

**CRTC
ACCOMPLISHMENTS
2004-2005**

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Chairman's Message

We are pleased to present our report on the Commission's principal achievements for the year 2004-2005. Activities identified in this report stem from our 3-Year Work Plan which was published in April 2004.

This past year was both eventful and satiated with complex issues. Given the tremendous challenges we faced, we are proud of our accomplishments and the dedication of our staff in delivering on the work objectives set out in our 3-year plan (2004-2007).

As always, we are committed to achieving our mandate as set out in the *Broadcasting Act* and the *Telecommunications Act* and I believe that our efforts in 2004-2005 made substantial progress in furthering the objectives of that mandate.

Please be sure to read our new 3-year plan (2005-2008) which is being released under separate cover.

Charles M. Dalfen

Broadcasting Accomplishments

The following highlights the Commission's key accomplishments in regulating and supervising the Canadian broadcasting system in 2004-2005.

Public Processes

During the period of 1 April 2004 to 31 March 2005, the Commission held 12 broadcasting related public hearings. Applications heard at these hearings can be summarized as follows:

- 52 applications for new radio services affecting various markets across the country, including Halifax, Moncton, Saint John, Fredericton, Ottawa/Gatineau, Vancouver and Kamloops.
- Three applications for new subscription radio services in Canada.
- 12 radio renewal applications, of which nine raised the issue of LMAs and LSAs in four different markets in Ontario, Nova Scotia and Prince Edward Island.
- Four ownership transactions including the transfer of Craig Media television undertakings in Alberta and Manitoba to CHUM Ltd; the transfer of Toronto One television undertaking at Toronto from Craig Media to Québecor; the Astral/Corus transaction involving 13 AM & FM radio undertakings in Quebec; and, the transfer of CJUK-FM Thunder Bay from Big Pond to Newcap.

The 12 public hearings generated approximately 63,350 interventions. The Commission also issued 65 public notices dealing with approximately 200 applications and 15 policy reviews that generated approximately 4,000 interventions. Overall, the Commission issued 598 decisions. Also, the monitoring activities included the review of 2,800 Annual Returns, 5,940 TV Logs Filings and the monitoring of programming content of 35 radio stations.

Major Proceedings

English-language Drama

On 6 May 2004, the Commission issued, for comment, its proposed incentive package for English-language Canadian drama. Following receipt of comments, the final incentive package was released on 29 November 2004 (Broadcasting Public Notice CRTC 2004-93). The drama incentive program rewards those broadcasters that meet the Commission's objective for new hours of Canadian drama, as well as increased viewing to and spending on such programs, with valuable extra minutes of advertising time. Subsequently, the Commission has approved conditions of licence implementing the incentive program for most of the major television groups who broadcast drama.

French-language drama

In June 2004, the Commission announced the measures it had taken to ensure that French-language original Canadian drama remained a key component of prime time television. Following the examination of comments received, the Commission published its decision in January 2005 (Broadcasting Public Notice CRTC 2005-8). In accordance with the program incentives, broadcasters wishing to adhere to the program will be awarded additional minutes of advertising for each hour of original French-language drama broadcast during prime time. TVA and TQS, the two private networks, as well as their respective affiliates, have submitted the required amendments to their conditions of licence to adhere and benefit from the program. They were completed and approved at the end of March 2005.

Distribution Issues

In July 2004, the Commission approved the addition of nine **new non-Canadian third-language programming services** to its lists of satellite services authorized for distribution in Canada on a digital basis, and denied requests to add six other non-Canadian largely third-language services. In so doing, the Commission took note of the view of third-language ethnic communities that they were underserved, and their requests for greater access to third-language programming services. Accordingly, the Commission undertook a reassessment of its approach for the addition of third-language non-Canadian services to the lists of satellite services authorized for distribution on a digital basis. As a result of that reassessment, in December 2004, the Commission adopted a **revised approach to the authorization of non-Canadian third-language television services**, putting greater emphasis on expanding the diversity and choice in television services available to underserved third-language ethnic communities in Canada. In its determination, the Commission stated that, on a going-forward basis, non-Canadian general interest third-language television services would generally be approved for addition to the digital lists, subject, as appropriate, to new distribution and linkage requirements set out in the Commission's ruling.

In addition to non-Canadian third-language services, the Commission also added the following **non-Canadian English-language services** to the lists of satellite services eligible for digital distribution: MSNBC, Bloomberg Television, Fox News, and NFL Network.

In November 2004, the Commission concluded a proceeding to establish a **regulatory framework for interactive television services**. On 4 November 2004, in *Regulatory framework for interactive television services*, the Commission announced its determinations regarding the types of interactive television content that it will consider to be program-related, and that will generally be entitled to mandatory distribution on broadcasting distribution undertakings (Broadcasting Public Notice CRTC 2004-82).

In August 2004, the Commission concluded a **review of its winback rules**, which govern the targeted marketing by incumbent cable companies of customers who have cancelled

basic cable service. The Commission determined that the winback rules would be more effective if focused on areas where a truly competitive broadcasting distribution market has yet to emerge. In accordance with this, the Commission eliminated the winback rules applicable to single-unit dwellings and to smaller incumbent cable companies, and introduced additional winback rules governing the conduct of larger incumbent broadcasting distribution undertakings in their dealings with residents of multiple-unit dwellings (Broadcasting Public Notice CRTC 2004-62).

In August 2004, the Commission requested comment on a **comprehensive proposed framework for the transition of pay and specialty television services to high definition (HD)**. The framework adopted as a result of this proceeding will govern the licensing and distribution of HD versions of existing Canadian and non-Canadian pay and specialty services, as well as new Canadian and non-Canadian HD services. The proceeding will address the regimes for the licensing of Canadian HD pay and specialty services and for their carriage by the country's various classes of broadcasting distribution undertakings, including the establishment of minimum HD content levels that Canadian pay and specialty services must offer in order to obtain mandatory carriage by distribution undertakings (Broadcasting Public Notice CRTC 2004-58).

In January 2005, the Commission released its determinations with respect to an earlier Call regarding the establishment of rules to govern the distribution of specialty services on the basic service of fully digital cable undertakings. While it decided not to establish specific rules in that respect, at this time, the Commission determined that it would be appropriate to call for comments on a **framework to guide the migration of the existing analog pay and specialty services to a digital distribution environment** (Broadcasting Public Notice CRTC 2005-1).

In November 2004, the Commission **issued regional licences to Bell Canada to provide digital subscriber line (DSL) distribution** services in a number of communities in the provinces of Ontario and Quebec. Under these licences, Bell Canada will be able to compete with other distributors in offering the residents of these provinces a wide range of broadcasting services over its telecommunications infrastructure. The Commission considered various competitive issues related to the distribution services proposed by Bell Canada, and concluded that Bell Canada's provision of terrestrial distribution services would contribute to competition in the distribution market, resulting in associated benefits for the Canadian broadcasting system, such as increased choice and greater efficiency.

Over the spring and summer of 2004, the Commission received comments from various parties regarding a proposal by the Canadian Association of Broadcasters **to implement regulations intended to ensure that pay and specialty service operators are able to audit BDUs** with respect to information as to the number and type of subscribers to their programming services. This subscriber information is used to determine the payments that distributors make to these programming services for the right to distribute them, and can also affect the advertising revenue received by these services (Broadcasting Public

Notice CRTC 2004-20). The Commission's determination will be published in the first quarter of the new fiscal year.

In autumn of 2004, the Commission issued a *Call for comments on possible requirements for the provision of notice to programming services by distributors of their plans to change packages* (Broadcasting Public Notice CRTC 2004-64). This call invited comments with respect to the measures that may be required to ensure that negotiations between the operators of broadcasting distribution undertakings (BDUs) and programmers are conducted in accordance with good commercial practices. The Commission also requested comment on certain other matters concerning the Commission's existing complaint and dispute resolution process. The Commission's determination will be published in the first quarter of the new fiscal year.

Subscription Radio

Three applications for subscription radio, including two for satellite-delivered services, were gazetted in June 2004 and a public hearing was held in November 2004. The public hearing examined each of the applications as well as related policy questions. The Commission's determination will be published in the first quarter of the new fiscal year.

Local Management Agreements (LMAs) and Local Sales Agreements (LSAs)

Following the Public Hearing held in the National Capital Region on 7 June 2004, the Commission has determined that Local Sales Agreements (LSAs) fall within the definition of a Local Management Agreement (LMA) contained in section 11.1 of the *Radio Regulations, 1986* (the Regulations). As such, pursuant to section 11.1 of the Regulations, licensees of commercial radio stations serving the same market who wish to enter into an LSA, or any other similar business arrangement, whether formal or informal, must first apply for Commission approval and obtain conditions of licence authorizing them to do so (Broadcasting Public Notice CRTC 2005-10).

Activities related to the designation of the CRTC pursuant to Section 41 of the Official Languages Act (OLA)

On 14 May 2004, the Commission published its first Action Plan for the implementation of Section 41 of the OLA including a summary of recent accomplishments to support the minority official language communities. Organizations representing those communities were consulted by the Commission in preparation of its first action plan. The Commission is currently preparing the evaluation of its accomplishments for 2004-2005 as well as the necessary adjustments to its 2005-2006 Action Plan.

Cultural Diversity

In the summer of 2004, the Canadian Association of Broadcasters' (CAB) **Task Force for Cultural Diversity on Television** reported to the Commission on the status of diversity on Canadian television, the identification of "best practices", and the

development of industry-wide solutions towards improving the presence and portrayal of Canada's diverse reality (*Reflecting Canadians: Best Practices for Cultural Diversity in Private Television*). The Commission issued its response to the report in March 2005 (Broadcasting Public Notice CRTC 2005-24).

To assist the broadcasting industry in developing strategies for enhancing the inclusion of **persons with disabilities** in television, the Commission also called upon the CAB to develop and file an **action plan** to examine issues surrounding the presence, portrayal and participation of persons with disabilities in broadcasting. The CAB filed its action plan in August 2004. In response to that filing, the Commission now expects the CAB to report, in July 2005, on the research and consultation processes proposed in its action plan, along with an implementation plan, setting out which initiatives or deliverables will be undertaken.

Improving Service to People with Disabilities

In February 2005, the Commission reminded distributors of their responsibilities under the *Broadcasting Distribution Regulations* to pass through described video programming to their subscribers. However, recognizing that there are certain technical, operational and costs constraints, the Commission also called for comments on the most appropriate obligations for smaller broadcast distributors. Comments are to be filed by 19 April 2005. (Broadcasting Public Notice CRTC 2005-18).

Smart Regulation/Streamlining

Competitive Disputes

A trend of note in this report period is a gradual shift towards more and earlier informal staff **alternative dispute resolution (ADR)** intervention. Typically, these interventions have taken place prior to the filing of formal complaints or requests for dispute resolution and prior to the provision of any related documentation. Such interventions serve primarily to assist in early detection and removal of actual or probable obstacles to resolution of the given dispute.

Significant progress has been made in concluding disputes handled by the Competitive Disputes Group. At the beginning of fiscal year 2004-2005, 36 files were outstanding. 15 new files were received in the year. 44 files were concluded over the year. At year end, 7 files remain outstanding, 2 of which have been suspended for some time. The other 5 cases date from November of 2004 or more recently.

Expedited Process

Early in 2004, the Commission launched an accelerated process under the banner of Expedited Process aimed at increasing the speed with which competitive issues arising

under the *Telecommunications Act* are resolved. March of 2005 saw the first such expedited hearing process that involved a competitive issue which was resolved under the *Broadcasting Act*. The Commission is now prepared to use the expedited hearing process to resolve the appropriate broadcasting competitive disputes.

Exemption Orders

In November 2004, the Commission issued an exemption order for certain low-power radio programming undertakings that provide live or pre-recorded messages about traffic, weather conditions, highway construction and closures, etc.

In addition to expedited hearings and exemption orders, the Commission has developed other streamlining measures to accelerate its decision-making, such as reducing the number of deficiencies and limiting the number of appearing items at public hearings. Informal consultations with industry representatives have begun in order to develop further initiatives in this regard.

Broadcasting Policy Monitoring Report

The Commission issued its fifth edition of the Broadcasting Policy Monitoring Report in December 2004. The report provides an ongoing assessment of the impact of CRTC regulations, policies and decisions towards the achievement of the objectives of the *Broadcasting Act*. It provides a wide range of information on television, radio, broadcasting distribution, social issues and the Internet. The 2004 report introduced audience measures in regard to the viewing to Canadian programming using metered data. The Commission has been part of a working group that has successfully added the country of origin and program genre for each program captured by the Bureau of Broadcast Measurement Canada (BBM) and Nielsen Media Research people meter databases from 1 September 2003.

Telecom Accomplishments

The Commission pursued a busy telecommunications agenda this year, with work focused substantially on matters leading to a more competitive telecommunications industry. The Commission concluded a number of major telecom proceedings that have a bearing on creating the necessary framework for a more sustainable competitive telecommunications environment, especially in the local telephone market. These efforts also included a new expedited process to address competitive issues, new streamlining initiatives and increased use of staff mediation to resolve issues. The Commission also succeeded in making a significant reduction to its backlog.

Major Telecom Proceedings

- The Commission initiated a proceeding in April of 2004 to establish the regulatory framework for **voice communications using internet protocol (VoIP)**. The Commission set out its preliminary views regarding certain regulatory obligations of providers of VoIP services including those related to incumbent telephone companies filing tariffs, provision of 9-1-1, and E9-1-1, message relay service, privacy safeguards and contribution payments. The Commission concluded the proceeding in October and expects to issue its decision early in the second quarter of 2005. (*Regulatory framework for voice communication services using Internet Protocol*, Telecom Public Notice CRTC 2004-2).
- The Commission announced changes to the **telemarketing** rules to better protect the privacy of consumers from undue inconvenience and nuisance caused by unsolicited telecommunications. In its decision, the Commission stated that it believed there was considerable merit in the establishment of a **national do not call list**. However, the Commission indicated that implementing such a national list would be counter-productive without appropriate start-up funding and without an effective fining power for enforcement. On 13 December 2004, the Honourable David L. Emerson, Minister of Industry, announced that the Government of Canada was introducing legislation that would amend the *Telecommunications Act* in order to provide the Commission with the ability to establish a national do not call list. It would also give the Commission the power to levy substantial penalties against telemarketers who do not follow the rules, and the power to contract with a private sector third-party to operate the service. (*Review of the telemarketing rules*, Telecom Decision CRTC 2004-35).
- The Commission implemented **quality of service rate adjustment mechanisms** for both consumers and competitors who are customers of the incumbent telephone companies. These mechanisms are put in place to ensure Canadians continue to receive reliable high quality service from their incumbent telephone company. The Commission decided it was not able to rely solely on competition itself to ensure delivery of high quality services to customers. As such, the Commission issued decisions which will provide **consumers and competitors with credits on their bills** whenever the incumbent telephone company does not meet the quality of service standards established by the Commission. (*Retail quality of service rate adjustment plan and related issues*,

Telecom Decision CRTC 2005-17 and *Finalization of quality of service rate rebate plan for competitors* Telecom Decision CRTC 2005-20).

- The Commission determined the terms and conditions, as well as the final rates, that competitors will pay the incumbent telephone companies for the **digital network services** they rely on to provide services to their own customers. The decision struck a balance between the interests of competitors, telephone companies and consumers. Competitors will generally pay lower rates for the digital network components, telephone companies will be compensated for the revenue losses associated with these rate reductions and consumers will not pay higher rates as a result of this decision. This decision furthers the objective of facilities-based competition in that rates for high speed services, which are generally fibre-based and easier to replicate, have been set with sufficiently high margins to encourage competitors to invest in their own facilities, whereas rates for access to low speed services, which are legacy copper-based, have been set at cost plus 15%. (*Competitor Digital Network Services*, Telecom Decision CRTC 2005-6).
- The Commission modified the regulatory framework for the **interconnection of local exchange carriers** to allow for greater efficiency in the carriers networks. The Commission found that requiring fewer interconnection points between carriers would provide for an overall reduction in costs for carriers and that this benefit would ultimately be passed on to the consumers of telecommunications services. (*Trunking arrangements for the interchange of traffic and the point of interconnection between local exchange carriers*, Telecom Decision CRTC 2004-46).
- The Commission established the **cable modem requirements** ISPs must meet to be able to offer high speed access service to their customers when using the cable companies' networks. (*Cable modems for third-party Internet access*, Telecom Decision CRTC 2004-37).
- The Commission put in place a notification process in instances where the **last pay telephone in a community** is scheduled for removal. The Commission also directed the ILECs to implement a teletypewriter upgrade program for certain pay telephones to improve the **service for deaf consumers** (*Access to pay telephone service*, Telecom Decision CRTC 2004-47).

Smart Regulation

- The Commission made significant progress in reducing its backlog from previous years. This progress is attributable to initiatives that fostered increased cooperation between the Commission and industry. Many applications were resolved using **alternative dispute resolution** which avoided longer, more formal CRTC processes. In an unprecedented move, the incumbent telephone companies were also able to negotiate some **wholesale service offerings** with their competitors, again saving resources within the Commission and the companies. Deficient applications are now being returned immediately to applicants, rather than the Commission spending additional resources

trying to bolster deficient applications. Additionally, the Commission addressed many issues through Commission staff letters. All of these initiatives improved the Commission's ability to serve constituents better.

- Below is a table which demonstrates the progress made this year in dealing with the Commission's workload.

<i>Type of File</i>	<i>Outstanding as of Apr 1/04</i>	<i>New in 2004/05</i>	<i>Completed in 2004</i>	<i>Outstanding as of Mar 31/05</i>
Public Notices	*17	6	13	**10
Part VIIs/ Decision Follow-ups	*82	72	92	62
Retail Tariffs	118	447	517	48
CSAs	0	9	7	2
Nexxia CSAs	213	0	162	51
Competitor Tariffs (no PN or Part VII)	80	48	***102	26
Interconnection Agreements	15	74	50	39
International Licences	0	85	85	0
Ownership filings	0	200	200	0
CLEC Registrations	0	1	1	0

* Adjusted from previous year report due to file closed and withdrawn

** Includes VoIP and Pricing Safeguards to be issued early 2nd 'Q 2005

*** 22 final and 77 interim tariffs

- The Commission removed a number of barriers to competition by reducing the **rates that competitors are required to pay** both incumbent telephone and cable companies for wholesale services. Some of the most significant of these included the third party internet access rates paid to cable, Primary Inter-exchange carrier processing charged to long distance service providers, and the rates charged for CDN services. (*Point of interconnection and service charge rates, terms and conditions for third party Internet access using cable networks*, Telecom Decision CRTC 2004-69, *Primary inter-exchange carrier processing charges review*, Telecom Decision CRTC 2004-72, *Competitive Digital Network Services*, Telecom Decision CRTC 2005-6).
- The Commission strengthened a number of its **consumer safeguards**. Examples include resellers being required to adhere to the same **confidentiality provisions** as carriers and incumbent telephone companies being required to have express consent from customers when offering reverse directory services. The Commission also ensured that incumbent telephone companies would **not be allowed to suspend or terminate tariffed services** if the customer has paid enough to cover outstanding tariffed amount and they must also provide **itemized billing** on a monthly basis for their customers. The Commission also approved the offering of **wireless E9-1-1** in the province of Manitoba. (*Confidentiality provisions of Canadian carriers*, Telecom Decision CRTC 2003-33, *Operator services*

- *Reverse search directory assistance*, Telecom Decision CRTC 2004-49, *Terms of Service – Disconnection for partial payment of charges*, Telecom Decision CRTC 2004-31, *Telebec and TELUS Quebec – Show Cause on the issuance of monthly itemized billing statements*, Telecom Decision CRTC 2004-67, *MTS Allstream Inc. – Introduction of Wireless Service Provider Enhanced 9-1-1 Service*, Telecom Decision CRTC 2004-70).
- One of the objectives of the Commission is to ensure all regions of Canada have reliable and affordable high quality telecommunication service. To help achieve this, the Commission approved increases in the capital expenditures for several **service improvement programs (SIPs)** of the incumbent telephone companies. These expenditures will help extend service to un-served premises as well as to upgrade service in those areas where customers do not have access to telecommunications services that meet the basic service. (*Aliant Telecom Inc. – Application to increase the capital cost of its service improvement plan and related matters*, Telecom Decision CRTC 2004-74, *Bell Canada - Application to increase the capital cost of its service improvement plan, and to extend the period of its roll-out plan*, Telecom Decision CRTC 2004-75, *Telus Communications Inc. - Application to increase the capital cost of its service improvement plan and related matters*, Telecom Decision CRTC 2004-76 - *Société en commandite Télébec – Follow up to Decision CRTC 2002-43 - Service improvement plan*, Telecom Decision CRTC 2004-77, *Telus Communications Inc. – Follow-up to Decision 2002-43 Service improvement plan*, Telecom Decision CRTC 2004-78).
 - As markets become more competitive, the Commission, in accordance with the *Telecommunications Act*, will forbear from regulation where it can be demonstrated that such markets are workably competitive. **Forbearance applications** dealt with this year included: inter-exchange private line services and Section 29 agreements for toll and IXPL for incumbent telephone companies, electronic messaging and voice messaging in Sask Tel, wide area networks and cellular in small independent telephone company territories. (*Forbearance from regulating additional interexchange private line services*, Telecom Decision CRTC 2004-39, *Forbearance from regulating interexchange private line services on the North Bay to Sudbury route*, Telecom Decision CRTC 2005-2, *Aliant Telecom, Bell Canada, MTS Allstream and Sask Tel – Forbearance from section 29 of the Act for agreements related to forborne domestic toll services and forborne interexchange private line services*, Telecom Decision CRTC 2004-80, *Application by Sask Tel for forbearance from regulation of electronic messaging and information services*, Telecom Decision CRTC 2004-51, *Application by Sask Tel for forbearance from regulation of voice messaging services*, Telecom Decision CRTC 2004-54, *Northern Tel, Limited Partnership and O.N. Telecom – Forbearance from regulation of wide area networking services*, Telecom Decision CRTC 2004-57, *Prince Rupert City Telephones – Cellular service forbearance*, Telecom Decision CRTC 2004-84).
 - To help foster competition in the marketplace the Commission removed the restriction of DSL and local business service being tied. This has meant customers have the ability to choose their local service provider separate from their high speed access service

provider. (*FCI Broadband – Request to lift restrictions on the provision of retail digital subscriber line Internet services to business customers*, Telecom Decision CRTC 2004-34).

- The Commission is responsible for managing the Canadian numbering plan system. This year the Commission set out the relief plans for number exhaust in area codes 613, 819, 514 and 519 and it provided for 10 digit dialing with the introduction of area code 450. The Commission also approved the assignment of the 311 code for access to non-emergency municipal government services. The 311 code is an easy to remember code which will facilitate effective and efficient communication between municipal governments and their citizens. (*Relief plan for area codes 613 and 819*, Telecom Decision CRTC 2004-55, *Relief plan for area code 514*, Telecom Decision CRTC 2004-61, *NPA 519 Relief Plan (Southwestern Ontario)*, Telecom Decision CRTC 2004-62, *Expansion of 10-digit local dialing in 450 region*, Telecom Decision CRTC 2005-9, *Assignment of 311 for non-emergency municipal government services*, Telecom Decision CRTC 2004-71).

Expedited Process

- Early in 2004, the Commission launched an accelerated process aimed at increasing the speed with which competitive issues arising under the *Telecommunications Act* are resolved. Under the banner of this new Expedited Process, the Commission established a series of Commission panels to conduct brief public hearings to address competitive disputes generally involving two parties, where the issues are largely factual. The Expedited Process is logistically set up to hear, if required, three applications on the same day. Decisions are generally published within a week following the public hearing. Six Expedited Processes have taken place in which nine applications were disposed of by Commission rulings. Positive feedback from the industry has clearly demonstrated that the program has been successful. (*Expedited procedure for resolving competitive issues*, Telecom Circular CRTC 2004-2).

Streamlining

- In November 2004, the Commission issued its **Report to the Governor in Council** on the status of competition in Canadian telecommunications markets and the deployment/accessibility of advanced telecommunications infrastructure and services. This report is an invaluable and authoritative source of information on the Canadian telecommunications industry for both the Commission and other industry stakeholders. As part of compiling this report, the Commission made significant improvements in data collection with the introduction of a **web-based data collection** system. The new system consolidated into one electronic filing, the requirements for Registration Lists, International licences, Telecom Fees, Revenue-based subsidy determination and data collected for the GIC report itself. Additionally the Commission reduced the burden of data reporting on small firms by simplifying the reporting requirements and forms for these companies under the new system. (Report to the Governor in Council – Status of Competition in Canadian Telecommunications Markets and the

Deployment/Accessibility of Advanced Telecommunications Infrastructure and Services, November 2004, Telecommunications industry data collection: updating of CRTC registration lists, telecommunications fees, Canadian contribution mechanism fund administration, international licences and monitoring of the Canadian telecommunications industry, Telecom Circular CRTC 2005-4).

Informal Dispute Resolution and CISC

- The Commission staff addressed **more than 25 informal disputes** between parties this year. Each time one of these is resolved in this way, a more formal Part VII process is avoided, thus saving significant resources for the parties and the Commission.
- The Commission established the CRTC **Interconnection Steering Committee (CISC)** working groups to deal with operational and technical issues related to local competition. Four decisions were issued by the Commission dealing with a number of CISC issues.

Broadcasting

Cultural Prosperity: Increased availability of Canadian content and programming that reflects Canadian creative talent and Canada's linguistic duality, cultural diversity and social values, as well as its national, regional and community characteristics

Plans and Priorities	Accomplishments
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Applications, Renewals, Licensing and Canadian Certification

Licensing workload forecast includes holding some 12 public hearings, issuing some 80 public notices and treatment of associated interventions	Licensing activities in the period included 12 public hearings and issuing some 65 public notices																																																																		
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Licences prepared and issued 600	Licences prepared and issued 471 Decisions prepared and issued 598																																																																		

Compliance, Monitoring and Research

TV Logs: 4,400 filings	TV Logs: 5,940 filings
Annual Returns: 2,500 filings	Annual Returns: 2,800 filings
Radio and TV Monitoring	Ongoing
Review of Network Annual Reports	Ongoing
Monitor & Review BCE/CTV, TVA, TQS, Global/WIC and CHUM transaction commitments	Ongoing
Evaluation of Closed Captioning	Ongoing
Monitoring Report	Report issued December 2004

Plans and Priorities	Accomplishments
Policy Development, Implementation, Reviews and Proceedings	
TV Drama Policy – English and French language markets	Public Notice CRTC 2004-93, 29 November 2004 (English Drama) Public Notice CRTC 2005-8, 27 January 2005 (French Drama)
Review corporate cultural diversity plans and annual reports	Ongoing
Task Force for Cultural Diversity	Public Notice CRTC 2005-24, 21 March 2005 – Commission response to final report
Complaints re: programming content	Ongoing
Implementation of descriptive video framework	Public Notice CRTC 2005-18, 25 February 2005 – Call for Comments
Action Plan and Annual Report - Designated agency – section 41 <i>Official Languages Act</i>	First Action Plan dated 23 March 2004

Economic Prosperity: A sustainable competitive Canadian communications industry

Acquisitions, Ownership Transfers and Transactions

Applications for control and acquisitions	Astral/Corus: Decision CRTC 2005-15, 21 January 2005 Craig/Chum: Decision CRTC 2004-502, 19 November 2004 Toronto One/TVA Group & Sun Media: Decision CRTC 2004-503, 19 November 2004
Local Management Agreements – renewal of various radio licences	Public Notice CRTC 2005-10, 31 January 2005 – Commission’s determination on LMAs/LSAs

Policy Development, Implementation, Reviews and Proceedings

Exemption Order for small cable systems	Public Notice CRTC 2004-39, 14 June 2004 – BDUs serving between 2000 and 6000 subscribers
Interactivity Proceeding – Decision	Public Notice CRTC 2004-82, 4 November 2004 (Regulatory framework for interactive television services)

Plans and Priorities	Accomplishments
Winback Rules – Decision	Public Notice CRTC 2004-62, 13 August 2004 (amendment of Winback Rules)
Audit Framework Proceeding	Public Notice CRTC 2004-20, 31 March 2004 (Call for Comments)

Dispute Resolution

Resolution of programming access disputes and of competitive disputes involving allegations of undue preference or disadvantage	<p>Disputes dealt with included:</p> <p>CTV Newsnet and Rogers – channel placement change dispute – Decision CRTC 2004-188, 20 May 2004</p> <p>Standard Radio and Corus – dispute over Corus’ targeting adjacent major markets rather than appropriately serving local markets – letter decisions issued – Letter Decision issued on 8 February 2005</p> <p>CTV Specialty, Pelmorex and Star Choice – 9(1)(h) requests concerning lack of notice for channel & package changes – Decision CRTC 2004-197, 4 June 2004 issued & parties came to direct resolution</p> <p>Bell ExpressVu and Rogers – included allegations of 1) failure to provide access to inside wiring, 2) breach of winback requirements, 3) targeted marketing, and 4) buy-back clause – Decision CRTC 2004-494, 12 November 2004</p> <p>Vidéotron and CTV Specialty – “final offer” dispute over rates for RDS, TSN, Discovery – parties settled</p> <p>PrideVision and Rogers – Negotiation of new affiliation agreement terms as for “other category 1 services” – parties, with staff ADR assistance arrived at negotiated agreement and undue preference allegation withdrawn</p>
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Social Prosperity: Increased access to a variety of innovative, high-quality communications services, at reasonable prices, that meet consumers' needs and reflect their values

Plans and Priorities	Accomplishments
Policy Development, Implementation, Reviews and Proceedings	
Amendments to Eligible Satellite Services Lists	13 applications approved (Al Jazeera, MSNBC, FOX News, NFL Network, Spike TV, etc.) 6 applications denied
Amendments to Regulations re: <i>Regulatory framework for the distribution of digital television signals</i>	Currently being drafted
Licensing Framework for transition of Pay and Specialty to High Definition	Public Notice CRTC 2004-58, 6 August 2004 (Call for comments – deadline extended to 21 April 2005)
Local Avails – Applications & Policy	Policy – Public Notices CRTC 2004-47 & 47-1 (Call for comments on Public Notice 2004-47-1 issued 21 January 2005: Comments received on 21 February 2005)
Proceeding on channel placement for 9(1)(h) services	Public Notice CRTC 2004-46, 9 July 2004 (Call for comments)
Changes to carriage status – TSN, RDS, CMT	Public Notice CRTC 2004-298, 29 July 2004
Bell Application re: BDU licences in Ontario and Quebec	Decision CRTC 2004-496, 18 November 2004 – Regional broadcasting distribution undertakings
Satellite Radio – Applications	Heard at 1 November 2004 Hearing

Commission processes that are fair, transparent and effective

There were no priorities identified under this objective for 2004-2005

Telecommunications

Plans and Priorities	Accomplishments
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Economic Prosperity: *A sustainable competitive Canadian communications industry*

ILEC/Incumbent Wholesale and Access Issues

Gateway Access Service and High Speed Access	Order CRTC 2004-418
Public Notice CRTC 2002-2 - 900 Service Agreements and Consumer Safeguards	Decision CRTC 2005-19
CDN Service	Decision CRTC 2005-6
Ethernet interim regime	Order CRTC 2004-180
XIT Telecom vs Bell and TCI affiliate rules and floor price methodology for Ethernet and DSL	Commission letter February 2005
TCI PIC/CARE Manual update	Order CRTC 2004-102
PIC processing charges	Decision CRTC 2004-72
Quality of Service (QoS) rate adjustment plan for competitors	Decision CRTC 2005-20
CLEC access to ILEC OSS	Decision CRTC 2005-14
Finalize third party cable interconnection rates	Decision CRTC 2004-69-1
Allstream vs MTS show cause (Sherbrooke)	Commission letter February 2005
Introduction of non-mandated co-location in TCI	Order CRTC 2004-294
Follow-up Decision CRTC 2003-73 Amendments to co-location agreement	Decision CRTC 2004-41
Interconnection Decision	Decision CRTC 2004-46
IMCAIP against ILECs and Cable re: anti-competitive behaviour	Decision CRTC 2004-28
Videotron vs Bell re: fibre optic private network	Decision CRTC 2005-8
First Media re: competitive 900 service	Decision CRTC 2004-43
Cable modems for 3 rd party access	Decision CRTC 2004-37
Telus application to update evidentiary record of Public Notice CRTC 2002-4	Decision CRTC 2005-5
Follow-up Decision CRTC 2003-76, Rogers vs Telus Toll Termination	Decision CRTC 2004-68
MTS Allstream Wireless E9-1-1	Decision CRTC 2004-70
Terms and conditions under which City of Calgary and City of Toronto may grant access to public highways and municipal properties	Decision CRTC 2004-79
Call-Net reprice Halifax to St. John's IX route	Decision CRTC 2005-16
Telus application to revise tariff for competitive payphone tracking	Decision CRTC 2004-59

Plans and Priorities	Accomplishments
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ILEC Retail Issues

FCI Broadband vs Bell to extend Call Net Decision CRTC 2003-49 to business customers ie. Separate DSL from Local	Decision CRTC 2004-34
Follow-up Decision CRTC 2003-49 show cause re: separate DSL from PES for MTS	Commission letter February 2005
Nexxia CSAs – 23 CSA detailed imputation tests and tariff pages of which 5 CSAs refiled with additional revenue or cease and desist providing service	Nexxia CSAs: Outstanding as of 1 April 2004: 213 Completed: 162 Outstanding as of 28 February 2005: 51
Nexxia CSAs - Bell R&V and Stay applications - confidentiality issues Nexxia CSAs	Bell letter March 2005
Nexxia follow-up CSG affiliate rules	Decision CRTC 2004-50
CSA Westman vs MTS provision of service to Manitoba Government	Decision CRTC 2004-32
Call Net vs Telus re: non-compliance with bundling rules	Decision CRTC 2004-38
Stand alone ILEC DSL	ILEC letters 2004
Shaw requests restrictions on Telus promotions	Decision CRTC 2004-66

Policy

VoIP services regulatory framework proceeding	Decision April 2005
Public Notice CRTC 2003-10 Pricing Safeguards Proceeding including Rogers vs Bell unbundling local from other services	Decision April 2005
Aliant request for expedited relief on marketing restrictions	Commission Letter August 2004

Mediation/ADR

Resolution of disputes through mediation or other form of ADR prior to Part VII being issued	Addressed 29 disputes through staff mediation as of March 05
Call Net vs Bell/Telus DSL marketing	Implemented 2004
Additional Service Interval indicators for competitors	Commission letter July 2004
QoS Telus & Call Net	Staff mediation - weekly calls
Call Net vs Telus CWAN Agreement	Commission letter April 2004
Follow-up to Decision CRTC 2004-24 HS Resale Agreement	Order CRTC 2004-331
Cybersurf vs Rogers TPIA and resale	Commission letter January 2005
Cybersurf and Videotron TPIA and resale	Commission letter January 2005

Plans and Priorities	Accomplishments
Cable Cable Inc. vs City of Kawartha Lakes access to highway	Cable Cable letter August 2004
Maskatel access to buildings with multiple housing	Maskatel letter December 2004

Access Issues

Kamloops vs TCI support structures	Decision CRTC 2004-29
Bell Intrigna vs Enmax in Calgary – access to support structures	Bell West letter July 2004
Suite Systems vs Telus in Calgary – access to support structures	Commission letter July 2004
Shaw vs Thunder Bay Tel in TBT – access to support structure	Commission letter July 2004

Forbearance Applications

Sask Tel forbearance emessaging	Decision CRTC 2004-51
Sask Tel forbearance voice messaging	Decision CRTC 2004-54
Bell et al forbearance Section 29 agreements for toll and IXPL	Decision CRTC 2004-80
Forbearance extended network service Télébec	Decision 2004-58
Forbearance IXPL annual filings	Decision CRTC 2004-39 Decision CRTC 2005-2
Northern WAN forbearance	Decision CRTC 2004-57
Prince Rupert forbearance cellular	Decision CRTC 2004-84
IXPL forbearance Telus	Decision CRTC 2005-18

Competitive Disputes (Expedite Panel)

Shaw vs Telus bundling rules	Decision CRTC 2004-23
Rogers and Call Net vs Bell – Violation of bundling rules	Decision CRTC 2004-22
Cybersurf breach by Shaw to comply with Telecom Decision CRTC 2003-87	Decision CRTC 2004-24
Eastlink vs Aliant non-compliance	Decision CRTC 2004-44
Worldcom vs Bell – CDNA dispute	Worldcom letter June 2004
Interbaun vs Shaw non-compliance with Decisions CRTC 2003-87 and CRTC 2004-24	Interbaun letter September 2004
Call Net vs Bell – Request for tariffs and tariff modifications with respect to work provided by Bell	Decision CRTC 2004-83
Request by Consumer groups to have CRTC intervene in modem hijacking	Decision CRTC 2005-13
Xit Télécom and Télécommunications Xittel Inc. v. TELUS Communications Inc. – Construction of a fibre optic network for the Commission scolaire de la Côte-du-Sud	Decision CRTC 2005-12

Plans and Priorities	Accomplishments
Small ILECs	
Reg framework for small telcos – Direct Toll ACTQ re: Bypass by Bell of ACTQ members facilities	Decision CRTC 2005-3 Commission letter February 2005
Bruce request for Commission to order Ontario Power Generation to cease providing local exchange service	Bruce letter June 2005
Videotron R&V support structure rates Quebec Independents	Decision CRTC 2005-1
PIC/CARE Manuals filed by Maskatel, Lambton, Sogetel, SATAT, Dryden, ISP Telecom & Telebec	Lambton Order CRTC 2004-300 Sogetel Order CRTC 2004-241 Dryden Order CRTC 2004-027 Maskatel Order CRTC 2004-421 SATAT Order CRTC 2004-396 ISP Telecom Order CRTC 2005-55

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ILEC Retail Issues

Bell application to withdraw primeline service	Order CRTC 2004-201
PIAC enforcement of CRTC order regarding basic toll service rate schedule	PIAC letter July 2004
Public Notice CRTC 2003-3 Retail Quality of Service Rate Adjustment Plan. Monitor QofS and take action where standards are not being met	Decision CRTC 2005-17
New CSAs (1 to 2 per month)	New CSAs: Outstanding as of 1 April 2004: 0 Received: 9 Completed: 7 Outstanding as of 28 February 2005: 2
Deferral Account Proceeding to dispose of amounts for Bell, Telus, MTS, Sask Tel, Aliant, Telebec and Telus Quebec	Public Notice CRTC 2004-2
Retail Quality of Service Rate Adjustment Plan. Monitor QofS and take action where standards are not being met (Public Notice CRTC 2003-3)	Decision CRTC 2005-17
Review ILEC SIPs on annual basis to ensure program and spending are on track. Address issues that arise from SIP programs	Aliant: Decision CRTC 2004-74 Bell: Decision CRTC 2004-75 Telus: Decision CRTC 2004-76
Reverse Search Directory Assistance to the Public	Decision CRTC 2004-49
Stay and R&V of follow-up Decision CRTC 2002-56 local calling area expansion	Decision CRTC 2004-56
Terms of service - disconnection for non-payment of charges	Decision CRTC 2004-31
Follow-up Decision CRTC 2003-33 Confidentiality provision for Canadian carriers	Decision CRTC 2004-27

Plans and Priorities	Accomplishments
Approximately 400 tariff applications and interconnection agreements	Retail tariff statistics <ul style="list-style-type: none"> • Outstanding as of 1 April 2004: 118 • Received 447 • Completed: 517 • Outstanding as of 28 February 2005: 48 74% 2 months 89% 4 months Interconnection Agreements: <ul style="list-style-type: none"> • Outstanding as of 1 April 2004: 15 • Received 74 • Completed: 50 • Outstanding as of 31 March 2005: 39
2004 annual price cap filings for all ILECs	Orders CRTC 2004-168, 169, 170, 171 & 172
	Decision CRTC 2004-48
	Decision CRTC 2004-53
Raftsview vs Telus	Decision CRTC 2004-30
BC PIAC Terms of Service 16.1 TCI Directory	Commission letter September 2004
Financial adjustments of deferral accounts	Decision CRTC 2004-42
Celluland vs Rogers	Commission letter September 2004
SaskTel exogenous adjustments	Commission letter February 2005
Aliant Application to R&V Decision	Decision CRTC 2005-11
CRTC 2004-42	
Telus PIC/CARE Handbook	Order CRTC 2004-102
Bell Application to revise Article 11 of the	Decision CRTC 2005-15
Terms of Service	
Follow-up Decision CRTC 2003-53	Commission letter February 2005
wireless E9-1-1	
Peace Region Internet Society vs Telus	Commission letter September 2004
Small ILECs	
Annual review of small ILEC SIPs to ensure program and spending are on track. Address issues related to SIP	Telebec: Decision CRTC 2004-77 Telus Quebec: Decision CRTC 2004-78
Telebec expanded local calling area Cree communities	Decision CRTC 2004-40
Telus Quebec and Telebec banding and finalization of subsidy calculation	Decision CRTC 2005-4
Public Notice CRTC 2003-7 NWTel supplemental funding proceeding	Decision CRTC 2004-64 Decision CRTC 2004-82
NWTel 2004 Supplemental Funding	Public Notice CRTC 2004-6
CSAs Optical Fibre (Telus Quebec)	Orders CRTC 2004-438, 439 & 440
Follow-up show cause Telus Quebec and Telebec re: same frequency of detailed billing rules as large ILECs	Decision CRTC 2004-67
PIC/CARE manual St. Ephrem	Order CRTC 2004-299
PIC/CARE manual St. Victor	Order CRTC 2004-301
Telus Quebec application to use deferral account	Decision CRTC 2004-33

Plans and Priorities	Accomplishments
NWTEL Phase III/SRB manual updates,	Order CRTC 2005-13
NWTEL 2003 depreciation studies	Commission letter November 2004

Compliance, Numbering, Monitoring and Research

City of Calgary application for 311 code	Decision CRTC 2004-71
Code reclamation 819-330	Decision CRTC 2004-52
Public Notice on framework for expanding 10 digit dialing for area code 450	Decision CRTC 2005-9

Social Policy Issues

CISC: VoIP 911 and E911, MRS, Privacy, CALEA, etc	Decision CRTC 2005-21
Access to Payphone Service	Decision CRTC 2004-47
Telemarketing	Decision CRTC 2004-35
Infalink use of ADADs	Decision CRTC 2004-65
ILECs request of modifying frequency of monitoring of affordability report	Decision CRTC 2004-73
Telemarketing CMA Stay application	Decision CRTC 2004-63

Commission processes that are fair, transparent and effective

Compliance, Monitoring and Regulation

Collect and determine total telecom revenues for purposes of Telecom Fees	Commission letter June 2004
Examine and approve International Class A and B licences	Received: 85 Completed: 85
Collect and review annual ownership filings in compliance with section 16.4 of the Act	Received: 200 Completed: 200
Review and approve CLEC applications	Received: 1 Completed: 1
Determine 2004 final and 2005 interim contribution rate	Decision CRTC 2005-4
Oversee numbering issues including NPA relief activities related to VOIP	Decision CRTC 2004-55 Relief Plan 613/819 Decision CRTC 2004-61 Relief Plan 514 Decision CRTC 2004-62 Relief Plan 519
Sask Tel total subsidy requirement issue	Decision CRTC 2004-26 Decision CRTC 2004-81
Telebec contribution requirement for 2001	Decision CRTC 2004-25
Implement new registration system which will be used to streamline other collections such as for contribution, fees, etc.	Completed 2004
Analysis of data and write annual GIC report on Competition and Broadband deployment	GIC Report, 25 November 2004
Develop and report on consumer survey related to competition	GIC Report, 25 November 2004
Quarterly analysis and reporting of Telecom Industry financial results	Completed quarterly

Plans and Priorities	Accomplishments
Respond to queries and assist in presentations re: Telecom industry	12 presentations to Industry on Data Collection (DCS) and Monitoring 3 presentations for conferences System
Development of database to collect industry statistics; implement web-based data collection system	Completed 2004
Work collaboratively with Statistics Canada in order to reduce regulatory burden associated with data collection	Memorandum of understanding (MOU) signed to share data collected

Social Policy Issues

Follow-up Call-Net Application website customer information	Completed 2004
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CISC

Steering Committee Chair	Decision CRTC 2004-36 Decision CRTC 2004-45 Decision CRTC 2004-60 Decision CRTC 2005-7
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Phase II Costing Methodology

ABC costing related to CSA portfolio costs	Decision CRTC 2005-6
Bell after-tax cost of capital	Commission letter October 2004

Glossary of Terms / Glossaire

Broadcasting / Radiodiffusion

ADR / RAD	Alternative Dispute Resolution / Résolution alternative des différends
BDU / EDR	Broadcast Distribution Undertaking / Entreprise de distribution de radiodiffusion
CAB / ACR	Canadian Association of Broadcasters / Association canadienne des radiodiffuseurs
CTD / DTC	Canadian Talent Development / Développement des talents canadiens
CTF / FTC	Canadian Television Fund / Fonds canadiens de télévision
DSL / LAN	Digital Subscriber Line / Ligne d'abonné numérique
DTH / SRD	Direct-to-Home / Satellite de radiodiffusion directe
HD	High Definition / Haute définition
LMA / CGL	Local Management Agreement / Convention de gestion locale
LSA / CVL	Local Sales Agreement / Convention sur les ventes locales
OLA / LLO	Official Languages Act / Loi sur les langues officielles

Telecommunications / Télécommunications

ACTQ	Association des Compagnies de téléphopne du Québec
ADADs / CMA	Automatic Dialing – Announcing Devices / Composeur-messager automatique
ADR / RAD	Alternative Dispute Resolution / Résolution alternative des différends
ADSL / LANPA	Asymmetric Digital Subscriber Line / Ligne d'abonné numérique à paire asymétrique
CALEA / OAL	Communications Assistance to Law Enforcement Act / Organisme d'application de la Loi
CDN / RNC	Competitor Digital Network / Réseau numérique propre aux concurrents
CDNA / ARNC	Competitor Digital Network Access / Service d'accès au réseau numérique propre aux concurrents
CISC / CDCI	CRTC Interconnection Steering Committee / Comité directeur du CRTC sur l'interconnexion
CLEC / ESLC	Competitive Local Exchange Carrier / Entreprise de services locaux concurrente
CMA / ACM	Canadian Marketing Association / Association canadienne du marketing
CSA / AP	Customer Specific Arrangement / Arrangement personnalisé
CSG / GSE	Carrier Services Group / Groupe de services aux entreprises
DSL / LAN	Digital Subscriber Line / Ligne d'abonné numérique
GIC / GEC	Governor in Council / Gouverneure en conseil
HS / HV	High Speed / Haute vitesse
ILEC / ESLT	Incumbent Local Exchange Carrier / Entreprise de services locaux titulaires
ILEC - OSS / ESLT - SSE	Incumbent Local Exchange Carrier Operational Support Systems / Entreprise de services locaux titulaire – systèmes de soutien à l'exploitation
IMCAIP / MIACFI	Independant Members of the Canadian Association of Internet Providers / Membres indépendants de l'Association canadienne des fournisseurs Internet
IXPL / LSI	Interexchange Private Line / Liaison spécialisée intercirconscription
MAAs / EAPM	Municipal Access Arrangements / Entente régissant l'accès aux propriétés municipales
MDU / ILM	Multi-Dwelling Units / Immeuble à logements multiples
MRS / SRT	Message Relay Services / Service de relais téléphopnique
NPA / RIR	Numbering Plan Area / Redressement de l'indicatif régional

PES / SLB	Primary Interexchange Carrier / Coûts du service local de base
PIAC / CDIP	Public Interest Advocacy Centre / Centre pour la défense de l'intérêt public
PIC-CARE / EIB-ERRC	Primary Interexchange Carrier – Customer Account Record Exchange / Entreprises intercirconscriptions de base-échange de registres des comptes clients
QoS / QoS	Quality of Service / Qualité du service
R&V / R&M	Review and Vary / Révision et modification
SIP / PAS	Service Improvement Plan / Plan d'amélioration du service
SRB / BTP	Split Rate Base / Base tarifaire partagée
TPIA / AIT	Third Party Internet Access / Accès internet de tiers
TTY	Teletypewriter / Télécriteur
VoIP	Voice over Internet Protocol / Voix sur Protocole Internet ou téléphonie Internet
WAN / SRE	Wide Area Network / Service de réseau étendu