

Table of Contents

VOLUME 1

TABLES OF AUTHORITIES, ETC.

| | |
|--|------|
| Table of Judicial Decisions..... | JD-1 |
| Table of Regulatory Decisions, Orders and Public Notices..... | RD-1 |
| Tables of Statutes, Regulations and Statutory Instruments..... | TS-1 |

PART I

LEGAL FRAMEWORK AND INDUSTRY STRUCTURE

| | |
|---|-------------|
| CHAPTER 1 — THE LEGAL FRAMEWORK | 1-1 |
| A. THE CONSTITUTIONAL FRAMEWORK | 1-1 |
| § 100 General..... | 1-1 |
| § 101 The Decision in <i>AGT v. Canada (CRTC)</i> | 1-2 |
| § 102 The Decision in <i>Téléphone Guèvremont</i> | 1-4 |
| § 103 The Constitutional Position of Non-Facilities-Based TSPs | 1-6 |
| § 104 Integrated Undertakings | 1-12 |
| § 105 Jurisdiction in Relation to Radio Communication | 1-12 |
| § 106 Application of Provincial Laws to Federal Works and Undertakings | 1-15 |
| § 107 Limitations on Federal Jurisdiction | 1-18 |
| B. THE LEGISLATIVE FRAMEWORK | 1-18 |
| § 108 General..... | 1-18 |
| § 109 An Outline of the <i>Telecommunications Act</i> | 1-19 |
| § 110 Carriers Subject to Regulation | 1-22 |
| (a) Resellers..... | 1-23 |
| (b) “Private Carriers” | 1-24.3 |
| (c) Exempted carriers | 1-24.3 |
| § 111 Statutory History of the <i>Telecommunications Act</i> | 1-24.3 |
| (a) <i>Railway Act</i> | 1-24.3 |
| (b) <i>National Telecommunications Powers and Procedures Act</i> | 1-24.5 |
| (c) <i>Telegraphs Act</i> | 1-24.6 |
| § 112 Provincial Legislation | 1-24.6 |

TABLE OF CONTENTS

| | |
|---|-------------|
| § 113 Overview of Key Developments in the Telecommunications Sector | 1-24.7 |
| Table 1.1: Timeline of Key Developments..... | 1-25 |
| CHAPTER 2 — INDUSTRY STRUCTURE | 2-1 |
| § 200 Overview | 2-1 |
| A. INCUMBENT LOCAL EXCHANGE CARRIERS | 2-3 |
| Figure 2-1: ILEC Operating Territories, by Province | 2-3 |
| § 201 Bell Canada | 2-4 |
| § 202 TELUS Communications Company..... | 2-7 |
| § 203 Saskatchewan Telecommunications..... | 2-9 |
| § 204 MTS Inc..... | 2-10 |
| § 205 Bell Aliant | 2-11 |
| Figure 2-2: Evolution of Bell Aliant..... | 2-14 |
| § 206 Northwestel Inc. | 2-14 |
| § 207 SILECs | 2-15 |
| Figure 2-3: SILECs, by Province, 2015..... | 2-16 |
| B. CABLE-BASED CARRIERS..... | 2-17 |
| § 208 Rogers | 2-17 |
| § 209 Shaw | 2-17 |
| § 210 Eastlink..... | 2-18 |
| § 211 Vidéotron | 2-18 |
| § 212 Cogeco..... | 2-18 |
| C. WIRELESS CARRIERS | 2-18 |
| § 213 Bell Mobility..... | 2-18 |
| § 214 WIND | 2-18 |
| § 215 Rogers Wireless..... | 2-18.1 |
| § 216 TELUS Mobility | 2-19 |
| D. OTHER FACILITIES-BASED CARRIERS | 2-19 |
| § 217 Telesat | 2-19 |
| § 218 Hydro One Telecom..... | 2-21 |
| E. RESELLERS | 2-21 |
| § 219 Primus Canada..... | 2-21 |
| § 220 Distributel | 2-21 |
| § 221 YAK | 2-21 |
| § 222 WiMacTel | 2-21 |
| F. OTHERS | 2-21 |
| § 223 Teleglobe Canada Inc..... | 2-21 |

TABLE OF CONTENTS

| | |
|--|-------------|
| § 224 Stentor | 2-23 |
| G. COMPETITIVE LANDSCAPE..... | 2-25 |
| § 225 TSP Market Shares | 2-25 |
| Figure 2-4: Residential Telephone Lines Market Share by Type of TSP, 2003–2013 | 2-26 |
| Figure 2-5: Business Telephone Lines Market Share by Type of TSP, 2003–2013 | 2-27 |
| Figure 2-6: Wholesale Local and Access Lines Market Share by Type of TSP, 2003–2013 | 2-28 |
| Figure 2-7: ILECs’ Share of Retail Long Distance Market in Home Operating Territories, Selected Years 1995–2013 | 2-29 |
| Figure 2-8: Wireless Market Shares by Type of TSP, 2005–2013 | 2-30 |
| Figure 2-9: Data Market Shares by Type of TSP, 2003–2012 | 2-31 |
| Figure 2-10: Residential Internet Access Market Shares by Type of TSP, 2003–2013 | 2-32 |
| Figure 2-11: Business Internet Access Market Shares by Type of TSP, 2003–2013 | 2-33 |

PART II THE PROVISION OF SERVICE AND CARRIER LIABILITY

| | |
|--|------------|
| CHAPTER 3 — PROVISION OF SERVICE..... | 3-1 |
| A. INCORPORATION, LICENSING AND POWERS OF CARRIERS..... | 3-1 |
| § 300 Incorporation and Licensing | 3-1 |
| (a) International Services | 3-1 |
| (b) Radio Authorizations | 3-3 |
| (i) Radio Licences | 3-6 |
| (ii) Spectrum Licences | 3-7 |
| (iii) Licensing policies relating to particular services | 3-8 |
| Figure 3-1: Spectrum allocated to CMRS, 2015 | 3-10 |
| Figure 3-2: Summary of CMRS Licence Conditions | 3-11 |
| (iv) Licence Transfers | 3-14 |
| (c) International Submarine Cables | 3-16 |
| § 301 Canadian Ownership and Control | 3-17 |
| (a) General | 3-17 |
| (b) “Control in Fact” | 3-19 |
| Figure 3-3: Selected CRTC Decisions on “Control in Fact” | 3-28 |
| (c) Grandfathering | 3-32 |
| (d) Regulations | 3-32 |
| (e) International Mobile Satellite Services | 3-33 |
| § 302 Powers | 3-33 |

TABLE OF CONTENTS

| | |
|--|-------------|
| (a) Entry on to Public Lands..... | 3-33 |
| (b) Expropriation..... | 3-38 |
| B. DUTY TO SERVE..... | 3-39 |
| § 304 The Duty to Supply at Common Law..... | 3-39 |
| § 305 The Duty to Serve and Regulation | 3-43 |
| (a) Terms of Service..... | 3-44 |
| (b) <i>Bell Canada Act</i> , section 6..... | 3-45 |
| (c) <i>Telecommunication Act</i> , section 27(2) | 3-46 |
| (d) <i>Telecommunication Act</i> , section 42(1) | 3-46 |
| (e) Extensions of Service under Carrier Tariffs..... | 3-47 |
| (f) Basic Service Objective | 3-47 |
| § 306 Duty to Supply Services and Facilities to Competitors..... | 3-49 |
| § 307 Mandated Introduction of New Services and Withdrawal of Services | 3-51 |
| § 308 Continuance of Service during Receivership..... | 3-56 |
| C. TERMS AND CONDITION OF SERVICE | 3-56 |
| § 309 In General..... | 3-56 |
| § 310 The Terms of Service..... | 3-57 |
| (a) Scope..... | 3-57 |
| (b) Obligations of the Customer..... | 3-58 |
| (c) Obligations of the Carrier | 3-59 |
| (d) Suspension and Termination of Service | 3-60 |
| (e) Confidentiality | 3-62 |
| § 311 The Wireless Code | 3-31 |
| § 312 Other Conditions of Service applicable to Tariffed or Forborne Services | 3-79 |
| (a) Confidentiality | 3-79 |
| (b) Dispute Resolution | 3-79 |
| (c) Deposit and Disconnection Code | 3-79 |
| (d) Customer transfers..... | 3-79 |
| (e) Service cancellations..... | 3-79 |
| (f) Mobile wireless data services | 3-79 |
| § 313 Provincial Consumer Protection Legislation | 3-80 |
| CHAPTER 4 — THE LIABILITY OF CARRIERS | 4-1 |
| A. THE GROUNDS OF LIABILITY | 4-1 |
| § 400 Liability in Contract..... | 4-1 |
| § 401 Liability in Tort | 4-1 |
| § 402 Statutory Liabilities..... | 4-2 |
| § 403 Liability as a Common Carrier | 4-4.1 |
| § 404 Liability to Addressees | 4-6 |

TABLE OF CONTENTS

B. MEASURE OF DAMAGES..... 4-9

- § 405 Damages in Contract 4-9
- § 406 Damages in Tort 4-12
- § 407 Damages for Breach of Statutory Duty under the *Telecommunications Act* 4-12

C. THE LIMITS ON LIABILITY 4-13

- § 408 Limitations of Action 4-13
- § 409 *Telecommunications Act*, s. 31 4-13
- § 410 Limitations on Liability under the Terms of Service..... 4-17
 - (a) Article 16.1 4-17
 - (b) Article 16.2 4-19
- § 411 Limitations of Liability under General Order T-40..... 4-20
- § 412 Other Limitations of Liability 4-20
- § 413 The Position of Third Parties..... 4-21
- § 414 Connecting Carriers 4-22
- § 415 Construction of Limitations of Liability 4-22
 - (a) Construction Contra Proferentem..... 4-22
 - (b) Fundamental Breach 4-24

D. PARTICULAR CAUSES OF ACTION 4-24.1

- § 416 Defamation..... 4-24.1
- § 417 Directory Omissions..... 4-27
- § 418 Breach of Copyright..... 4-28
- § 419 Deviations from Tariff..... 4-28

PART III
THE REGULATION OF CARRIERS

CHAPTER 5 — REGULATORY INSTITUTIONS: CONSTITUTION, ORGANIZATION & POWERS 5-1

- § 500 Introduction..... 5-1

A. CRTC..... 5-1

- § 501 Constitution..... 5-1
- § 502 Organization 5-4
- § 503 Jurisdiction and Powers 5-7
 - (a) Application of Section 7 of the Act 5-8
 - (b) Concurrent Jurisdiction with Civil Courts 5-10
- § 504 General Powers 5-14
 - (a) Declaratory Orders 5-14
 - (b) Mandatory and Restraining Orders 5-15
 - (c) Information 5-15

TABLE OF CONTENTS

| | |
|---|-------------|
| (d) Construction of Works | 5-15 |
| (e) Inspection..... | 5-17 |
| (f) Inquiries..... | 5-17 |
| (g) Policy Guidelines and Statements..... | 5-18 |
| (h) Exemption Power | 5-18 |
| § 505 Interim Orders and Contingent Orders..... | 5-19 |
| § 506 The Decision-Making Process..... | 5-21 |
| § 507 Duty to Decide..... | 5-24 |
| § 508 Cabinet Directions | 5-25 |
| § 509 Regulation versus Management..... | 5-27 |
| § 510 Remedies..... | 5-29 |
| § 511 Enforcement of Decisions | 5-33 |
| § 512 Administrative Monetary Penalties and other Sanctions..... | 5-34 |
| (a) Administrative Monetary Penalties | 5-35 |
| (b) Other Sanctions..... | 5-37 |
| § 513 Publication of Decisions and Tariffs in <i>Canada Gazette</i> | 5-38 |
| § 514 Application of <i>Access to Information Act</i> | 5-38 |
| | |
| B. OTHER INSTITUTIONS | 5-39 |
| § 515 Governor in Council | 5-39 |
| § 516 The Minister of Industry..... | 5-40 |
| § 517 Competition Bureau..... | 5-40 |
| § 518 Commissioner for Complaints for Telecommunications Services | 5-43 |
| § 519 CRTC Interconnection Steering Committee (CISC)..... | 5-44 |
| § 520 Canadian Numbering Administrator Consortium Inc. and the Canadian Numbering Administrator..... | 5-44 |
| | |
| CHAPTER 6 — RATE REGULATION | 6-1 |
| | |
| A. RATES AND TARIFFS | 6-1 |
| § 600 Introduction..... | 6-1 |
| § 601 The Scope of the CRTC’s Rate Jurisdiction..... | 6-2 |
| (a) Cases under the <i>Telecommunications Act</i> | 6-2 |
| (b) Cases under the <i>Railway Act</i> | 6-4 |
| § 602 Tariffs..... | 6-5 |
| (a) Retail Tariffs | 6-6 |
| (b) Wholesale Competitor Services Tariffs | 6-7 |
| (c) CLEC Tariffs..... | 6-7 |
| (d) Service Destandardization and/or Withdrawal..... | 6-7 |
| (e) Intercarrier Agreements | 6-7 |
| (f) Special Tariffs | 6-8 |
| (g) Joint Tariffs..... | 6-8.1 |
| (h) Form and Content..... | 6-8.1 |

TABLE OF CONTENTS

§ 603 Statutory Requirements Relating to Rates6-8.2

§ 604 The First Requirement: Justness and Reasonableness6-8.2

§ 605 The Second Requirement: Unjust Discrimination.....6-8.7

 (a) In General 6-9

 (b) Justification 6-11

 (c) Examples..... 6-14

 (d) Onus..... 6-21

 (e) Application of Section 28(1) of the Telecommunications
 Act 6-23

§ 606 The Third Requirement: Approval of Rates 6-24

§ 606A. Forbearance..... 6-25

 (a) General 6-25

 (b) Local Exchange Services 6-30

 (c) VoIP Services 6-32

(Continued on page xv)

TABLE OF CONTENTS

Table 6.1: Forborne Services’ Share of Total Revenues by Service Type, 2007-2010..... 6-33

Table 6.2: Markets subject to CRTC Forbearance Rulings..... 6-33

§ 607 Effective Date of Rate Proposals..... 6-36

§ 608 The Commission’s General Power Respecting Rates, Tariffs and Telecommunications Services..... 6-37

§ 609 Interim Changes in Rates..... 6-37

§ 610 Agreements Pertaining to Rates 6-39

§ 611 Burden of Proof 6-40

B. RATE MAKING 6-41

§ 612 Methodology 6-41

§ 613 The *Regulatory Framework* Decision..... 6-42

§ 614 Regulation of the Major ILECs 6-45

(a) Retail Rates..... 6-46

Table 6.3: Retail Price Caps 6-47

(i) The First Price Cap..... 6-51

(ii) The Second Price Cap 6-53

(iii) The Third Price Cap 6-54

(b) Wholesale Rates 6-55

(i) High-Speed Access Services 6-56

(c) Other Price-Related Matters 6-56

(i) Construction Program 6-56

(ii) Depreciation 6-57

(iii) Intercorporate Transactions..... 6-58

(iv) Predatory Pricing..... 6-58

(v) Quality of Service 6-61

§ 615 Regulation of Northwestel Inc..... 6-63

§ 616 Regulation of the SILECs..... 6-64

§ 617 Regulation of Teleglobe..... 6-65

C. PARTICULAR RATING ISSUES 6-65

§ 618 Costing 6-65

§ 619 Retroactivity and Retrospectivity in Rate Making 6-69

§ 620 Rate Design..... 6-71

(a) “Universal Service” 6-72

Table 6.4: Penetration Rates, 1997-2009 6-75

(b) Company-Wide Price Averaging..... 6-76

(c) Cost-Based Versus Value-of-Service Pricing 6-78

§ 621 Extended Area Service (EAS) and Local Calling Areas (LCAs)..... 6-79

§ 622 Reduced Rates and Free Services 6-85

§ 623 Rebates 6-87

TABLE OF CONTENTS

CHAPTER 7 — INTERCONNECTION, ACCESS AND OTHER MATTERS 7-1

§ 700 Introduction..... 7-1

A. INTERCONNECTION AND ACCESS 7-2

§ 701 Interconnection Agreements 7-2

§ 702 CRTC Powers in Relation to Interconnection 7-4

§ 703 Interconnection and Competition 7-7

(a) The Ingersoll Case 7-7

(b) Private Line and Switched Data Competition..... 7-8

(c) Expansion of Services Competition..... 7-9

(d) Interexchange Competition..... 7-9

(e) Local Competition 7-11

(f) Pay Phone Competition 7-11

(g) International Services Competition 7-12

§ 704 Arrangements for Interexchange Competition 7-12

(a) Registration 7-12

(b) Compensation for Interconnection..... 7-12

(i) Start-up Costs 7-13

(ii) Ongoing Costs..... 7-14

§ 705 Arrangements for Wireless to LEC Interconnection 7-15

§ 706 Arrangements for CLEC to LEC Interconnection and
Local Competition 7-16

(a) Registration 7-17

(b) Interconnection Arrangements 7-17

(c) Entry Requirements 7-17

Figure 7-1: CRTC’s Summary of CLEC Obligations and Documents
to be filed by Prospective CLECs..... 7-18

(d) Compensation for Interconnection..... 7-29

§ 707 Arrangements for Pay Telephone to LEC Interconnection 7-30

§ 708 Arrangements for IP Network Interconnection..... 7-32

§ 709 Subsidy and Contribution Regime..... 7-33

(1) Contribution prior to Decision 2000-745 7-34

(a) Contribution by Dedicated Interexchange Services and
Facsimile Services 7-36

(b) Contribution by Public Switched Interexchange Voice
Services 7-37

(c) Contribution by Wireless Service Providers..... 7-38

(d) Contribution by Paging Services..... 7-41

(e) Contribution by Internet Services..... 7-41

(f) Contribution by Non-Interconnected Services and DALs..... 7-41

(g) Contribution by Resellers..... 7-42

(2) Contribution under Decision 2000-745 7-43

(a) Contribution eligible revenues..... 7-43

TABLE OF CONTENTS

| | |
|--|----------------|
| (b) Calculation of Subsidy Requirement | 7-45 |
| (c) Revenue Percentage Charge..... | 7-46 |
| § 710 Mandated Access to Facilities and Services..... | 7-46 |
| (a) General | 7-46 |
| (b) Wireline services | 7-46.3 |
| (c) Wireless services | 7-46.4 |
| B. PARTICULAR ACCESS ISSUES | 7-46.6 |
| § 711 Co-Location..... | 7-46.6 |
| § 712 Number Portability | 7-46.7 |
| § 713 Support Structures | 7-46.7 |
| § 713A Access to Directory Databases..... | 7-46.11 |
| § 713B Building Access | 7-46.11 |
| § 713C Resolution of Competitive and Access Disputes | 7-46.16 |
| (a) Staff-assisted mediation | 7-46.18 |
| (b) Final offer arbitration | 7-46.19 |
| (c) Expedited hearing | 7-46.21 |
| (d) Staff-assisted opinion | 7-46.22 |
| (e) Consensus-based problem-solving..... | 7-46.23 |
| C. RESALE AND TERMINAL ATTACHMENT | 7-46.23 |
| § 714 Domestic Resale and Sharing | 7-46.23 |
| § 715 International Resale and Sharing | 7-50 |
| § 716 Affiliate Rule | 7-50 |
| § 717 Terminal Attachment | 7-51 |
| § 718 Telecommunications Apparatus Conformity Assessment | 7-53 |
| D. COMPETITIVE SAFEGUARDS | 7-54 |
| § 719 General..... | 7-54 |
| § 720 Structural Separation | 7-58 |
| § 720A “Winback” Rules..... | 7-62 |
| § 721 Service Bundling..... | 7-63 |
| § 722 Promotions..... | 7-66 |
| E. APPLICATION OF THE <i>COMPETITION ACT</i> AND THE <i>CRIMINAL CODE</i> TO TELECOMMUNICATIONS | 7-67 |
| § 722A <i>Competition Act</i> Provisions relating to Telecommunications..... | 7-67 |
| (a) Criminal Offences and Reviewable Conduct..... | 7-68 |
| (b) Restrictive Practices | 7-70.2 |
| (c) Regulated Conduct Defence | 7-70.5 |
| (d) Civil Remedies | 7-70.6 |
| § 722B <i>Criminal Code</i> Provisions relating to Telecommunications..... | 7-70.6 |

TABLE OF CONTENTS

| | |
|---|----------|
| (a) Interception of Communications | 7-70.7 |
| (b) Theft of Telecommunications Services..... | 7-70.7 |
| (c) General Warrants and Telecommunications Records..... | 7-70.8 |
| F. INTERNATIONAL AGREEMENTS | 7-70.9 |
| § 723 Introduction..... | 7-70.9 |
| § 724 Canada-U.S. Free Trade Agreement | 7-70.10 |
| § 725 The North American Free Trade Agreement..... | 7-70.13 |
| (a) Access to Facilities..... | 7-71 |
| (b) Restrictive Practices | 7-73 |
| (c) Standards-Related Measures..... | 7-74 |
| § 726 General Agreement on Trade in Services | 7-75 |
| (a) The Basic Principles of the GATS | 7-76 |
| (b) Article XVI — Market Access | 7-77 |
| (c) Article XVII — National Treatment | 7-81 |
| (d) Article XVIII — Additional Commitments | 7-81 |
| (e) The Fourth Protocol | 7-81 |
| (f) The Reference Paper | 7-83 |
| Figure 7-2: Canada’s Schedule of Specific Commitments | 7-85 |
| G. OTHER | 7-97 |
| § 727 Changes in Control, Mergers and Acquisitions | 7-97 |
| (a) <i>CRTC</i> | 7-97 |
| (b) <i>Radiocommunication Act</i> | 7-99 |
| (c) <i>Competition Act</i> | 7-99 |
| (d) <i>Investment Canada Act</i> | 7-100 |
| § 728 Unsolicited Telecommunications | 7-100.1 |
| (a) ADAD Calls | 7-100.2 |
| (b) Telemarketing Rules..... | 7-101 |
| (c) National DNCL Rules | 7-102 |
| (d) Administrative Monetary Penalties | 7-104 |
| § 728A Canadian Anti-Spam Legislation..... | 7-105 |
| § 729 Privacy..... | 7-106.5 |
| § 730 Content of Messages and “Net Neutrality” | 7-106.7 |
| § 731 “Convergence” | 7-106.10 |
| § 732 Bypass | 7-111 |
| (a) Canada-Overseas and Canada-Canada Bypass | 7-115 |
| (b) Teleglobe Bypass | 7-118 |
| § 733 Telecommunications Fees..... | 7-122 |

TABLE OF CONTENTS

**PART IV
THE REGULATORY PROCESS**

CHAPTER 8 — CONDUCT OF PROCEEDINGS 8-1

 § 800 In General..... 8-1

A. PRELIMINARY MATTERS..... 8-2

 § 801 Institution of Proceedings 8-2

 § 802 Notice..... 8-3

 § 803 Service of Documents..... 8-6

 § 804 Requests for Information..... 8-6

 § 805 Production of Documents 8-7

B. THE HEARING..... 8-7

 § 806 Organization and Conduct of Proceedings..... 8-7

 § 807 Regional Hearings 8-8

 § 808 Preparatory Conferences..... 8-8

 § 809 Interventions..... 8-9

 § 810 Evidence..... 8-9

 § 811 Requests for Information..... 8-11

 § 812 Cross-examination 8-12

 § 813 Enforcing Attendance of Witnesses..... 8-13

 § 813A Reasons for Decision..... 8-13

C. PARTICULAR MATTERS..... 8-14

 § 814 References to the Federal Court of Appeal..... 8-14

 § 815 Confidentiality 8-14

 § 816 Staff Papers and Documents..... 8-20

D. COSTS..... 8-23

 § 817 In General..... 8-23

 § 818 Criteria 8-25

 § 819 Adversarial Proceedings..... 8-29

 § 820 Interim Costs 8-30

 § 821 Practice..... 8-34

CHAPTER 9 — REVIEWS AND APPEALS 9-1

 § 900 Introduction..... 9-1

A. INTERNAL REVIEWS 9-1

 § 901 General..... 9-1

 § 902 Review Criteria 9-2

 § 903 Conduct of Reviews 9-5

TABLE OF CONTENTS

| | |
|---|-------------|
| § 904 Practice | 9-8 |
| B. APPEALS TO THE FEDERAL COURT OF APPEAL | 9-10 |
| § 905 Scope | 9-10 |
| § 906 Procedure | 9-13 |
| § 907 The Test for Leave | 9-14 |
| § 908 Standard of Review on Appeal | 9-14 |
| (a) Pre-Dunsmuir Decisions | 9-17 |
| § 909 Stays by the Federal Court of Appeal Pending Appeal | 9-19 |
| § 910 Stays by the CRTC Pending Appeal | 9-20 |
| § 911 Standing of the Commission | 9-22 |
| C. JUDICIAL REVIEW | 9-25 |
| § 912 Federal Court of Appeal | 9-25 |
| § 913 Provincial Superior Courts | 9-28 |
| § 914 [Intentionally blank] | 9-29 |
| D. CABINET APPEALS | 9-29 |
| § 915 In General | 9-29 |
| § 916 Procedural Safeguards | 9-32 |
| § 917 Limits on Cabinet Authority | 9-33 |
| § 918 Process | 9-34 |
| § 919 Practice | 9-35 |
| (a) Threshold for Governor in Council Review | 9-35 |
| (b) Governor in Council Decisions | 9-37 |
| Figure 9-1: Decisions by the Governor-in-Council reviewing Telecommunications Decisions 1967 to date | 9-40 |
| Figure 9-2: Summary of Procedure — Reviews and Appeals of CRTC Decisions | 9-50 |

VOLUME 2

APPENDICES

APPENDIX A — FEDERAL STATUTES

| | |
|---|------|
| Table of Concordance — <i>Telecommunications Act</i> and Previous Legislation | A1-1 |
| <i>Telecommunications Act</i> | A2-1 |
| <i>Canadian Radio-television and Telecommunications Commission Act</i> | A3-1 |
| <i>Radiocommunication Act</i> | A4-1 |
| <i>Department of Industry Act</i> (ss. 1-22, 25 and 67) | A5-1 |
| <i>Department of Canadian Heritage Act</i> | A6-1 |
| <i>Bell Canada Act</i> | A7-1 |

TABLE OF CONTENTS

Teleglobe Canada Reorganization and Divestiture Act.....A8-1
Telesat Canada Reorganization and Divestiture Act.....A9-1
Canadian Anti-Spam Legislation..... A10-1
Broadcasting Act (ss. 1-34, 89-93) A11-1

**APPENDIX B — FEDERAL REGULATIONS, DIRECTIVES, CRTC
INFORMATION BULLETINS**

(a) Regulations, etc. made by the CRTC
CRTC Telecommunications Rules of ProcedureAPP-95
Terms of Service..... APP-135
Telecommunications Fees Regulations, 2010APP-146.1
Basic International Telecommunications Service Licence.....APP-146.3

(Continued on page xxi)

TABLE OF CONTENTS

| | |
|---|-----------------|
| Unsolicited Telecommunications Rules..... | APP-146.5 |
| Electronic Commerce Protection Regulations (CRTC)..... | APP-146.17 |
| <u>(b) Regulations made by the Governor in Council</u> | |
| Canadian Telecommunications Common Carrier Ownership and Control Regulations..... | |
| | APP-146.19 |
| Telecommunications Apparatus Regulations | APP-146.51 |
| International Submarine Cable Licences Regulations..... | APP-146.53 |
| Radiocommunication Regulations | APP-146.55 |
| Electronic Commerce Protection Regulations | APP-146.70(1) |
| <u>(c) Directions to the CRTC</u> | |
| Directive respecting ED TEL..... | APP-146.71 |
| Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)..... | APP-146.75 |
| Direction to the CRTC (Ineligibility of Non-Canadians)..... | APP-146.79 |
| Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives..... | APP-146.85 |
| <u>(d) CRTC Information Bulletins</u> | |
| Guidelines for the Assessment of Costs | APP-146.88(0.1) |
| Revised guidelines for review and vary applications, IB 2011-214..... | APP-146.88(1) |
| Internet traffic management practices — Guidelines for responding to complaints and enforcing framework compliance by Internet service providers, IB 2011-609 | APP-146.88(5) |
| Changes to ownership data collection for Canadian carriers, IB 2010-115 | APP-146.88(13) |
| Approval processes for tariff applications and intercarrier agreements, IB 2010-455 | APP-146.88(17) |
| Amendment and re-issuance of Telecom Circular 2008-3 regarding the interpretation of the Unsolicited Telecommunications Rules as they apply to investment dealers, mutual fund dealers, and investment and financial advisors, IB 2010-600..... | APP-146.88(25) |
| Guidelines on the CRTC Rules of Practice and Procedure, IB 2010-959 | APP-146.88(31) |
| Procedures for filing confidential information and requesting its disclosure in Commission proceedings, IB 2010-961 | APP-146.88(71) |
| Format for requests for information and responses, IB 2010-962..... | APP-146.88(85) |
| Guidelines on the interpretation of the Electronic Commerce Protection Regulations (CRTC), IB 2012-549 | APP-146.88(87) |
| Guidelines on the use of toggling as a means of obtaining express consent under CASL, IB 2012-548..... | APP-146.88(97) |
| <u>(e) Other</u> | |
| CISC Administrative Guidelines | APP-146.89 |
| CRTC/Competition Bureau Interface, October 8, 1999 | B46-1 |
| Letter of Agreement between CRTC and Competition Bureau, September 25, 2013 | B47-1 |

TABLE OF CONTENTS

Memorandum of Understanding between CRTC, Competition Bureau
and Privacy Commission, October 22, 2013 B48-1
CMRS Spectrum Licence (Sample)..... B49-1

APPENDIX C —PROVINCIAL STATUTES

Manitoba: *The Consumer Protection Amendment Act (Cell Phone Contracts)* C1-1
Newfoundland and Labrador: *An Act to amend the Consumer Protection and
Business Practices Act*..... C2-1
Nova Scotia: *An Act to Amend Chapter 92 of the Revised Statutes, 1989, the
Consumer Protection Act, to Ensure Fairness in Cellular Telephone
Contracts [Repealed.]*..... C3-1
Ontario: *Wireless Services Agreement Act* C4-1
Québec: *An Act to amend the Consumer Protection Act and other legislative
provisions*..... C5-1

APPENDIX D — INTERNATIONAL AGREEMENTS

Free Trade Agreement between Canada and the United States
of America (excerpts) APP-175
North American Free Trade Agreement (excerpts)..... APP-191
General Agreements on Trade in Services (excerpts)..... APP-207

**APPENDIX E — RATE REGULATION PRIOR TO THE
REGULATORY FRAMEWORK DECISION**

..... APP-230

INDEX

INDEX IND-1