



January 11, 2013

Mr. John Traversy
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario K1A 0N2

Filed using GC Key

Dear Mr. Traversy:

**Re: Broadcasting Notice of Consultation CRTC 2011-379
Licence renewals for the Canadian Broadcasting Corporation's French- and
English-language services
Follow-up to Procedural Complaint re CBC's Final Submission**

1. On 20 December 2012, the Canadian Media Production Association ("CMPA") submitted a procedural complaint regarding the CBC's inclusion in its 18 December 2012 final submission of a legal opinion from Professor Pierre Trudel, dated 14 December 2012 ("the Trudel Opinion").
2. The CMPA argued that, by commissioning and then including the Trudel Opinion in its final submission, the CBC has acted outside and contrary to the process established for this proceeding and thereby prejudiced interested parties, since the CRTC had clearly expected the CBC to file a legal opinion in its 3 December 2012 response to undertakings if it had one and the CBC failed to do so.
3. In the interests of procedural fairness, the CMPA had asked the Commission to rule that the CBC's filing of the Trudel Opinion was out of process and thus instruct the CBC to re-file its final submission absent the Opinion and any reference to it. Alternatively, we requested that the Commission either disregard the Trudel Opinion, or allow interested parties the opportunity to respond to it.
4. On 24 December 2012, the Commission advised that it had approved in part the CMPA's procedural request by permitting us to file our observations on the Trudel Opinion exclusively at the latest on 11 January 2013. The Commission also advised that the CBC would be permitted to reply to the CMPA's observations at the latest on 18 January 2013.

5. In accordance with this procedural ruling, the CMPA hereby files the attached legal opinion from the law firm of Bennett Jones which comments on the Trudel Opinion and, in doing so, confirms the two legal opinions the CMPA filed in our 11 December 2012 final written submission. Both those legal opinions supported our view that the CRTC has the jurisdiction to apply all of its “regulatory tools” to require the CBC to adhere to a terms of trade agreement with the CMPA.
6. The CMPA anticipates and accepts that the Commission will add this letter and the attached legal opinion to the Public File for this proceeding.

All of which is respectfully submitted.

Sincerely,

original signed by

Jay Thomson, LL.B, LL.M
Vice President, Broadcasting Policy and Regulatory Affairs

Attach.

cc RegulatoryAffairs@cbc.ca

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