



PUBLIC INTEREST ADVOCACY CENTRE
LE CENTRE POUR LA DÉFENSE DE L'INTÉRÊT PUBLIC

5 December 2018

The Hon. Pablo Rodriguez, P.C., M.P.
Minister of Canadian Heritage and
Multiculturalism
15 Eddy Street
Gatineau, Québec K1A 0M5
hon.pablo.rodriguez@canada.ca

The Hon. Navdeep Bains, P.C., M.P.
Minister of Innovation, Science and
Economic Development
235 Queen Street
Ottawa, Ontario K1A 0H5
ised.minister-ministre.isde@canada.ca

Re: *Delayed Costs Awards for Public Interveners at the CRTC, 2018*

Dear Ministers:

I am writing to you at the request of the Board of Directors of the Public Interest Advocacy Centre (PIAC)¹ regarding an untenable situation at the Canadian Radio-television and Telecommunications Commission (CRTC). In brief, the CRTC has fallen so far behind in awarding costs for interventions before it to public interest interveners that PIAC is, once again this year, in danger of ceasing operations due to the resulting cash-flow shortfalls. We seek your help in remedying the situation as our entreaties to the Commission have been largely ignored and this situation, which we wrote to you and your predecessor about last year, has placed us yet again in a situation which threatens our ability to continue operating.

As background, we attach the letter PIAC wrote to both Ministers Bains and Joly in late November 2017. This older letter (and the response from Minister Bains on behalf of both Ministers) is attached. As you can see, nothing has been remedied and the delays at issue, in fact, are now worse.

PIAC presently awaits CRTC costs claims in excess of \$150,000, the oldest of which was filed with the CRTC in July 2017, one and a half years ago. We attach to this letter a simplified balance sheet and financial statements for PIAC's latest quarter, which show these delayed costs are a significant part of our operating costs. No

¹ PIAC is a nationally incorporated non-profit organization and registered charity that has, since 1976, provided legal and research services on behalf of consumer interests, and, in particular, vulnerable consumer interests, concerning the provision of important public services.

organization, public or private, can survive with these liabilities outstanding for this period of time, especially a small, non-profit organization such as PIAC.

PIAC cannot afford to participate fully in CRTC proceedings any longer now that obtaining our “receivables” is so delayed. Our cash flow is now so delayed we are virtually insolvent. Our Board has, at its meeting of 30 November 2018, approved layoffs of two staff members (out of a total of four), effective this Friday. The Board has also resolved to examine all possibilities, including halting the substantive activities of the corporation.

PIAC reproduces here, with permission, an updated analysis of CRTC costs awards timing over the last 6 years, prepared by a fellow public interest intervener, the Forum for Research and Policy in Communications,² that demonstrates that **the time taken by the CRTC to issue costs orders** has now more than doubled from an average of 3.7 months after applications were filed in 2013, to **9.6 months** (slightly more than the delay last year, and despite our writing to you last year on this subject) after filing in 2018:

Average number of months to CRTC’s issuance of cost orders						
Orders and reference dates	2013	2014	2015	2016	2017**	2018***
Number of orders	23	28	28	30	30	45
Number of proceedings	12	18	19	20	11	22
Months from launch of proceeding	9.5	12.2	13.2	10.5	18.8	16.2
Months from end of proceeding record*	5.3	8.4	8.0	5.1	10.4	10.9
Months from date of CRTC outcome in proceeding	1.5	1.6	-0.5	0.6	5.0	2.6
Months from date that cost application is filed	3.7	6.9	7.6	6.4	9.5	9.6
* Being the deadline for public organizations to make their last submission in a proceeding ** Previous 2017 results described 26 costs orders from January to mid-November; the CRTC issued 4 other orders in the remaining few weeks of the year, for a total of 30 orders *** January 1 st to November 28 th 2018						

The CRTC has indicated to our Executive Director that they do not anticipate issuing **any** costs awards before their holiday shutdown in December 2018, so the 9.6 month delay will likely rise to over 10 months when the whole of 2018 is analyzed.

We do not wish to interfere with the quasi-judicial nature of CRTC’s decision-making. However, this approach by the CRTC to dealing with its accounts payable is unacceptable and will prevent public interveners such as PIAC from participating in CRTC hearings and will undermine the Commission’s policy intent to have balanced representation before it when it considers important regulatory issues.

² See Forum for Research and Policy in Communications (FRPC), “Research Note: The CRTC’s cost-orders process in telecommunications: a year later” (3 December 2018). Online: <http://frpc.net/wp-content/uploads/2018/12/CRTC-cost-orders-Nov-2018.pdf>

PIAC, therefore, urges that you assist us, and the other public interest interveners that come before the CRTC, by consulting with the Commission on this important issue of administrative procedure and public representation. If this issue is not resolved in the very near future it is extremely likely that PIAC will cease operations. There also will be fewer public interest interveners representing the public at CRTC hearings and no real incentive for them to undertake this arduous, lengthy and largely thankless work.

We believe in your commitment to ensuring the CRTC carries out its public interest mandate and we request your assistance with this matter on an urgent basis.

Yours truly,

A handwritten signature in black ink, appearing to read "Harry Gow". The signature is fluid and cursive, with a long horizontal stroke at the end.

Harry Gow
Chair, Board of Directors
Public Interest Advocacy Centre
285 McLeod Street, Suite 200
Ottawa, Ontario K2P 1A1

Attach.

cc Mr. Ian Scott, Chair and CEO, Canadian Radio-television and Telecommunications Commission
Mr. Stephen Millington, Senior General Counsel, CRTC
Mr. Scott Shortliffe, Chief Consumer Officer, CRTC