

Reforming the **Canadian Radio- television and Telecommunications Commission (CRTC)**



The Canadian 
Internet Society

Shaping Canada's Digital Future

Expert Insights and
Practical Recommendations

REFORMING THE CANADIAN RADIO-TELEVISION AND TELECOMMUNICATIONS COMMISSION (CRTC)

EXECUTIVE SUMMARY

The Canadian Internet Society (TCIS) urges the Government of Canada to undertake a series of policy and legislative measures intended to reform and modernize the Canadian Radio-television and Telecommunications Commission. The CRTC has not kept pace as the internet has transformed global and domestic communications: enabling competition and choice, and empowering Canadians to challenge and overcome their reliance on legacy telecommunications carriers and broadcasters, or simply bypass them.

The CRTC was founded in 1968 to regulate radio and television. In 1976, regulation of Canada’s then-monopoly telecommunications carriers was added to its mandate. Yet telecommunications and broadcasting are subject to vastly different policy, law, and regulatory objectives. Today, these objectives are increasingly divergent in the ways that they impact the internet in Canada.

The 1993 Telecommunications Act tasked the CRTC with overseeing the complex transition from monopoly to competition in telecoms services—meaning wireline and wireless transmission of personal and commercial communications. This is the economic and technical regulation of the infrastructure on which the internet rides. It is grounded in the concept of nondiscriminatory common carriage. Open, affordable access to the internet and online services is essential to 21st-century economic competitiveness.

In contrast, the Broadcasting Act—expanded by the 2023 Online Streaming Act to capture global online audio and audiovisual streamers in Canada—has a very different purpose. Guided by the act’s 60 sociocultural objectives and subobjectives, CRTC regulation aims to support Canadian content by extracting “contributions”

(financial, exhibition, and visibility) from domestic radio, TV, cable, and satellite broadcasters. Overzealous application of that regulation to global streamers could cause market exit and create a barrier to entry, negatively impacting Canadians' access to online content.

The policy and regulatory contexts, goals, and economic impacts could not be more disparate. Yet the same group of commissioners, appointed by the Governor in Council (GIC) without mandatory requirements for related knowledge, skills, or expertise, are expected to oversee these highly distinct markets and ensure that regulatory staff provide timely, relevant, expert advice.

As an institution, the CRTC has failed to develop the technical, economic, and policy expertise necessary to fully understand the internet and how it transforms the legacy industries it was established to regulate. It does not operate efficiently, transparently, or in a timely manner—essential attributes in rapidly evolving internet-enabled markets. It has been undermined by political intervention, both through formal means, such as policy directions and review of decisions, and informal public comments. Despite public criticism that it is too focused on (or captured by) the legacy industries it regulates¹, the CRTC has struggled to adapt to technological change, engage Canadians in its proceedings, and reflect consumer interests in decisions.

Simply put, Canada's telecommunications and broadcasting regulator is no longer fit for its purpose. In a policy roundtable convened by TCIS under Chatham House rules, experts from across the policy, regulatory, academic, and industry landscapes shared a resounding conclusion: reform must be institutional.

¹ See, for example:

Geist, Michael. "[My CRTC Appearance on Bill C-11: Why Isn't the Commission Concerned with Competition, Consumer Choice, and Affordability?](https://mgeist.substack.com/p/my-crtc-appearance-on-bill-c-11-why?utm_source=profile&utm_medium=reader2)" *Michael Geist*, 6 Dec. 2023, https://mgeist.substack.com/p/my-crtc-appearance-on-bill-c-11-why?utm_source=profile&utm_medium=reader2.

Nowak, Peter. "[Three Telcos in a Trenchcoat: Industry Policy Sway Needs Attention](https://blogs.teksavvy.com/three-telcos-in-a-trenchcoat-industry-policy-sway-needs-attention)." *TekSavvy*, 19 Jan. 2022. <https://blogs.teksavvy.com/three-telcos-in-a-trenchcoat-industry-policy-sway-needs-attention>.

White, Geoff. "[One of Canada's Most Important Institutions Is Failing Canadians](https://www.theglobeandmail.com/business/commentary/article-one-of-canadas-most-important-institutions-is-failing-canadians/)." *Globe and Mail*, 17 June 2021. <https://www.theglobeandmail.com/business/commentary/article-one-of-canadas-most-important-institutions-is-failing-canadians/>.

BACKGROUND AND CONTEXT

The Canadian Internet Society (TCIS) advocates for open, affordable, accessible, and secure internet access. Our mission is to ensure that all Canadians benefit from the opportunities created by digital transformation. As part of that work, we have undertaken a series of white papers to aid the new federal government in developing a digital policy environment that embraces the opportunities created by new technologies and that shapes the future in the public interest.

This paper addresses the urgent need to reform the CRTC. It draws on expert consultations, including policy roundtables convened by TCIS on April 22 and 24, 2025. These brought together past and present executive-level participants in CRTC proceedings from industry, civil society, and academia. Also referenced are the reports of the January 2020 Broadcasting and Telecommunications Legislative Review Panel ([BTLRP](#)) and the March 2006 Telecommunications Policy Review Panel ([TPRP](#)). Insights from these discussions and references helped shape our recommendations. However, the views expressed here are solely those of TCIS.

Telecommunications and broadcasting in the internet era

1. 1991 amendments to the Broadcasting Act ensured CRTC authority to regulate the expanding market of cable TV, satellite, and satellite-to-cable radio and TV services, all with a view to promoting Canadian content.
2. The 1993 Telecommunications Act redirected the CRTC's focus from solely regulating monopoly carriers to fostering increased reliance on market forces and enhancing efficiency and competitiveness in Canadian telecommunications.
3. That policy change was grounded in rapidly evolving technology and had profound implications: Within a decade, the emergence of the internet and the widespread deployment of Internet Protocol (IP) technologies across telecommunications networks were transforming CRTC-regulated industries.

4. IP technologies enabled transmission of any and all interactive communications on formerly service-specific wireline, wireless, cable TV, and satellite infrastructures—and competition among them. As capacity (bandwidth) expanded, this included interactive online audiovisual content.
5. IP technologies also enabled competitors, including internet access providers (ISPs), to connect directly with end users. Using leased capacity, or simply riding atop the networks of former monopoly carriers (incumbents), they could compete with them: creating service-level competition separate from the underlying, physical telecommunications infrastructure.
6. Global distribution of interactive audio and audiovisual services created new opportunities for creators of digital content to reach global audiences. It also created new competition for traditional domestic, one-way radio and TV broadcasters, disrupting their business models grounded in regulation.

The policy and regulatory response have not always been forward-looking.

In telecommunications, CRTC regulation initially pivoted toward fostering and enabling competition. This included deregulating markets found to be sufficiently competitive, and enabling service-level competition by mandating frameworks for new entrant competitors to access at wholesale rates, and resell incumbent capacity, and network elements. But establishing the right balance between, on one hand, fostering competition and, on the other hand, not disincentivizing incumbents' investment in network infrastructure has proven to be a significant challenge. As one roundtable participant put it, over 25 years, the model has failed both competitors and incumbents. The result has been ongoing, endless debates among the parties, including ISPs, in fractious regulatory proceedings, and the demise of many new entrant competitors. Incumbent, former-monopoly carriers retain significant market share across Canada.

Government intervention has not always been helpful or forward-looking. Since 1994, the GIC has intervened several times to vary (rewrite) CRTC decisions on implementing competition. One such [variance](#) tipped the decision in favour of incumbents, without any clear grounding in economic or competition analysis. A 2006 formal [policy direction](#) was widely perceived to favour competition among operators of physical network infrastructure (incumbent telecoms and cable-TV networks). It was repealed in 2023 by a new [policy direction](#) requiring the CRTC to maintain mandated wholesale rates to foster service-level competition. Although the CRTC has struggled with the regulatory framework, these whipsaw interventions negatively impacted regulatory independence and evidence-based decision-making.

Government intervention in wireless telecoms has also had mixed results. Innovation, Science and Economic Development Canada (ISED) is responsible for radio spectrum policy and regulation, and for telecoms policy. It has used spectrum auctions and licensing several times to foster competition through set-asides and other measures. There has been some success, as a fourth wireless carrier emerged in some markets. Still, a [2019 study](#) by the Competition Bureau concluded that incumbent wireless carriers (Rogers, Bell, and Telus) had market power at both the retail and wholesale level in most regions in Canada—the situation has not significantly changed since.

From a governance perspective, ISED's role, including its oversight of tower sharing, spectrum transfers, and Canadian ownership reviews, inevitably infringes on or overlaps with the CRTC's oversight and regulation of telecommunications carriers. The requirement for departmental approvals and ministerial sign-off on policies and licensing can cause extraneous, sometimes politically driven, delays. And ISED processes lack the quasi-judicial rigour of an independent tribunal.

In broadcasting, the CRTC was widely praised when, in 1999, it decided to exempt from regulation audio and audiovisual content on the internet. While determining that the act captured online content, the commission concluded that regulation would not contribute to achieving the objectives of the act, a view it twice reaffirmed.

So Canadians continued to enjoy open access to online content and services. A [2022 Pew study](#) found that 95% of Canadians use the internet, among the top four countries worldwide (more than the US, at 93%), and 75% of Canadians use social media, also among world leaders. According to [Statista](#), e-commerce in Canada is growing rapidly.

Canadian digital-first creators became world leaders, too, achieving success outside the regulated, subsidized broadcasting system by reaching global audiences on social media like YouTube. A 2019 study called [Watchtime Canada](#) by Audience Lab at (then) Ryerson University, led by [Dr. Irene Berkowitz](#), found that Canadian YouTube producers led the platform in exports, with 90% of views (and often 90% revenues) from outside Canada—compared to the average of 50%. Many had billions of views. Music data tracking company [Luminote](#) found that in 2024, Canada was the number three exporter of music worldwide, and third for songwriters in the top 1,000 streamed songs.

Initial government response—both Conservative and Liberal—supported the CRTC's hands-off approach. But pressure from traditional broadcasters and media producers (who benefit from the “system” of subsidized CanCon supply for regulated demand) led the government to launch a lengthy policy review in 2017. In response, the CRTC changed its view with a report chillingly titled [Harnessing Change](#), calling for regulation of online streamers. Then the January 2020 report of the Broadcasting and Telecommunications Legislative Review Panel ([BTLRP](#)) followed suit. The final outcome was the 2023 Online Streaming Act and CRTC implementation, now underway.

It was a lost opportunity to truly modernize broadcasting policy in a way that recognizes how digital technologies, the internet, and market forces have utterly changed the ecosystem for domestic and global audio and audiovisual production and distribution—creating new opportunities for Canadians and Canadian creators. Instead, global online streamers such as Netflix, Disney, Prime, YouTube, and many smaller players will be subject to outdated broadcasting regulation, Canadian

content contributions, and commitments. The Online Streaming Act enables a level of regulation far more intrusive than is necessary to achieve reasonable outcomes. Based on the CRTC's approach to date (legal challenges have already begun), TCIS is concerned that overzealous regulation may have negative, unintended consequences:

1. Burdensome regulation may incentivize market exit, create barriers to entry, and thereby reduce Canadians' access to online content and freedom of choice.
2. Increased costs and prices for Canadians as consumers.
3. Regulation that fails to recognize market-driven investment in CanCon can needlessly drive up demand for tax credits and public financing, increase costs for Canadians as taxpayers, and drive both legal and trade challenges.
4. Regulation that is focused on the needs and concerns of legacy broadcasters and traditional media content producers, reliant on regulation and cross-subsidies, may negatively impact entrepreneurial digital-first creators.

PROBLEM STATEMENT

Open, affordable access to the internet and online services is essential to Canada's economic competitiveness in the 21st century. Telecommunications and broadcasting regulation significantly impact the internet in Canada. That regulation can adversely affect Canadians' ability to access internet-based communications, services, and content, and benefit from the opportunities created by digital transformation.

TCIS believes that, in the internet era, the CRTC must become a world leader in efficient, timely, knowledgeable, and adaptable regulation that is targeted and proportional to its purpose. It must be, and be seen to be, independent of

government. This will require substantive institutional change and structural separation of telecommunications and broadcasting regulation—either within the CRTC or under separate regulatory authorities. Reform must be institutional.

ANALYSIS

No “synergies” between telecommunications and broadcasting regulation

Despite much talk in the 1990s about “convergence” of telecoms and broadcasting arising from digital and IP technologies, these services and related policy, law, and regulation remain distinct. Broadcasting policy and regulation prioritize, promote, cross-subsidize, and give preference to Canadian content. By contrast, telecoms policy and regulation are grounded in nondiscriminatory common carriage (or “net neutrality” in the internet context). The treatment of CanCon under broadcasting regulation would, under telecoms law, be “undue preference and discrimination.” In a rare case on point, the CRTC quashed an attempt by a carrier to invoke broadcasting policy to give undue preference to its affiliated broadcasting service.

Indeed, the only meaningful “convergence” has been the ability of all network infrastructures (wireline, cable TV, wireless, satellite) to transport any and all interactive communications—including audiovisual content on high-capacity “broadband” infrastructure. Yet the notion of “convergence” as a sort of “blurring” of broadcasting and telecoms has been used to confound CRTC broadcasting proceedings involving the internet, including implementation of the Online Streaming Act. That this notion persists reflects a poor understanding of both telecommunications and the internet.

Political appointments, lack of expertise, and lack of research

During our roundtable discussions, the persistence of problematic perspectives was related to three key concerns: politically influenced appointment of commissioners; a lack of technical expertise at the staff level; and a lack of timely research to inform regulatory decisions.

Political appointments: The same group of commissioners, appointed by the Governor in Council (GIC) without mandatory requirements for related knowledge, skills, or expertise, is expected to oversee these highly distinct markets and ensure that regulatory staff provide timely, relevant, expert advice. Some are also expected to represent regional interests.

Despite recent moves to seek applications for GIC appointments, there are still no mandatory requirements for expertise in telecoms, broadcasting, related technologies, or economics for commissioner appointments. Some have been recruited from industry, some from within government, and several have legal backgrounds, but technological expertise, in particular, is absent. The rapid evolution of IP technologies makes this a critical flaw. As well, the process for appointments is seen as opaque, and there is no effective mechanism for evaluating commissioner performance.

Expertise and research capacity: The experts we consulted, and the TPRP report, expressed concern that CRTC decision-making suffers from a lack of technical understanding among staff and commissioners. Our roundtables surfaced blatant examples involving how the internet works. Said one participant: “It’s shocking how little the CRTC knows.” Cost models used to determine pricing were called unreliable: “somewhere between fiction and art.” Particularly in telecommunications, the results are decisions that create market uncertainty, stifling both competition and investment. In broadcasting, proceedings to implement the Online Streaming Act reveal an inadequate understanding of substantial differences—both technological and in business models—between regulated domestic broadcasters and about-to-be-regulated global, market-oriented, online streamers and social media.

Unlike counterparts such as those in the UK and US, the CRTC conducts and publishes little if any research to inform evidence-based regulation. It relies primarily on reports filed by parties in proceedings, which, regardless of technical merit, are intended to support a particular position.

Transparency, accountability, timeliness, and independence: The CRTC is seen as too focused on (some say captured by) legacy broadcasters and carriers; unaccountable; unable to reach timely decisions; and its independence undermined by too-frequent government interventions.

On transparency, our roundtables raised ex parte communications between industry representatives, and CRTC staff and commissioners, as undermining trust and confidence. Complex rules and procedures, unavoidably, advantage well-financed incumbents experienced in regulatory proceedings and disadvantage their competitors and the public. One participant was left asking: “How does the public engage with the CRTC in a meaningful way?”

Accountability was a related concern. There are no clearly stated outcomes against which to measure CRTC performance. Annual plans appear to address a government template rather than measure real progress. One expert noted that, in a recent performance report, only one service standard was met, out of dozens. In telecommunications, specifically, regulation needs a principles-based framework focused on outcomes (affordability, reliability, access). In broadcasting, the act’s 60 socioeconomic objectives target so many particular interest groups that virtually any decision can be justified, without any clear accounting of the impact on Canadians as internet users, consumers of online content, and taxpayers. There is a perceived lack of trust and legitimacy. Canadians readily bypass regulation with virtual private networks.

The timeliness of decision-making was raised repeatedly. There is no statutory requirement. “If you don’t have timely decisions, you have nothing,” said one long-time participant in proceedings, about competition and deployment of services and infrastructure. In telecoms, the outcome has been a kind of drift and firefighting rather than trying to set a clear path forward and correcting course based on market outcomes.

Lack of independence is an increasing concern. The CRTC always seems to be looking over its shoulder for government approval. It has an aversion to litigation and a fear of government intervention. Too frequent intervention risks having the CRTC seen

as just the first step in the regulatory process—bad for both the government and the regulator.

POLICY RECOMMENDATIONS

TCIS believes these recommendations can help transform the CRTC. Some can be implemented via government and/or CRTC action. Some will require legislative change.

A. Streamline and improve the GIC appointment of commissioners

Under the CRTC Act, the commission consists of up to 13 commissioners: a chair, two vice-chairs, and up to 10 other commissioners, some of whom serve Canada's regions. Currently, only eight commissioner positions are filled.

1. TCIS recommends reducing the number of commissioners (consistent with both the TPRP and the BTLRP)² to nine: the chair plus two vice-chairs and three commissioners dedicated to, and with expertise in telecommunications, and three with expertise in broadcasting. All should reside in the National Capital Region. Appointments should take into account regional representation.
2. The GIC should compile shortlists of qualified candidates to be recruited through open national competitions based on professional experience and qualifications (as recommended by TPRP).
3. Telecommunications commissioners should have a background in engineering, economics, competition policy, law, or IP network management or services.
4. As recommended by TPRP, compensation for commissioners and senior, expert staff should be increased to market-based levels.

² Including the chair and two vice-chairs, TPRP recommended a total of five for telecommunications plus others for broadcasting; BTLRP recommended a total of up to nine.

B. Better delineate the CRTC's broadcasting and telecommunications functions

5. TCIS recommends structurally separating responsibility for broadcasting and telecommunications within the CRTC, with corresponding staff formally reporting to the respective vice-chairs. A shared secretariat and administration can support both. The chair may participate in proceedings, but should focus on building and maintaining an expert, respected, and independent regulatory agency, including a capacity for strategic planning and research, and establishing partnerships with the Competition Bureau and other government departments with related expertise.
6. We recommend that those radio spectrum management and regulatory functions that directly impact telecommunications should be transferred to the CRTC from ISED. This can be done by an administrative delegation from the minister to the CRTC, including relevant policy guidance, in advance of any eventual legislative change. Transferred responsibilities should include:
 - a) Auctions and other licensing of spectrum allocated to telecommunications.
 - b) Authority for transfers of spectrum among carriers.
 - c) Regulation of competitive issues and disputes, such as tower and other infrastructure sharing.
 - d) Canadian ownership reviews of licensees.
 - e) Approval and management of standards.
7. TCIS recommends giving the CRTC clear authority to resolve disputes and order access to support structures constructed on, over, along, or under public or private property. This authority should include disputes involving third-party owners of support structures, including electricity utilities, municipalities, or other parties. The CRTC should consult with the relevant municipality or provincial regulator prior to making an order to resolve such disputes.

8. With a view to limiting negative impacts on the internet in Canada, we recommend that the Online Streaming Act be amended to include a mandatory review of the act and its implementation every five years.
9. Before the end of its current mandate, the government should launch the first such review with a view to assessing whether, in light of market forces, digital technologies and the new opportunities for Canadian creators arising from the internet and global online distribution of audio and audiovisual content, the time has come to substantially reduce regulation and redirect policy toward measures that rely primarily on providing financial support for production and promotion of Canadian content.
10. We recommend that, consistent with the [policy direction](#) under the *Online Streaming Act*, the CRTC implement the act in a manner that:
 - a) Recognizes market-based contributions to the achievement of policy objectives.
 - b) Strives to ensure that regulation, where required, is efficient and proportional to its purpose, and minimizes costs for Canadians as consumers and taxpayers.
 - c) Avoids negatively impacting Canadians' access to online content and/or Canada's entrepreneurial digital-first creators.

C. Improve the CRTC's in-house expertise

11. TCIS recommends that the CRTC's parliamentary appropriation include a budget to undertake, and make public, research on technological, economic, and policy issues in support of evidence-based decision making.

12. We recommend that the CRTC have a chief technology officer, responsible for providing the regulator with up-to-date intelligence on technical issues. The CTO should assist the regulator to exercise a true challenge function where technological issues are said to prevent the implementation of regulatory objectives.

13 . TCIS supports the TPRP recommendations that the CRTC should have clear authority and sufficient budget to retain expert consultants at market rates, where they are required to provide specialized expertise or to avoid regulatory delays due to heavy workload requirements.

14. We recommend that the CRTC conduct a public consultation to determine if additional data should be collected from telecoms and broadcasting service providers and how best to make industry data available in a timely manner.

D. Strengthen the CRTC's transparency, accountability, and independence, and enable more targeted, timely, evidence-based decisions

15. Amend the Telecommunications Act to remove the GIC authority to vary (change) and set aside CRTC decisions, and retain only the authority to send back decisions for review. In the meantime, the GIC should refrain from varying or setting aside decisions.

16. The GIC should exercise greater restraint in its use of policy directions and ensure a meaningful public consultation when the authority is used.

17. The government should return to the previous practice of refraining from any public comment on CRTC proceedings underway and CRTC decisions.

18. Amend the Telecommunications Act and the Broadcasting Act to include funding for public-interest participation in the operational budget of the CRTC and respective expenditure plans, with costs recovered under CRTC telecoms and broadcasting industry fees. (As recommended by BTLRP.)

19. The CRTC should convene a public consultation on establishing a transparent process for funding public interest participation in its proceedings. (As recommended by BTLRP.)

20. The CRTC should create a public register to disclose all ex parte meetings between industry representatives, commissioners, and senior staff.
21. The CRTC should establish and adhere to published performance service standards, including timelines, for the various forms of regulatory proceedings it runs. These standards should be developed in consultation with the telecommunications and broadcasting industries and the public. (As recommended by the TPRP.)
22. The CRTC should establish regular audits of its performance against service standards and publish audit outcomes.
23. The CRTC should undertake a public review of its regulatory rules and procedures, with a view to making them more efficient, streamlined, and better able to engage participation by the Canadian public.
24. In telecommunications, to guide decision-making, the CRTC should establish, in consultation with industry and the public, a principles-based framework focused on outcomes for affordability, reliability, access, and consumer protection.
25. In telecommunications, the CRTC should undertake a thorough review and reform of its wholesale access policy, including structural options (functional separation, facility ownership rules), rather than continuing what has become an unproductive stalemate.

CONCLUSION

TCIS is reassured that so many of the issues raised in our roundtables were previously addressed in 2006 by the TPRP and in 2020 by the BTLRP. This reinforces that our proposals are solid and on the right path. It underscores that both the CRTC and government have what they need to get on with much-needed reform. The situation demands a structural overhaul. The incoming government has a unique opportunity to modernize Canada's telecom and broadcasting regulator to better serve Canadians and support innovation in a rapidly evolving digital world.

REFERENCES AND SOURCES

Broadcasting and Telecommunications Legislative Review Panel. *Canada's Communication Future: Time to Act*. Innovation, Science and Economic Development Canada. Jan. 2020, https://ised-isde.canada.ca/site/broadcasting-telecommunications-legislative-review/sites/default/files/attachments/BTLR_Eng-V3.pdf.

Canada, Department of Justice. Order Issuing a Direction to the CRTC on Implementing the Canadian Telecommunications Policy Objectives. 14 Dec. 2006, <https://www.canlii.org/en/ca/laws/regu/sor-2006-355/latest/sor-2006-355.html>.

Canada, Department of Justice. Order Issuing a Direction to the CRTC on a Renewed Approach to Telecommunications Policy. 10 Feb. 2023, <https://laws.justice.gc.ca/eng/regulations/SOR-2023-23/page-1.html>.

Canada, Department of Justice. Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework). 09 Nov. 2023, <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2023-239/page-1.html#:~:text=4%20The%20Commission%20is%20directed,undertakings%20and%20Canadian%20broadcasting%20undertakings>.

Telecommunications Policy Review Panel. *Final Report*. Industry Canada, Mar. 2006, https://epe.lac-bac.gc.ca/100/200/301/ic/telecommunications_policy_review-e/lu4-77-2005E.pdf?nondisclaimer=1.