to address.

It is important to understand key issues in a proceeding, even if you disagree about what those issues should be. You are likely to be taken more seriously if you demonstrate an awareness of what the Commission thinks the problems are. If the Commission has overlooked an important issue that you want to discuss, it may help them appreciate this if you can link it to issues that the CRTC has identified as important.



Better Practices for Written Submissions

Here are some things to think about when writing your submission:

1. Clarity
2. Evidence
3. Solutions



1. Clarity

Be clear and concrete. Get to the point.

Goals and objectives: What are your objective(s) in writing the submission? How do you want the Commission to react? That is, do you want them to understand your experience, take your concerns seriously, sympathize with your experience, feel outraged at some situation, be inspired to take action, etc.

Focus: Only address the issues/questions that you think are important or that you feel comfortable addressing. If there is a long list of questions in the notice, you don't have to answer them all. Answer the ones where you have a contribution to make.



3. Solutions

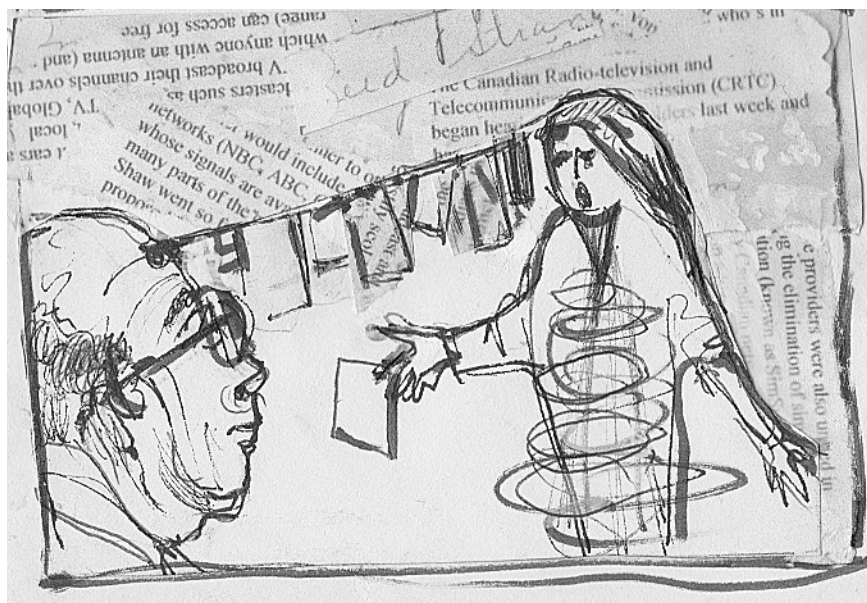
Tell the Commission how to solve the problems you are describing. This doesn't have to be in legal or bureaucratic terms. Just tell the Commission what it can do to make the situation better.

“We’re interested in not just a statement of what you think should be done, but an explanation of ‘why’—to the extent that you can.

That doesn’t need to be a commissioned study that you’ve gone to great lengths to produce. It can be a one page letter where you’ve explained to us: I see this particular problem. Here’s what I think the source of the problem is. And here’s what I think should be done about the problem from the perspective of the individual.

I’ve seen numerous proceedings that turned on an individual comment like that, someone explained to us what they were seeing from their point of view and the commission has been able to act on that.”

—CRTC Policy Analyst



Oral Presentations and Public Hearings: Why Present at a Public Hearing?

Public hearings are a unique opportunity to “humanize” a submission—a chance for the Commissioners to meet the person(s) behind a position and to ask them questions.

129. The Rules of Procedure provide that parties cannot introduce new evidence at the public hearing except where it supports statements already on the public record (section 41) ...

Presenting at a public hearing is a chance to answer questions about your submission and to reach the “hearts and minds” of Commissioners—an opportunity to communicate feelings and emotion about an issue and to reinforce how policies affect lives.

“We would like the opportunity to appear before the Commission at the public hearing to present our views in person, respond to any new information and address any questions the Commission may have about this written intervention.”

It is an opportunity to make your position memorable in the minds of Commissioners.

The rules allow for audio/video materials and props, and there is nothing prohibiting more performative styles of address. Keep in mind that your presentation must be relevant to the issues and reflect your written submission and that you will have the same short amount of time to present no matter how you do it.

Being present in the audience before your presentation can also be helpful. You can get a sense of where the Commission is coming from, which issues they are focusing on, and how they are approaching certain problems in a proceeding.

Broadcasting Participation Fund (BPF)

Canadian public interest groups and consumer groups are entitled to compensation for some expenses associated with participating in CRTC public proceedings. The mandate of the Fund, as set out in [CRTC Broadcasting Regulatory Policy Decision CRTC 2012-181](#), includes compensation for research, analysis, and advocacy in both official languages related to broadcasting proceedings.

If you would like compensation for expenses related to preparing for and presenting at ongoing CRTC broadcasting proceedings, contact the BPF. Expenses that may qualify include travel costs, photocopying and printing, consultant and analyst fees, expert witness fees, and legal fees. If you are uncertain about which of your expenses may qualify, you can ask the BPF for clarification before you incur the costs.

For more information, contact the Broadcasting Participation Fund directly: <http://www.bpf-fpr.ca/en/home.html>



Methodology

In 2013, I began a two-year, Social Sciences and Humanities Research Council (SSHRC) funded study of the Let's Talk TV review of television regulation in Canada. Let's Talk TV was initiated in October 2013 (Broadcasting Notice of Invitation 2013-563), involved three distinct phases and culminated in two weeks of public hearings held in the Fall 2014. My study was focused on the tactics and techniques of communication by individual members of the public. The CRTC received in excess of 15,000 comments and submissions, one of the largest public

proceedings in the Commission's history. In the course of my research, I reviewed about a fifth of the submissions to Phase I and Phase III (Phase II was a questionnaire). I interviewed current and former CRTC employees including a former Senior Policy Director in Broadcasting, Executive Director of Communications and External Relations, Supervisor of Public Hearings, Director of Public Affairs, Senior Manager of English Language and Third Language Television, Director of Strategic Policy, former Vice-chair of Broadcasting, Manager of Outreach and a number of Senior Policy Analysts. I also engaged in non-participant observation during the Let's Talk TV public hearings and afterwards reviewed the hearing transcripts. What follows is in some sense a fortuitous accident of my research, as thinking about "better practices" for citizen engagement was not part of my research plan. These comments and suggestions emerged from patterns I observed in submissions, in interviews and in the public hearings. My hope is that they will contribute to overcoming some of the "gaps" that materialize from time to time between public desire and regulatory outcomes. I hope this booklet has been useful, and I welcome feedback.

Dr. Michael Lithgow
Assistant professor, Athabasca University
michael.lithgow@athabascau.ca

Additional Resources

[Broadcasting Act \(S.C. 1991, c. 11\)](#)

[Canadian Radio-television and Telecommunications Commission Act \(R.S.C., 1985, c. C-22\)](#)

[Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure \(SOR/2010-277\)](#)

[It's Your CRTC: Here's How To Have Your Say! CRTC, 2015](#)

[Telecommunications Act \(S.C. 1993, c. 38\)](#)

About the Authors

Michael Lithgow, PhD, MA, is an assistant professor of Communication Studies at Athabasca University. His research focuses on the aesthetics of citizen engagement in public cultures. He worked for many years as a community radio and television journalist and advocate.

Karen Wall, PhD, MA, is an associate professor of Communication Studies at Athabasca University. Her research focuses on the role of culture in public life and policy.



The Canadian Radio-television and Telecommunications Commission (CRTC) oversees radio and TV broadcasting, cable distribution, satellite TV, telephone services, spam, and the telecommunications industries. For some decisions, the CRTC invites public input. Having your say is an important democratic entitlement and opportunity for every Canadian.

Have your voice heard

on issues that affect you.