



Telecom Notice of Consultation CRTC 2009-303

Ottawa, 22 May 2009

Call for comments – Canadian ownership and control review procedure under section 16 of the *Telecommunications Act*

File number: 8657-C12-200907751

With this notice, the Commission invites parties to comment on whether it is appropriate in some instances for the Commission to conduct, under the Telecommunications Act, Canadian ownership and control reviews on a public basis as opposed to a confidential basis.

Introduction

1. The Commission received a letter dated 20 April 2009 from TELUS Communications Company (TCC) requesting that the Commission initiate an open and transparent process to review whether Globalive Wireless Management Corporation (Globalive) is under Canadian ownership and control as is required by section 16 of the *Telecommunications Act* (the Act).
2. The Commission received a letter dated 22 April 2009 from Shaw Communications Inc. (Shaw) stating that it supports TCC's submissions, including the request that the Commission conduct an open and transparent process to review Globalive's ownership and governance structure.
3. In a letter to the Commission dated 5 May 2009, Globalive opposed TCC's and Shaw's requests that the Commission initiate a public review of Globalive's ownership and control. Globalive submitted that the Commission has a longstanding practice of conducting Canadian ownership and control reviews under section 16 of the Act on a confidential and bilateral basis with a given carrier, as opposed to the multi-party public process proposed by TCC and Shaw. Globalive submitted that a decision by the Commission to conduct a public ownership and control review would constitute a significant change in longstanding Commission policy, and that, accordingly, the Commission should afford all interested parties an opportunity to provide comments on the proposed public review process before such a process is pursued.

Call for comments

4. The Commission invites parties to comment on the circumstances under which it would be appropriate to hold a multi-party public process to review a common carrier's compliance with the Canadian ownership and control requirements of the Act.

Procedure

5. Globalive, TCC, and Shaw are made parties to this proceeding.

6. Parties other than those identified in paragraph 5 that are interested in participating in this proceeding (including receiving copies of all submissions) must notify the Commission of their intention to do so by filling out the online form; or by writing to the Secretary General, CRTC, Ottawa, Ontario, K1A 0N2; or by faxing to: 819-994-0218 by **29 May 2009** (the registration date). Parties are to provide their email address, where available. If parties do not have access to the Internet, they are to indicate in their notice whether they wish to receive disk versions of hard-copy filings.
7. The Commission will post on its website, as soon as possible after the registration date, a complete list of interested parties and their mailing addresses (including their email addresses, if available), identifying those parties who wish to receive disk versions.
8. All parties may file with the Commission, serving copies on all other parties, comments with regard to the above-noted issues by **8 June 2009**.
9. All parties may file with the Commission, serving copies on all other parties, reply comments by **15 June 2009**.
10. The Commission expects to issue a decision on the issues raised in this Notice of Consultation within 45 days after the record closes.
11. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding.
12. Where a document is to be filed or served by a specific date, the document must be actually received, not merely sent, by that date.
13. Parties may file their submissions electronically or on paper. Submissions longer than five pages should include a summary.
14. Electronic submissions should be in HTML format. As an alternative, those making submissions may use "Microsoft Word" for text and "Microsoft Excel" for spreadsheets.
15. Each paragraph of all submissions should be numbered. In addition, the line *****End of document***** should be entered following the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
16. The Commission also encourages parties to monitor the record of this proceeding (and/or the Commission's website) for additional information that they may find useful when preparing their submissions.

Important notice

17. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes your personal information, such as your full name, email address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

18. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
19. Documents received electronically or otherwise will be posted on the Commission's website in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
20. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not directly link to the information that was provided as part of this public process.

Location of CRTC offices

21. Submissions may be examined or will be made available promptly upon request at Commission offices during normal business hours:

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

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99 Wyse Road, Suite 1410
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55 St. Clair Avenue East, Suite 624
Toronto, Ontario M4T 1M2
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Kensington Building
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Secretary General

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