

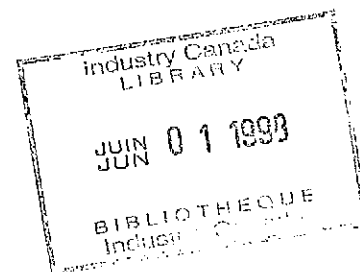


Department of Communications Ministère des Communications

THE TARIFF FILING AND
INTERVENTION PROCESS

HE
7817
.P347

HE
7817
.P347
c.1



THE TARIFF FILING AND
INTERVENTION PROCESS



Department of Communications
Economic Policy & Statistics Branch
S. Pallavicini
October 1975

TABLE OF CONTENTS

	<u>PAGE</u>
INTRODUCTION	i
I CANADIAN DATA COMMUNICATIONS BACKGROUND	
1) Growth of Data Communications	1
2) Unregulated Services	2
II CANADIAN TRANSPORT COMMISSION: ACTS, RULES AND REGULATIONS	
1) Canadian Transport Commission	4
2) The Railway Act	4
3) CTC Rules and Regulations	6
4) Intervention Process	10
III THE UNITED STATES FEDERAL COMMUNICATIONS COMMISSION	
1) Introduction	14
2) Background to the FCC	14
3) Rules and Regulations	15
4) Intervention: Some Examples	16
5) Effects and Results of United States Experience	18
IV DISCUSSION OF SPECIAL FACILITY TARIFFS	20
V CONCLUSIONS	22
Appendix A	
B	
C	

INTRODUCTION

The major telephone companies of Canada, operating together as the Trans-Canada Telephone System (TCTS) are no longer purveyors of POTS (plain old telephone service) nor is Canadian National/Canadian Pacific Telecommunications (CNCP) in the telegraph and telex business only. Both are firmly entrenched in the data communications field, having responded to the increasing data communications demand with innovative and sophisticated data offerings.

For example, in 1973 the carriers introduced, coast-to-coast, private line, digital networks. The TCTS offering, Dataroute, now serves 26 centres including all major metropolitan areas, with the CNCP's competitive offering, Infodat, serving the same locations. These offerings signified a major leap forward by complying with the federal government's Green Paper on Computer/Communications Policy, Statement 5 of which reads:

*"The Government considers it important that policies for data communications in Canada should be directed to the provision of services that are more responsive to the present and foreseeable needs of the computer service industry and of users, and particularly to the reduction of data communications costs by relating charges more directly to effective use."*¹

At a press conference² announcing the introduction of Dataroute, J.C. Carlile, president of TCTS, estimated that the use of the Dataroute service could result in a reduction of telecommunications costs in the order of 25 per cent or more for most of the computer communications systems then in operation.

The fact of providing digital services was even more dramatic. For example, a 300 bps analogue circuit from Toronto to Vancouver which previously cost about \$3,500 a month can now be obtained digitally for just over \$350 a month. Such savings accrue from sharing or multiplexing many individual circuits on one Dataroute channel.

¹ Computer/Communications Policy, A Position Statement by the Government of Canada, April 1973, p.10.

² Remarks of J.C. Carlile, 21 February, 1973.

Both carrier systems have also announced the next phase of data communications development, that of packet switching, which will deliver even greater economies and versatility to the data user.

In a second Green Paper,¹ the federal government also recognized that the trend to new carrier offerings was likely to be intensified in the future, especially in the field of computer communications. It went on to caution that as the carriers introduced more offerings there would be pressure for stronger regulation, with a possible resulting decrease in competition, and certainly additional regulatory costs, and further suggested that the regulatory body might be empowered to prescribe the terms and conditions on which any new service may be offered to the public.

If the terms and conditions are to be prescribed, the characteristics and determinants of data communications tariff design need to be explored. Such an exercise would better equip the Department of Communications to evaluate new data service offerings.

This paper will briefly discuss the history of regulation and the regulatory procedure with respect to the filing of tariffs for new service offerings and the mechanism, if any, for intervention before describing and analyzing the various tariffs.

The focus will be strictly on the filing of new data tariff applications rather than on the filing of general rate increase applications. The distinction here is important, because general rate increase applications, such as the recent Schedule I and Schedule II of Bell Canada, filed 30 May 1975 for consideration by the Canadian Transport Commission (CTC) are always subject to close scrutiny through public hearings. However, new tariff applications receive limited scrutiny.

¹ Proposals For A Communications Policy For Canada, A Position Paper Of The Government Of Canada, March 1973, pp. 14-15.

I CANADIAN DATA COMMUNICATIONS BACKGROUND

1) Growth of Data Communications

Data communication is of great importance to the economy of Canada and the carriers have responded, as mentioned in the introduction, to the growth and potential of this market.

To illustrate this, Branching Out¹ projected that by 1980 the over-all growth of *communications* oriented computers will be 21 per cent a year in contrast to a growth rate of 15 per cent for all other computer systems. Quantum Science Corporation, a United States based research firm, arrived at a similar growth pattern but from a different perspective in its Network Information Services* study:

*"The compound growth rate of this segment of the computer industry will be maintained at 25% to 30% per year throughout the 1970's."*²

The approach taken by Quantum Science Corporation is different from that stated in Branching Out, since it measures the growth of data processing firms rather than communications oriented computers. But this factor does not jeopardize the basic premise that data communications forms an important and expanding segment of aggregate EDP growth.

Data processing firms, outside of the government, constitute one of the largest user groups of data communications facilities and products. They are making extensive use of TCTS and CNCP cross-country networks and in part, through the utilization of these computer communications networks, time share sales have grown spectacularly. Table 1 illustrates the sales growth of two Canadian data processing firms.

¹ Branching Out. Report of the Canadian Computer/Communications Task Force. Volume I, May 1972, p.57.

² Quantum Science Corporation, Network Information Services. Management Action Summary, January 1969, p.2.

* Network Information Services (NIS) were defined as those provided to independent users through a central data processing facility over a communication network using either simple or complex terminals.

Table 1. - Sales Growth of Two Data Processing Firms

YEAR	Systems Dimensions Limited		Dataline System Limited	
	Actual \$M	Annual Change %	Actual \$M	Annual Change %
1974	14,016	41.1	3,404	50.7
1973	9,931	68.7	2,259	38.8
1972	5,888	44.2	1,627	44.5
1971	4,084		1,126	

Source: Financial Post - Survey of Industries (1975)

What the previously quoted growth forecasts and statistics show is that there is a derived demand for carrier communications facilities both from business users and data processing firms. The carriers themselves are also instrumental in increasing demand with the introduction of new plateaus of equipment sophistication resulting in communications facility cost reductions. All these factors emphasize the central position of the carriers in sustaining data communications growth.

2) Unregulated Services

Prior to 1970 data communications services were unregulated. It is interesting to note that it was through arguments raised by the Ontario government that these services became regulated, thereby augmenting the scope of federal regulatory power. The irony of the situation is that today the provinces, especially Ontario, are trying to manoeuvre into the position of regulating the carriers. This occurred in September 1969 when the Canadian Transport Commission began investigating the following argument raised by the Counsel for the Minister of Justice of Ontario:

"Bell should be required to allocate its investments in plant, its expenses and revenues between its regulated and unregulated services in such a way as to permit the Committee to determine the rate of return earned by regulated and unregulated services in terms of the telephone plant investments devoted to each such category of service."¹

¹ Canadian Transport Commission, Railway Transport Committee. Judgments, Orders Regulations and Rulings, Pamphlet No. 23, File No. C - 955.178, Sept. 1969, p. 734.

The Commission acknowledged the Counsel's concern over unregulated services, and even though Bell Canada declared that unregulated services were not being subsidized by the revenues from regulated services, the CTC recognized the inability of Bell Canada to provide investment allocation figures for the separate services. The Commission therefore decided:

*"...that it would be in the public interest for the Commission to investigate the feasibility of carrying out cost and revenue separations between regulated and unregulated services, and the methods and procedures appropriate for determining such separations and accordingly, Bell is hereby directed to undertake forthwith a study of such methods and procedures, and report thereon to the Commission within twelve months."*¹

On 8 September 1970 Bell Canada filed the required report but by then, as will be seen in the following quotation, the unregulated services had already become regulated. This whole problem was summed up at a hearing on December 1970 before the Railway Transport Committee:

*"...effective August 1, 1970, the provisions of the Railway Act relating to telegraph and telephone tolls were amended by 18-19 Eliz. II, c.20 and tolls charged for private wire services - the so-called unregulated services - were made subject to approval and revision by the Commission. As a result, cost and revenue separations between regulated and unregulated services became largely meaningless, and the Committee is now proceeding to examine the feasibility of separation of a different order for all telegraph and telephone companies under the legislative jurisdiction of the Parliament of Canada."*²

With the preceding amendment to the Railway Act the unregulated services of Bell Canada as well as those of CNCP and The British Columbia Telephone Company were brought under regulatory control.

¹ Canadian Transport Commission, Railway Transport Committee Judgments, Orders, Regulations and Rulings, Pamphlet No. 23, File No. C-955.178, September 1969, p.735

² Canadian Transport Commission, Railway Transport Committee. File No. C-995.180, 1 December 1970, p.12.

II CANADIAN TRANSPORT COMMISSION: ACTS, RULES, AND REGULATIONS

1) Canadian Transport Commission

Since 1967, the CTC has been the regulatory agency for all forms of transportation under federal jurisdiction. Prior to that time, the regulatory agency was the Board of Transport Commissioners of Canada, and its jurisdiction was conferred by Special Acts of the regulated companies, by the National Transportation Act and by the Railway Act. The Board was a court of record, a superior court whose ruling on questions of law could be appealed only to the Supreme Court of Canada, but if other than questions of law, to the Governor-in-Council.

In 1967 under a major revision to the National Transportation Act, all previous powers of the Board, including various new powers, were delegated to a new regulatory body called the Canadian Transport Commission. In effect, it was merely a change in name.

Telecommunications Committee

Although all transportation was now regulated by the CTC, telecommunications and rail transportation still remained the dual responsibility of the Railway Transport Committee. It was only in 1972, in an amendment to the National Transportation Act, that telecommunications acquired its own Committee. The Telecommunications Committee performs all the functions of the Commission under various sections of the National Transportation Act, the Railway Act and the Telegraphs Act, in respect of matters pertaining to telecommunications. In addition, the committee is empowered under certain sections of the acts of incorporation of federally regulated companies, e.g. Bell Canada, and the British Columbia Telephone Company.

2) The Railway Act*

Of all the legislation pertaining to telecommunications, the Railway Act of 1903 (amended) is the most important, since it contains sections defining

* Appendix A contains the sections of all the acts in respect of telecommunications

the Commission's power to regulate all common carriers. By definition, communications common carriers are included. Sections 320 and 321 of the act are the most pertinent regarding tariffs.

A paraphrase of the most important subsections of sections 320 follows:

- Tariffs must be filed with the Commission and are subject to its approval.
- Tariffs are to be submitted in the manner prescribed by the Commission.
- The Commission is empowered to determine the justness and reasonableness of tariffs and it has the power to accept or suspend them.
- The Commission can prescribe in what manner tariffs are to be published or subject to public scrutiny.

Section 321 is the heart of the Railway Act pertaining to telecommunications and rather than paraphrase this section, due to its importance, the entire section is reproduced below.

321. (1) All tolls shall be just and reasonable and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

(2) A company shall not in respect of tolls

- (a) make any unjust discrimination against any person or company;*
- (b) make or give any undue or unreasonable preference or advantage to or in favour of any particular description of traffic, in any respect whatever; or*
- (c) subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, in any respect whatever;*

and where it is shown that the company makes any discrimination or gives any preference or advantage, the burden of proving that the discrimination is not unjust or that the preference is not undue or unreasonable lies upon the company.

(3) *The Commission may determine, as question of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this section, or whether in any case the company has or has not complied with the provisions of this section or section 320.*

(4) *The Commission may*

- (a) *suspend or postpone any tariff of tolls or any portion thereof that in its opinion may be contrary to section 320 or this section; and*
- (b) *disallow any tariff of tolls or any portion thereof that it considers to be contrary to section 320 or this section and require the company to substitute a tariff satisfactory to the Commission in lieu thereof or prescribe other tolls in lieu of any tolls so disallowed.*

(5) *In all other matters not expressly provided for in this section the Commission may make orders with respect to all matters relating to traffic, tolls and tariffs or any of them.*

(6) *In this section and section 322, the expressions "company", "Special Act", "toll" and "traffic" have the meanings assigned to them by section 320. 1966-67 C.69, S.68.¹*

Section 321, often quoted as the "just and reasonable" section, has rarely been applied by the Committee, since, for the most part, the work of the Telecommunications Committee has been its involvement in general rate increase applications and the Telecommunications Cost Inquiry, and little time if any has been devoted to evaluating new tariffs.

3) CTC Rules and Regulations

Up to this point we have discussed only those sections of the Railway Act under which the CTC has authority to regulate tariffs, however, they are not adequate to comprehensively direct the carriers in tariff filing procedures. Pursuant to section 26 of the National Transportation Act,

¹ Railway Act. R.S., c.234, s.1. Section 321.

the CTC was directed to draw up rules to govern its activities which read as follows:

"Without affecting its powers under any other Act to make regulation, the Commission may make rules and regulations for the attainment of the objects of this Act and in particular, but without limiting the generality of the foregoing, may make rules and regulations

- a) respecting the manner in which any committees of the Commission shall perform their functions and the duties and functions to be performed by the committees of the Commission;*
- b) respecting the manner in which the various functions of the committees of the Commission are to be coordinated;*
- c) respecting the proceedings of the Commission and its committees in the performance of duties under this Act; and*
- d) respecting the assignment of duties to officers of the Commission and the delegation of functions thereto."*¹

Expanding on the broad powers prescribed in Section 26 of the National Transportation Act the CTC drew up the Canadian Transport Commission General Rules* effective 20 September 1967.

In regard to tariff determination, Rule 305 section (b)² is important since it directs the applicant to submit all information required by the appropriate committee.

The information required by the Telecommunications Committee is of a supportative, economic and cost data nature. These data are always supplied at the time of a general rate increase application and usually with new data communications tariff applications.

¹ National Transportation Act, 1966-67, c.69, s.2. Section 26 subsection 1.

² Canadian Transport Commission General Rules, 20 September 1967, Section 305.

* See Appendix B.

The reasonableness of new tariffs should be carefully researched by the regulatory body using these and other data provided. This was recognized in Instant World:

*"On balance, it would appear that, whatever the criteria adopted, effective regulation of rates in the public interest is difficult without a knowledge of costs that is sufficient to identify, at least as a close approximation, the true cost of any particular service."*¹

The CTC has not directed any specific research towards individual tariff determination, but has been reviewing cost determinations of another kind, raised in the recent Cost Inquiry.

The inherent danger in bureaucratic economic research, however, is aptly summed up in the following quotation from Instant World:

*"It should be stressed, nonetheless, that the dangers of micro-regulation are twofold. First, it may entail a volume of administrative cost, both in the company and in the regulatory body, that will in itself cause an increase in the price of service. Second, a regulatory body may be lured by a passion for excessive detail into a position of interfering with legitimate management decisions without accepting any responsibility to the shareholders for the results."*²

On the other hand, it is becoming apparent that the federal government does not bear sole responsibility for a general trend towards micro-regulation. In fact, it can be argued that the management of the regulated carriers is making decisions in response to CTC tariff decisions, which is precipitating a public demand for closer regulation. A case in point was Bell Canada's recent cut back (for legitimate reasons or otherwise) in new telephone installations following a CTC decision to allow only 50 per cent of an emergency interim rate increase. Up to now, carrier initiatives have been taken only in response to general rate increase decisions, since new data communications applications have been routinely tariffed by the Commission without comment.

¹ Instant World, 1971, p.161

² Ibid., p.192

In addition, Rule 325 directs that the application shall not be dealt with until the expiration of thirty days unless this period is enlarged or abridged. The implication here is that the norm for any application should be thirty days before the tariff becomes effective. Referring to Table 2, it is readily apparent that Bell Canada virtually ignores the thirty day waiting period. One explanation might be that the CTC and Bell Canada pre-arrange an abridgement of the effective date, or, that Bell Canada has tacit approval of the Commission to ignore Rule 325.

The reasons for this situation, although important, are not as serious as the fact that an abridged tariff could deny any chance for intervention by interested parties. The subject of intervention and its importance is discussed in the next sub-section.

Table 2 - Bell Canada Data Communications Tariff Dates

Tariff Item	Bell Canada Press Announcement Date	CTC File Date	CTC Effective Date
Dataroute	21 February 1973	21 February 1973	26 March 1973*
Datapac	31 October 1974	14 August 1975	1 September 1975
Datacom 300	29 May 1972	20 April 1972	1 June 1972
Datacom 600	16 September 1974	29 October 1974	18 November 1974
Faxcom	30 May 1973	10 May 1973	1 June 1973
Vucom I	27 September 1972	31 August 1972	6 October 1972
Vucom II	12 November 1974	7 March 1975	17 March 1975

* Dataroute was originally scheduled to be effective 24 February, but was delayed by the CTC until 26 March, 1973 to allow CNCP to tariff its own competitive service. See Sub-Section 4.

4) Intervention Process

One characteristic of the provision of telecommunications in Canada is that the two traditional carrier systems, TCTS and CNCP, hold monopoly positions in telephone and telegraph services. The carriers' tariffs have been regulated since the early 1900s in order to protect the public from the potential abuse of their monopolistic powers. Therefore, it is necessary for the carriers to seek CTC approval for any tariff initiative such as a general rate increase or the offer of a new service.

Under CTC rules and regulations intervention is permitted under Section 360 to support, oppose or modify an application. Moreover, under Section 435, the Commission is authorized, if it so desires, to convene a hearing on the application to provide an opportunity for intervention.

The Commission also has the power to require the carrier to give public notice of an application under Section 320 presumably in order to allow prospective interveners sufficient time to prepare support or opposition briefs. The carriers have complied with this rule for all general rate increases, however, in the case of new Bell Canada data tariff applications, Section 320 has not been invoked and therefore, public notices have been in the form of press releases at the discretion of the carrier. For example, in Table 2 terminal offerings such as Datacom 300, Vucom I and Faxcom were announced after date of filing the tariff with the CTC. Bell Canada might argue that the fact of filing the application on a specific date is reasonable public notice and satisfies the spirit of Section 320. However, this does not explain the abridgement of the interval between the file date and the effective date. Moreover, the CTC file date is not generally known to the public. The advantage to Bell Canada in delaying the press announcement date, almost up to the eve of the effective date of the tariff, can be seen as part of a marketing strategy. The terminal market is extremely competitive and the Company may not wish to disclose a new rate initiative prematurely; otherwise, rival terminal

suppliers would be able to counter the new carrier offering before the product is actually available. In other words, in the case of terminal offerings the requirement for tariff filing and the interval before the new rates become effective, can limit the market flexibility of the carrier. Nevertheless, these practices in regard to data tariff filing reduces the opportunity for legitimate intervention. Hence, the reasonableness of the carrier's rates are left unexamined, especially since, as noted before, the CTC does not appear to scrutinize data communications tariffs.

Referring to Table 2, it can be seen that Datapac, a facility service, was announced by Bell Canada approximately one year ahead of the tariff effective date. The advantage here is of a tactical nature, since there is no unregulated competition to contend with and the market rivalry between Bell Canada and CNCP takes a different form. For instance, Bell Canada gained two important advantages in announcing Datapac prior to filing. First, was the prestige of being the pioneer and the second, the opportunity to gain user acceptance of their proposed network language SNAP (Standard Network Access Protocol) with the aim of promoting it as a universal language, which even CNCP would be forced to adopt.

Therefore, Bell Canada appears to be able to partially control reactions to a new tariff by timing the announcement dates. Also, the CTC has negated any chance for intervention by not upholding reasonable intervals between the announcement dates, the file dates and the effective dates.

One possible argument why there is no intervention may be the CTC's interpretation of Section 315 which states:

*"Where the application is directed against any person in adverse interest, herein designated the "respondent", the applicant shall have a copy of the application served upon each such person."*¹

¹ Canadian Transport Commission General Rules, amendment 2, 31 October 1968, Section 315.

On the one hand, the carriers comply with Section 315 in the case of general rate applications, but their procedure in the case of new data communications tariffs differs.

An example of the latter situation was the announcement of Dataroute by TCTS on 21 February, 1973. Dataroute was the world's first digital network and CNCP was caught completely by surprise. The Financial Post wrote:

*"Hard hit, too, will be TCTS major competitor in data communications, CNCP Telecommunications Ltd. Presumably, though, it has sufficient long-term business contracted to plan some type of competitive offering."*¹

The situation was perceived in much the same manner in a briefing letter from the Deputy Minister to the Minister of Communications:

*"It could, however, be the subject of complaint to the CTC by CNCP and possibly Ontario and Quebec if there is any suspicion that the new offering is being cross-subsidized by the normal telephone services."*²

Finally, on 23 February, 1973 CNCP, in a message to the Deputy Minister acknowledging its precarious situation, stated:

"The TCTS announcement require CNCP to revise its thinking. Certainly, we stand prepared to meet competition but there is a strong possibility that such action will cause substantial economic harm at the outset which will affect our ability to attract capital.

*For these and other public interest concerns suggest the desirability of having your department review in detail the total implications of the new TCTS tariff filing prior to CTC approval which would otherwise take place within three days."*³

¹ The Financial Post, 22 February 1973.

² Letter from the Deputy Minister, A.E. Gotlieb, to the Minister. 20 February 1973.

³ CN/CPT Telex from D.N. MacLeod, General Manager CP Telecommunications and H. J. Clarke, Vice-President CN Telecommunications to A.E. Gotlieb Deputy Minister 23 February 1973.

Clearly, CNCP was disadvantaged, but it still chose not to file an intervention as was anticipated by the Deputy Minister.

Moreover, Section 335 which states that such intent to intervene must be made known at least ten days before the effective date of the tariff precluded any CNCP intervention because the Dataroute filing in its original form allowed for only three days between the file date and the effective tariff date. It is worth noting that the effective tariff date was ultimately deferred by the CTC until 26 March, 1973 and the potential intervention by CNCP may have been a factor in this decision.

To summarize, the following points can be made. All parties adhere to the rules and regulations for general rate increases and intervention is clearly defined and utilized. In contrast, when data communications tariffs are filed the same parties do not adhere to the rules and regulations in any rigorous or consistent fashion and, as a result, the intervention process is rendered ineffective.

III THE UNITED STATES FEDERAL COMMUNICATIONS COMMISSION

1) Introduction

The objective of this section is to compare the Federal Communications Commission (FCC) tariff filing and intervention process with that of the CTC.

Research indicates that FCC rules and regulations are virtually identical to those of the CTC, but the United States Commission has been willing to exercise its authority for detailed tariff review and to shape the market structure. Another important difference between the FCC and CTC regulatory processes is that intervention in the United States is commonplace for most carrier initiatives including new data tariff applications. The effect of intervention is highlighted in two FCC decisions in sub-section 4 of this paper.

2) Background to the FCC

The FCC is equivalent to a combination of the CTC and the CRTC in Canada. The FCC came into being by the Communications Act of 1934, which consolidated under a single body the telecommunications powers of the Radio Commission, the Department of Commerce and the Interstate Commerce Commission. The Commission has the following powers over telecommunication carriers:

"The FCC is given the power, with regard to interstate telephone and telegraph companies, to fix rates, to prohibit improper practices such as unjust discrimination, to issue licenses for the establishment of new lines, and to control accounting practices."¹

As noted in the preceding quotation, the FCC, unlike the CTC, has jurisdiction over the interstate (long lines) portion only, of the carriers' networks, and authority is delegated to the states for local services. The counterpart of the CTC Telecommunications Committee is the FCC Common Carrier Bureau.

¹ The Economic Regulation of Business and Industry. The Statutory History of the United States, Book IV, Communications Act 1934, p.2373.

3) Rules and Regulations

The FCC tariff regulations, as previously mentioned, are similar to those of the CTC; however, there are a few differences.

Fundamentally, FCC Rules and Regulations Part 61/Tariffs is considerably more detailed and direct than those of the CTC. For example, Section 61.38, *Material to be Submitted with Letters of Transmittal by Filing Carriers*, describes in detail the economic supportative data required by the Commission, whereas the CTC asks only for information required by the appropriate committee.

In addition, intervention is virtually guaranteed in every tariff application because of carrier competition and because the FCC requires notice of a new tariff to be publicized concurrently with filing.

"Concurrently with the filing of the publication with the Commission, the filing carrier shall transmit a copy of the transmittal letter to the commercial firm or firms with whom the Commission annually awards a contract to make copies of Commission records and offer them for sale to the public."¹

Long lines competition for AT&T and Western Union, the established carriers is relatively new and was precipitated by Datran* in a November 1969 application for authority to operate a data transmission network. The name given to this and subsequent competitors was Specialized Common Carrier (SCC). The name reflects the service and route selectivity of the competing carriers.

The Commission deliberated on this issue of competition until 3 June 1971 when it ruled that all carriers *shall have an opportunity to compete fairly and fully in the sale of specialized services.*² With this ruling the established carriers lost their monopoly hold on long lines services.

¹ FCC Rules and Regulations, Part 61/Tariffs, Section 61:32.

² 29 FCC 2d 870.915 (1971)

* Data Transmission Company, a Specialized Common Carrier.

Along with Datran, MCI Telecommunications Corporation (MCI) also operates nation-wide microwave networks. The Datran service is digital point-to-point with switched network capability and the MCI service is conventional data and voice.

In addition to SCCs the competition ruling encouraged the entry of Value Added Network Carriers (VAN), such as Telenet Communication Corporation. A VAN is a communications broker which leases existing common carrier facilities and re-sells customized service as a supplement to a data processing service.

4) Intervention: Some Examples

With each new data offering or rate increase the FCC is virtually guaranteed to receive intervention petitions from competitors who are protecting threatened markets. Hearings are held to allow the parties to submit comments and for the Commission to decide the *just and reasonable aspect* of the application.

a) AT&T Docket No. 20288

On 16 December 1974 the FCC granted AT&T authorization for tariff No. 267 to operate Dataphone Digital Service (DDS) between five cities. Pleadings and comments were received from 23 interveners and letters from 20 companies.* The strongest opposition came from other common carriers, in particular Datran and MCI. The petitions alleged technical and economic deficiencies in the AT&T filing, and that rates were set at an unjustly low point.

This strong opposition to AT&T was instrumental in gaining a victory of sorts. AT&T, already operating DDS between five cities at a previously granted low tariff, was allowed to begin construction on an additional 19 city network, but to be offered at regular analogue rates for a period of at least one year.

* Appendix C contains a complete list of interveners including International Business Machines, the U.S. Department of Defence, Western Union Telegraph Company, McGraw Hill Inc., Braniff International, General Electric Company, Philco Ford Corporation.

The FCC decided that AT&T did not clearly demonstrate that DDS was a just and reasonable separate class of service, and questioned the costing procedures determining the new low rate. The Commission decided that these and other questions, such as the possibility that the tariffs were anti-competitive, should be explored more fully at a new hearing.

However, this decision set AT&T back temporarily and the user was denied the opportunity of the lower rate. A concurring statement follows as to the FCC decision by Commissioner Charlotte T. Reid:

"I am wholly aware of the problems which have been raised by the Specialized Common Carriers (SCC), but we must remember that the public interest is paramount to that of the participants."¹

b) FCC Hearing 53 FCC, 2d 616-1975

This intervention by Western Union, an established common carrier, and McGraw-Hill a publishing company was against MCI, a SCC. Although the hearing was convened to rule on a tariff increase and not on a new tariff application, it is of interest to this study to show the extent of intervention in the U.S.

The revisions MCI applied for were:

- Voice Grade Long Haul service rates to be increased by 8.5%
- increased monthly late payments from 1% to 1½% and the introduction of a 1½% prepayment credit
- previous part-time service, applicable to all users, limited to users of 10 circuits or less

Western Union claimed that the rates charged by MCI were not compensatory, that the cost support data was insufficient and that these facts warranted a further hearing. Western Union also contended that the prepayment credit plan was discriminating to users in a less liquid position than others.

¹ 50 FCC 2d 1370 (1974)

McGraw-Hill opposed the rate increase for the same reasons as Western Union, but especially the proposed tariff revision limiting part-time service.

The Commission agreed with Western Union that the rates filed did not appear to be compensatory, at least until 1977-78, but ruled that the rates should not be rejected on the grounds that if they were raised further MCI would no longer be in a competitive position. The Commission defended this action due to MCI's emerging carrier position and that the Company was moving toward a profit-making position.

The Commission also ruled against Western Union's contention that the prepayment credit plan was discriminatory on the basis that all users could take advantage of it.

The Commission, however, agreed with McGraw-Hill that the proposed part-time service was discriminatory.

5) Effects and Results of the United States Experience

In summing up this section on the FCC the following brief points can be made:

- a) The FCC unlike the CTC requires the carriers to fully support all their applications with economic data and the Commission does not discriminate between general rate increases and new data communications applications.
- b) The time intervals for applications and intervention are identical for both Commissions, but the FCC in contrast with the CTC applies the intervals uniformly and consistently, denying the applicants any unfair advantages.
- c) The market structure in the U.S. unlike that of Canada lends itself to competition and intervention. This situation is due to the volatile mix of large corporations, carriers, suppliers and users who can afford to launch intervention petitions to protect their market positions.

As shown in the two case examples, intervention was instrumental in checking discriminatory carrier initiatives.

- d) The FCC decision to allow for competition in long lines services decelerated the previously unchecked growth of the established carriers and was instrumental in providing users with greater flexibility in rates and service. Evidence of this is found in recent AT&T moves to lower long lines rates by introducing Hi-Lo and DDS services.

IV DISCUSSION OF SPECIAL FACILITY TARIFFS

Up to this point this study has been concerned with generally tariffed items. For example, items offered universally without supply or installation interval restrictions. In contrast, there are lesser known items offered by both Canadian carriers which do not fall under this universal heading and due to various inherent characteristics are included within the Special Facility Tariff (SFT). The SFTs are items designed by the carrier or purchased from outside suppliers to meet a special need, and are limited in supply and subject to irregular installation intervals. Items in the SFT are tariffed in the same manner as offerings included in the general tariff, but our research has shown that the Commission ignores SFTs and processes the applications without any particular scrutiny. This situation is related to the seemingly innocuous existence of SFTs, however, there is considerable evidence that they are no less important than other carrier products. Indeed, preliminary study has indicated that the carriers might be engaging in real price competition with SFTs. The following quotation highlights this assumption:

*"In many cases the services involved are new and at least one major alternative source of supply exists. We have been unable to obtain any significant amount of data on "special assemblies," so all we have to go on is the carriers' assertion that full additional costs are recovered. This is an unsatisfactory procedure for reaching conclusions in areas where administrative discretion on the part of carriers may have significant anti-competitive and discriminatory effects."*¹

To better appreciate the type of data communications products included as SFTs the following are but a few of Bell Canada's many items:*

¹ Telecommunications for Canada, edited by H. Edward English. An Economic Framework for Policy Action in Canadian Telecommunications by Carl E. Beigie, Part IV, Pricing of Telecommunications Services in Canada, p.132.

* As a point of interest, Bell Canada's recent application for a general increase filed 30 May 1975 contained 128 pages of SFTs out of 146 in Schedule 2 of the application.

Codex multiplexors - a data set capable of multiplexing a combination of high speed lines to a maximum of 9600 bps.

Gandalf limited distance data set - used as a type of local Dataroute service (digital rather than analogue operation) for speed dependent distances up to 15 cable miles

Analogue data sets - various types, marketed mainly to fill more sophisticated needs than regularly offered data sets.

Terminals - private line terminals such as Extel, Teletype Corp. models 33 and 35, stand-alone Datacom 300 and facsimile devices.

The preceding items were originally included in the SFT due to limited and special customer needs, however, their present importance should no longer be minimized. For example, Codex multiplexors are extensively marketed by Bell Canada to data processing firms to provide them with the capability to expand their services into the lucrative American market. Also, industry and especially federal government departments use Gandalf data sets for RJE (remote job entry) and communication network service. These two items are no longer in the realm of limited use, in fact, Gandalf data sets in service number in the hundreds. These arrangements need further exploration and analysis and for this reason any study of data communications tariffs is not complete if these items are ignored. For this reason a separate Section of this study has been dedicated to an analysis of the characteristics and determinants of SFTs.

V CONCLUSIONS

Tariff filing is the official culmination of a carrier's internal activity to offer a new product or service. The carrier's stake in a new tariff is often enormous because of the potential loss in opportunity capital and time, should market acceptance be negligible. The carrier places no less importance on the filing process than any other previous activity because the regulatory body could be instrumental in denying the new tariff. How the carrier perceives the role of the regulatory body for tariff acceptance could mold the tariff application. Rigid scrutiny or lack of scrutiny, hearing or no hearing, public filing or private filing, all could have an effect on the outcome of an application.

Certainly, if a carrier expects to be under fire for a new tariff application by industry, the competition, and the regulator, it will have taken prior action to ensure that the tariff is proper and compensatory within limits; or if, indeed, the new tariff is restrictive or predatory, some strategic decisions as to the reaction of the interveners and the ruling of the Commission would have been made.

The first conclusion of this study is that the CTC, for whatever reason, is used essentially as a rubber stamp on new tariffs, and the carriers see the process as perfunctory as well. No real concerted effort has been made to determine whether data communications tariffs are "just and reasonable". Certainly, the Cost Inquiry will be helpful in determining costing formulas and methodology but will not determine if, for example, all data communications tariffs are at an unnaturally high level.

One other conclusion is that the lack of industry and competitive intervention or regulatory scrutiny denies a necessary check on carrier activity. It can be argued that intervention can be costly both to the public and to the carrier (whose energy and capital is diverted from other projects) and that the market structure in Canada, due to a duopoly situation and a

less active electronic data processing industry, is not conducive to such activity. However, only through some conflict which would force a synthesis of ideas, could one say that the carriers are fully responsive and creative in meeting the needs of the data communications users. Inter-carrier competition does exist, but the breadth of market rivalry is open to question since neither carrier has intervened at the other's general rate hearings or at the time of new data communications applications.

One last conclusion to be drawn is that further economic research on SFTs is necessary since it appears that the CTC approves these items without any particular evaluation. This is critical because services tariffed as SFTs usually compete in a more open market environment than do those services within the general tariff framework, and the potential for competitive tariff strategy is greater. A future phase of this study will concentrate solely on SFTs to determine and to ascertain if they provide a shelter from tariff scrutiny.

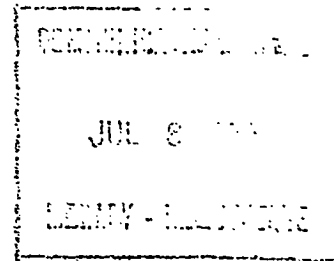
Contents

Railway Act - Sections 312 to 336

National Transportation Act - Sections 22, 23 and 27

Telegraphs Act

The Bell Telephone Company of Canada Act



CHAPTER R-2

CHAPITRE R-2

An Act respecting railways

Loi concernant les chemins de fer

SHORT TITLE

TITRE ABRÉGÉ

1. This Act may be cited as the *Railway Act*, R.S., c. 234, s. 1.

1. La présente loi peut être citée sous le titre: *Loi sur les chemins de fer*. S.R., c. 234, art. 1.

INTERPRETATION

INTERPRÉTATION

2. (1) In this Act, and in any Special Act as hereinafter defined in so far as this Act applies,

2. (1) Dans la présente loi, ainsi que dans toute loi spéciale ci-après définie où la présente loi s'applique

"by-law," when referring to an act of the company, includes a resolution;

«bail» comprend une convention de louage;

"charge", when used as a verb with respect to tolls, includes to quote, demand, levy, take or receive;

«bureau du registraire des titres» ou «bureau d'enregistrement des titres», ou d'autres mots désignant le bureau du registraire des titres, comprennent le bureau des titres de biens-fonds ou tout autre bureau où sont enregistrés les titres de biens-fonds;

"Commission" means the Canadian Transport Commission;

«chemin de fer» ou «voie ferrée» signifie tout chemin de fer que la compagnie est autorisée à construire ou exploiter, et comprend tous les embranchements et prolongements, toutes les voies de garage et d'évitement, toutes les gares et stations, tous les dépôts et quais, tout le matériel roulant, tout l'équipement, toutes les fournitures, tous les biens meubles ou immeubles, et tous les ouvrages qui en dépendent, et aussi tout pont de chemin de fer, tout tunnel ou toute autre construction que la compagnie est autorisée à ériger; et, sauf lorsque le contexte ne le permet pas, comprend le chemin de fer urbain et le tramway;

"company" includes a person, and where not otherwise stated or implied means "railway company", unless immediately preceded by "any", "every" or "all", in which case it means every kind of company that the context will permit of; and "railway company" or "company" when it means or includes "railway company",

(a) includes every such company and any person having authority to construct or operate a railway; and

(b) in the sections of this Act that require companies to furnish statistics and returns to the Commission, or provide penalties for default in so doing, includes further any company constructing or operating a line of railway in Canada, even though such company is not otherwise within the legislative authority of the Parliament of Canada, and includes also any individual

«Commission» désigne la Commission canadienne des transports;

«compagnie» comprend une personne, et, lorsqu'un autre sens n'est pas indiqué explicitement ou implicitement, signifie

sending, carrying or transporting them by express, or for or in connection with the sending, carrying, transporting or delivery by express of any goods, has any force or effect unless first approved by order or regulation of the Commission.

manutention d'effets à expédier, portés ou transporter en messagerie, ou relativement à l'expédition, au port, au transport ou à la livraison d'effets par messagerie, n'a de vigueur ni d'effet à moins qu'il n'ait été approuvé au préalable par une ordonnance ou par un règlement de la Commission.

Regulation of carriage by express

(2) The Commission may in any case or by regulation

(2) La Commission peut, dans un cas particulier ou par règlement général,

(a) determine the extent to which the liability of such company, person or corporation may be so impaired, restricted or limited, and

a) déterminer la mesure dans laquelle la responsabilité de cette compagnie, personne ou corporation peut être ainsi amoindrie, restreinte ou limitée; et

(b) prescribe the terms and conditions under which goods may be collected, received, cured for or handled for the purpose of sending, carrying or transporting them by express, or under which goods may be sent, carried, transported or delivered by express by any such company, person or corporation. R.S., c. 234, s. 370.

b) prescrire les termes et conditions qui régissent le factage, la réception, le soin ou la manutention d'effets à expédier, portés ou transporter en messagerie, ou qui régissent l'expédition, le port, le transport ou la livraison des effets en messagerie, par cette compagnie, personne ou corporation. S.R., c. 234, art. 370.

Returns by Companies Charging Express Tolls

Les compagnies qui perçoivent des taxes de messagerie, doivent produire un rapport

Annual return by company

311. (1) Every company and every person and corporation charging express tolls shall make to the Commission an annual return of its capital, business and working expenditure, and such other information and particulars, including a statement of unclaimed goods, as the Commission directs.

311. (1) Toute compagnie, toute personne et toute corporation qui perçoivent des taxes de messagerie, doivent faire à la Commission un rapport annuel de leurs capitaux, de leurs affaires et de leurs frais d'exploitation, et fournir les autres renseignements et détails, y compris une liste des effets non réclamés qu'exige la Commission.

Form, etc., of return

(2) Such return shall be made in such form, covering such period, and at such time, and shall be published in such manner, as the Commission from time to time directs. R.S., c. 234, s. 371.

(2) Ce rapport doit être dressé selon la forme, pour la période et à l'époque, et être publié de la manière que la Commission prescrit à discrétion. S.R., c. 234, art. 371.

TELEGRAPHS, TELEPHONES, POWER AND ELECTRICITY

TÉLÉGRAPHES, TÉLÉPHONES, FORCE MOTRICE ET ÉLECTRICITÉ

Telegraphs and Telephones on Railway for Railway Purposes

Télégraphes et téléphones sur les chemins de fer pour l'usage des chemins de fer

Telegraph and telephone lines

312. (1) The railway company may, as incidental to and as part of its undertaking, construct and operate telegraph and telephone lines upon its railway for the purposes of its undertaking.

312. (1) La compagnie de chemin de fer peut, comme se rattachant à son entreprise et en faisant partie, construire et exploiter sur son chemin de fer des lignes de télégraphe et de téléphone pour les besoins de son entreprise.

Arrangements with other companies

(2) The railway company may, for the purpose of operating such lines or exchanging and transmitting messages, enter into contracts with any companies having telegraph

(2) Pour exploiter ces lignes ou pour transmettre des dépêches télégraphiques et échanger des communications téléphoniques, la compagnie de chemin de fer peut passer

or telephone powers, and may connect its own lines with the lines of any such companies, or may lease its own lines to any such companies.

contrat avec toute compagnie autorisée à construire et à exploiter un service de télégraphe et de téléphone, et peut relier ses propres lignes aux lignes de ces compagnies ou louer ses propres lignes à ces dernières.

Part II of
Telegraphs Act

(3) Part II of the *Telegraphs Act* applies to the telegraphic business of the railway company. R.S., c. 234, s. 372.

(3) La Partie II de la *Loi sur les télégraphes* s'applique aux opérations télégraphiques de la compagnie de chemin de fer. S.R., c. 234, art. 372. La Partie II de la Loi sur les télégraphes

Special Powers of Railway Companies

Pouvoirs spéciaux des compagnies de chemin de fer

Electric and
other power

313. Whenever in any Special Act passed after the 7th day of July 1919 it is stated or provided that a railway company has power to acquire, transmit and distribute electric and other power or energy, such company, subject to this Act, may for the purposes of its undertaking acquire, but not by expropriation, electric and other power or energy, and transmit and deliver the same to any place in the municipalities through which the railway is built, and receive, transform, transmit, distribute and supply such power or energy in any form; and may dispose of the surplus thereof, and collect rates and charges therefor, but no such rate or charge shall be demanded or taken until it has been approved of by the Commission, and the Commission may revise such rates and charges whenever it deems proper. R.S., c. 234, s. 373.

313. Chaque fois qu'une loi spéciale, adoptée après le 7 juillet 1919, décrète ou stipule qu'une compagnie de chemin de fer a le pouvoir d'acquérir, de transmettre et de distribuer de la force ou de l'énergie électrique et autre, cette compagnie, sous réserve de la présente loi, peut pour les besoins de son entreprise acquérir, mais non par voie d'expropriation, de la force ou de l'énergie électrique et autre, et les transmettre et livrer à tout endroit des municipalités à travers lesquelles le chemin de fer est construit; elle peut recevoir, transformer, transmettre, distribuer et fournir cette force ou énergie sous forme quelconque, en céder l'excédent, et en percevoir des taxes et une rémunération. Mais ces taxes ou cette rémunération ne peuvent être exigées ni perçues tant qu'elles n'ont pas été approuvées par la Commission, qui peut les reviser chaque fois qu'elle le juge à propos. S.R., c. 234, art. 373. Énergie électrique et autre

Telegraphs and
telephones

314. (1) Whenever in any Special Act passed after the 7th day of July 1919 it is stated or provided that a railway company has power to transmit telegraph and telephone messages for the public and collect tolls therefor, such company may, subject to this Act, construct and operate telegraph and telephone lines upon its railway, and establish offices for and undertake the transmission of messages for the public, and collect tolls therefor; and for the purpose of operating such lines or exchanging or transmitting messages, may, subject to this Act, enter into contracts with any companies having telegraph or telephone powers and may connect its own lines with the lines of, or may lease its own lines to, any such companies.

314. (1) Chaque fois qu'une loi spéciale, adoptée après le 7 juillet 1919, décrète ou stipule qu'une compagnie de chemin de fer a le pouvoir de transmettre des dépêches télégraphiques et des communications téléphoniques pour le public et de percevoir des taxes pour ce service, cette compagnie peut, sous réserve de la présente loi, construire et exploiter des lignes de télégraphe et de téléphone sur le parcours de sa voie ferrée, établir des bureaux pour la transmission des dépêches télégraphiques et l'échange de communications téléphoniques pour le public, se charger de ces services et en percevoir des taxes. Pour les fins de l'exploitation de ces lignes de télégraphe et de téléphone, ou pour la transmission de dépêches ou l'échange de communications téléphoniques, elle peut, sauf les dispositions de la présente loi, traiter avec toutes compagnies autorisées à construire ou Télégraphes et téléphones

Toll subject to 42

(2) No toll or charge shall be demanded or taken for the transmission of any message or for leasing or using the telegraphs or telephones of such company except in accordance with section 321, and the company and its business and works are in all respects subject to that section.

à exploiter des lignes de télégraphe ou de téléphone et relier ses propres lignes aux lignes de ces compagnies ou les louer à ces dernières.

(2) Il n'est demandé ni perçu de taxes ou de rémunération pour la transmission de dépêches télégraphiques ou l'échange de communications téléphoniques, ou pour la location ou l'usage des télégraphes ou des téléphones de cette compagnie, si ce n'est en conformité de l'article 321; et ladite compagnie et ses opérations et ouvrages sont sous tous rapports subordonnés à cet article.

Taxes subordonnées à la loi

Part II of Telegraphs Act

(3) Part II of the *Telegraphs Act*, except such portions thereof as are inconsistent with this Act, applies to the telegraphic business of such company. R.S., c. 234, s. 374.

(3) La Partie II de la *Loi sur les télégraphes*, sauf les passages incompatibles avec la présente loi, s'applique aux opérations télégraphiques de cette compagnie. S.R., c. 234, art. 374.

La Partie II de la Loi sur les télégraphes

Control of municipality

315. No power conferred as mentioned in sections 313 and 314 and nothing in those sections or in the *Telegraphs Act*, authorizes such company to construct or operate any line along any highway or public place, without first obtaining the consent, expressed by by-law, of the municipality having jurisdiction over such highway or public place, nor without complying with any terms stated or provided for in such by-law, or authorize such company to sell, dispose of or distribute power or energy within or for use within the limits of any municipality, without the consent, expressed by by-law, of such municipality. R.S., c. 234, s. 375.

315. Aucun pouvoir conféré ainsi qu'il est dit aux articles 313 et 314, ni aucune disposition desdits articles ou de la *Loi sur les télégraphes*, n'autorisent cette compagnie à construire ou à mettre en service une ligne le long d'une voie publique ou d'un lieu public, sans qu'elle ait préalablement obtenu le consentement, exprimé par règlement, de la municipalité dont relève ladite voie publique ou ledit lieu public, et sans qu'elle se soit conformée aux conditions énoncées ou prévues dans ce règlement, ni n'autorisent cette compagnie à vendre, aliéner ou distribuer de la force ou énergie dans les limites d'une municipalité ou pour y être utilisée, sans le consentement, exprimé par règlement, de cette municipalité. S.R., c. 234, art. 375.

Consentement de la municipalité

Telephone Connection with Railway Stations

Municipal and other systems, connection with stations, etc.

316. (1) Whenever any province, municipality, corporation or incorporated company has authority to construct, operate and maintain a telephonic system in any district, and is desirous of obtaining telephonic connection or communication with or within any station or premises of a railway company in such district, and cannot agree with such company with respect thereto, such province, municipality, corporation or incorporated company may apply to the Commission for leave therefor.

Raccordement du téléphone aux gares et stations de chemin de fer

316. (1) Chaque fois qu'une province, municipalité, corporation ou compagnie constituée en corporation a le pouvoir de construire, d'exploiter et d'entretenir un réseau téléphonique dans un district quelconque, et désire obtenir un raccordement ou une communication téléphonique avec une gare ou un local d'une compagnie de chemin de fer dans ce district ou dans l'intérieur de cette gare ou de ce local, et ne peut arriver à une entente avec la compagnie à cet égard, cette province, municipalité, corporation ou compagnie constituée en corporation peut s'adresser à la Commission pour obtenir l'autorisation

Raccordement des réseaux municipaux et autres avec gares, etc.

Telephone
company
connections

(2) The Commission may also upon the application of any interested party authorize any telephone company operated by any province, municipality or incorporated company to install at its own expense telephone connection with any station of the company, the annual charge, if any, to be paid by the company for such service and all other terms or conditions connected therewith to be such as the Commission may determine, having regard to all local conditions, but in no case is such charge to exceed the customary local rate.

Contracts giving
exclusive
privileges

(3) Notwithstanding anything in any Act, the Commission, in determining the terms or compensation upon which any such connection or communication is to be provided for, shall not take into consideration any contract, lease or agreement now or hereafter in force by which the railway company has given or gives any exclusive or other privilege to any company or person, other than the applicant, with respect to any such station or premises. R.S., c. 234, s. 376.

Leave of
Commission

Putting Wires Across Railways or Other Wires

317. (1) Lines, wires, other conductors, or other structures or appliances for telegraphic or telephonic purposes, or for the conveyance of power or electricity for other purposes, shall not, without leave of the Commission, except as provided in subsection (5), be constructed or maintained

- (a) along or across a railway, by any company other than the railway company owning or controlling the railway, or
- (b) across or near other such lines, wires, conductors, structures or appliances that are within the legislative authority of the Parliament of Canada.

Plans to be
submitted

(2) Upon any application for such leave, the applicant shall submit to the Commission a plan and profile of the part of the railway or other work proposed to be affected, showing

voulue.

(2) La Commission peut aussi, à la demande de toute partie intéressée, autoriser une compagnie de téléphone exploitée par une province, municipalité ou compagnie constituée en corporation, à installer à ses propres frais une communication téléphonique avec une station quelconque de la compagnie, le coût annuel, s'il en est, devant être payé par la compagnie pour ce service, et toutes les autres conditions qui s'y rattachent doivent être déterminées de la manière que la Commission juge convenable, en tenant compte de toutes les circonstances locales; mais ce coût ne doit, en aucun cas, dépasser le tarif local d'usage.

Installation
d'une
communication
téléphonique

(3) Nonobstant les dispositions de toute loi, la Commission, en déterminant les conditions ou l'indemnité d'après lesquelles doit s'établir ce raccordement ou cette communication, ne doit tenir compte d'aucun contrat, bail ou marché qui est maintenant ou peut devenir en vigueur, et aux termes duquel la compagnie de chemin de fer a donné ou donne un privilège exclusif ou autre à une compagnie ou personne autre que la requérante relativement à cette gare ou à ce local. S.R., c. 234, art. 376.

Contrats
accordant des
privileges
exclusifs

Croisement de fils avec un chemin de fer ou d'autres fils

317. (1) Sauf de la manière prévue au paragraphe (5), il ne peut être érigé ni maintenu, sans la permission de la Commission, de lignes, fils métalliques, d'autres conducteurs ou d'autres structures ou appareils de transmission téléphonique ou télégraphique, ou servant à la transmission de la force motrice ou de l'électricité employée à d'autres objets.

Permission de la
Commission

- a) le long ou en travers d'un chemin de fer, par une autre compagnie que la compagnie de chemin de fer possédant ou contrôlant le chemin de fer, ou
- b) en travers ou près d'autres semblables lignes, fils métalliques, conducteurs, structures ou appareils qui relèvent de l'autorité législative du Parlement du Canada.

(2) En faisant la demande d'autorisation à cet effet, le requérant doit soumettre à la Commission un plan et un profil de la partie du chemin de fer ou des autres ouvrages visés

Les plans
doivent être
soumis

the proposed location and the proposed works.

(3) The Commission may grant the application and may order the extent to which, by whom, how, when, on what terms and conditions, and under what supervision, the proposed works may be executed.

(4) Upon such order being made the proposed works may be constructed and maintained subject to and in accordance with such order.

(5) Leave of the Commission under this section is not necessary for the exercise of the powers of a railway company under section 312, nor for the maintenance of works now authorized, nor when works have been or are to be constructed or maintained by consent and in accordance with any general orders, regulations, plans or specifications adopted or approved by the Commission for such purposes. R.S., c. 234, s. 377.

Putting Lines or Wires Across or Along Highways, etc.

318. (1) Subject to this section, any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or telephone lines, may, for the purpose of exercising those powers, enter upon, and, as often as the company thinks proper, break up and open any highway, square or other public place, but

- (a) such company shall not interfere with the public right of travel, or in any way obstruct the entrance to any door or gateway or free access to any building;
- (b) all poles shall be as nearly as possible straight and perpendicular, and shall, in cities and towns, be painted;
- (c) such company shall not unnecessarily nor without giving at least ten days prior notice to the owner thereof or to the municipality, nor in any case where forbidden by the Commission, cut down or mutilate any shade, fruit or ornamental trees, but the Commission may when it deems proper dispense with such notice and may in any case make any order or direction it deems fit respecting such trees;

par ce projet, et indiquant l'emplacement projeté et les travaux projetés.

(3) La Commission peut accorder cette autorisation et par ordonnance régler dans quelle mesure, par qui, de quelle manière, à quelle époque, à quelles conditions et sous quel contrôle ces travaux doivent être exécutés.

(4) Une fois cette ordonnance rendue, ces ouvrages peuvent être exécutés et entretenus sous réserve et en conformité de l'ordonnance.

(5) Une autorisation de la Commission sous le régime du présent article n'est pas nécessaire pour permettre à une compagnie de chemin de fer d'exercer les pouvoirs que l'article 312 lui confère, ni pour permettre l'entretien des ouvrages maintenant autorisés, ni dans les cas où des ouvrages ont été ou doivent être construits ou entretenus du consentement de la Commission et conformément à ses ordonnances générales et à ses règlements, ainsi qu'aux plans ou devis qu'elle a adoptés ou approuvés. S.R., c. 234, art. 377.

Pose de lignes ou de fils en travers ou le long de voies publiques, etc.

318. (1) Sous réserve du présent article, lorsqu'une compagnie possède, en vertu d'une loi spéciale ou d'une autre autorité du Parlement du Canada, les pouvoirs de construire, d'exploiter et d'entretenir des lignes télégraphiques ou téléphoniques, cette compagnie peut, pour y exercer lesdits pouvoirs, pénétrer dans une voie publique, un square ou autre lieu public, et, aussi souvent que la compagnie le juge à propos, y ouvrir et creuser le sol, mais

- a) cette compagnie ne doit pas entraver la circulation publique ni obstruer aucunement l'entrée d'une porte ou barrière, ni nuire au libre accès d'un bâtiment;
- b) tous les poteaux doivent être aussi droits et aussi perpendiculaires que possible, et, dans les cités et les villes, ils doivent être peints;
- c) cette compagnie ne doit pas, sans nécessité ni sans en donner préalablement au moins dix jours d'avis au propriétaire ou à la municipalité, ni dans aucun cas où il y a défense de la Commission, abattre ni mutiler des arbres cultivés pour leur ombrage, des arbres fruitiers ou des arbres

Pouvoirs de la Commission

Autorisation pour la construction

Permission non requise

Lignes et fils sur la voie publique et en d'autres lieux publics

Lines and wires on highways and public places

(d) the opening up of any street, square, or other public place for the erection of poles, or for the carrying of wires underground, shall be subject to the supervision of such persons as the municipal council may appoint, and such street, square or other public place shall, without any unnecessary delay, be restored, as far as possible, to its former condition;

(e) if for the purpose of removing buildings, or in the exercise of the public right of travel, it is necessary that the said wires or poles be temporarily removed by cutting or otherwise, such company shall, at its own expense, upon reasonable notice in writing from any person requiring it, remove such wires and poles; and in default of such company so doing such person may remove such wires and poles at the expense of such company;

(f) such company is responsible for all unnecessary damage that it causes in carrying out, maintaining or operating any of its said works;

(g) such company is not entitled to damages on account of its poles or wires being cut by direction of the officer in charge of the fire brigade at any fire, if, in the opinion of such officer, it is advisable that such poles or wires be cut; and

(h) every person employed upon the work of erecting or repairing any line or instrument of such company shall have conspicuously attached to his dress a badge, on which are legibly inscribed the name of such company and a number by which he can be readily identified.

d'ornement; mais la Commission peut, lorsqu'elle le juge à propos, dispenser de donner cet avis et en tout cas rendre une ordonnance ou donner des instructions qu'elle juge opportunes au sujet de ces arbres;

d) l'ouverture d'une rue, d'un square ou d'un autre lieu public, pour l'érection des poteaux ou pour faire passer les fils sous terre, est assujettie à la surveillance des personnes que le conseil municipal peut désigner, et ces rues, squares ou autres lieux publics doivent être remis, autant que possible et sans retard inutile, dans leur premier état;

e) si, pour le déplacement des bâtiments ou les besoins de la circulation publique, il devient nécessaire d'enlever temporairement lesdits fils ou poteaux, en les coupant ou d'autre manière, la compagnie doit, à ses propres frais, après un avis raisonnable donné par écrit par une personne qui fait cette demande, enlever ces fils et poteaux; et, si la compagnie ne le fait pas, cette personne peut les enlever aux frais de la compagnie;

f) cette compagnie est responsable de tous les dommages qu'elle cause sans nécessité en exécutant, en entretenant ou en exploitant l'un desdits ouvrages;

g) cette compagnie n'a droit à nul dommages-intérêts du fait que ses poteaux ont été abattus ou ses fils coupés par ordre de l'officier commandant le corps des pompiers dans un incendie, si, de l'avis de cet officier, il était nécessaire de les abattre ou de les couper; et

h) tout ouvrier qui travaille à l'érection ou à la réparation des lignes ou appareils de cette compagnie, doit porter, attaché à son vêtement, d'une façon bien visible, un insigne sur lequel sont lisiblement inscrits le nom de la compagnie et un numéro au moyen duquel l'ouvrier peut facilement être identifié.

Height of wires

(2) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, the Commission may determine the height at which any company empowered by Special Act or other authority of the Parliament of Canada to construct, operate and maintain telegraph or

Hauteur des fils

(2) Nonobstant les dispositions d'une loi du Parlement du Canada ou de la législature d'une province, et nonobstant tout pouvoir ou toute autorité jusqu'ici ou désormais conférés par cette loi ou en découlant, la Commission peut déterminer la hauteur à laquelle toute compagnie légalement autorisée par une loi spéciale ou autre autorisation du Parlement du Canada à construire, exploiter

Telephone lines shall affix and maintain any

(a) above or across highways and public places in cities, towns and incorporated villages; and

(b) above, across or adjacent to any private way, entrance or lane used for vehicular traffic;

and no such company shall affix or maintain any such wires at any lower height than that so determined by the Commission, nor shall any such company erect more than one line of poles along any highway.

(3) Notwithstanding anything in any Act of the Parliament of Canada or of the legislature of any province, or any power or authority heretofore or hereafter conferred thereby or derived therefrom, no telegraph or telephone line, within the legislative authority of the Parliament of Canada shall, except as hereinafter in this section provided, be constructed by any company upon, along, across or under any highway, square or other public place, without the legal consent of the municipality having jurisdiction over such highway, square or public place.

(4) If any company cannot, in respect of any such line, obtain such consent from such municipality, or cannot obtain such consent otherwise than subject to terms and conditions not acceptable to the company, such company may apply to the Commission for leave to exercise such powers, and upon such application shall submit to the Commission a plan of such highway, square or other public place showing the proposed location of such lines, wires and poles.

(5) The Commission may refuse or may grant such application in whole or in part, and may change or fix the route of such lines, wires or poles, and may by order impose any terms, conditions or limitations in respect of the application that it deems expedient, having due regard to all proper interests.

(6) Upon such order being made, and subject to any terms imposed by the Commission, such company may exercise such powers in accordance with such order, and shall in the performance and execution thereof, or in

et entretenir des lignes de télégraphe ou de téléphone doit fixer et maintenir les fils

a) au-dessus ou en travers des voies publiques et des lieux publics dans les cités, villes et villages constitués en corporations; et

b) au-dessus, en travers ou en bordure de tout chemin privé, avenue ou ruelle utilisés pour le passage de véhicules;

et aucune semblable compagnie ne doit fixer ni maintenir de fils à un niveau plus bas que celui que la Commission a indiqué, ni ne doit ériger plus d'une ligne de poteaux le long d'une voie publique.

(3) Nonobstant les dispositions d'une loi du Parlement du Canada, ou de la législature d'une province, et nonobstant tout pouvoir ou toute autorité jusqu'ici ou désormais conféré par cette loi ou en découlant, aucune ligne de télégraphe ou de téléphone relevant de l'autorité législative du Parlement du Canada, ne doit, sauf de la manière ci-après prescrite au présent article, être construite par une compagnie au-dessus, le long, en travers ou au-dessous d'une voie publique, d'un square ou d'un autre lieu public, sans le consentement légal de la municipalité dont relève cette voie publique, ce square ou ce lieu public.

(4) Si une compagnie ne peut, à l'égard d'une pareille ligne, obtenir le consentement de cette municipalité, ou ne peut obtenir ce consentement qu'à des conditions qui ne sont pas acceptables par la compagnie, celle-ci peut demander à la Commission l'autorisation d'exercer ces pouvoirs, et en faisant cette demande elle doit soumettre à la Commission un plan de cette voie publique, de ce square ou de cet autre lieu public, en indiquant l'emplacement projeté de ces lignes, fils et poteaux.

(5) La Commission peut refuser ou accorder cette demande, en totalité ou en partie, et elle peut changer ou fixer le tracé de ces lignes, fils ou poteaux, et, par ordonnance, imposer à cet égard les conditions ou restrictions qu'elle juge convenables, en tenant compte de tous les intérêts légitimes.

(6) Cette ordonnance une fois rendue, la compagnie peut, sous réserve des conditions imposées par la Commission, exercer ces pouvoirs en conformité de l'ordonnance, et dans l'accomplissement et l'exécution de cette

Consentement de la municipalité

Exercice de la Commission

Pouvoirs de la Commission

Exercice des pouvoirs

Pouvoirs de la Commission

Exercice des pouvoirs

the repairing, renewing or maintaining of such lines, wires or poles, conform to and be subject to the provisions of subsection (1), except in so far as the said provisions are expressly varied by order of the Commission.

ordonnance, ou dans la réparation, le renouvellement ou l'entretien de ces lignes, fils ou poteaux, elle doit se conformer et elle est assujettie aux dispositions du paragraphe (1), sauf dans la mesure où lesdites dispositions ont été expressément modifiées par ordonnance de la Commission.

Commission
may order wires
placed under-
ground

(7) Notwithstanding any power or authority heretofore or hereafter conferred upon any company by or under any Act of the Parliament of Canada, or of the legislature of any province, or any other authority, the Commission, upon the application of the municipality, and upon such terms and conditions as the Commission may prescribe, may order any telegraph or telephone line, within the legislative authority of the Parliament of Canada, in any municipality or any portion thereof, to be placed underground, and may order any extension or change in the location of any such line or any portion thereof, and the construction of any new line, and may abrogate the right of any such company to construct or maintain, or to operate or continue, any such line, or any pole or other works belonging thereto, except as directed by the Commission; and where such a line or lines within the legislative authority of the Parliament of Canada and such a line or lines within the legislative authority of a province, run through or into the same municipality, and the municipality is desirous of having any of the lines placed underground, and there exists in such province a provincial commission, public utilities or other board or body having power to order such a line within the legislative authority of such province to be placed underground, the Commission and the provincial commission, or public utilities board or body, may by joint session or conference, or by joint board, order any of the lines to be placed underground, and abrogate any right to carry the same on poles, and the provisions of subsection 194(3), with the necessary adaptation, apply to every such case.

(7) Nonobstant tout pouvoir ou toute autorisation jusqu'ici ou désormais conférée à une compagnie en vertu ou sous le régime d'une loi du Parlement du Canada ou de la législature d'une province, ou d'une autre autorité, la Commission, à la demande de la municipalité, et aux conditions qu'elle-même prescrit, peut ordonner qu'une ligne de télégraphe ou de téléphone, relevant de l'autorité législative du Parlement du Canada, dans une municipalité, ou quelque partie de la ligne en question, soit placée sous terre; et elle peut ordonner un prolongement ou changement du tracé d'une semblable ligne, ou d'une partie quelconque de celle-ci, et la construction d'une nouvelle ligne; et elle peut abroger le droit pour cette compagnie de construire, d'entretenir, de mettre en service ou de continuer une semblable ligne, ou des poteaux ou autres ouvrages s'y rattachant, sauf suivant les instructions de la Commission; et lorsqu'une pareille ligne ou de pareilles lignes relevant de l'autorité législative du Parlement du Canada, et qu'une pareille ligne ou de pareilles lignes relevant de l'autorité législative d'une province, traversent la même municipalité, ou y pénètrent, et que la municipalité désire que les lignes soient installées sous terre, et qu'il existe en cette province une commission provinciale, une commission de services d'utilité publique ou une autre commission ou corps ayant le pouvoir d'ordonner qu'une telle ligne soit installée sous terre, la Commission et la commission provinciale, la commission de services d'utilité publique ou ce corps peuvent, en une session ou conférence conjointe, ou par un bureau mixte, ordonner que ces lignes soient placées sous terre, et abroger le droit de placer ces lignes sur des poteaux, les dispositions du paragraphe 194(3), avec l'adaptation requise, s'appliquent à chacun de ces cas.

La Commission
peut ordonner la
pose de fils sous
terre, etc.

land

(8) Where the Commission makes an order under subsection (7) and a company requires additional lands for the purpose of enabling

(8) Lorsque la Commission rend une ordonnance en vertu du paragraphe (7) et qu'une compagnie a besoin d'autres terres

it to comply with the order, the company may apply to the Commission for authority to take the additional lands necessary for such purpose without the consent of the owner, and subsections 141(2) to (7) apply, *mutatis mutandis*, to the taking of the additional lands.

pouvoir s'y conformer, celle-ci peut demander à la Commission l'autorisation de prendre les autres terrains nécessaires à cette fin, sans le consentement du propriétaire, et les paragraphes 141(2) à (7) s'appliquent, *mutatis mutandis*, à la prise des autres terrains.

Construction of drainage and waterpipes

(9) Where a municipality or landowner desires to obtain means of drainage or the right to lay waterpipes or other pipes, temporarily or permanently, through, along, upon, across or under any telegraph or telephone line within the legislative authority of the Parliament of Canada or any lands forming part of or used in connection with such telegraph or telephone line, the Commission may, upon the application of the municipality or landowner, permit the construction of the drainage or the laying of the pipes upon such terms and conditions as the Commission may consider proper.

(9) Lorsqu'une municipalité ou un propriétaire foncier désire obtenir des moyens de drainage ou le droit de poser des conduites d'eau ou autres tuyaux, provisoirement ou en permanence, au travers, le long, au-dessus, en travers ou au-dessous d'une ligne de télégraphe ou de téléphone, relevant de l'autorité législative du Parlement du Canada, ou de terrains faisant partie de cette ligne de télégraphe ou de téléphone, ou utilisés à l'égard de ladite ligne, la Commission peut, sur la demande de la municipalité ou du propriétaire foncier, permettre la construction du drainage ou la pose des tuyaux, aux conditions que la Commission estime appropriées.

Drainage et autres conduites

Rights preserved

(10) Except as provided in subsections (7) and (9) nothing in this section affects the right of any telegraph or telephone company to operate, maintain, renew or reconstruct underground or overhead systems or lines, heretofore constructed.

(10) Sauf les dispositions des paragraphes (7) et (9), rien au présent article n'atteint le droit, pour une compagnie de télégraphe ou de téléphone, de mettre en service, d'entretenir, de renouveler ou de reconstruire des lignes ou réseaux souterrains ou suspendus, déjà construits.

Droits préservés

Provisions in Special Acts, etc.

(11) Nothing in this section authorizes, or gives power to authorize, any company to construct or operate any line or works along any highway or public place without the consent of the municipality having jurisdiction thereover in any case where

(11) Rien au présent article n'autorise ni ne donne le pouvoir d'autoriser une compagnie à construire ou à mettre en service des lignes ou ouvrages le long d'une voie publique ou d'un lieu public sans le consentement de la municipalité dont cette voie ou ce lieu relève, lorsque

Dispositions dans les lois spéciales, etc.

- (a) the Special Act applying to such company requires such consent, or
- (b) the provisions of section 313, 314 or 315 apply to such company and require such consent;

- a) la loi spéciale s'appliquant à cette compagnie exige ce consentement, ou
- b) les dispositions des articles 313, 314 ou 315 s'appliquent à cette compagnie et exigent ce consentement;

and where such consent is so required the provisions respecting the same shall be complied with. R.S., c. 234, s. 378; 1966-67, c. 69, s. 66.

et, lorsque ce consentement est ainsi exigé, les dispositions s'y rapportant doivent être observées. S.R., c. 234, art. 378; 1966-67, c. 69, art. 66.

Price and Supply of Certain Power

Prix et fourniture de certaine force

Commission to settle disputes re supply of electricity

319. (1) In any case where water-power has been acquired under lease from the Crown for the development of electrical energy, and the lessee from the Crown of such water-

319. (1) Lorsque des forces hydrauliques ont été acquises de la Couronne par voie de location, pour la production de l'énergie électrique, et lorsque le locataire de ces forces

La Commission règle les différends relatifs à la production d'électricité

power and the applicant for the purchase of electrical energy so developed cannot agree as to the quantity to be sold by the lessee to the applicant, and the price to be paid by the applicant to the lessee for such quantity, or either, as the case may be, the Commission shall determine and fix the quantity and the price to be paid therefor, or either, as the case may be, and the lessee shall sell, supply and furnish, if the applicant shall then require it, such quantity, and at the price so determined and fixed, as the case may be.

hydrauliques de la Couronne et celui qui sollicite l'acquisition de l'énergie électrique ainsi produite ne peuvent s'entendre quant à la quantité que le locataire doit vendre au requérant et quant au prix que doit payer le requérant au locataire pour cette quantité, ou dans l'un ou l'autre de ces deux cas, la Commission détermine et établit cette quantité et le prix qui doit en être payé, ou la quantité ou le prix, suivant le cas, et le locataire doit vendre, livrer et fournir, si le requérant persiste dans sa demande, la quantité ainsi déterminée, au prix ainsi fixé, selon le cas.

Powers of Commission

(2) For the purpose of determining and fixing such quantity or such price, the Commission may enter on and inspect the property leased from the Crown and all erections and machinery thereon, and may examine all papers, documents, vouchers, records and books of every kind, and may order and require the lessee and any other person to attend before the Commission and be examined on oath and to produce all papers, documents, vouchers, records and books of every kind; and for the purpose aforesaid, the Commission has all such powers, rights and privileges as are vested in a superior court.

(2) En vue de déterminer et d'établir cette quantité ou ce prix, la Commission peut pénétrer dans la propriété louée de la Couronne, la visiter, ainsi que les constructions et machines qui s'y trouvent, et elle peut examiner les papiers, documents, pièces comptables, registres et livres de toute espèce, et ordonner au locataire et à toute autre personne de se présenter devant la Commission et exiger qu'ils y soient interrogés sous serment et y produisent tous les papiers, documents, pièces comptables, registres et livres de toute espèce; et pour les fins susdites, la Commission a tous les pouvoirs, droits et privilèges attribués à une cour supérieure.

Pouvoir de la Commission

Application of section limited

(3) This section does not apply to any case where the water-power leased from the Crown has been acquired for, and is used in the development of electrical energy for the direct and immediate industrial or manufacturing operations of the lessee. R.S., c. 234, s. 379.

(3) Le présent article ne s'applique pas lorsque les forces hydrauliques louées de la Couronne ont été acquises et sont employées pour la production de l'énergie électrique, directement et immédiatement utilisée dans les opérations industrielles ou manufacturières du locataire. S.R., c. 234, art. 379.

Restriction dans l'application de cet article

Provisions Governing Telegraphs and Telephones

Dispositions relatives aux télégraphes et aux téléphones

Interpretation "company"

320. (1) In this section "company" means a railway company or person authorized to construct or operate a railway, having authority to construct or operate a telegraph or telephone system or line, and to charge telegraph or telephone tolls, and includes also telegraph and telephone companies and every company and person within the legislative authority of the Parliament of Canada having power to construct or operate a telegraph or telephone system or line and to charge telegraph or telephone tolls;

320. (1) Dans le présent article «compagnie» signifie une compagnie de chemin de fer ou une personne autorisée à construire ou à tenir en service un chemin de fer, qui a le pouvoir de construire ou de tenir en service une ligne ou un réseau de télégraphe ou de téléphone, et d'en exiger des taxes; et comprend aussi les compagnies de télégraphe et de téléphone, et toute compagnie et toute personne, relevant de l'autorité législative du Parlement du Canada, qui ont le pouvoir de construire ou de tenir en service une ligne ou un réseau de télégraphe ou de téléphone et d'en exiger

Interpretation «compagnie»

"Special Act"

"Special Act" means any Act under which the

company has authority to construct or operate a telegraph or telephone system or line, or which is enacted with special reference to any such system or line, and any letters patent constituting a company's authority to construct or operate a telegraph or telephone system or line, granted under any Act, and the Act under which such letters patent were granted, and includes the *Telegraphs Act* and any general Act relating to telegraphs or telephones.

des taxes;

«loi spéciale» signifie toute loi en vertu de laquelle la compagnie a le pouvoir de construire ou de tenir en service une ligne ou un réseau de télégraphe ou de téléphone, ou qui est édictée spécialement en vue d'un pareil réseau ou d'une pareille ligne, et toutes lettres patentes constituant l'autorisation d'une compagnie à construire ou à tenir en service un réseau ou une ligne de télégraphe ou de téléphone, conférée sous l'autorité d'une loi quelconque, et la loi sous l'autorité de laquelle ces lettres patentes ont été accordées; et comprend aussi la *Loi sur les télégraphes* et toute loi générale concernant les télégraphes ou les téléphones.

Tolls subject to approval

(2) Notwithstanding anything in any Act passed before the 7th day of July 1919, all telegraph and telephone tolls to be charged by the company, and all charges for leasing or using the telegraphs or telephones of the company, are subject to the approval of the Commission, and may be revised by the Commission from time to time; this subsection does not apply to the use of telegraph or telephone wires where no toll is charged to the public.

(2) Nonobstant les dispositions de toute loi rendue avant le 7 juillet 1919, toutes les taxes de télégraphe et de téléphone que peut exiger la compagnie, et toute rémunération pour la location ou l'usage des télégraphes ou des téléphones de la compagnie, sont subordonnées à l'agrément de la Commission qui peut les reviser à sa discrétion; mais le présent paragraphe ne s'applique pas à l'usage des lignes de télégraphe ou de téléphone dont le public peut se servir sans payer.

Approbation des tarifs

Filing of tariffs

(3) The company shall file with the Commission tariffs of any telegraph or telephone tolls to be charged, and such tariffs shall be in such form, size and style, and give such information, particulars and details, as the Commission, from time to time, by regulation, or in any particular case, prescribes, and unless with the approval of the Commission, the company shall not charge and is not entitled to charge any telegraph or telephone toll in respect of which there is default in such filing, or which is disallowed by the Commission; but any company, prior to the 1st day of May 1908, charging telegraph or telephone tolls, may, without such filing and approval, for such period as the Commission allows, charge such telegraph or telephone tolls as such company was immediately prior to the said date authorized by law to charge, unless where the Commission has disallowed or disallows such tolls.

(3) La compagnie doit déposer au bureau de la Commission les tarifs des taxes de télégraphe ou de téléphone à exiger, et ces tarifs doivent être, sous le rapport de la forme, du format et du modèle, ainsi que des renseignements et des détails qu'ils doivent contenir, tels qu'à toute époque la Commission prescrit par voie de règlement ou dans un cas particulier; et, à moins d'avoir obtenu le consentement de la Commission, la compagnie ne doit pas exiger, et n'a pas le droit d'exiger, de taxe de télégraphe ou de téléphone lorsque le tarif n'en a pas été ainsi déposé ou que la Commission l'a rejeté. Toutefois, une compagnie qui, avant le 1er mai 1908, percevait des taxes de télégraphe ou de téléphone, peut, sans ce dépôt et cet agrément, pendant une période que permet la Commission, exiger les taxes de télégraphe ou de téléphone qu'elle était, immédiatement avant ladite date, autorisée par la loi à exiger, à moins que la Commission n'ait rejeté ou ne rejette ces taxes.

Dépôt des tarifs

Classification of messages

(4) The Commission may permit the classification of telegraph, telephone and cable messages into such classes as it deems just

(4) La Commission peut permettre la classification des messages par télégraphe, téléphone ou câble, en des classes qu'elle juge

Classification des messages

and reasonable, and may permit different rates to be charged for such different classes.

juste et raisonnable d'établir, et peut permettre d'exiger des taux différents pour ces diverses classes.

Taxes and
services

(5) The Commission may, from time to time upon application, deal with all questions of unreasonableness or unjust discrimination in respect of telephone tolls resulting from the establishment, redivision and readjustment of the boundaries of any base rate area or telephone exchange area and, where it considers such tolls to be unreasonable or unjust or contrary to any of the provisions of this Act, may require the company to substitute tolls satisfactory to the Commission in lieu thereof, or may prescribe other tolls in lieu of the tolls published by the company.

(5) Sur demande, la Commission peut, à l'occasion, connaître de toutes questions où sont alléguées des exigences déraisonnables ou une disparité injuste en matière de taxes téléphoniques, par suite de l'établissement, de la nouvelle division et du rajustement des limites de toute zone à tarif de base ou à bureau central, et, si elle considère ces taxes comme déraisonnables ou injustes, ou contraires à l'une quelconque des dispositions de la présente loi, elle peut enjoindre à la compagnie d'y substituer des taxes donnant satisfaction à la Commission, ou peut prescrire d'autres taxes en remplacement de celles qu'a publiées la compagnie.

Taxes, taux et
services

Publication of
tariffs

(6) The Commission may, by regulation or otherwise, determine and prescribe the manner and form in which any tariff or tariffs of telegraph or telephone tolls shall be published or kept open for public inspection.

(6) La Commission peut, par règlement ou autrement, déterminer et prescrire de quelle manière et dans quelle forme un tarif ou les tarifs des taxes de télégraphe ou de téléphone doivent être publiés ou tenus à la portée du public.

Publication des
tarifs

Connections
with other
systems

(7) Whenever any company or any province, municipality or corporation, having authority to construct and operate, or to operate, a telephone system or line and to charge telephone tolls, whether such authority is derived from the Parliament of Canada or otherwise, is desirous of using any telephone system or line owned, controlled or operated by the company, in order to connect such telephone system or line with the telephone system or line operated or to be operated by such first mentioned company, or by such province, municipality or corporation for the purpose of obtaining direct communication, whenever required, between any telephone or telephone exchange on the one telephone system or line and any telephone or telephone exchange on the other telephone system or line, and cannot agree with the company with respect to obtaining such use, connection or communication, such first mentioned company or province, municipality or corporation may apply to the Commission for relief, and the Commission may order the company to provide for such use, connection or communication, upon such terms, including compensation if any, as the Commission deems just and expedient, and may order and direct how, when, where, by whom, and upon what terms

(7) Chaque fois qu'une compagnie, une province, une municipalité ou une corporation qui a le pouvoir de construire et tenir en service, ou simplement de tenir en service un réseau ou une ligne téléphonique, et d'en exiger des taxes, que ce pouvoir lui vienne du Parlement du Canada ou d'ailleurs, désire utiliser quelque réseau ou ligne téléphonique possédée, contrôlée ou exploitée par la compagnie, afin de relier ce réseau ou cette ligne téléphonique au réseau ou à la ligne de téléphone exploité ou à exploiter par la compagnie en premier lieu mentionnée ou par cette province, municipalité ou corporation, de façon à obtenir une communication directe, au besoin, entre un téléphone ou un bureau central sur un réseau ou une ligne téléphonique, et un téléphone ou un bureau central sur l'autre réseau ou ligne téléphonique et qu'elle ne peut s'entendre avec cette compagnie pour obtenir ce privilège d'usage, ce raccordement ou cette communication, la compagnie en premier lieu mentionnée ou la province, municipalité ou corporation susdite peut s'adresser à la Commission pour qu'il soit remédié à son grief; et la Commission peut ordonner à cette compagnie de fournir ce raccordement, cette communication ou ce privilège d'usage à la condition, y compris

Raccordements
avec d'autres
réseaux

and conditions such use, connection, or communication shall be had, constructed, installed, operated and maintained.

une indemnité, s'il y a lieu, que la Commission juge juste et convenable, et peut ordonner de quelle manière, à quelle époque, à quel endroit, par qui et à quelles conditions ce privilège doit s'exercer, ou ce raccordement ou cette communication doit s'effectuer, s'installer, être utilisé et maintenu.

Local
conversations
entre systèmes
rivaux

(8) No order made under subsection (7) applies to the interchange of local conversations between persons using the telephones of two competing systems or lines where such systems or lines terminate upon switch-boards located within the municipal limits of the same city, town or village, except in the case of rural party line telephones in non-competitive areas, and then only when the Commission deems such interchange to be desirable and practicable.

(8) Nulle ordonnance rendue sous l'autorité du paragraphe (7) ne doit s'appliquer à l'échange de conversations locales entre des personnes se servant des téléphones de deux réseaux de lignes rivales lorsque ces réseaux ou ces lignes aboutissent à des tableaux de distribution placés dans les limites de la même cité, ville ou village, sauf dans le cas de lignes téléphoniques rurales communes dans des zones où la concurrence n'existe pas, et alors seulement lorsque la Commission juge que cet échange est désirable et praticable.

Conversations
locales sur des
réseaux de
lignes rivales

Standards of
apparatus to be
considered

(9) Upon any such application the Commission shall, in addition to any other consideration affecting the case, take into consideration the standards, as to efficiency and otherwise, of the apparatus and appliances of such telephone systems or lines, and shall only grant the leave applied for in case and in so far as, in view of such standards, the use, connection or communication applied for can, in the opinion of the Commission, be made or exercised satisfactorily and without undue or unreasonable injury to or interference with the telephone business of the company, and where in all the circumstances it seems just and reasonable to grant the same.

(9) Sur pareille demande, la Commission, outre toute autre considération que comporte le cas, doit tenir compte de la qualité, sous le rapport du service ou sous d'autres rapports, des installations, instruments et appareils de ces réseaux ou lignes de téléphone, et elle ne doit accéder à la demande que si et dans la mesure que le privilège d'usage, le raccordement ou la communication demandé peut, de l'avis de la Commission, eu égard à cette qualité, s'exercer ou se faire d'une façon satisfaisante et sans porter préjudice déraisonnable ni atteinte aux opérations téléphoniques de la compagnie, et lorsque toutes les circonstances rendent juste et raisonnable l'acquiescement à cette demande.

La qualité des
installations

Application of
provisions as to
joint tariff

(10) Where the telephone system or line operated by the company is used or connected, for purposes of communication as aforesaid, with the telephone system or line operated by any other company or by any such province, municipality or corporation, whether the authority of such company, province, municipality or corporation to construct and operate or to operate such telephone system or line is derived from the Parliament of Canada or otherwise, and whether such connection or communication has been previously or is hereafter established either by agreement of the parties or under an order of the Commission, the provisions of this Act with respect to joint tariffs, in so far as they are applicable and not inconsistent with this section or the Special Act, apply to such

(10) Lorsque le réseau ou la ligne de téléphone exploité par la compagnie est employé ou raccordé pour établir une correspondance avec le réseau ou la ligne de téléphone exploité par une autre compagnie ou par une province, municipalité ou corporation, que le pouvoir de cette compagnie, province, municipalité ou corporation de construire et tenir en service ou simplement de tenir en service ce réseau ou cette ligne de téléphone lui vienne du Parlement du Canada ou d'ailleurs, et que ce raccordement ou cette communication ait été préalablement établi ou le soit à l'avenir, par traité entre les parties ou en exécution d'une ordonnance de la Commission, les dispositions de la présente loi relatives aux tarifs communs, en tant qu'elles sont applicables et non incompatibles

Les dispositions
relatives aux
tarifs communs
s'appliquent

company or companies and to such province, municipality or corporation; and the Commission has, for the enforcement of its orders in this respect, in addition to all other powers possessed by it therefor, the power to order a discontinuance of such connection or communication between such different telephone systems or lines.

avec le présent article ou la loi spéciale, s'appliquent à cette compagnie ou à ces compagnies et à cette province, municipalité ou corporation; et la Commission, en sus de tous les pouvoirs qu'elle possède pour faire observer ses ordonnances, a, pour la mise à exécution de son ordonnance à cet égard, le pouvoir d'ordonner la rupture du raccordement ou de la communication entre ces différents réseaux ou lignes de téléphone.

Approval of
working
agreements

(11) All contracts, agreements and arrangements between the company and any other company, or any province, municipality or corporation having authority to construct or operate a telegraph or telephone system or line, whether such authority is derived from the Parliament of Canada or otherwise, for the regulation and interchange of telegraph or telephone messages or service passing to and from their respective telegraph or telephone systems and lines, or for the division or apportionment of telegraph or telephone tolls, or generally in relation to the management, working or operation of their respective telegraph or telephone systems or lines, or any of them, or any part thereof, or of any other systems or lines operated in connection with them or either of them, are subject to the approval of the Commission, and shall be submitted to and approved by the Commission before such contract, agreement or arrangement has any force or effect.

(11) Tous les contrats, marchés et arrangements conclus entre la compagnie et une autre compagnie, ou une province, municipalité ou corporation qui possède le pouvoir de construire ou de tenir en service un réseau ou une ligne de téléphone ou de télégraphe, que ce pouvoir lui vienne du Parlement du Canada ou d'ailleurs, et visant la réglementation et l'échange de communications et de services télégraphiques ou téléphoniques entre leurs réseaux et lignes télégraphiques ou téléphoniques respectifs, ou la division ou répartition des taxes de télégraphe ou de téléphone, ou se rapportant d'une manière générale à l'administration, à l'exploitation ou à la mise en service de l'un ou de plusieurs de leurs réseaux ou de l'une ou de plusieurs de leurs lignes de télégraphe ou de téléphone respectives, en totalité ou en partie, ou d'autres réseaux ou lignes exploités en liaison avec les réseaux ou lignes susdits ou l'un ou l'autre desdits réseaux ou lignes, sont subordonnés à l'agrément de la Commission et doivent lui être soumis et être agréés par elle avant que lesdits contrats, marchés ou arrangements deviennent exécutoires.

Approbaton des
contrats
d'exploitation

Application of
Act

(12) Without limitation of the generality of this subsection by anything contained in the preceding subsections or in section 321, the jurisdiction and powers of the Commission, and, in so far as reasonably applicable and not inconsistent with this section, section 321 or the Special Act, the provisions of this Act respecting such jurisdiction and powers, and respecting proceedings before the Commission and appeals to the Supreme Court or Governor in Council from the Commission, and respecting offences and penalties, and the other provisions of this Act except sections 11 to 210, 212 to 222, 227 to 264, 266, 267, 269, 271, 272, 275 to 283, 294 to 300, 304 to 311, 337 and 338, 341, 345 to 375, 383 to 387, 393, 400 to 408, extend and apply to all companies as in this section defined, and to all telegraph and

(12) Sans restreindre la généralité du présent paragraphe par quelque stipulation des paragraphes précédents ou de l'article 321, la juridiction et les pouvoirs de la Commission et, en tant qu'elles sont raisonnablement applicables et ne sont pas incompatibles avec le présent article, avec l'article 321 ou avec la loi spéciale, les dispositions de la présente loi concernant cette juridiction et ces pouvoirs, et concernant les procédures devant la Commission et les appels à la Cour suprême ou au gouverneur en conseil des décisions de la Commission et concernant les contraventions et les peines, ainsi que les autres dispositions de la présente loi, à l'exception des articles 11 à 210, 212 à 222, 227 à 264, 266, 267, 269, 271, 272, 275 à 283, 294 à 300, 304 à 311, 337 et 338, 341, 345 à 375, 383 à 387, 393,

Application de
la loi

telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada; and in and for the purposes of such application

400 à 408, s'étendent et s'appliquent à toutes les compagnies définies au présent article, et à tous les réseaux de télégraphe et de téléphone, lignes et opérations de ces compagnies relevant de l'autorité législative du Parlement du Canada; et, à l'occasion et aux fins de cette application.

- "company" "company" or "railway company" means a company as defined in subsection (1);
- "railway" "railway" means all property real and personal and works forming part of or connected with the telegraph or telephone system or line of the company;
- "Special Act" "Special Act" means a Special Act as defined in subsection (1);
- "toll" "rate" "toll" or "rate" means telegraph or telephone toll;
- "traffic" "traffic" means the transmission of and other dealings with telegraphic and telephonic messages. R.S., c. 234, s. 380; 1966-67, c. 69, s. 67.

- «chemin de fer» signifie tous les biens réels et personnels, et tous les ouvrages qui font partie ou sont en dépendance du réseau ou de la ligne de télégraphe ou de téléphone de la compagnie;
- «compagnie» ou «compagnie de chemin de fer» signifie une compagnie, définie au paragraphe (1);
- «loi spéciale» signifie une loi spéciale, définie au paragraphe (1);
- «taxe» ou «tarif» signifie une taxe de télégraphe ou de téléphone;
- «transport» ou «trafic» signifie la transmission de messages télégraphiques et téléphoniques, et les autres opérations se rattachant à cette transmission. S.R., c. 234, art. 380; 1966-67, c. 69, art. 67.

Traffic, Tolls and Tariffs

Trafic, taxes et tarifs

Tolls to be just and reasonable

321. (1) All tolls shall be just and reasonable and shall always, under substantially similar circumstances and conditions with respect to all traffic of the same description carried over the same route, be charged equally to all persons at the same rate.

321. (1) Toutes les taxes doivent être justes et raisonnables et doivent toujours, dans des circonstances et conditions sensiblement analogues, en ce qui concerne tout le trafic du même type suivant le même parcours, être imposées de la même façon à toutes personnes au même taux.

No unjust discrimination

- (2) A company shall not in respect of tolls
 - ✓ (a) make any unjust discrimination against any person or company;
 - ✓ (b) make or give any undue or unreasonable preference or advantage to or in favour of any particular person or company or any particular description of traffic, in any respect whatever; or
 - ✓ (c) subject any particular person or company or any particular description of traffic to any undue or unreasonable prejudice or disadvantage, in any respect whatever;

- (2) Une compagnie ne doit pas, en ce qui concerne les taxes,
 - a) établir de discrimination injuste contre une personne ou une compagnie;
 - b) instaurer ou accorder une préférence ou un avantage indu ou déraisonnable à l'égard ou en faveur d'une certaine personne ou d'une certaine compagnie ou d'un certain type de trafic, à quelque point de vue que ce soit; ou
 - c) faire subir à une certaine personne, une certaine compagnie ou un certain type de trafic un désavantage ou préjudice indu ou déraisonnable, à quelque point de vue que ce soit;

and where it is shown that the company makes any discrimination or gives any preference or advantage, the burden of proving that the discrimination is not unjust or that the preference is not undue or unreasonable lies upon the company.

et, lorsqu'il est démontré que la compagnie établit une discrimination ou accorde une préférence ou un avantage, il incombe à la compagnie de prouver que cette discrimination

n'est pas injuste ou que cette préférence n'est pas indue et déraisonnable.

Commission may determine

(3) The Commission may determine, as questions of fact, whether or not traffic is or has been carried under substantially similar circumstances and conditions, and whether there has, in any case, been unjust discrimination, or undue or unreasonable preference or advantage, or prejudice or disadvantage, within the meaning of this section, or whether in any case the company has or has not complied with the provisions of this section or section 320.

(3) La Commission peut déterminer, comme questions de fait, si le trafic se fait ou s'est fait dans des circonstances et conditions sensiblement analogues et s'il y a eu, dans quelque cas que ce soit, une discrimination injuste, ou une préférence, un avantage, un préjudice ou un désavantage indu ou déraisonnable au sens du présent article ou si, dans quelque cas que ce soit, la compagnie s'est ou non conformée aux dispositions du présent article ou de l'article 320.

Pouvoir de détermination de la Commission

Power of Commission to suspend, postpone and disallow tolls

(4) The Commission may
/ (a) suspend or postpone any tariff of tolls or any portion thereof that in its opinion may be contrary to section 320 or this section; and
/ (b) disallow any tariff of tolls or any portion thereof that it considers to be contrary to section 320 or this section and require the company to substitute a tariff satisfactory to the Commission in lieu thereof or prescribe other tolls in lieu of any tolls so disallowed.

(4) La Commission peut
c) suspendre ou différer l'application de tout tarif de taxes ou toute partie de celui-ci qui, à son avis, peut être contraire aux dispositions de l'article 320 ou du présent article; et
b) rejeter tout tarif de taxes ou toute partie de celui-ci qu'elle considère être contraire aux dispositions de l'article 320 ou du présent article, et sommer la compagnie d'y substituer un tarif satisfaisant pour la Commission ou prescrire d'autres taxes en remplacement de toutes taxes ainsi rejetées.

Pouvoir de la Commission de suspendre, différer ou de rejeter des tarifs

General powers of Commission

(5) In all other matters not expressly provided for in this section the Commission may make orders with respect to all matters relating to traffic, tolls and tariffs or any of them.

(5) En toute autre matière non expressément prévue par le présent article, la Commission peut émettre des ordonnances au sujet de tout ce qui a trait au trafic, aux taxes et aux tarifs, ou à l'un d'eux.

Pouvoirs généraux de la Commission

Definition of expressions

(6) In this section and section 322, the expressions "company", "Special Act", "toll" and "traffic" have the meanings assigned to them by section 320. 1966-67, c. 69, s. 63.

(6) Dans le présent article et dans l'article 322, les expressions «compagnie», «Loi spéciale», «taxes» et «trafic» ont la signification que leur attribue l'article 320. 1966-67, c. 69, art. 63.

Définition d'expressions

Contracts, etc. Limiting Liability

Contrats, etc., limitant la responsabilité

Contracts, etc. impairing carrier's liability

322. (1) No contract, condition, by-law, regulation, declaration or notice made or given by the company, impairing, restricting or limiting its liability in respect of any traffic shall, except as hereinafter provided, relieve the company from such liability, unless the class of contract, condition, by-law, regulation, declaration or notice has been first authorized or approved by order or regulation of the Commission.

322. (1) Les contrats conclus, conditions et règlements établis, déclarations faites et avis donnés par la compagnie lorsqu'ils atténuent, restreignent ou limitent sa responsabilité relativement à tout trafic, ne doivent, sauf dans les cas ci-après prévus, décharger la compagnie de cette responsabilité, à moins que la catégorie à laquelle appartiennent ces contrats, conditions, règlements, déclarations ou avis, n'ait été préalablement autorisée ou approuvée par une ordonnance ou un règlement de la Commission.

Contrats etc., atténuant la responsabilité de transporteur

Power of Commission

(2) The Commission may, in any case, or

(2) La Commission peut, dans tous les cas,

Pouvoir de la Commission

by regulation, determine the extent to which the liability of the company may be so impaired, restricted or limited.

ou par règlement, déterminer dans quelle mesure la responsabilité de la compagnie peut être ainsi atténuée, restreinte ou limitée.

Commission
may prescribe
terms

(3) The Commission may by regulation prescribe the terms and conditions under which any traffic may be carried by the company. 1966-67, c. 69, s. 68.

(3) La Commission peut, par règlement, prescrire les modalités selon lesquelles tout transport peut être effectué par la compagnie. 1966-67, c. 69, art. 68.

La Commission
peut prescrire
des modalités

*Government Use and Construction of
Telegraphs and Telephones*

*Usage et construction de télégraphes et de
téléphones par le gouvernement*

Government
may have
exclusive use

323. (1) Every railway, telegraph and telephone company shall, when required so to do by the Governor in Council, or any person authorized by him, place at the exclusive use of the Government of Canada any electric telegraph and telephone lines, and any apparatus and operators which it has.

323. (1) Toute compagnie de chemin de fer, de télégraphe et de téléphone, lorsqu'elle en est requise par le gouverneur en conseil ou par une personne par lui autorisée, doit mettre à la disposition exclusive du gouvernement du Canada les lignes électriques de télégraphe et de téléphone, ainsi que les appareils, les télégraphistes et les téléphonistes qu'elle a à son service.

Le
gouvernement
peut avoir
l'usage exclusif

Compensation

(2) Such company is thereafter entitled to receive reasonable compensation for such service. R.S., c. 234, s. 382.

(2) La compagnie possède, à compter de ce moment, le droit de recevoir une indemnité raisonnable pour cette prestation. S.R., c. 234, art. 382.

Indemnité

Government
may erect wires
on railway

324. The Governor in Council may, at any time, cause a line or lines of electric telegraph or telephone to be constructed along the line of any railway, for the use of the Government of Canada, and for that purpose, may enter upon and occupy so much of the lands of the company as is necessary for the purpose. R.S., c. 234, s. 383.

324. Le gouverneur en conseil peut, à toute époque, faire construire une ligne ou des lignes de téléphone ou de télégraphe électrique le long de la voie d'un chemin de fer, pour l'usage du gouvernement du Canada; et, à cette fin, il peut pénétrer dans les terrains de la compagnie et en occuper l'étendue nécessaire. S.R., c. 234, art. 383.

Le
gouvernement
peut ériger des
filons
l'emplacement
de la voie

STATISTICS AND RETURNS

STATISTIQUES ET RAPPORTS

Annual returns

325. (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually prepare returns, in accordance with the forms and classifications for the time being required by the Commission, of its assets, liabilities, capitalization, revenues, working expenditures and traffic.

325. (1) Toute compagnie de chemin de fer, de télégraphe, de téléphone et de messagerie, comme tout voiturier par eau, est tenue de préparer annuellement, selon les formules et les classifications alors prescrites par la Commission, des relevés de son actif, son passif, sa capitalisation, ses recettes, ses frais d'exploitation et son trafic.

Relevés annuels

Attestation

(2) Such returns shall be dated and signed by and attested upon the oath of the secretary, or some other chief officer of the company or carrier by water, and shall also be attested upon the oath of the president, or in his absence, of the vice-president or manager of the company or carrier by water, or shall be signed and attested by such other person or persons as the Commission may direct.

(2) Ces rapports doivent être datés, signés et attestés sous serment par le secrétaire ou par un autre fonctionnaire principal de la compagnie ou du voiturier par eau, et doivent aussi être attestés sous serment par le président, ou, en son absence, par le vice-président ou le gérant de la compagnie ou du voiturier par eau, ou attestés et signés par telle autre personne ou telles autres personnes que la Commission peut désigner.

Attestation

Period covered (3) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier by water extend, or if no such returns have been previously made, from the commencement of the operation of the railway, or other works, or undertaking, and ending with the last day of December in the year, or other interval, for which the returns are to be made, or with such other date as the Commission may direct.

Duplicate to Dominion Statistician

(4) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company to the Dominion Statistician within one month after the 1st day of February in each year, or within one month after any other date directed by the Commission under subsection (3). R.S., c. 234, s. 384.

Traffic returns monthly

326. (1) Every railway, telegraph, telephone and express company and every carrier by water, if required by the Commission so to do, shall prepare monthly returns of its revenues, working expenditure and traffic and all other information that may be required.

Form

(2) Such returns shall be in accordance with the forms for the time being required by the Commission.

Copy to Statistician

(3) A copy of such returns, signed by the officer of the company or carrier responsible for the correctness of such returns, shall be forwarded by the company or carrier to the Dominion Statistician within seven days from the day to which the said returns have been prepared.

Extension of time

(4) The Commission may in any case extend the time within which such returns shall be forwarded. R.S., c. 234, s. 385.

Statistical procedure

327. The Commission shall institute and maintain a statistical procedure designed to provide the data necessary for the performance of its duties. R.S., c. 234, s. 386.

Uniform classification of accounts

328. (1) The Commission shall prescribe for the Canadian National Railway Company and the Canadian Pacific Railway Company a uniform classification and system of accounts and returns of their assets, liabilities, revenues and working expenditure that relate to railway

(3) Ces rapports doivent couvrir la période écoulée depuis la date à laquelle s'arrêtoient les derniers rapports annuels fournis par la compagnie ou le voiturier par eau, ou, s'il n'a pas encore été fourni de tels rapports annuels, depuis le commencement de l'exploitation du chemin de fer ou des autres ouvrages ou entreprises, jusqu'au dernier jour de décembre de l'année, ou jusqu'à une date fixée par la Commission; ou bien ces rapports doivent couvrir une autre période spécifiée.

(4) La compagnie doit transmettre au statisticien fédéral un double de ces rapports, datés, signés et attestés de la manière ci-dessus prescrite, dans un délai d'un mois à compter du 1er février de chaque année, ou dans le délai d'un mois à compter d'une autre date fixée par la Commission conformément au paragraphe (3). S.R., c. 234, art. 384.

326. (1) Toute compagnie de chemin de fer, de télégraphe, de téléphone et de messagerie, comme tout voiturier par eau, si la Commission l'exige, doit préparer des relevés mensuels de ses recettes, de ses frais d'exploitation et de son trafic, ainsi que tous les autres renseignements qui peuvent être exigés.

(2) Ces rapports doivent être préparés d'après les formules alors prescrites par la Commission.

(3) Une copie de ces rapports, signée par le fonctionnaire de la compagnie ou le voiturier responsable de leur exactitude, doit être transmise au statisticien fédéral par la compagnie ou par le voiturier dans un délai de sept jours à compter du jour qui clôt la période couverte par lesdits rapports.

(4) La Commission peut, en tout cas, proroger le délai pour la transmission de ces rapports. S.R., c. 234, art. 385.

327. La Commission doit établir et maintenir une méthode statistique destinée à fournir les données nécessaires à l'accomplissement de ses fonctions. S.R., c. 234, art. 386.

328. (1) La Commission doit prescrire pour la compagnie des chemins de fer nationaux du Canada et la compagnie du chemin de fer canadien du Pacifique une classification et un système uniformes de comptes et de relevés concernant l'actif, le passif, les recettes et les

Forme

Double pour le statisticien fédéral

Relevés mensuels sur le trafic

Forme

Copie au statisticien

Prorogation de délai

Méthode statistique

Classification uniforme des comptes

operations.

frais d'exploitation relatifs aux opérations ferroviaires.

Item

(2) The Commission may prescribe for any other railway company within the legislative authority of the Parliament of Canada a uniform classification and system as described in subsection (1), or a condensed form thereof.

(2) La Commission peut prescrire pour toute autre compagnie de chemin de fer relevant de l'autorité législative du Parlement du Canada une classification et un système uniformes du genre décrit au paragraphe (1), ou une forme condensée de semblables classification et système.

Items to be classed

(3) The Commission shall prescribe the items that shall be classed as items relating to railway operations in the accounts and returns.

(3) La Commission doit prescrire les articles à inclure comme postes relatifs à l'exploitation ferroviaire dans les comptes et relevés.

Depreciation

(4) The Commission shall prescribe the classes of property for which depreciation charges may properly be included under operating expenses in the accounts, and the rate or rates of depreciation that shall be charged with respect to each of the classes of property.

(4) La Commission doit prescrire les catégories de biens dont les frais de dépréciation peuvent régulièrement être inclus sous le chef des frais d'exploitation dans les comptes, ainsi que le taux ou les taux de dépréciation à imputer à l'égard de chaque catégorie de biens.

Inspection of accounts

(5) The Commission or person appointed or directed by the Commission under this Act to make an inquiry or report may inspect and take copies of the accounts and other documents of any railway company within the legislative authority of the Parliament of Canada.

(5) La Commission ou une personne nommée par elle sous le régime de la présente loi pour faire enquête ou rapport, ou qu'elle a chargée de faire enquête ou rapport, peut procéder à l'inspection et tirer des copies des comptes et autres documents de toute compagnie de chemin de fer ressortissant à l'autorité législative du Parlement du Canada.

Company to keep accounts as prescribed

(6) Every railway company for which the uniform or condensed classification and system of accounts and returns is prescribed shall keep its accounts in accordance with the prescribed classification and system.

(6) Toute compagnie de chemin de fer à l'égard de laquelle la classification et le système uniformes ou condensés de comptes et de relevés sont prescrits doit tenir ses comptes en conformité de la classification et du système prescrits.

Review of uniform classification of accounts

(7) The Commission shall review and revise as necessary the uniform classification of accounts, at intervals not longer than every two years, to ensure that railway companies maintain separate accounting

(7) La Commission doit examiner et réviser selon les besoins la classification uniforme de la comptabilité, au moins tous les deux ans, afin de s'assurer que les compagnies de chemin de fer tiennent une comptabilité distincte

(a) of the assets and earnings of their rail and non-rail enterprises; and

a) de l'actif et des gains de leurs entreprises ferroviaires et non ferroviaires; et

(b) of their operations by modes of transport. R.S., c. 234, s. 387; 1966-67, c. 69, s. 69.

b) de leurs activités classées par moyen de transport. S.R., c. 234, art. 387; 1966-67, c. 69, art. 69.

Allowances included in

329. (1) In computing the costs of the undertaking of the company for the purposes of sections 252 to 261, 264, 272, 276, 277, 278, 330 and this section, there shall be included such allowance on a periodic basis

329. (1) Dans le calcul des frais de l'entreprise de la compagnie, aux fins des articles 252 à 261, 264, 272, 276, 277, 278, 330 et du présent article, il doit être inclus l'allocation périodique que la Commission estimera raisonnable en l'occurrence

(a) for depreciation, and

a) pour la dépréciation, et

(b) in respect of the cost of any money expended, whether or not the expenditure was made out of borrowed money,

as to the Commission seems reasonable in the circumstances.

Calculation of the portion of an undertaking

(2) Without limiting the powers of the Commission under this Act to determine costs,

(a) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed for a particular period, such of the costs of the whole undertaking of the company or any other portion of such undertaking thereof as, in the opinion of the Commission, are reasonably attributable to that portion of the undertaking or to the particular operation, as the case may be, in respect of which the costs are being computed, may be included in such computation of costs, irrespective of when, or in what manner, or by whom such costs were incurred; and

(b) if the costs of a portion of the undertaking of the company or of a particular operation of the company are to be computed in respect of future operations of the company, they shall be determined in accordance with estimates made on such basis as to the Commission seems reasonable in the circumstances.

Effect of determination of

(3) Any determination of costs by the Commission for any of the purposes of this Act is final and binding upon all parties interested or affected thereby. 1966-67, c. 69, s. 70

Components of costs

330. (1) The Commission shall by regulation prescribe for any of the purposes of this Act the items and factors, including the factors of depreciation and the cost of capital as provided in subsection 329(1), which shall be relevant in the determination of costs, and, to the extent that the Commission deems it proper and relevant to do so, the Commission shall have regard to the principles of costing adopted by the Royal Commission on Transportation appointed by the Order in Council dated the 13th day of May 1959 in arriving at the conclusions contained in the report thereof, and to later developments in railway costing methods and techniques and to current conditions of railway operations.

b) en ce qui concerne le coût du capital afférent à toute dépense, que celle-ci ait ou non été acquittée grâce à des fonds empruntés.

(2) Sans limiter les pouvoirs que la présente loi confère à la Commission en matière de détermination des frais,

a) si les frais d'une partie de l'entreprise de la compagnie ou d'une exploitation particulière de la compagnie doivent être calculés pour une certaine période, la Commission peut y inclure ceux des frais de l'ensemble ou de toute autre partie de l'entreprise qui sont, à son avis, raisonnablement attribuables, selon le cas, à la partie de l'entreprise ou à l'exploitation particulière pour laquelle le calcul est fait sans se préoccuper de savoir quand, comment ou par qui ces frais ont été encourus; et

b) si les frais d'une partie de l'entreprise de la compagnie ou d'une exploitation particulière de la compagnie doivent être calculés en ce qui concerne les futures opérations de la compagnie, la Commission doit les déterminer d'après des prévisions établies sur la base qu'elle estime raisonnable en l'occurrence.

Calcul des frais d'une partie d'entreprise

(3) Toute détermination des frais faite par la Commission à l'une quelconque des fins de la présente loi est définitive et lie toutes les parties intéressées ou concernées par cette détermination. 1966-67, c. 69, art. 70.

Effet de la détermination des frais

330. (1) La Commission doit prescrire par règlement, pour l'une quelconque des fins de la présente loi, les articles et facteurs, notamment les facteurs, de dépréciation et de coût du capital que prévoit le paragraphe 329(1), pertinents à la détermination des frais; et, dans la mesure où elle l'estime convenable et pertinent, la Commission doit tenir compte des principes d'établissement du prix de revient que la Commission royale d'enquête sur les transports nommée par l'arrêté en conseil en date du 13 mai 1959 a adoptés pour en arriver aux conclusions contenues dans son rapport, ainsi que des innovations apportées par la suite aux méthodes et techniques de calcul des prix de revient ferroviaires et des conditions actuelles de l'exploitation des

Éléments des frais variables

chemins de fer.

(2) When the Commission proposes to amend any regulations made under subsection (1), the Commission shall give notice of the proposed amendment in the *Canada Gazette* and in such additional publications as it deems desirable, and any transportation company, organization, provincial authority or municipal authority in Canada may, within twenty days from the day of the publication of the notice in the *Canada Gazette*,

(a) request the Commission to hold hearings on the matter of the proposed amendment; or

(b) give notice to the Commission that it intends to submit to the Commission views and recommendations on the matter of the proposed amendment, which views and recommendations shall be submitted in writing not later than forty days from the day of the publication of the notice in the *Canada Gazette*;

and the proposed amendment shall be brought into force not earlier than sixty days from the day of the publication of the notice in the *Canada Gazette* unless within the period limited therefor by this subsection a request is received by the Commission to hold hearings, or a written submission is received by the Commission setting out views and recommendations, on the matter of the proposed amendment.

(3) Where a written submission seeking a change in a proposed amendment mentioned in subsection (2) is received by the Commission within the time limited therefor by that subsection and no request to hold hearings on the matter of the proposed amendment is received by the Commission within the time limited therefor by that subsection, the Commission shall allow a further period of thirty days for the circulation of the submission and the receipt of comments thereon; and the Commission may thereafter

(a) bring the proposed amendment into force as originally proposed or as altered after receipt of the written submission and replies thereto, on a day fixed by the Commission; or

(b) hold hearings on the proposed amendment.

(2) Lorsque la Commission propose de modifier des règlements établis en vertu du paragraphe (1), elle doit donner avis de la modification proposée, dans la *Gazette du Canada* et dans les autres publications où il est jugé désirable de le publier, et toute compagnie de transport, tout organisme, toute autorité provinciale ou municipale au Canada peut, dans les vingt jours à compter du jour de la publication de l'avis dans la *Gazette du Canada*,

a) demander à la Commission de tenir des auditions pour examiner la modification proposée, ou

b) donner avis à la Commission qu'il a l'intention de soumettre à la Commission son point de vue et ses recommandations sur la modification proposée; ce point de vue et ces recommandations doivent être soumis par écrit au plus tard dans les quarante jours à compter du jour de la publication de l'avis dans la *Gazette du Canada*,

et la modification proposée ne doit pas être mise en vigueur avant soixante jours à compter du jour de la publication de l'avis dans la *Gazette du Canada* à moins que, au cours du délai fixé à cet égard par le présent paragraphe, la Commission ne reçoive une demande en vue de tenir des auditions, ou ne reçoive des observations écrites indiquant les points de vue et les recommandations sur la modification proposée.

(3) Lorsque la Commission reçoit, dans le délai prescrit à cette fin par ce paragraphe, des observations écrites sollicitant un changement dans une proposition de modification mentionnée au paragraphe (2) et qu'elle ne reçoit pas dans le délai imparti à cette fin par ce paragraphe de demande en vue de tenir des auditions au sujet de la modification proposée, la Commission doit accorder un délai supplémentaire de trente jours pour la circulation des observations et pour la réception des commentaires qu'elles suscitent, et la Commission peut, par la suite,

a) la mettre en vigueur dans sa forme originale ou dans une forme modifiée adoptée après réception des observations écrites et des réponses qu'elles ont suscitées, à compter de la date qu'elle fixe, ou

b) tenir des auditions au sujet de la

Avis de modifications

Quand il n'y a que des observations écrites

When hearings
are requested or
held

(4) Where a request to hold hearings on a proposed amendment mentioned in subsection (2) is received by the Commission within the time limited therefor by that subsection, or where hearings are held under subsection (3) on the proposed amendment, the Commission shall

(a) circulate any written submissions received pursuant to subsection (2) that have not already been circulated pursuant to subsection (3); and

(b) hold such hearings as in its opinion are necessary to enable all persons who wish to do so to present their views to the Commission;

and thereafter the Commission may bring the proposed amendment into force, as originally proposed or as altered after such hearings, on a day fixed by the Commission.

Amendments
proposed by
other than
Commission

(5) Where an amendment to a regulation made under this section is proposed by a person other than the Commission and the amendment has merit in the opinion of the Commission, the Commission shall circulate the proposal and replies thereto and, if the Commission considers it desirable to do so, the Commission may

(a) bring the proposed amendment into force on a day fixed by the Commission, which shall not be earlier than ninety days from the day that the proposed amendment was received by the Commission; or

(b) hold hearings on the matter of the proposed amendment and bring the proposed amendment into force, as originally proposed or as altered after such hearings, on a day fixed by the Commission. 1966-67, c. 69, s. 70.

Information
bearing on costs

331. Where information concerning the costs of a railway company or other information that is by its nature confidential is obtained from the company by the Commission in the course of any investigation under this Act, such information shall not be published or revealed in such a manner as to be available for the use of any other person, unless in the opinion of the Commission such publication is necessary in the public interest. 1966-67, c. 69, s. 70.

modification proposée.

(4) Lorsque la Commission reçoit, dans le délai imparti à cette fin par ce paragraphe, une demande en vue de tenir des auditions au sujet d'une modification proposée mentionnée au paragraphe (2), ou que des auditions sont tenues en vertu du paragraphe (3) au sujet de la modification proposée, la Commission doit

a) faire circuler toutes observations écrites reçues en conformité du paragraphe (2) qu'on n'a pas déjà fait circuler en conformité du paragraphe (3), et

b) tenir les auditions qui, à son avis, sont nécessaires pour permettre à toutes les personnes le désirant de présenter leur point de vue à la Commission;

par la suite, la Commission peut mettre la modification proposée en vigueur dans sa forme originale ou dans une forme modifiée adoptée à la suite desdites auditions, à compter de la date qu'elle fixe.

(5) Lorsqu'une personne autre que la Commission propose d'apporter à un règlement établi en vertu du présent article une modification que la Commission estime fondée, la Commission doit faire circuler la proposition et les réponses qu'elle suscite et, si elle le considère désirable, la Commission peut

a) mettre la modification proposée en vigueur à compter de la date fixée par elle, non antérieure par plus de quatre-vingt-dix jours à la date où la modification proposée a été reçue par la Commission; ou

b) tenir des auditions au sujet de la modification proposée et la mettre en vigueur dans sa forme originale ou dans une forme modifiée adoptée à la suite desdites auditions, à compter de la date qu'elle fixe. 1966-67, c. 69, art. 70.

331. Lorsque la Commission obtient d'une compagnie de chemin de fer, au cours d'une enquête faite en vertu de la présente loi, des renseignements relatifs aux frais de cette compagnie ou d'autres renseignements de nature confidentielle, ces renseignements ne doivent pas être publiés ni révélés d'une manière qui les rende utilisables par quelqu'un d'autre, sauf si, de l'avis de la Commission, cette publication est nécessaire dans l'intérêt public. 1966-67, c. 69, art. 70.

Auditions
demandées ou
tenues

Modifications
proposées par
une personne
autre que la
Commission

Renseignements
relatifs aux frais

Annual return of accidents

332. (1) Every railway, telegraph, telephone and express company and every carrier by water shall annually, or more frequently if the Commission so requires, make to the Commission under the oath of the president, secretary or superintendent of the company, or carrier, or of such other person as the Commission may direct, a true and particular return of all accidents and casualties, whether to persons, or to animals or other property, which have occurred on the property or in connection with the operation of the undertaking of the company, or carrier, setting forth

- (a) the causes and nature of such accidents and casualties;
- (b) the points at which such accidents and casualties occurred, and whether by night or by day; and
- (c) the full extent of such accidents and casualties and all the particulars thereof.

Period for which returns made

(2) Such returns shall be made for the period beginning from the date to which the then last yearly returns made by the company or carrier extend; or if no such returns have been previously made, from the commencement of the operation of the railway, or undertaking, and ending with the last day of December in the then current year.

Copies of returns

(3) A duplicate copy of such returns, dated, signed and attested in manner aforesaid, shall be forwarded by such company or carrier to the Dominion Statistician within one month after the 1st day of February in each year.

Copies of by-laws

(4) Every such company and every carrier by water shall also, when required by the Commission return a true copy of the existing by-laws of the company, or carrier, and of its rules and regulations for the management of the company or carrier, and of its railway, or of such other undertaking or business as it is authorized to carry on.

F

(5) The Commission may order and direct the form in which such returns shall be made up. R.S., c. 234, s. 388.

Further returns of accidents

333. The Commission may order and direct any railway company to make up and

Rapports annuels sur les accidents

332. (1) Toute compagnie de chemin de fer, de télégraphe, de téléphone et de messagerie, de même que tout voiturier par eau, est tenu de présenter annuellement à la Commission, ou plus fréquemment si la Commission l'exige, un rapport véridique et détaillé, attesté sous serment par le président, le secrétaire ou le surintendant de la compagnie, ou le voiturier, ou par telle autre personne que la Commission peut désigner, de tous les accidents et de toutes les morts, soit de personnes, soit d'animaux, ou d'accidents ayant causé des dommages, survenus sur les propriétés de la compagnie ou du voiturier, ou résultant de l'exploitation de son entreprise; et ces rapports doivent relater

- a) la cause et la nature de ces accidents et de ces morts;
- b) les endroits où se sont produits ces accidents et ces morts de jour ou de nuit; et
- c) la gravité et l'étendue de ces accidents et le nombre de ces morts, et tous les détails.

Période couverte par le rapport

(2) Ces rapports doivent être faits pour la période qui commence à la date à laquelle s'arrêtait le dernier rapport annuel de la compagnie ou du voiturier, ou, s'il n'a pas encore été fourni de tels rapports annuels, du commencement de la mise en service du chemin de fer ou de l'entreprise, jusqu'au dernier jour de décembre de l'année alors courante.

Double du rapport

(3) Un double de ces rapports, daté, signé et attesté de la manière ci-dessus prescrite, doit être adressé par cette compagnie ou par ce voiturier au statisticien fédéral dans un délai d'un mois à compter du 1er février de chaque année.

Copie des règlements

(4) Ces compagnies et voituriers par eau doivent aussi, quand la Commission l'exige, expédier une copie conforme de leurs statuts en vigueur, et de leurs règles et règlements pour l'administration et la gestion du chemin de fer ou des autres entreprises ou affaires qu'ils sont autorisés à exploiter.

Forme

(5) La Commission peut ordonner et déterminer la forme en laquelle ces rapports doivent être dressés. S.R., c. 234, art. 388.

Rapports supplémentaires sur les accidents

333. La Commission peut ordonner et prescrire à une compagnie de chemin de fer

deliver to the Commission, from time to time, in addition to the said periodical returns, returns of serious accidents occurring in the course of the public traffic upon the railway belonging to such company, whether attended with personal injury or not, in such form and manner as the Commission deems necessary and requires for their information with a view to public safety. R.S., c. 234, s. 339:

Returns
privileged

334. All returns made in pursuance of any of the provisions of sections 325 to 333 are privileged communications, and are not evidence in any court whatever, except in any prosecution for

- (a) default in making such returns in accordance with the requirements of this Act;
- (b) perjury in making any oath required by this Act in connection with such returns;
- (c) forgery of any such return; or
- (d) signing any such return knowing it to be false. R.S., c. 234, s. 390.

To the Commission

Commission
may require
returns

335. (1) The Commission may, from time to time, by notice served upon any railway, telegraph, telephone or express company or any officer, servant or agent of such company, require it, or such officer, servant or agent, to furnish the Commission, at or within any time stated in such notice, a written statement or statements showing in so far, and with such detail and particulars, as the Commission requires

- (a) the assets and liabilities of such company;
- (b) the amount of its stock issued and outstanding, and the date at which any such stock was so issued;
- (c) the amount and nature of the consideration received by such company for such issue, and, in case the whole of such consideration was not paid to such company in cash, the nature of the service rendered to or property received by such company for which any stock was issued;
- (d) the gross earnings or receipts or expenditure by such company during any periods

de préparer et de lui remettre, lorsqu'il y a lieu, en la manière et forme que la Commission juge nécessaires et selon qu'elle l'exige pour son information en vue de la sécurité publique, outre les rapports périodiques susdits, des rapports d'accidents graves survenus au cours des transports sur le chemin de fer de cette compagnie, qu'il en soit ou non résulté des blessures corporelles. S.R., c. 234, art. 339.

334. Tous les relevés faits en conformité de quelque disposition des articles 325 à 333 doivent être considérés comme des communications privilégiées et ne doivent servir de preuve devant aucun tribunal, sauf dans les poursuites intentées

Les relevés sont
confidentiels

- a) pour omission de faire les rapports conformément aux exigences de la présente loi;
- b) pour parjure commis en prêtant le serment exigé par la présente loi relativement à ces rapports;
- c) pour faux commis dans la préparation de l'un de ces rapports; ou
- d) pour signature de ces rapports, le signataire les sachant faux. S.R., c. 234, art. 390.

A la Commission

335. (1) La Commission peut, à discrétion, par avis signifié à une compagnie de chemin de fer, de télégraphe, de téléphone ou de messagerie ou à l'un de ses fonctionnaires, employés ou agents, la requérir, ou requérir ce fonctionnaire, cet employé ou cet agent, de lui fournir, à la date ou dans le délai fixé par cet avis, des états par écrit montrant, dans la mesure que le veut la Commission et avec les particularités et détails qu'elle exige,

La Commission
peut exiger des
rapports

- a) l'actif et le passif de cette compagnie;
- b) le chiffre de ses actions émises et en circulation, et la date à laquelle ces actions ont été émises;
- c) le montant et la nature de la considération reçue par la compagnie pour cette émission, et, si cette considération ne lui a pas été complètement versée en espèces, la nature des services rendus à la compagnie ou des biens reçus par elle en contrepartie desquels des actions ont été émises;
- d) les recettes ou profits bruts réalisés, ou les dépenses brutes faites par la compagnie, durant tout espace de temps spécifié par la

specified by the Commission, and the purposes for which such expenditure was made;

(e) the amount and nature of any bonus, gift, or subsidy, received by such company from any source whatever; and the source from which, and the time when, and the circumstances under which, the same was so received or given;

(f) the bonds issued at any time by such company, and what portion of the same are outstanding and what portion, if any, have been redeemed;

(g) the amount and nature of the consideration received by such company for the issue of such bonds;

(h) the character and extent of any liabilities outstanding chargeable upon the property or undertaking of such company, or any part thereof, and the consideration received by such company for any such liabilities, and the circumstances under which the same were created;

(i) the cost of construction of such company's railway or other works or any part thereof;

(j) the amount and nature of the consideration paid or given by such company for any property acquired by it;

(k) the particulars of any lease, contract or arrangement entered into, or at any time having been entered into, and the particulars of any financial or business relations relevant to any matter within the jurisdiction of the Commission existing, or at any time having existed between such company and any other company or person; and

(l) generally, the extent, nature, value and particulars of the property, earnings and business of such company.

(2) The Commission may summon, or require the attendance of and examine under oath, any officer, servant or agent of such company or of any other company within the legislative authority of the Parliament of Canada, or person, as to any matters included in such return, or which were required by notice aforesaid to be returned to the Commission, and as to any matter or thing that, in the opinion of the Commission, is relevant to such return, or to any inquiry that

Commission, et les fins pour lesquelles ces dépenses ont été faites;

e) le montant et la nature des bonis, dons ou subventions reçus par la compagnie, de quelque source que ce soit, ainsi que leur provenance, la date de leur réception, et les circonstances dans lesquelles ces bonis, dons ou subventions ont été ainsi reçus ou donnés;

f) les obligations émises à toute époque par la compagnie, la proportion qui en reste en circulation et celle qui a été rachetée, s'il en est;

g) le montant et la nature de la considération reçue par la compagnie pour l'émission de ces obligations;

h) la nature et le chiffre des dettes et engagements courants de la compagnie et grevant ses biens ou son entreprise, ou une partie de ses biens ou de son entreprise, et la considération reçue que représentent ces dettes et engagements, et les circonstances dans lesquelles la compagnie les a contractés;

i) le coût de la construction totale ou partielle du chemin de fer ou d'autres ouvrages de la compagnie;

j) le montant et la nature de la considération payée ou donnée par la compagnie pour les biens qu'elle a acquis;

k) les détails de tout bail, contrat ou arrangement conclu, ou ayant été conclu à une époque quelconque, et les détails de toutes relations financières ou commerciales touchant une matière soumise à la juridiction de la Commission et existant ou ayant existé à une époque quelconque entre cette compagnie et toute autre compagnie ou personne; et

l) en termes généraux, l'étendue, la nature, la valeur et le détail des biens, recettes et affaires de la compagnie.

(2) La Commission peut sommer et requérir de comparaître devant elle, et interroger sous serment, tout fonctionnaire, employé ou agent de la compagnie ou de toute autre compagnie assujettie à l'autorité législative du Parlement du Canada, ou toute autre personne, au sujet d'une chose comprise dans ce rapport ou de choses que la Commission a, par son avis susdit, demandé de lui fournir, et au sujet de toute autre chose, qui, de l'avis de la Commission, est pertinente au rapport ou à

Requérir des témoignages

the Commission deems it expedient to make in connection with any of the matters in this section aforesaid; and for such purposes may require the production to the Commission of any books or documents in the control of such company or any such other company, or in the control of any such officer, servant, agent or person.

Information not public

(3) Any information furnished to the Commission by any such return, or any evidence taken by the Commission in connection therewith, shall not be open to the public, or published, but shall be for the information of the Commission only.

Governor in Council

(4) The Governor in Council may nevertheless require the Commission to communicate to him in Council any or all information obtained by it in the manner aforesaid.

Commission may make information public

(5) The Commission may authorize any part of such information to be made public when, and in so far as, there may appear to the Commission to be good and sufficient reasons for so doing; but if the information so proposed to be made public by the Commission is of such character that such company or any other company within the legislative authority of the Parliament of Canada would, in the opinion of the Commission, be likely to object to the publication thereof, the Commission shall not authorize such information to be published without notice to such company, or any such other company, and hearing any objection that such company or any such other company, may make to such publication. R.S., c. 234, s. 391.

une enquête qu'elle juge à propos d'instruire sur un point visé par le présent article; et, à cet égard, la Commission peut exiger la production des livres ou documents sous la garde de la compagnie ou de cette autre compagnie, sous la garde de ce fonctionnaire, employé ou agent, ou de cette autre personne.

(3) Aucun renseignement fourni à la Commission dans un rapport de ce genre, et aucun témoignage reçu par la Commission au sujet de ce rapport, ne doivent être communiqués au public ni publiés; mais ces renseignements ou ces témoignages doivent servir à l'information de la Commission seulement.

(4) Le gouverneur en conseil peut toutefois requérir la Commission de lui communiquer en conseil la totalité ou une partie des renseignements qu'elle peut avoir obtenus de la manière susdite.

(5) La Commission peut autoriser la publication de toute partie de ces renseignements, au temps et dans la mesure où elle juge qu'il y a de bonnes et suffisantes raisons pour le faire; mais si les renseignements que la Commission se propose de rendre publics sont d'une nature telle que, de l'avis de la Commission, la compagnie ou toute autre compagnie assujettie à l'autorité législative du Parlement du Canada peut s'opposer à leur publication, la Commission ne doit pas permettre qu'ils soient publiés sans en avertir la compagnie ou cette autre compagnie et sans entendre les objections que la compagnie ou cette autre compagnie pourrait faire à l'encontre. S.R., c. 234, art. 391.

Renseignements non publiés

Gouverneur en conseil

La Commission peut autoriser la publication

ACTIONS FOR DAMAGES

Breach of Duty under Act

Damages for breach of duty under Act

336. Any company that, or any person who, being a director or officer thereof, or a receiver, trustee, lessee, agent, or otherwise acting for or employed by such company, does, causes or permits to be done, any matter, act or thing contrary to this or the Special Act, or to the orders, regulations or directions of the Governor in Council, or of the Minister, or of the Commission, made under this Act, or omits to do any matter, act or thing, thereby required to be done on the part of

ACTIONS EN DOMMAGES-INTÉRÊTS

Manquement aux devoirs imposés par la loi

Dommages-intérêts pour manquement aux devoirs imposés par la loi

336. Toute personne qui, étant administrateur ou fonctionnaire d'une compagnie, ou agissant comme séquestre, fiduciaire, locataire, agent ou à d'autres titres pour la compagnie ou étant à son emploi, ou toute compagnie, qui commet, fait commettre ou permet de commettre une chose ou un acte contraire aux dispositions de la présente loi ou de la loi spéciale, aux règlements, ordonnances ou instructions du gouverneur en conseil, du Ministre ou de la Commission,

any such company, or person, is, in addition to being liable to any penalty elsewhere provided, liable to any person injured by any such act or omission for the full amount of damages sustained thereby, and such damages are not subject to any special limitation except as expressly provided for by this or any other Act. R.S., c. 234, s. 392.

rendues ou données sous l'autorité de la présente loi, ou qui omet d'accomplir une chose ou un acte dont l'exécution est requise de la part de cette compagnie ou personne, est passible, en sus de toute peine prévue d'autre part, envers une personne lésée par cette action ou omission, du montant entier des dommages-intérêts subis de ce fait, et ces dommages-intérêts ne doivent être soumis à aucune autre limitation spéciale que celles que prévoit expressément la présente loi ou une autre loi. S.R., c. 234, art. 392.

Cattle Getting on Railway

Animaux empiétant sur le chemin de fer

Damages where animals get on railway

337. (1) When any horses, sheep, swine or other cattle, whether at large or not, get upon the lands of the company and by reason thereof damage is caused to or by such animal, the person suffering such damage is entitled to recover the amount of such damage against the company in any action in any court of competent jurisdiction unless the company establishes that such damage was caused by reason of

337. (1) Lorsque des chevaux, moutons, porcs ou autres bestiaux, en liberté ou non, pénètrent dans les terrains de la compagnie, et que par suite il arrive du mal à cet animal ou sont causés des dommages par cet animal, la personne qui en éprouve les conséquences a droit de recouvrer le montant de ces dommages en poursuivant la compagnie devant un tribunal compétent, à moins que la compagnie n'établisse que ces dommages ont été causés du fait que

Dommages provenant de ce que des animaux ont empiété sur le chemin de fer

(a) any person for whose use any farm crossing is furnished, or his servant or agent, or the person claiming such damage or his servant or agent, wilfully or negligently failing to keep the gates at each side of the railway closed when not in use;

a) une personne, à l'usage de laquelle a été établi un passage de ferme, ou son employé ou agent, ou la personne qui réclame ces dommages-intérêts, ou son employé ou son agent, a. de propos délibéré ou par négligence, omis de tenir les barrières fermées des deux côtés de la voie ferrée, lorsqu'il n'y avait pas lieu de les ouvrir;

(b) any person other than an officer, agent, employee or contractor of the company wilfully opening and leaving open any gate, on either side of the railway provided for the use of any farm crossing, without some one being at or near such gate to prevent animals from passing through the gate on to the railway;

b) une personne, autre qu'un fonctionnaire, agent, employé ou entrepreneur de la compagnie, a. de propos délibéré, ouvert et laissé ouverte, de l'un ou de l'autre côté de la voie ferrée, une barrière établie sur un passage de ferme, sans qu'il y ait eu quelqu'un à cette barrière ou auprès, pour empêcher les animaux d'y passer et d'empiéter sur le chemin de fer;

(c) any person other than an officer, agent, employee or contractor of the company taking down any part of a railway fence;

c) une personne, autre qu'un fonctionnaire, agent, employé ou entrepreneur de la compagnie, a abattu une partie quelconque d'une clôture de chemin de fer;

(d) any person other than an officer, agent, employee or contractor of the company turning any such animal upon or within the enclosure of any railway, except for the purpose of and while crossing the railway in charge of some competent person using all reasonable care and precaution to avoid accidents; or

d) une personne, autre qu'un fonctionnaire, agent, employé ou entrepreneur de la compagnie, a dirigé ces animaux sur la voie ferrée ou au-delà des clôtures du chemin de fer, autrement que dans le but de leur faire traverser la voie sous la garde d'une personne sûre usant de tous les soins et de

(e) any person other than an officer, agent, employee or contractor of the company, except as authorized by this Act, without the consent of the company, riding, leading



CHAPTER N-17

An Act to define and implement a national transportation policy for Canada

SHORT TITLE

1. This Act may be cited as the National Transportation Act, 1966-67, c. 69, s. 2.

INTERPRETATION

2. In this Act

"Commission" means the Canadian Transport Commission established by this Act;

"commodity pipeline" means a pipeline for the transmission of commodities and includes all branches, extensions, pumps, racks, compressors, loading facilities, storage facilities, reservoirs, tanks, interstation system of communication by telephone, telegraph or radio and real or personal, movable or immovable property and works connected therewith, but does not include a pipeline for the transmission solely of oil and gas, or either;

"Minister" means the Minister of Transport except that in relation to telegraphs or telephones "Minister" means the Minister of Communications;

"motor vehicle undertaking" means a work or undertaking for the transport of passengers or goods by any vehicle, machine, tractor, trailer or semi-trailer, or any combination thereof, propelled or drawn by mechanical power and capable of use upon a highway;

"oil" and "gas" mean oil and gas as those substances are defined in section 2 of the National Energy Board Act, 1966-67, c. 69, s. 3; 1968-69, c. 23, s. 105.

CHAPITRE N-17

Loi définissant et appliquant une politique nationale des transports au Canada

TITRE ABRÉGÉ

1. La présente loi peut être citée sous le titre: Loi nationale sur les transports, 1966-67, c. 69, art. 2.

INTERPRÉTATION

2. Dans la présente loi

«Commission» désigne la Commission canadienne des transports établie par la présente loi;

«entreprise de transport par véhicule à moteur» désigne une entreprise destinée au transport de voyageurs ou de marchandises au moyen de quelque véhicule, machine, tracteur, remorque ou semi-remorque, ou toute combinaison des susdits, mû ou tiré par une puissance mécanique et pouvant être utilisé sur une route;

«Ministre» désigne le ministre des Transports sauf que, en ce qui concerne les télégraphes ou les téléphones, «Ministre» désigne le ministre des Communications;

«pétrole» et «gaz» désignent le pétrole et le gaz tels que les définit l'article 2 de la Loi sur l'Office national de l'énergie;

«pipe-line pour denrées» désigne un pipe-line pour le transport de denrées et comprend l'ensemble des ramifications, prolongements, pompes, supports, compresseurs, installations de chargement, installations d'entreposage, réservoirs, récipients, système téléphonique, télégraphique ou radio-phonique de communication entre stations, biens meubles et immeubles et ouvrages reliés au pipe-line, mais ne comprend pas

Définitions

«Commission»
"Commission"

«entreprise de transport par véhicule à moteur»
"motor..."

«Ministre»
"Minister"

«pétrole» et «gaz»
"oil"

«pipe-line pour denrées»
"commodity..."

act. R.S., c. 234, s. 12; 1966-67, c. 69, s. 94.

de ceux qui restent. S.R., c. 234, art. 12; 1966-67, c. 69, art. 94.

Arrangement of
sittings and
business

20. Subject to this Act, the Commission may make rules and provisions respecting

- (a) the sittings of the Commission;
- (b) the manner of dealing with matters and business before the Commission;
- (c) the apportionment of the work of the Commission among its members, and the assignment of members to sit at hearings, and to preside thereat; and
- (d) generally, the carrying on of the work of the Commission, the management of its internal affairs, and the duties of its officers and employees;

and in the absence of other rule or provision as to any such matter, such matter shall be in the charge and control of the President or such other member or members of the Commission as the Commission directs. R.S., c. 234, s. 20.

20. Sous réserve de la présente loi, la Commission peut édicter des règles et prescriptions relativement :

- a) aux séances de la Commission;
- b) à la manière de disposer des affaires et des questions portées devant la Commission;
- c) à la répartition du travail de la Commission entre ses membres, et à l'assignation des membres qui doivent prendre part aux séances et les présider; et
- d) en termes généraux, à l'accomplissement des travaux de la Commission, à sa régie interne et aux devoirs de ses fonctionnaires et employés;

et à défaut d'autre règle ou prescription touchant semblable question, cette question ressortit au président ou à tel autre membre ou tels autres membres que la Commission désigne. S.R., c. 234, art. 20.

Powers and Duties

Interpretation of
functions

21. It is the duty of the Commission to perform the functions vested in the Commission by this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* with the object of coordinating and harmonizing the operations of all carriers engaged in transport by railways, water, aircraft, extra-provincial motor vehicle transport and commodity pipelines; and the Commission shall give to this Act, the *Railway Act*, the *Aeronautics Act* and the *Transport Act* such fair interpretation as will best attain that object. 1966-67, c. 69, s. 14.

Pouvoirs et devoirs

21. Il incombe à la Commission d'exercer les fonctions qui lui sont dévolues par la présente loi, par la *Loi sur les chemins de fer*, la *Loi sur l'aéronautique* et la *Loi sur les transports* en vue de coordonner et d'harmoniser les opérations de tous les transporteurs qui font des transports par chemin de fer, par eau, par aéronef, des transports s'étendant sur plus d'une province par véhicule à moteur et par pipe-line pour denrées; et la Commission doit donner à la présente loi, à la *Loi sur les chemins de fer*, à la *Loi sur l'aéronautique* et à la *Loi sur les transports* l'interprétation équitable la plus apte à réaliser cette fin. 1966-67, c. 69, art. 14.

Duties of the
Commission

22. (1) In addition to its powers, duties and functions under the *Railway Act*, the *Aeronautics Act* and the *Transport Act*, the Commission shall

- (a) inquire into and report to the Minister upon measures to assist in a sound economic development of the various modes of transport over which Parliament has jurisdiction;
- (b) undertake studies and research into the economic aspects of all modes of transport within, into or from Canada;

22. (1) Outre les pouvoirs, devoirs et fonctions que lui attribuent la *Loi sur les chemins de fer*, la *Loi sur l'aéronautique* et la *Loi sur les transports*, la Commission doit

- a) faire enquête et rapport au Ministre sur les mesures à prendre pour aider au développement économique sain des divers moyens de transport relevant de la compétence du Parlement;
- b) entreprendre des études et des recherches sur les aspects économiques de tous les moyens de transport à l'intérieur, à desti-

(c) inquire into and report to the Minister on the relationship between the various modes of transport within, into and from Canada and upon the measures that should be adopted in order to achieve coordination in development, regulation and control of the various modes of transport;

(d) perform, in addition to its duties under this Act, such other duties as may, from time to time, be imposed by law on the Commission in respect of any mode of transport in Canada, including the regulation and licensing of any such mode of transport, control over rates and tariffs and the administration of subsidies voted by Parliament for any such mode of transport;

(e) inquire into and report to the Minister upon possible financial measures required for direct assistance to any mode of transport and the method of administration of any measures that may be approved;

(f) inquire into and recommend to the Minister from time to time such economic policies and measures as it considers necessary and desirable relating to the operation of the Canadian merchant marine, commensurate with Canadian maritime needs;

(g) establish general economic standards and criteria to be used in the determination of federal investment in equipment and facilities as between various modes of transport and within individual modes of transport and in the determination of desirable financial returns therefrom;

(h) inquire into and advise the government on the overall balance between expenditure programs of government departments or agencies for the provision of transport facilities and equipment in various modes of transport, and on measures to develop revenue from the use of transport facilities provided or operated by any government department or agency; and

(i) participate in the economic aspects of the work of intergovernmental, national or international organizations dealing with any form of transport under the jurisdiction of Parliament, and investigate, examine and report on the economic effects and requirements resulting from participation in or ratification of international agreements.

nation ou en provenance du Canada;

c) faire enquête et rapport au Ministre sur les relations entre les divers moyens de transport à l'intérieur, à destination ou en provenance du Canada et sur les mesures qui devraient être adoptées pour coordonner le développement, la réglementation et la direction des divers moyens de transport;

d) exercer, en plus des fonctions qui lui sont dévolues par la présente loi, telles autres fonctions qui peuvent, de temps à autre, lui être légalement imposées relativement à tout moyen de transport au Canada, notamment la réglementation d'un tel moyen de transport et l'attribution des permis y afférents, le contrôle des taux et tarifs et l'administration des subventions votées par le Parlement pour un tel moyen de transport;

e) faire enquête et rapport au Ministre sur les mesures financières qui pourraient être nécessaires pour aider directement tout moyen de transport et sur la méthode d'administration de toutes mesures qui peuvent être approuvées;

f) de temps à autre faire enquête et présenter au Ministre des recommandations sur les politiques et les mesures économiques qu'elle considère nécessaires et désirables en ce qui concerne le fonctionnement de la marine marchande du Canada, compte tenu des besoins du Canada dans ce domaine;

g) établir des normes et des critères économiques de portée générale devant servir à la détermination des investissements fédéraux en matériel et installations à répartir entre les divers moyens de transport et au sein de chacun d'eux, ainsi qu'à la détermination des rendements financiers qu'il serait souhaitable d'en obtenir;

h) faire enquête et conseiller le gouvernement au sujet de l'équilibre d'ensemble entre les programmes de dépenses entrepris par les ministères, les départements ou les organismes du gouvernement pour fournir des installations et du matériel de transport aux divers moyens de transport, et au sujet des mesures visant à développer les revenus provenant de l'utilisation des installations de transport fournies ou exploitées par tout ministère, département ou organisme du gouvernement; et

i) collaborer aux aspects économiques des travaux des organismes intergouvernementaux.

Powers in
relation to
shipping

(2) The Commission may examine into, ascertain and keep records of, and make appropriate reports to the Minister on,

- (a) the shipping services between Canadian ports and from ports in Canada to ports outside Canada that are required for the proper maintenance and furtherance of the domestic and external trade of Canada;
- (b) the type, size, speed and other requirements of the vessels that are and in the opinion of the Commission should be employed in such services;
- (c) the cost of marine insurance, maintenance and repairs, and wages and subsistence of officers and crews and all other items of expense in the operation of vessels under Canadian registry and the comparison thereof with similar vessels operated under other registry;
- (d) the water transportation industry and undertakings and services directly related thereto;
- (e) the terms, conditions and usages applying to transportation of goods and passengers by water within, into and from Canada;
- (f) the work of international and intergovernmental organizations and agencies that concern themselves with the transportation of goods and passengers by water; and
- (g) such other marine matters as the Minister may request or as the Commission may deem necessary for carrying out any of the provisions or purposes of this Act.

Idem

(3) The Commission shall

(a) exercise and perform on behalf of the Minister such powers, duties or functions of the Minister under the *Canada Shipping*

taux, nationaux ou internationaux qui s'occupent d'un moyen quelconque de transport relevant de la compétence du Parlement et faire des enquêtes, des examens et des rapports sur les effets et les exigences économiques qui résultent de la participation aux conventions internationales ou de leur ratification.

(2) La Commission peut procéder à des examens, faire des constatations et tenir des registres ainsi que faire des rapports appropriés au Ministre, au sujet

- a) des services de navigation, entre ports canadiens et depuis des ports du Canada jusqu'à des ports de l'étranger, qui sont nécessaires pour maintenir et faire progresser normalement le commerce intérieur et extérieur du Canada;
- b) du type, de la dimension, de la vitesse et des autres caractéristiques des navires qui sont et, de l'avis de la Commission, devraient être utilisés par ces services;
- c) du coût de l'assurance maritime, de l'entretien et des réparations, des salaires et de la subsistance des officiers et hommes d'équipage et de tous autres articles de dépenses afférents à l'exploitation de navires immatriculés au Canada de même qu'au sujet de la comparaison entre ces frais et ceux de navires analogues naviguant sous un autre pavillon;
- d) de l'industrie des transports par eau et des entreprises et services qui y sont directement rattachés;
- e) des modalités et usages s'appliquant au transport par eau des marchandises et des voyageurs à l'intérieur, à destination ou en provenance du Canada;
- f) des travaux des agences et organismes internationaux et intergouvernementaux qui s'occupent de transport par eau de marchandises et de voyageurs; et
- g) des autres questions afférentes à la marine marchande dont le Ministre peut lui demander de s'occuper ou dont la Commission peut estimer qu'il est nécessaire de connaître pour appliquer toute disposition ou réaliser toute fin de la présente loi.

Pouvoirs en ce
qui concerne la
navigation

(3) La Commission doit

a) au nom du Ministre, exercer tels pouvoirs et remplir tels devoirs ou fonctions dévolus au Ministre par la *Loi sur la marine*

Idem

Act as the Minister may require; and
 (b) exercise and perform any other powers, duties or functions in relation to water transport conferred on or required to be performed by the Commission by or pursuant to any other Act or any order of the Governor in Council.

marchande du Canada que le Ministre la charge d'exercer ou de remplir; et

b) exercer les autres pouvoirs et remplir les autres devoirs ou fonctions, relativement au transport par eau, qui lui sont conférés ou qu'il lui est ordonné de remplir ou d'exercer par ou en conformité de toute autre loi ou de tout décret du gouverneur en conseil.

Consultation

(4) In carrying out its duties and functions under this section, the Commission may consult with persons, organizations and authorities that in the opinion of the Commission are in a position to assist the Commission in formulating and recommending policy and the Commission may appoint and consult with committees being representative of such persons, organizations and authorities.

(4) Dans l'exercice des fonctions que lui attribue le présent article, la Commission peut consulter les personnes, les organismes et les autorités qui, à son avis, sont en mesure de l'aider à formuler et à recommander la ligne de conduite à suivre et la Commission peut nommer et consulter des comités représentatifs de ces personnes, organismes et autorités.

Consultations

Delegation and examinations

(5) The Commission may delegate, in whole or in part, to any other body or authority subject to the legislative authority of the Parliament of Canada any of the powers or duties of the Commission in respect of safety in the operation of commodity pipelines and such delegated body or authority may exercise and shall perform the powers or duties so delegated.

(5) La Commission peut déléguer, en tout ou en partie, à quelque autre organisme ou autorité ressortissant au pouvoir législatif du Parlement du Canada, l'un quelconque de ses pouvoirs ou fonctions en ce qui concerne la sécurité dans l'exploitation de pipe-lines pour denrées, et l'organisme ou l'autorité en question ayant fait l'objet d'une semblable délégation peut exercer les pouvoirs, et doit s'acquitter des fonctions, ainsi délégués.

Délégation et inspections

Apportionment of toll

(6) Where a person who transports goods by a mode of transport other than rail, charges a toll, expressed as a single sum, for the carriage of traffic partly by one mode of transport and partly by a different mode of transport, the Commission, for the purpose of determining whether a toll charged is contrary to any Act of the Parliament of Canada, may require such person to declare forthwith to the Commission, or may determine, what portion of such single sum is charged in respect of the carriage of traffic by the mode of transport by which such person transports goods. 1966-67, c. 69, s. 15.

(6) Lorsqu'une personne qui transporte des marchandises par un mode de transport autre que le chemin de fer exige une taxe, exprimée sous forme d'une somme unique, pour le transport de marchandises en partie par un mode de transport et en partie par un autre mode de transport, la Commission peut, en vue de décider si une taxe imposée est contraire à quelque loi du Parlement du Canada, sommer cette personne de lui déclarer sans délai, ou peut déterminer elle-même, quelle partie de cette somme unique est imposée relativement au transport de marchandises par le mode de transport utilisé par cette personne. 1966-67, c. 69, art. 15.

Répartition des taxes

Definitions

"carrier"

23. (1) In this section "carrier" means any person engaged for hire or reward in transport, to which the legislative authority of the Parliament of Canada extends, by railway, water, aircraft, motor vehicle undertaking or commodity pipeline;

23. (1) Au présent article «intérêt public» comprend, sans restreindre sa portée générale, l'intérêt public décrit à l'article 3;

Définitions

«intérêt public»

"public interest"

"public interest" includes, without limiting the generality thereof, the public interest

«transporteur» ou «voiturier» désigne toute personne qui entreprend, par location ou contre rétribution, des transports par chemin de fer, par eau, par aéronef, par entreprise de transport par véhicule à moteur ou par

«transporteur» ou «voiturier»

as described in section 3.

pipe-line pour denrées, lorsque ces transports relèvent de la compétence législative du Parlement du Canada.

Special appeal
and
investigation

(2) Where a person has reason to believe
(a) that any act or omission of a carrier or of any two or more carriers, or
(b) that the effect of any rate established by a carrier or carriers pursuant to this Act or the *Railway Act* after the 19th day of September 1967,

(2) Lorsqu'une personne a lieu de croire
a) que toute action ou omission d'un transporteur ou de deux transporteurs ou plus, ou
b) que l'effet de l'établissement d'un taux par un ou plusieurs transporteurs en conformité de la présente loi ou de la *Loi sur les chemins de fer* après le 19 septembre 1967,

may prejudicially affect the public interest in respect of tolls for, or conditions of, the carriage of traffic within, into or from Canada, such person may apply to the Commission for leave to appeal the act, omission or rate, and the Commission shall, if it is satisfied that a *prima facie* case has been made, make such investigation of the act, omission or rate and the effect thereof, as in its opinion is warranted.

peut nuire à l'intérêt public en ce qui concerne les taxes ou les conditions du transport à l'intérieur, à destination ou en provenance du Canada, cette personne peut demander à la Commission l'autorisation d'interjeter appel de l'action, de l'omission ou du taux et la Commission, si elle est convaincue que la demande est, de prime abord, bien fondée, doit faire l'enquête qu'elle estime justifiée sur l'action, l'omission, le taux ou son effet.

Matters to be
considered

(3) In conducting an investigation under this section, the Commission shall have regard to all considerations that appear to it to be relevant, including, without limiting the generality of the foregoing,

(3) Lorsqu'elle fait une enquête en vertu du présent article, la Commission doit tenir compte de tous les facteurs qui lui semblent pertinents et notamment, sans limiter la portée générale de ce qui précède, voir

(a) whether the tolls or conditions specified for the carriage of traffic under the rate so established are such as to create

a) si les taxes ou conditions spécifiées pour le transport de marchandises au taux ainsi établi sont telles qu'elles entraînent

(i) an unfair disadvantage beyond any disadvantage that may be deemed to be inherent in the location or volume of the traffic, the scale of operation connected therewith or the type of traffic or service involved, or

(i) un désavantage injuste excédant celui qui peut être considéré comme inhérent au lieu ou au volume du trafic, à l'échelle des opérations y afférentes ou au genre de trafic ou de service en question, ou

(ii) an undue obstacle to the interchange of commodities between points in Canada or an unreasonable discouragement to the development of primary or secondary industries or to export trade in or from any region of Canada or to the movement of commodities through Canadian ports; or

(ii) un obstacle excessif à l'échange des denrées entre des points au Canada ou un découragement déraisonnable du développement des industries primaires ou secondaires ou du commerce d'exportation dans toute région du Canada ou en provenant, ou du mouvement de denrées passant par des ports canadiens; .

(b) whether control by, or the interests of a carrier in, another form of transportation service, or control of a carrier by, or the interest in the carrier of, a company or person engaged in another form of transportation service may be involved.

b) si le contrôle par un autre genre de service de transport, ou si les intérêts détenus par un transporteur dans un autre genre de service de transport, ou si le contrôle d'un transporteur par une compagnie ou une personne qui exploite un autre genre de service de transport ou si les intérêts détenus par ces dernières dans l'entreprise d'un transporteur, peuvent être

en cause.

Director's order

(4) If the Commission, after a hearing, finds that the act, omission or rate in respect of which the appeal is made is prejudicial to the public interest, the Commission may, notwithstanding the fixing of any rate pursuant to section 273 of the *Railway Act* but having regard to sections 275 and 277 of that Act, make an order requiring the carrier to remove the prejudicial feature in the relevant tolls or conditions specified for the carriage of traffic or such other order as in the circumstances it may consider proper, or it may report thereon to the Governor in Council for any action that is considered appropriate. 1966-67, c. 69, s. 16.

(4) Si la Commission, après une audition, conclut que l'action, l'omission ou le taux qui fait l'objet de l'appel nuit à l'intérêt public, elle peut, nonobstant la fixation d'un taux en conformité de l'article 273 de la *Loi sur les chemins de fer* mais en tenant compte des articles 275 et 277 de ladite loi, rendre une ordonnance sommant le transporteur de supprimer la cause du préjudice dans les taxes ou conditions pertinentes spécifiées pour le transport ou telle autre ordonnance qu'elle considère convenir aux circonstances ou elle peut faire un rapport à ce sujet au gouverneur en conseil aux fins de faire prendre toute mesure jugée appropriée. 1966-67, c. 69, art. 16.

Ordonnance
directrice

Committees

24. (1) For the purposes of performing its duties under this Act the Commission shall establish the following committees consisting of not less than three commissioners, exclusive of the President who shall be *ex officio* a member of every such committee:

- (a) railway transport committee;
- (b) air transport committee;
- (c) water transport committee;
- (d) motor vehicle transport committee;
- (e) commodity pipeline transport committee; and
- (f) such other committees as the Commission deems expedient.

24. (1) Aux fins d'exercer ses fonctions en vertu de la présente loi, la Commission doit constituer les comités suivants formés chacun du président de la Commission, membre de droit de chaque comité, et d'au moins trois commissaires:

- a) comité des transports par chemin de fer;
- b) comité des transports aériens;
- c) comité des transports par eau;
- d) comité des transports par véhicule à moteur;
- e) comité des transports par pipe-line de denrées; et
- f) tels autres comités que la Commission estime utiles.

Comités

Chairmen of
committees

(2) In respect of each such committee the Commission shall appoint a commissioner to be chairman of the committee who shall be the chief executive officer of the committee and shall in the absence or disability of both the President and the vice-president who qualifies under subsection 7(2) preside at all sittings of the committee and exercise all the powers of the President.

(2) Pour chacun de ces comités, la Commission doit nommer, à titre de président du comité, un commissaire qui sera le chef de l'exécutif du comité et qui doit, en cas d'absence ou d'empêchement du président de la Commission et de son vice-président qui remplit les conditions du paragraphe 7(2) présider toutes les séances du Comité et exercer tous les pouvoirs du président de la Commission.

Présidents des
comités

Effect of
committees
actions

(3) Notwithstanding anything in the *Railway Act* or the *National Energy Board Act* governing matters before the Commission, a committee of the Commission may, in accordance with the rules and regulations of the Commission, exercise all the powers and duties of the Commission and the orders, rules or directions made or issued by a committee of the Commission have effect, subject to subsection (4), as though they were

(3) Nonobstant toute disposition de la *Loi sur les chemins de fer* ou de la *Loi sur l'Office national de l'énergie* régissant des questions examinées par la Commission, un comité de la Commission peut, en conformité des règles et règlements de la Commission, exercer tous les pouvoirs et les fonctions de la Commission et les ordonnances, règles ou directives établies ou émises par un comité de la Commission ont le même effet, sous réserve des dispositions

Effet des actes
du comité

made or issued by the Commission.

When review
required

(4) Where an order, rule or direction made by a committee of the Commission in respect of a matter related to a particular mode of transport, not being a matter of a specific rate, licence or certificate, is objected to by an operator of another mode of transport on the ground that the order, rule or direction discriminates against or is otherwise unfair to his operations, the Commission shall, otherwise than by that committee of the Commission, review the order, rule or direction, in accordance with such rules of procedure as the Commission may prescribe therefor, and shall confirm, rescind, change, alter or vary the order, rule or direction or re-hear the matter thereof.

Appearance of
other interests in
Canada

(5) At any hearing of the Commission for the purpose of making any order or giving any direction, leave, sanction or approval in respect of any matter under the jurisdiction of the Commission, the Commission may, notwithstanding any provision of the *Railway Act*, the *Aeronautics Act*, the *Transport Act*, the *National Energy Board Act* or this Act, permit the representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada to appear and be heard before the Commission subject to such rules of procedure as the Commission may prescribe.

Member
presiding

(6) Notwithstanding anything in this section, the President and the vice-president who qualifies under subsection 7(2) shall not both sit on any hearing before a committee of the Commission. 1966-67, c. 69, s. 17.

Appeal

25. (1) An applicant, or an intervener on an application to the Commission, for
(a) a licence under the *Aeronautics Act* to operate a commercial air service,
(b) a licence under this Act to operate a motor vehicle undertaking,

du paragraphe (4), que si elles avaient été établies ou émises par la Commission.

Quand une
revision est
requise

(4) Lorsqu'une ordonnance, une règle ou une directive établie par un comité de la Commission relativement à toute question concernant un moyen particulier de transport, à l'exception d'une question relative à un taux, un permis ou un certificat particuliers, fait l'objet d'une opposition de la part d'un exploitant d'un autre moyen de transport pour le motif que l'ordonnance, la règle ou la directive établit une différence injuste ou comporte quelque autre injustice à l'égard de ses opérations, la Commission doit, autrement que par l'intermédiaire d'un de ses comités, réviser l'ordonnance, la règle ou la directive, en conformité des règles de procédure qu'elle peut prescrire à cet effet, et doit confirmer, annuler, changer ou modifier l'ordonnance, la règle ou la directive ou procéder à une autre audition sur la question qui en fait l'objet.

Représentation
d'autres intérêts
au Canada

(5) A toute audition de la Commission tenue aux fins de rendre une ordonnance ou de donner une directive, une autorisation ou une approbation ou d'imposer une sanction, relativement à toute question de la compétence de la Commission, celle-ci peut, nonobstant toute disposition de la *Loi sur les chemins de fer*, de la *Loi sur l'aéronautique*, de la *Loi sur les transports*, de la *Loi sur l'Office national de l'énergie* ou de la présente loi, permettre au représentant ou à l'agent d'un gouvernement provincial ou d'une municipalité ou d'une association ou d'un autre organisme représentant les intérêts des expéditeurs ou des destinataires au Canada de comparaître et déposer devant la Commission sous réserve des règles de procédure que la Commission peut prescrire.

Président

(6) Nonobstant toute disposition contraire du présent article, le président de la Commission et son vice-président qui remplit les conditions du paragraphe 7(2) ne doivent pas siéger ensemble à une audition devant un comité de la Commission. 1966-67, c. 69, art. 17.

25. (1) Un requérant, ou un intervenant à une demande présentée à la Commission, pour

a) un permis en vertu de la *Loi sur l'aéronautique* en vue d'exploiter un service aérien commercial,

Appel

(c) a licence under the *Transport Act* to engage in transport by water, or
 (d) a certificate of public convenience and necessity under this Act in respect of a commodity pipeline,

may appeal to the Minister from a final decision of the Commission with respect to the application, and the Minister shall thereupon certify his opinion to the Commission and the Commission shall comply therewith.

b) un permis en vertu de la présente loi en vue d'exploiter une entreprise de transport par véhicule à moteur,

c) un permis en vertu de la *Loi sur les transports* pour entreprendre le transport par eau, ou

d) un certificat de commodité et de nécessité publiques en vertu de la présente loi visant un pipe-line pour denrées,

peut en appeler au Ministre d'une décision finale de la Commission en ce qui concerne la demande, et le Ministre doit alors certifier son avis à la Commission et celle-ci doit alors s'y conformer.

Idem

(2) Where pursuant to any power vested in the Commission by this or any other Act of the Parliament of Canada the Commission suspends, cancels or amends any licence to operate any transportation service or any certificate of public convenience and necessity in respect of a transportation service, the carrier whose licence or certificate has been suspended, cancelled or amended may appeal to the Minister, and the Minister shall thereupon certify his opinion to the Commission and the Commission shall comply therewith.

(2) Lorsque, en conformité de tout pouvoir dont la présente loi ou toute autre loi du Parlement du Canada l'investit, la Commission suspend, annule ou modifie tout permis en vue d'exploiter un service de transport ou tout certificat de commodité et de nécessité publiques concernant un service de transport, le transporteur dont le permis ou le certificat a été suspendu, annulé ou modifié peut en appeler au Ministre et celui-ci doit alors certifier son avis à la Commission qui doit s'y conformer.

Idem

Time for appeal

(3) An appeal to the Minister under this section shall be brought within thirty days of the date of the decision, ruling or order appealed from or within such longer period as the Minister may allow.

(3) Un appel au Ministre en vertu du présent article doit être interjeté dans les trente jours de la date de la décision, de la règle ou de l'ordonnance dont est appel ou dans tel délai plus long que le Ministre peut accorder.

Délai d'appel

Rules

(4) The Commission may make rules prescribing the manner in which appeals to the Minister may be made. 1966-67, c. 69, s. 18.

(4) La Commission peut édicter des règles prescrivant la manière suivant laquelle peuvent être faits les appels au Ministre. 1966-67, c. 69, art. 18.

Règles

Regulations

26. (1) Without affecting its powers under any other Act to make regulations, the Commission may make rules and regulations for the attainment of the objects of this Act and in particular, but without limiting the generality of the foregoing, may make rules and regulations

(a) respecting the manner in which any committees of the Commission shall perform their functions and the duties and functions to be performed by the committees of the Commission;

(b) respecting the manner in which the various functions of the committees of the Commission are to be coordinated;

26. (1) Sans affecter les pouvoirs d'établir des règlements qui lui sont conférés par d'autres lois, la Commission peut établir des règles et règlements visant en général la réalisation des objets de la présente loi et en particulier, mais sans restreindre la généralité de ce qui précède, établir des règles et règlements

a) concernant la façon dont un ou plusieurs comités de la Commission doivent remplir leurs fonctions et concernant les devoirs et fonctions à remplir par les comités de la Commission;

b) concernant la façon dont les diverses fonctions des comités de la Commission

Règlements

(c) respecting the proceedings of the Commission and its committees in the performance of duties under this Act; and

(d) respecting the assignment of duties to officers of the Commission and the delegation of functions thereto.

doivent être coordonnées;

c) concernant les procédures de la Commission et de ses comités dans l'exercice de leurs fonctions en vertu de la présente loi; et

d) concernant l'attribution de devoirs et la délégation de fonctions à des employés de la Commission.

Conflict of powers

(2) Where there is a conflict between any regulations made by the Commission under this Act in respect of a particular mode of transport and any regulations made under any other Act in respect of that particular mode of transport, the regulations made under this Act prevail. 1966-67, c. 69, s. 19.

(2) Lorsqu'il y a conflit entre des règlements établis par la Commission en vertu de la présente loi relativement à un certain moyen de transport et des règlements établis en vertu de toute autre loi relativement à ce moyen de transport, les règlements établis en vertu de la présente loi prévalent. 1966-67, c. 69, art. 19.

Conflic
d'autorité

Notice of proposed acquisition

27. (1) A railway company, commodity pipeline company, company engaged in water transportation, or person operating a motor vehicle undertaking or an air carrier, to which the legislative jurisdiction of the Parliament of Canada extends, that proposes to acquire, directly or indirectly, an interest, by purchase, lease, merger, consolidation or otherwise, in the business or undertaking of any person whose principal business is transportation, whether or not such business or undertaking is subject to the jurisdiction of Parliament, shall give notice of the proposed acquisition to the Commission.

27. (1) Une compagnie de chemin de fer, une compagnie de pipe-line pour denrées, une compagnie de transport par eau, une personne exploitant une entreprise de transport par véhicule à moteur ou un transporteur par air, assujetti à la compétence législative du Parlement du Canada, qui se propose d'acquies, directement ou indirectement, par achat, location à bail, fusion, consolidation ou autrement, un intérêt dans les affaires ou l'entreprise de toute personne principalement engagée dans des opérations de transport, que ces affaires ou cette entreprise soient ou non soumises à la compétence du Parlement, doit donner à la Commission avis de l'acquisition proposée.

Avis
d'acquisition
proposée

Publication

(2) The Commission shall give or cause to be given such public or other notice of any proposed acquisition referred to in subsection (1) as to it appears to be reasonable in the circumstances, including notice to the Director of Investigation and Research under the *Combines Investigation Act*.

(2) La Commission doit donner ou faire donner l'avis public ou tel autre avis de toute acquisition proposée mentionnée au paragraphe (1) qui lui semble raisonnable dans les circonstances, y compris l'avis au directeur des enquêtes et recherches en vertu de la *Loi relative aux enquêtes sur les coalitions*.

Objection

(3) Any person affected by a proposed acquisition referred to in subsection (1) or any association or other body representing carriers or transportation undertakings affected by such acquisition may, within such time as may be prescribed by the Commission, object to the Commission against such acquisition on the grounds that it will unduly restrict competition or otherwise be prejudicial to the public interest.

(3) Toute personne visée par une proposition d'acquisition mentionnée au paragraphe (1) ou toute association ou autre organisme représentant les transporteurs ou des entreprises de transport visées par cette acquisition peut, dans le délai qui peut être prescrit par la Commission, s'opposer auprès de la Commission à cette acquisition en invoquant le motif qu'elle restreindra inlûment la concurrence ou portera autrement préjudice à l'intérêt public.

Investigation by Commission

(4) Where objection is made pursuant to subsection (3), the Commission

(4) Lorsqu'il est fait opposition en vertu du paragraphe (3), la Commission

(a) shall make such investigation, including the holding of public hearings, as in its opinion is necessary or desirable in the public interest;

(b) may disallow any such acquisition if in the opinion of the Commission such acquisition will unduly restrict competition or otherwise be prejudicial to the public interest;

and any such acquisition, to which objection is made within the time limited therefor by the Commission that is disallowed by the Commission, is void.

(5) Nothing in this section shall be construed to authorize any acquisition of an interest in any other company that is prohibited by any Act of the Parliament of Canada. 1966-67, c. 69, s. 20.

28. (1) The Commission shall, within two months after the 31st day of December in each year, make to the Governor in Council through the Minister, an annual report for the year to the 31st day of December, showing briefly,

(a) applications to the Commission and summaries of the findings thereon;

(b) summaries of the findings of the Commission in regard to any matter or thing respecting which the Commission has acted of its own motion, or upon the request of the Minister; and

(c) such other matters as appear to the Commission to be of public interest in connection with the persons, companies and modes of transport to which this Act applies.

(2) The Minister shall, on or before the 30th day of March next following the making of the report to the Governor in Council or, if Parliament is not then sitting, on any of the first five days next thereafter that Parliament is sitting, submit to Parliament the report referred to in subsection (1). 1966-67, c. 69, s. 21.

PART II

COMMODITY PIPELINES

29. In this Part

"certificate" means a certificate of public

a) doit faire l'enquête, comprenant notamment la tenue d'auditions publiques, qu'elle estime nécessaire ou souhaitable dans l'intérêt du public;

b) peut ne pas reconnaître une semblable acquisition si, de l'avis de la Commission, cette acquisition doit restreindre indûment la concurrence ou être par ailleurs préjudiciable à l'intérêt public;

et toute semblable acquisition, à laquelle il a été fait opposition dans le délai prévu à cette fin par la Commission et que la Commission n'a pas reconnue, est nulle.

(5) Rien au présent article ne doit s'interpréter comme autorisant l'acquisition d'un intérêt dans une autre compagnie lorsque cette acquisition est interdite par quelque loi du Parlement du Canada. 1966-67, c. 69, art. 20.

28. (1) La Commission doit, dans les deux mois qui suivent le 31 décembre de chaque année, faire au gouverneur en conseil, par l'intermédiaire du Ministre, un rapport annuel pour l'année qui s'est terminée le 31 décembre et y indiquer brièvement:

a) les demandes faites à la Commission et les résumés des conclusions y afférentes;

b) les résumés des conclusions de la Commission en ce qui concerne toute question ou chose relativement à laquelle la Commission a agi de sa propre initiative, ou à la demande du Ministre; et

c) les autres questions que la Commission estime être d'intérêt public et qui concernent des personnes, des compagnies et des moyens de transport auxquels s'applique la présente loi.

(2) Le Ministre doit, au plus tard le 30 mars qui suit la présentation du rapport au gouverneur en conseil ou, si le Parlement ne siège pas à ce moment-là, l'un des cinq premiers jours où il siège par la suite, soumettre au Parlement le rapport mentionné au paragraphe (1). 1966-67, c. 69, art. 21.

PARTIE II

PIPE-LINES POUR DENRÉES

29. Dans la présente Partie

«certificat» désigne un certificat de commodité

Interprétation

Rapport annuel
au gouverneur
en conseilSoumission du
rapportDéfinitions
«certificat»



CHAPTER T-3

CHAPITRE T-3

An Act respecting telegraphs

Loi concernant les télégraphes

SHORT TITLE

TITRE ABRÉGÉ

Short title

1. This Act may be cited as the *Telegraphs Act*. R.S., c. 262, s. 1.

1. La présente loi peut être citée sous le titre abrégé titre: *Loi sur les télégraphes*. S.R., c. 262, art. 1.

PART I
SECRECY

PARTIE I
SECRET

Exemption from declaration as to secrecy

2. The Minister of Communications or such officer or person as he appoints for that purpose, may determine and decide that any employee in connection with any telegraph line wholly or partly under the control of the Government of Canada, shall not be required to make the declaration as to secrecy provided for in this Part. R.S., c. 262, s. 2; 1968-69, c. 28, s. 100.

2. Le ministre des Communications, ou le fonctionnaire ou la personne qu'il nomme pour cette fin, peut déterminer et décider qu'un fonctionnaire dont l'emploi est connexe à une ligne de télégraphe totalement ou partiellement assujettie au contrôle du gouvernement du Canada, n'est pas tenu de souscrire, quand au secret à garder, la déclaration prévue dans la présente Partie. S.R., c. 262, art. 2; 1968-69, c. 28, art. 100.

Exemption de la déclaration quant au secret

Declaration of secrecy

3. Subject to section 2, every person who is employed in connection with any telegraph line wholly or partly under the control of the Government of Canada as an operator or in any other capacity in which he has opportunities of becoming acquainted with information connected with matters of state or with any other information, shall, before entering upon the duties of such employment, take and subscribe a declaration in the form set forth in the schedule before a justice of the peace or before a person appointed by the Governor in Council to take declarations under this Part. R.S., c. 262, s. 3.

3. Sous réserve de l'article 2, toute personne dont l'emploi est connexe à une ligne de télégraphe totalement ou partiellement assujettie au contrôle du gouvernement du Canada en qualité de télégraphiste ou en quelque autre qualité, qui la met en position de prendre connaissance de renseignements qui se rattachent aux affaires d'État, ou d'autres renseignements, doit, avant d'entrer dans l'exercice des fonctions de cet emploi, prêter et souscrire devant un juge de paix, ou devant une personne nommée par le gouverneur en conseil pour recevoir des déclarations sous l'autorité de la présente Partie, une déclaration suivant la formule reproduite à l'annexe. S.R., c. 262, art. 3.

Déclaration de secret

Registration of declarations

4. All declarations taken under this Part

4. Toutes les déclarations faites en vertu

shall be forwarded to the Department of Communications, and kept on file in the Department; and a register thereof shall be kept in the Department. R.S., c. 262, s. 4; 1968-69, c. 28, s. 100.

de la présente Partie doivent être transmises au ministère des Communications et gardées dans ses archives; et il en est tenu un registre au ministère. S.R., c. 262, art. 4; 1968-69, c. 28, art. 100.

Offence

5. Every person who has made the declaration hereinbefore mentioned, and who, either directly or indirectly, divulges to any person, except when lawfully authorized or directed to do so, any information that he acquires by virtue of his employment, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. R.S., c. 262, s. 5.

5. Toute personne qui a fait la déclaration ci-dessus mentionnée et qui, directement ou indirectement, dévoile à qui que ce soit, excepté lorsqu'elle en reçoit légalement l'autorisation ou l'ordre, quelque renseignement venu à sa connaissance en vertu de son emploi, est coupable de contravention à la présente Partie et passible, après déclaration sommaire de culpabilité devant un juge de paix, d'une amende d'au moins cinquante dollars et d'au plus cent dollars, ou d'un emprisonnement de six mois au plus, ou à la fois de l'amende et de l'emprisonnement. S.R., c. 262, art. 5.

Infraction

Idem

6. Every telegraph operator or other person in the employ of a telegraph company, who divulges the contents of any telegram, except when lawfully authorized or directed to do so, is guilty of an offence against this Part, and is liable on summary conviction before a justice of the peace to a fine not exceeding one hundred dollars and not less than fifty dollars, or to imprisonment for a term not exceeding six months, or to both fine and imprisonment. R.S., c. 262, s. 6.

6. Tout télégraphiste ou toute autre personne employée par une compagnie de télégraphe, qui dévoile le contenu d'un télégramme, excepté lorsqu'il ou elle en reçoit légalement l'autorisation ou l'ordre, est coupable de contravention à la présente Partie et passible, après déclaration sommaire de culpabilité devant un juge de paix, d'une amende d'au moins cinquante dollars et d'au plus cent dollars, ou d'un emprisonnement de six mois au plus, ou à la fois de l'amende et de l'emprisonnement. S.R., c. 262, art. 6.

Idem

PART II

ELECTRIC TELEGRAPH COMPANIES

Interpretation

"Company"

7. In this Part "the company" means a company incorporated by letters patent under the *Canada Corporations Act* for the purpose of constructing a line or lines of electric telegraph in Canada. R.S., c. 262, s. 7.

PARTIE II

COMPAGNIES DE TÉLÉGRAPHE ÉLECTRIQUE

Interprétation

"Compagnie"

7. Dans la présente Partie, l'expression «compagnie» signifie une compagnie constituée par lettres patentes en vertu de la *Loi sur les corporations canadiennes*, dans le but de construire une ou plusieurs lignes de télégraphe électrique au Canada. S.R., c. 262, art. 7.

Construction of Lines

Construction of lines

8. (1) The company may construct the lines of telegraph authorized by its charter, along and upon any of the public roads and highways, or across or under any of the navigable waters within Canada, by the erection of the necessary fixtures, including posts, piers or abutments for sustaining or

Établissement de lignes

Établissement de lignes

8. (1) La compagnie peut établir les lignes télégraphiques, autorisées par sa charte, le long des chemins publics ou grandes routes, ou sur ces chemins ou routes ou à travers ou sous les cours d'eau navigables au Canada, en érigeant les constructions nécessaires, y compris les poteaux, jetées ou culées pour

protecting the wires or cables of such lines.

supporter ou protéger les fils ou câbles de ces lignes.

M
co

(2) The lines shall be so constructed as not to incommode the public use of such roads or highways, or to impede free access to any house or other building erected in the vicinity of the lines, or injuriously to interrupt the navigation of such waters. R.S., c. 262, s. 8.

(2) L'établissement de ces lignes ne doit pas gêner la circulation sur ces chemins publics ou grandes routes, ni empêcher le libre accès à quelque maison ou autre bâtiment construit dans leur voisinage, ni mettre obstacle à la navigation de ces cours d'eau. S.R., c. 262, art. 8.

Mode
d'établissement

No right to
build bridge

9. Nothing herein contained confers on the company the right of building a bridge over any navigable water. R.S., c. 262, s. 9.

9. Rien aux présentes ne confère à la compagnie le droit de construire un pont sur un cours d'eau navigable. S.R., c. 262, art. 9.

Aucun droit de
construire un
pont

Transmission of Messages

Transmission des dépêches

Dispatches

10. (1) The company shall transmit all dispatches in the order in which they are received.

10. (1) La compagnie est tenue de transmettre toutes les dépêches dans l'ordre où elles sont reçues.

Dépêches

Government
dispatches, etc.

(2) Every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or dispatches, shall always be transmitted in preference to any other message or dispatch, if so required by any person connected with the administration of justice, or any person thereunto authorized by the Secretary of State of Canada. R.S., c. 262, s. 10.

(2) Toute dépêche relative à l'administration de la justice, à l'arrestation des criminels, à la découverte ou à la répression des crimes, ainsi que les dépêches ou communications de l'État, doivent toujours être transmises de préférence à toute autre dépêche ou communication, si quelque personne attachée à l'administration de la justice, ou quelque personne y autorisée par le secrétaire d'État du Canada l'exige. S.R., c. 262, art. 10.

Dépêches de
l'État, etc.

Expropriation

Expropriation

Powers of Her
Majesty

11. (1) Her Majesty may, at any time, assume, and for any length of time retain, possession of any such telegraph line and of all things necessary to the sufficient working thereof, and may, for the same time, require the exclusive service of the operators and other persons employed in working such line; and the company shall give up possession thereof.

11. (1) Sa Majesté peut, en tout temps, prendre possession de toute ligne télégraphique et de toutes les choses nécessaires à la bonne exploitation de la ligne, et en retenir la possession pendant quelque temps que ce soit, et elle peut, pendant le même temps, exiger le service exclusif des télégraphistes et autres personnes employées à faire fonctionner la ligne; et la compagnie doit en abandonner la possession.

Pouvoirs de Sa
Majesté

Duty of
operators, etc.

(2) The operators and other persons so employed shall, during the time of such possession, diligently and faithfully obey such orders, and transmit and receive such dispatches as they are required to receive and transmit by any duly authorized officer of the Government of Canada. R.S., c. 262, s. 11.

(2) Les télégraphistes et autres personnes ainsi employées doivent, pendant le temps que dure cette possession, obéir avec diligence et fidélité aux ordres qu'ils reçoivent et transmettre et recevoir les dépêches qu'ils sont requis de recevoir et de transmettre par tout fonctionnaire dûment autorisé du gouvernement du Canada. S.R., c. 262, art. 11.

Télégraphistes,
etc.

Assumption of
telegraph line

12. (1) Her Majesty may, at any time after the commencement of the operation of a telegraph line under this Part, and after two

12. (1) Sa Majesté peut, en tout temps après qu'a été inaugurée l'exploitation d'une ligne télégraphique en vertu de la présente

Expropriation
d'une ligne
télégraphique

months notice to the company, assume the possession and property thereof.

Partie, et après deux mois d'avis donné à la compagnie, en prendre la possession et propriété.

Rights and privileges

(2) Upon such assumption, the line and all the property, real or personal, essential to the working thereof, and all the rights and privileges of the company with respect to the line, shall be vested in the Crown. R.S., c. 262, s. 12.

(2) Après cette prise de possession, la ligne et tous les biens, mobiliers et immobiliers, essentiels au fonctionnement du télégraphe, ainsi que tous les droits et privilèges de la compagnie à l'égard de cette ligne, sont dévolus à la Couronne. S.R., c. 262 art. 12.

Droits et privilèges

Arbitration

Arbitrage

Arbitration

13. (1) If any differences arise between the company and those who act for the Crown, as to the compensation that ought to be paid to the company for any telegraph line and appurtenances taken possession of or temporarily and exclusively used by the Crown under this Part, such differences shall be referred to three arbitrators, one to be appointed on the part of the Crown, another by the company, and the third by the two arbitrators so appointed.

13. (1) S'il surgit quelque contestation entre la compagnie et ceux qui agissent pour la Couronne, au sujet de l'indemnité qui devrait être payée à la compagnie pour la prise de possession ou l'usage temporaire et exclusif par la Couronne, en vertu de la présente Partie, d'une ligne télégraphique et de ses accessoires, cette contestation est soumise à trois arbitres, dont un nommé par la Couronne, un autre par la compagnie, et le troisième par les deux autres arbitres ainsi nommés.

Arbitrage

Award

(2) The award of any two of the arbitrators is final.

(2) La sentence de deux de ces arbitres est définitive.

Sentence

Appointment of arbitrator in certain cases

(3) If the company refuses or neglects to appoint an arbitrator on its behalf, or if the two arbitrators cannot agree upon a third arbitrator, then such arbitrator or third arbitrator shall be appointed by any two judges of the Supreme Court of Canada, on application on the part of the Crown. R.S., c. 262, s. 13.

(3) Si la compagnie néglige ou refuse de nommer un arbitre, ou si les deux arbitres ne peuvent s'entendre sur le choix d'un troisième arbitre, alors cet arbitre ou ce troisième arbitre est nommé par deux juges de la Cour suprême du Canada, à la demande de la Couronne. S.R., c. 262, art. 13.

Nomination d'arbitre en certains cas

Penalties

Amendes

Not sending dispatches in order received

14. Every company that violates the provisions of this Part in reference to the order in which messages received by it are to be transmitted, incurs a penalty not exceeding one hundred dollars and not less than twenty dollars, which is recoverable on summary conviction with costs by the person whose dispatch has been postponed out of its order. R.S., c. 262, s. 14.

14. Toute compagnie qui enfreint les dispositions de la présente Partie, relativement à l'ordre dans lequel elle doit transmettre les dépêches qu'elle reçoit, encourt une amende d'au moins vingt dollars et d'au plus cent dollars, recouvrable après déclaration sommaire de culpabilité, avec dépens, par la personne dont la dépêche a été retardée hors de son rang. S.R., c. 262, art. 14.

Ne pas envoyer les dépêches dans l'ordre où elles sont reçues

Refusal to give up and transfer possession

15. (1) Every company that on request duly made in that behalf refuses or neglects to give up and transfer possession of any telegraph line and of all things necessary to the sufficient working thereof, or, having so given up and transferred possession, neglects or refuses to allow Her Majesty to continue

15. (1) Toute compagnie qui, sur demande régulièrement faite à cette fin, refuse ou néglige de remettre et de transférer la possession d'une ligne télégraphique et de toutes les choses nécessaires à la bonne exploitation de cette ligne, ou qui, après en avoir ainsi remis et transféré la possession,

Refus de remettre et de transférer la possession

in such possession for any length of time required in that behalf, or refuses or neglects on request duly made in that behalf to give and hand over to Her Majesty the exclusive service of the operators and other persons employed in working such line incurs a penalty not exceeding one hundred dollars for every such refusal or neglect.

néglige ou refuse de permettre à Sa Majesté d'en rester en possession pendant toute période nécessaire en l'espèce, ou qui refuse ou néglige, sur demande régulièrement faite à cet égard, de transférer ou de remettre à Sa Majesté les services exclusifs des télégraphistes et autres personnes employées au fonctionnement de la ligne encourt, pour chaque refus ou négligence, une amende d'au plus cent dollars.

Disobedience of operators

(2) Every operator and other person in the employ of the said company who does not, after such possession is taken and during the whole period of such possession, diligently and faithfully obey such orders and transmit or receive such dispatches as they are required to transmit and receive by any duly authorized officer of the Government of Canada, incurs a penalty not exceeding one hundred dollars for every such refusal or neglect.

(2) Tous les télégraphistes et autres personnes employées par ladite compagnie, qui négligent ou refusent, après et tant que dure cette prise de possession, d'obéir avec diligence et fidélité à ces ordres et de transmettre ou de recevoir les dépêches qu'un fonctionnaire dûment autorisé du gouvernement du Canada les requiert de transmettre et de recevoir, encourt, pour chaque refus ou négligence, une amende d'au plus cent dollars.

Désobéissance des télégraphistes

Recovery of penalty

(3) The penalty is recoverable by the Crown for the public uses of Canada with costs in any way in which debts of like amounts are recoverable by the Crown. R.S., c. 262, s. 15.

(3) Cette amende est recouvrable avec dépens par la Couronne pour les usages publics du Canada, de la même manière que les dettes au même montant sont recouvrables par la Couronne. S.R., c. 262, art. 15.

Recouvrement de l'amende

PART III

MARINE ELECTRIC TELEGRAPH COMPANIES

Interpretation

Definitions

16. In this Part

"company"

"company" means any company or association of persons to which this Part applies;

"Minister"

"Minister" means the Minister of Communications. R.S., c. 262, s. 16; 1968-69, c. 28, s. 100.

Application

Application to companies

17. This Part applies to every company (a) authorized after the 8th day of April 1875, by any special or general Act of the Parliament of Canada, or under this Part to construct or maintain telegraphic wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively, so as to connect any province with any other province of Canada, or to extend beyond

PARTIE III

COMPAGNIES DE TÉLÉGRAPHE ÉLECTRIQUE SOUS-MARIN

Interprétation

16. Dans la présente Partie

«compagnie» signifie toute compagnie ou association de personnes à laquelle s'applique la présente Partie;

«Ministre» signifie le ministre des Communications. S.R., c. 262, art. 16; 1968-69, c. 28, art. 100.

Application

17. La présente Partie s'applique à toute compagnie

a) autorisée après le 8 avril 1875 par une loi spéciale ou générale du Parlement du Canada, ou en vertu de la présente Partie, à construire ou à entretenir des fils ou câbles télégraphiques, dans, sur, sous ou à travers quelque golfe, baie ou bras de mer, ou eaux où se fait sentir la marée dans les limites de la juridiction du Canada, ou sur leurs rivages, ou dans leurs lits, respective-

Définitions

«compagnie»

«Ministre»

Application à certaines compagnies

the limits of any province ;
 (b) authorized to construct or maintain such telegraphic wires or cables before the 8th day of April 1875, by any such special or general Act of the Parliament of Canada, or by any other special Act or charter of any of the provinces constituting Canada, and at that date in force in Canada ; or
 (c) authorized under the laws of Newfoundland as they existed immediately prior to the expiration of the 31st day of March 1949 to construct or maintain telegraphic wires or cables, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Newfoundland, or the shore or bed thereof respectively, so as to extend beyond the limits of Newfoundland, and declared by proclamation of the Governor in Council to be subject to this Part. R.S., c. 262, s. 17; 1953-54, c. 22, s. 1.

ment, de manière à relier quelque province à une autre province du Canada, ou à prolonger ces fils ou câbles au delà des limites de quelque province ;
 b) autorisée à construire ou à entretenir ces fils ou câbles télégraphiques avant le 8 avril 1875, par quelque loi spéciale ou générale du Parlement du Canada, ou par toute autre loi spéciale ou charte de quelque une des provinces constituant le Canada, et en vigueur au Canada à cette date ; ou
 c) autorisée en vertu des lois de Terre-Neuve, telles qu'elles existaient immédiatement avant l'expiration du 31^e jour de mars 1949, à construire ou à entretenir des fils ou câbles télégraphiques dans, sur, sous ou à travers quelque golfe, baie ou bras de mer, ou des eaux où la marée se fait sentir, à l'intérieur de la juridiction de Terre-Neuve, ou sur leurs rivages ou dans leurs lits respectivement, de manière que ces fils ou câbles s'étendent au delà des limites de Terre-Neuve, et déclarée assujettie à la présente Partie, par proclamation du gouverneur en conseil. S.R., c. 262, art. 17; 1953-54, c. 22, art. 1.

Rights under Acts of Prince Edward Island

18. This Act does not affect any franchise, right or privilege that the New York, Newfoundland and London Telegraph Company or any other company, or person lawfully entitled thereto, actually acquired and exercised or operated in Prince Edward Island before and up to the 1st day of July 1873 under and subject to any Act of the legislature of Prince Edward Island made and passed before that day. R.S., c. 262, s. 18.

18. La présente loi ne porte atteinte à aucune concession, non plus qu'à aucun droit ou privilège que la compagnie dite New York, Newfoundland and London Telegraph Company, ou toute autre compagnie, ou personne qui y a légalement droit, a réellement acquis et exercé ou exploité dans l'Île-du-Prince-Édouard antérieurement et jusqu'au 1^{er} juillet 1873, sous le régime et sous réserve de toute loi de la législature de l'Île-du-Prince-Édouard établie et adoptée avant cette date. S.R., c. 262, art. 18.

Droits en vertu des lois de l'Île-du-Prince-Édouard

Powers

Pouvoirs

Extent of Crown lands to be taken

19. The company may, with the consent of the Governor in Council, take and appropriate for the use of the company, for its stations, offices and works, but shall not alienate, so much of the land held by the Crown for the purposes of Canada, and the shore or bed adjacent to or covered by any gulf, bay or branch of the sea, or by any tidal water, as is necessary for constructing, completing and using the telegraph and works of the company. R.S., c. 262, s. 19.

19. La compagnie peut, du consentement du gouverneur en conseil, prendre et approprier à son usage, pour ses postes, bureaux et entreprises, mais sans pouvoir l'aliéner, la partie de terrain possédée par la Couronne pour les besoins du Canada, et du rivage ou lit borné ou couvert par quelque golfe, baie ou bras de mer, ou par des eaux où la marée se fait sentir, qui peut être nécessaire pour établir, achever et utiliser le télégraphe et les entreprises de la compagnie. S.R., c. 262, art. 19.

Étendue de terrains de la Couronne qui peut être prise

Provincial lands

20. The company may also acquire from

20. La compagnie peut aussi acquérir d'une

Terrains provinciaux

any province of Canada any land or other property necessary for the construction, maintenance, accommodation and use of the telegraph and works of the company, and may also alienate, sell and dispose of the same when no longer required for the purposes of the company. R.S., c. 262, s. 20.

province du Canada tout terrain ou autre immeuble nécessaire à l'établissement, à l'entretien, à l'aménagement et à l'usage du télégraphe et des entreprises de la compagnie; elle peut aussi les aliéner, les vendre et en disposer lorsqu'elle n'en a plus besoin pour ses opérations. S.R., c. 262, art. 20.

Other necessary
and

21. (1) The company may also acquire any land necessary for the construction, maintenance and use of the telegraphic cable and works of the company, adjacent to or near the shore end or place of landing of the telegraph.

21. (1) La compagnie peut aussi acquérir tout terrain nécessaire à l'établissement, à l'entretien et à l'usage du câble télégraphique ou des entreprises de la compagnie, contigu à l'extrémité littorale ou à l'atterrissage du câble, ou à sa proximité.

Autres terrains

Entry under
Railway Act

(2) If the company and the person from whom the land is to be acquired fail to agree as to the possession or price of such land, the company may enter upon and take such land, not exceeding five acres in extent, under the powers, authorities and provisions of the *Railway Act*.

(2) Si la compagnie et la personne de qui elle veut acheter le terrain ne peuvent s'entendre sur la possession ou sur le prix de ce terrain, la compagnie peut aller sur ce terrain et en prendre possession, jusqu'à concurrence de cinq acres en superficie, en vertu des pouvoirs, autorisations et dispositions de la *Loi sur les chemins de fer*.

Possession en
vertu de la *Loi*
sur les chemins de
fer

Application of
Railway Act

(3) The sections of the *Railway Act* relating to compulsory powers for the acquisition of lands apply to, and the powers and authorities contained therein shall be vested in and may be exercised by, every company to which this Part applies. R.S., c. 262, s. 21.

(3) Les articles de la *Loi sur les chemins de fer* relatifs aux pouvoirs coercitifs pour l'acquisition de terrains s'appliquent à toute compagnie tombant sous l'application de la présente Partie; et toute semblable compagnie possède et peut exercer les pouvoirs et autorisations contenus dans lesdits articles. S.R., c. 262, art. 21.

Application de
la *Loi sur les*
chemins de fer

Conditions
precedent to
exercise of
powers

22. The company shall not exercise any of the powers conferred by this Part until

22. La compagnie ne peut exercer aucun des pouvoirs conférés par la présente Partie, avant

Conditions
d'exercice des
pouvoirs

(a) the company has submitted to the Governor in Council, a plan and survey of the proposed site and location of such telegraph and its approaches at the shore, and of its stations, offices and accommodations on land and of all the intended works appertaining thereto,

a) d'avoir soumis au gouverneur en conseil un plan et un relevé du lieu et de l'emplacement projetés de ce télégraphe et de son atterrissage, ainsi que de ses postes, bureaux et aménagements à terre, et de toutes les entreprises projetées s'y rattachant,

(b) such plan, site and location have been approved by the Governor in Council, and

b) que ce plan, ce lieu et cet emplacement aient été approuvés par le gouverneur en conseil, et

(c) such conditions as he thinks fit for the public good to impose concerning the said telegraph and works, have been complied with. R.S., c. 252, s. 22.

c) qu'elle se soit conformée aux conditions qu'il croit à propos d'imposer dans l'intérêt public, au sujet de ce télégraphe et de ces entreprises. S.R., c. 262, art. 22.

Construction

Construction

Limitation on
powers

23. The company shall not place any telegraphic wire, cable or work connected therewith in, under, upon, over, along or

23. La compagnie ne peut poser aucun fil télégraphique, câble ou ouvrage qui s'y rattache, dans, sous, sur, au-dessus, le long ou

Limitation des
pouvoirs

across any gulf, bay or branch of the sea, or any tidal water, or the shore or bed thereof respectively, except with the consent of all persons having any right of property or other right, or any power, jurisdiction or authority in, over or relating to the same, that may be affected or be liable to be affected by the exercise of the powers of the company. R.S., c. 262, s. 23.

à travers un golfe, une baie ou un bras de mer, ou un cours d'eau où la marée se fait sentir, ni sur leurs rivages ni dans leurs lits, respectivement, si ce n'est du consentement de toutes les personnes qui y ont quelque droit de propriété ou autre droit, ou quelque pouvoir, juridiction ou autorité, sur eux ou s'y rattachant, qui serait ou pourrait être affecté par l'exercice des pouvoirs de la compagnie. S.R., c. 262, art. 23.

Plans to be deposited

24. (1) Before commencing the construction of any such telegraph or work mentioned in section 23, or of any buoy or sea-mark connected therewith, the company shall deposit, at the Department of Communications, a plan thereof, for the approval of the Minister.

24. (1) Avant d'entreprendre l'établissement d'un télégraphe ou l'exécution d'un ouvrage mentionné à l'article 23, ou avant de poser une bouée ou balise qui s'y rattache, la compagnie doit en déposer un plan au ministère des Communications, pour le soumettre à l'approbation du Ministre.

Plan déposé

Repairs

(2) In cases of emergency, for repairs to any work previously constructed or laid, the plan thereof shall be so deposited as speedily as may be after the commencement of the work. R.S., c. 262, s. 24; 1968-69, c. 28, s. 100.

(2) Dans les cas d'urgence, pour les réparations aux ouvrages déjà construits ou établis, le plan doit en être déposé aussitôt que possible après le commencement de l'entreprise. S.R., c. 262, art. 24; 1968-69, c. 28, art. 100.

Réparations

Compliance with plans

25. (1) The work shall not be constructed otherwise than in accordance with the plan as approved by the Minister.

25. (1) L'ouvrage ne peut être construit que suivant le plan approuvé par le Ministre.

En conformité des plans

Non-compliance

(2) If any work is constructed otherwise or without compliance with the provisions of section 24, the Minister may, at the expense of the company, abate and remove it, or any part of it, and restore the site thereof to its former condition. R.S., c. 262, s. 25.

(2) S'il est construit quelque ouvrage autrement, ou sans qu'aient été observées les dispositions de l'article 24, le Ministre peut l'abattre et l'enlever en totalité ou en partie, aux frais et dépens de la compagnie, et remettre les lieux dans leur état primitif. S.R., c. 262, art. 25.

Défaut de se conformer

Use of lights and signals

26. The company may, in or about the construction, maintenance or repairs of any such work, use on board ship or elsewhere any light or signal allowed by any regulation made in that behalf by the Minister. R.S., c. 262, s. 26.

26. Dans la construction, l'entretien ou la réparation d'un ouvrage de ce genre ou au sujet de cette construction, de l'entretien ou de la réparation d'un de ces ouvrages, la compagnie peut se servir, à bord des navires ou ailleurs, de tout feu ou signal autorisé par les règlements que le Ministre a établis à cet égard. S.R., c. 262, art. 26.

Usage des feux et signaux

Abandoned work

27. If any such work, buoy or sea-mark is abandoned or allowed to fall into decay, the Minister may, if and as he thinks fit, at the expense of the company, abate and remove it, and restore the site thereof to its former condition. R.S., c. 262, s. 27.

27. Si quelque ouvrage, bouée ou balise de ce genre est abandonné ou tombe en ruine, le Ministre peut, s'il le juge à propos, et aux frais et dépens de la compagnie, l'abattre et l'enlever, et remettre les lieux dans leur état primitif. S.R., c. 262, art. 27.

Ouvrage abandonné

Survey

28. The Minister may, at any time, at the expense of the company, cause to be made a survey and examination of any such work,

28. Le Ministre peut, en tout temps, aux frais et dépens de la compagnie, faire faire l'inspection et l'examen de cet ouvrage, de

Inspection

buoy or sea-mark, or of the site thereof. R.S., c. 262, s. 28.

cette bouée ou balise, ou de son emplacement. S.R., c. 262, art. 28.

Recovery by
order of
penalty

29. Whenever the Minister, under the authority of this Act, does, in relation to any such work, any act or thing that he is, by this Part, authorized to do at the expense of the company, the amount of such expense is a debt due by the company to the Crown, and is recoverable as such with costs, or as a penalty on summary conviction. R.S., c. 262, s. 29.

29. Lorsque le Ministre fait, sous l'autorité de la présente loi, à l'égard de quelque ouvrage, un acte ou une chose que la présente Partie l'autorise à accomplir aux frais et dépens de la compagnie, le montant de cette dépense est une dette de la compagnie envers la Couronne et est recouvrable comme telle avec les frais, ou bien comme amende après déclaration sommaire de culpabilité. S.R., c. 262, art. 29.

Le Ministre
recouvre les frais

Companies that
may extend
beyond limits of
a province

30. (1) No company other than a company to which this Part applies shall construct, maintain or use any telegraphic wire or cable connecting two or more provinces of Canada, or extending beyond the limits of any province, in, upon, under or across any gulf, bay or branch of any sea or any tidal water within the jurisdiction of Canada, or the shore or bed thereof respectively.

30. (1) Nulle autre compagnie que celles auxquelles s'applique la présente Partie ne peut établir, ni entretenir, ni employer aucun fil télégraphique ou câble reliant deux ou plusieurs provinces du Canada, ou s'étendant au delà des limites d'une province, dans, sur, sous ou à travers un golfe, une baie ou un bras de mer, ou une eau où la marée se fait sentir, dans les limites de la juridiction du Canada, ou sur leurs rivages ou lits respectivement.

Compagnies qui
peuvent
s'étendre au
delà des limites
d'une province

Saving

(2) Any existing telegraph company may continue to receive and transmit messages over its line of marine telegraph, until such time as another company, under the authority and within the provisions of this Part, constructs and is operating a line or lines of marine telegraph that has been determined by the Governor in Council to afford reasonable facilities for the transmission of marine telegraphic messages, in lieu of the line or lines of such existing telegraph company, or to be a line or lines for doing business over a route of a competitive nature, and until the order in council declaring such determination has been published for three months in the *Canada Gazette*. R.S., c. 262, s. 30.

(2) Toute compagnie de télégraphe existante peut continuer à recevoir et à transmettre des dépêches sur sa ligne de télégraphe sous-marin, jusqu'à ce qu'une autre compagnie relevant de l'autorité et des dispositions de la présente Partie, construise et exploite une ou plusieurs lignes de télégraphe sous-marin qui, d'après la décision du gouverneur en conseil, offre ou offrent toutes facilités raisonnables pour la transmission des dépêches télégraphiques sous-marines, au lieu de la ligne ou des lignes de cette compagnie de télégraphe existante, ou est une ligne ou sont des lignes pour les opérations télégraphiques sur une route de nature concurrente, et jusqu'à ce que le décret déclarant cette décision ait été publié pendant trois mois dans la *Gazette du Canada*. S.R., c. 262, art. 30.

Réserve

Transmission of
messages

31. (1) The company shall transmit all messages

- (a) in the order in which they are received or in such order as the Canadian Transport Commission may require or direct, and
(b) at such rates as may be determined from time to time by the Commission for the different classes of messages, or hours of the day or night during which such messages

Transmission des dépêches

31. (1) La compagnie est tenue de transmettre toutes les dépêches,

- a) dans l'ordre de leur réception ou dans l'ordre que la Commission canadienne des transports peut exiger ou ordonner, et
b) au tarif que peut à l'occasion fixer la Commission pour les différentes classes de dépêches, ou pour les heures de jour ou de nuit pendant lesquelles ces dépêches sont

Transmission
des dépêches

are transmitted, without discrimination within each class.

transmises, sans discrimination entre chaque classe.

(2) Every company violating any of the provisions of this section incurs a penalty not exceeding two hundred dollars, and not less than fifty dollars.

(2) Toute compagnie qui enfreint quelque-une des dispositions du présent article encourt une amende d'au moins cinquante dollars et d'au plus deux cents dollars.

Amende pour violation de l'article

(3) The penalty is recoverable on summary conviction, with costs, by the person aggrieved. R.S., c. 262, s. 31; 1966-67, c. 69, s. 94.

(3) Cette amende est recouvrable avec dépens, après déclaration sommaire de culpabilité, par la personne lésée. S.R., c. 262, art. 31; 1966-67, c. 69, art. 94.

Recouvrement de l'amende

32. The company may charge for the transmission of messages, and may demand and collect in advance such rates of payment therefor as are fixed by by-law of the company as its tariff rates and approved by the Canadian Transport Commission. R.S., c. 262, s. 32; 1966-67, c. 69, s. 94.

32. La compagnie peut exiger et faire payer d'avance, pour la transmission des dépêches, les prix établis par un règlement de la compagnie comme étant son tarif de taux et approuvé par la Commission canadienne des transports. S.R., c. 262, art. 32; 1966-67, c. 69, art. 94.

Paiement des dépêches

33. (1) Notwithstanding anything contained herein arrangements may be made by any such company with the proprietors or publishers of newspapers for the transmission, for the purpose of publication, of intelligence of general and public interest, out of its regular order and at less rates of charge than its regular tariff rates.

33. (1) Par dérogation à toutes dispositions des présentes, toute semblable compagnie peut conclure avec les propriétaires ou éditeurs de journaux des arrangements portant sur la transmission, aux fins de publication, de renseignements d'un intérêt général et public, en dehors de leur ordre régulier, et à des taux moindres que ceux du tarif régulier.

Arrangements avec les journaux

(2) Every such arrangement is subject to the approval of the Canadian Transport Commission. R.S., c. 262, s. 33; 1966-67, c. 69, s. 94.

(2) Tout pareil arrangement est soumis à l'approbation de la Commission canadienne des transports. S.R., c. 262, art. 33; 1966-67, c. 69, art. 94.

Sujet à approbation

34. Every message in relation to the administration of justice, the arrest of criminals, the discovery or prevention of crime, and Government messages or dispatches, shall always be transmitted in preference to any other message or dispatch, if required by any person officially charged with the administration of justice, or by any person thereunto authorized by the Secretary of State of Canada. R.S., c. 262, s. 34.

34. Toute dépêche au sujet de l'administration de la justice, de l'arrestation des criminels, de la découverte ou de la répression des crimes, et les dépêches ou communications de l'État doivent toujours être transmises de préférence à toutes autres dépêches ou communications, si la compagnie en est requise par une personne officiellement chargée de l'administration de la justice, ou par une personne qui y est autorisée par le secrétaire d'État du Canada. S.R., c. 262, art. 34.

Dépêches privilégiées

Incorporation of British Companies

Constitution des compagnies britanniques

35. (1) If any company is on or after the 8th day of April 1875 authorized by any special Act of the Parliament of Great Britain, or is incorporated under the Statutes of the Parliament of Great Britain relating to joint stock companies, or any other general Act of the Parliament of Great Britain, or by Royal

35. (1) Si une compagnie est, à compter du 8 avril 1875, autorisée par une loi spéciale du Parlement de la Grande-Bretagne, ou si elle est constituée sous le régime des lois du Parlement de la Grande-Bretagne concernant les compagnies par actions, ou de toute autre loi générale du Parlement de la Grande-

Les compagnies constituées par le Parlement impérial

charter, for establishing or maintaining telegraphic communication, in, upon, under or across any gulf, bay or branch of any sea or tidal water within the jurisdiction of Canada, the Governor in Council may, by letters patent under the Great Seal, and upon the terms and conditions contained therein, grant a charter to the persons forming such company, upon the company petitioning therefor.

Bretagne, ou par charte royale, pour établir ou entretenir une ligne de communication télégraphique, dans, sur, sous ou à travers quelque golfe, baie ou bras de mer ou eau où la marée se fait sentir dans les limites de la juridiction du Canada, le gouverneur en conseil peut, par lettres patentes sous le grand sceau et aux conditions y exprimées, accorder une charte aux personnes qui forment cette compagnie, sur requête présentée par la compagnie à cette fin.

Name and power

(2) Such persons and others who become shareholders in the company shall be constituted a body corporate and politic, by the same name, and with the same power and constitution in Canada, for the said purpose and object of establishing and maintaining their telegraph and works within the jurisdiction of Canada.

(2) Ces personnes et celles qui deviennent actionnaires de la compagnie forment un corps politique et constitué, sous le même nom, et avec le même pouvoir et la même constitution au Canada, pour lesdits objets et fins d'établir et d'entretenir leurs télégraphes et ouvrages susdits dans la juridiction du Canada.

Nom et pouvoirs

Subject to this Part

(3) Any such grant shall be expressly subject to this Part, and conditional upon the company observing and performing theseveral provisions hereof. R.S., c. 262, s. 35.

(3) Toute concession de cette nature est expressément sujette à la présente Partie, et à la condition que la compagnie se conforme à ses diverses dispositions et les observe. S.R., c. 262, art. 35.

Sous réserve de la présente Partie

Effect of letters patent

36. Such letters patent, when published in the *Canada Gazette* with any orders in council relating thereto, have the like force and effect as if the company had been incorporated by special Act of Parliament. R.S., c. 262, s. 36.

36. Ces lettres patentes, une fois qu'elles ont été publiées dans la *Gazette du Canada* avec tout décret en conseil s'y rapportant, ont la même vigueur et le même effet que si la compagnie eût été constituée par loi spéciale du Parlement. S.R., c. 262, art. 36.

Effet des lettres patentes

Reciprocity

37. No such letters patent or grant of corporate powers to be exercised within the jurisdiction of Canada shall be made to or conferred upon any company that possesses any exclusive privilege of landing wire or cable and establishing a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, unless an equal or reciprocal right or privilege of landing wire or cable, and establishing a marine telegraph upon the same coast is conceded to any and each of the companies to which this Part applies. R.S., c. 262, s. 37.

37. Il n'est délivré de lettres patentes ou conféré de pouvoirs corporatifs dans la juridiction du Canada à aucune compagnie qui possède le privilège exclusif d'atterrir un fil ou un câble et d'établir un câble sous-marin sur la côte d'un État, d'une province ou d'un pays d'Amérique, d'Europe ou d'ailleurs, à moins qu'un droit ou privilège égal ou réciproque d'atterrir un fil ou un câble et d'établir un télégraphe sous-marin sur la même côte ne soit concédé à toutes les compagnies auxquelles s'applique la présente Partie et à chacune d'elles. S.R., c. 262, art. 37.

Réciprocité

Charters may be revoked

38. Every such letters patent or grant of corporate powers made to or conferred upon any such company may be declared forfeited and revoked by any Act of the Parliament of Canada

38. Par loi du Parlement du Canada, peuvent être déclarées déçhues toutes lettres patentes décernées, ou peut être révoquée toute concession de pouvoirs corporatifs conférés, à une semblable compagnie.

Les chartes peuvent être révoquées

- (a) for non-user for three consecutive years;
(b) in case the company does not go into

- c) pour cause de non usage durant trois années consécutives;

actual operation within three years after the issue of the letters patent granting such powers; or

(c) if the company at any time possesses or acquires any exclusive right or privilege of landing wire or cable and establishing a marine telegraph in or upon the coast of any state, province or country in America, Europe or elsewhere, and an equal or reciprocal right or privilege of landing wire or cable and establishing a marine telegraph on the same coast is not conceded to every company to which this Part applies. R.S., c. 262, s. 38.

b) si la compagnie n'entre pas en opération réelle dans les trois ans qui suivent l'émission des lettres patentes lui conférant ces pouvoirs; ou

c) si la compagnie, en tout temps, possède ou obtient le privilège ou le droit exclusif d'atterrir un fil ou un câble et d'établir un télégraphe sous-marin sur la côte d'un État, d'une province ou d'un pays d'Amérique, d'Europe ou d'ailleurs, et si un droit ou privilège égal ou réciproque d'atterrir un fil ou un câble et d'établir un télégraphe sous-marin sur la même côte n'est pas concédé à chacune des compagnies auxquelles s'applique la présente Partie. S.R., c. 262, art. 38.

Reciprocal Agreement

39. (1) No company to which this Part applies shall enter into any agreement for the transmission or interchange of messages, or for participation in profits, or for the union or consolidation of capital stock, with any company that at any time possesses or acquires any such exclusive privilege of landing wire or cable and establishing a marine telegraph, in Newfoundland or the Danish possessions, unless such equal or reciprocal right is conceded.

Prohibited agreements

Convention de réciprocité

39. (1) Nulle compagnie à laquelle s'applique la présente Partie ne peut conclure de convention pour la transmission ou l'échange de dépêches, ou pour une participation aux profits, ou pour l'union ou la fusion du capital social, avec une compagnie qui possède ou acquiert à toute époque quelque privilège exclusif d'atterrir un fil ou un câble et d'établir un télégraphe sous-marin à Terre-Neuve ou dans les possessions danoises, à moins qu'un droit égal ou réciproque ne soit concédé.

Contrats prohibés

Agreements void

(2) Every agreement contrary to this section is illegal and void. R.S., c. 262, s. 39.

(2) Toute convention contraire au présent article est illégale et nulle. S.R., c. 262, art. 39.

Nullité

PART IV

EXTERNAL SUBMARINE CABLES

Interpretation

40. In this Part "external submarine cable" means a telecommunication service by submarine cable between any place in Canada and any place outside Canada or between places outside Canada through Canada, but does not include any service by a submarine cable wholly under fresh water; and the expression "telecommunication" has the same meaning as it has in the *Radio Act, 1956*, c. 49, s. 1.

"External submarine cable" and "telecommunication"

PARTIE IV

CÂBLES SOUS-MARINS AVEC L'EXTÉRIEUR

Interprétation

40. Dans la présente Partie, l'expression «câble sous-marin avec l'extérieur» signifie un service de télécommunications par câble sous-marin entre tout endroit du Canada et tout endroit hors de ce pays, ou entre des endroits hors du Canada à travers ce pays; mais ne comprend pas un service par câble sous-marin entièrement en eau douce; et l'expression «télécommunication» a le sens que la *Loi sur la radio* lui attribue. 1956, c. 49, art. 1.

«Câble sous-marin avec l'extérieur», «télécommunication»

Licences

41. No person shall in Canada

Licences required

Licences

41. Nul ne doit au Canada

Licences requises

(a) operate an external submarine cable, or
 (b) construct, alter, maintain or operate any works or facilities for the purpose of operating an external submarine cable, except under and in accordance with a licence issued under this Part. 1956, c. 49, s. 1.

a) exploiter un câble sous-marin avec l'extérieur, ou
 b) construire, modifier, entretenir ou exploiter des ouvrages ou facilités en vue de l'exploitation d'un câble sous-marin avec l'extérieur,

sauf sous l'autorité et en conformité d'une licence délivrée aux termes de la présente Partie. 1956, c. 49, art. 1.

Regulations

Regulations

42. The Governor in Council may make regulations

- (a) providing for the issue of licences for the purposes of this Part;
- (b) respecting applications for licences and prescribing the information to be furnished by the applicants;
- (c) prescribing the duration, terms and conditions of licences and the fees for the issue thereof;
- (d) providing for the cancellation or suspension of licences for failure to comply with the terms and conditions thereof; and
- (e) generally, for carrying the purposes and provisions of this Part into effect. 1956, c. 49, s. 1.

Règlements

42. Le gouverneur en conseil peut édicter des règlements

- a) prévoyant la délivrance de licences aux fins de la présente Partie;
- b) concernant les demandes de licences et prescrivant les renseignements que leurs auteurs doivent fournir;
- c) prescrivant la durée et les modalités des licences, de même que les droits visant leur délivrance;
- d) prévoyant l'annulation ou la suspension de licences pour inobservation de leurs termes et conditions; et
- e) visant, en général, la réalisation des objets et l'application des dispositions de la présente Partie. 1956, c. 49, art. 1.

Penalties

Offences

43. Every person who violates any provision of this Part or the regulations is guilty of an offence and is liable

- (a) on summary conviction, to a fine not exceeding five hundred dollars or to imprisonment for a term not exceeding six months, or to both; or
- (b) on conviction on indictment, to a fine not exceeding five thousand dollars or to imprisonment for a term not exceeding twelve months, or to both. 1956, c. 49, s. 1.

Peines

43. Quiconque viole une disposition de la présente Partie ou des règlements est coupable d'infraction et encourt,

- a) sur déclaration sommaire de culpabilité, une amende d'au plus cinq cents dollars ou un emprisonnement d'au plus six mois, ou à la fois l'amende et l'emprisonnement; ou
- b) après déclaration de culpabilité sur acte d'accusation, une amende d'au plus cinq mille dollars ou un emprisonnement d'au plus douze mois, ou à la fois l'amende et l'emprisonnement. 1956, c. 49, art. 1.

Crown bound

44. Her Majesty is bound by this Act. 1956, c. 49, s. 1.

44. La présente loi lie Sa Majesté. 1956, c. 49, art. 1. La Couronne est liée

[See schedule on the following page.]

[Voir l'annexe à la page suivante.]

SCHEDULE

ANNEXE

I, A.B., solemnly and sincerely promise and declare that I will faithfully and honestly fulfil the duties which devolve upon me as operator (or in other capacity, as the case may be) upon (state the line of telegraph), and that I will not, either directly or indirectly, divulge to any person, except when lawfully authorized or directed so to do, any information that I acquire by virtue of my employment as such operator (or in other capacity, as the case may be).

Je, A.B., promets et déclare solennellement et sincèrement que je remplirai fidèlement et honnêtement les devoirs qui m'incombent comme télégraphiste (ou en autre qualité, selon le cas) sur (mentionner la ligne télégraphique) et que je ne dévoilerai à personne, ni directement ni indirectement, excepté lorsque j'en recevrai légalement l'autorisation ou l'ordre, aucun renseignement venu à ma connaissance en vertu de mon emploi comme télégraphiste (ou en autre qualité, selon le cas).

(Signature)

A.B.

(Signature)

A.B.

Declared before me, }
etc. }

Déclaré devant moi, }
etc. }

R.S., c. 262, Sch.

S.R., c. 262, annexe.

QUEEN'S PRINTER FOR CANADA © IMPRIMEUR DE LA REINE POUR LE CANADA
OTTAWA, 1970

MAR - 6 1968

80 0111

C-104

Second Session, Twenty-Seventh Parliament, 16-17 Elizabeth II, 1967-68

THE HOUSE OF COMMONS OF CANADA

BILL C-104

An Act respecting The Bell Telephone
Company of Canada

CANADA
NATIONAL LIBRARY
BIBLIOTHEQUE NATIONALE
GOVERNMENT PUBLICATIONS
COLLECTION
DES
PUBLICATIONS DU GOUVERNEMENT

AS PASSED BY THE HOUSE OF COMMONS,
29th FEBRUARY, 1968

COMMUNICATIONS CANADA
JUL 10 1975
LIBRARY - BIBLIOTHEQUE

ROGER DUFAMEL *Queen's Printer*
OTTAWA, 1968

THE HOUSE OF COMMONS OF CANADA

BILL C-104

An Act respecting The Bell Telephone
Company of Canada

Preamble:

1880, c. 67;
1882, c. 95;
1884, c. 88;
1892, c. 67;
1894, c. 108;
1902, c. 41;
1906, c. 61;
1920, c. 100;
1929, c. 93;
1948, c. 81;
1957, c. 39;
1965, c. 69.

WHEREAS The Bell Telephone Company of Canada has by its petition prayed that its Act of incorporation and the Acts in amendment thereof be amended as hereinafter provided, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: 5

Abbreviated
name

1. (1) The Company may, from time to time as it sees fit, use, and it may be legally designated by any one of the following names, "The Bell Telephone Company of 10 Canada", "La Compagnie de Téléphone Bell du Canada", or "Bell Canada".

(2) The Company may sue or be sued in any of such names and any transaction, contract or obligation hereafter entered into or incurred by the Company in any of 15 such names shall be valid and binding on the Company.

(3) Nothing contained in subsection (1) shall in any way impair, alter or affect the rights or liabilities of the Company, except as therein expressly provided, nor in any way affect any suit or proceeding now pending or 20 judgment existing, either by or in favour of or against the Company, which, notwithstanding the provisions of subsection (1) may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. Section 1 of chapter 39 of the statutes of 25 1957 is repealed and the following substituted therefor:

Power to
increase
capital

"1. The capital stock of the Company may be increased from time to time by such amounts as the shareholders may deem necessary for the purposes,

EXPLANATORY NOTES.

Clause 1: The purpose of this amendment is to permit the use by the Company of the abbreviated bilingual form of its name "Bell Canada".

Clause 2: This proposed amendment dealing with the capital stock of the Company has two objects:

A—To increase the authorized capital from \$1,000,000,000 to \$1,750,000,000; and

B—To authorize the Company to issue preferred shares.

Proviso

objects and undertaking of the Company, such increases to be effected by resolution of the Directors duly confirmed by a majority of the votes cast at any annual or special general meeting of the shareholders called for considering the resolution: Provided that the total capital stock of the Company, including the present authorized capital stock, shall not exceed one thousand seven hundred and fifty million dollars and shall be divided into common shares of the par value of twenty-five dollars each, and into preferred shares. 5 10

Preferred
shares

3. (1) The Directors of the Company may by by-law create and issue part of the capital stock as preferred shares and may by such by-law provide for the creation of classes of preferred shares with such preferences, privileges or other special rights, restrictions, conditions or limitations, whether with regard to dividends, capital or otherwise 15

A—*Increase of authorized capital*

Of the \$1,000,000,000 presently authorized the Company has now issued or committed, based on the par value of \$25.00 per share, approximately \$875,000,000. The construction programme of 1967 and 1968 is estimated to cost \$683,000,000. This sum will be provided by internal resources (depreciation and retained earnings), debt and equity financing. This indicates that before the end of 1968 the presently authorized capital will be virtually exhausted.

The Canadian public continues to demand better and broader services. The cost of the construction programme of the next decade will exceed \$4,000,000,000. The magnitude of this capital expenditure may be compared with the \$2,026,000,000 spent on the construction programme for the period 1956-1965.

Increases in authorized capital have been petitioned for and granted from time to time by Parliament as the demands for services augmented. Parliament increased the authorized capital from \$150,000,000 to \$500,000,000 in 1948. In 1957 authorization was received from Parliament to increase the capital to \$1,000,000,000.

These increases were adequate for approximately ten years.

Present forecasts indicate that the requested increase of \$750,000,000 will be sufficient for another decade on the assumption that the same capital structure is maintained.

B—*Preferred stock*

The Company's capital stock is now exclusively composed of common shares of the par value of \$25.00 each. The conditions of the money markets change very rapidly. There are times when the issue of preferred stock might be advantageous for the subscribers and the shareholders alike.

The Company has no immediate plan to modify its present capital structure. It feels, however, that its capital structure should be more flexible to meet the challenges of the future.

Clause 3: Section 162 of the Canada Corporations Act provides three methods to create preference shares:

- (a) unanimous sanction by a vote of the shareholders present in person or by proxy at a general meeting of the Company duly called for considering the same and representing $\frac{2}{3}$ of the issued capital stock; or

Validation
of by-law

as in the by-law may be declared; Provided that no such by-law shall be valid or acted upon until it has been sanctioned by at least two-thirds of the votes cast at a special general meeting of the common shareholders of the Company duly called for considering the same. 5

(2) The Directors may by resolution prescribe within the limits set forth in any by-law passed under subsection (1) the terms of issue and the precise preferences, privileges, rights, restrictions, conditions or limitations whether with regard to dividends, capital or otherwise, of 10 any class of preferred shares.

Preferred
shares
voting when
their rights
affected

(3) Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880, the voting rights of the holders of any class of preferred shares, as such, including the right to receive notice of and to attend meet- 15 ings of shareholders, shall be determined by by-law passed under subsection (1); but, the holders of a class of preferred shares shall in any event be entitled to receive notice of, to attend and to vote on the basis of one vote per share at general or special meetings at which any question, directly 20 affecting the rights and privileges attached to such class of preferred shares, shall be discussed and submitted to the meetings and no change adversely affecting the rights and privileges of any class of preferred shares shall be valid unless sanctioned by at least two-thirds of the votes cast 25 at a special general meeting of the holders of such class of issued and outstanding preferred shares duly called for considering the same.

1984-85,
c. 52

(4) Section 162 of the *Canada Corporations Act* does not apply to the Company. 30

4. Section 10 of chapter 67 of the statutes of 1880 is repealed and the following substituted therefor:

Stock books
may be
opened and
stock sold
for cash or
subject to
call

"10. The Directors of the Company may, from time to time, open or cause to be opened stock books or registers for the subscription for shares by parties 35 desiring to become shareholders or to increase their share holdings in the capital stock of the Company, in such places as they shall think fit, and all parties so subscribing shall pay the subscription price, either as a whole, or in instalments in such amounts, at 40 such time or times, at such place or places, and in such manner as the Directors shall determine. When the subscription price for any such shares is not required to be paid in full at the time of subscription

- (b) unanimous sanction in writing by all shareholders of the Company; or
- (c) by the sanction of $\frac{2}{3}$ in value of the shareholders and subsequent approval of the Governor-in-Council.

The Company has now more than 240,000 shareholders and no one shareholder holds more than 2.5% of the shares. Any one of these methods appears quite impracticable for a company having such a wide distribution of shares. Authority to create such preferred shares given to the Company by Parliament appears to be the only answer.

The proposed amendment also outlines the procedure to create such preferred shares. The rights and privileges of any class of preferred shares would be determined by the bylaw sanctioned by the holders of common shares.

Clause 4: This clause is to replace section 10 of chapter 67 of the statutes of 1880. The present enactment is as follows:—

"10. The Directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and all parties so subscribing shall pay ten per cent on allotment; and the Directors may, from time to time, make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall, from time to time, determine; but no call shall exceed ten per cent, and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call."

The purpose of this clause is to clarify the powers of the Company to offer its shares upon terms whereby the subscription price is to be paid in full at the time of subscription or on allotment or in specified instalments and that the Company is not required to issue its shares subject to call. The directors would determine the terms and conditions of any such call. The amendment would make clear that the existing shareholders can also subscribe for new stock.

- (b) unanimous sanction in writing by all shareholders of the Company; or
- (c) by the sanction of $\frac{3}{4}$ in value of the shareholders and subsequent approval of the Governor-in-Council.

The Company has now more than 240,000 shareholders and no one shareholder holds more than 2.5% of the shares. Any one of these methods appears quite impracticable for a company having such a wide distribution of shares. Authority to create such preferred shares given to the Company by Parliament appears to be the only answer.

The proposed amendment also outlines the procedure to create such preferred shares. The rights and privileges of any class of preferred shares would be determined by the bylaw sanctioned by the holders of common shares.

Clause 4: This clause is to replace section 10 of chapter 67 of the statutes of 1880. The present enactment is as follows:—

"10. The Directors of the said Company for the time being may open or cause to be opened stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company in such places as they shall think fit, and all parties so subscribing shall pay ten per cent on allotment; and the Directors may, from time to time, make calls on such shares payable at such times, in such amounts, at such places, and in such manner as they shall, from time to time, determine; but no call shall exceed ten per cent, and an interval of at least thirty days shall intervene between the time fixed for the payment of any one call and that fixed for the payment of the succeeding call."

The purpose of this clause is to clarify the powers of the Company to offer its shares upon terms whereby the subscription price is to be paid in full at the time of subscription or on allotment or in specified instalments and that the Company is not required to issue its shares subject to call. The directors would determine the terms and conditions of any such call. The amendment would make clear that the existing shareholders can also subscribe for new stock.

or allotment, or is not to be paid in full in specified instalments, the Directors may from time to time call in and demand from the subscribers thereof respectively all sums of money by them subscribed, at such times, in such amounts, at such places and in such manner as they shall from time to time determine." 5

5. Section 1 of chapter 100 of the statutes of 1920 is repealed and the following substituted therefor:

Bond issue
authoriza-
tion

"1. (1) Notwithstanding the provisions of chapter 67 of the statutes of 1880, incorporating the Company, 10 and of the Acts in amendment thereof, the Directors of the Company, when authorized by by-law for that purpose passed and approved by not less than two-thirds of the votes cast at a special general meeting of the shareholders duly called for the purpose of 15 considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole 20 or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock ranking in priority to any of the bonds of the 25 Company heretofore issued."

6. Section 5 of chapter 81 of the statutes of 1948 is hereby repealed and the following substituted therefor:

Power to
operate
communica-
tion system.
R.S., c. 233;
1952-53, c. 43;
1953-54, c. 31;
1955, c. 57

"5. (1) It is hereby declared that subject to the provisions of the *Radio Act* and of the *Broadcasting Act* 30 and of any other statutes of Canada relating to telecommunications or broadcasting, and to regulations or orders made thereunder, the Company has the power to transmit, emit or receive and to provide services and facilities for the transmission, emission or reception of 35 signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic systems and in connection therewith to build, establish, maintain and operate, in Canada or elsewhere, alone or in conjunction with others, either 40 on its own behalf or as agents for others, all services and facilities expedient or useful for such purposes, using and adapting any improvement or invention or any other means of communicating.

Clause 5: This clause re-enacts section 1 of chapter 100 of the statutes of 1920. The present section is as follows:—

"1. (1) Notwithstanding the provisions of chapter sixty-seven of the statutes of 1880, incorporating The Bell Telephone Company of Canada, hereinafter called "the Company", and of the Acts in amendment thereof, the directors of the Company, when authorized by by-law for that purpose passed and approved by the votes of not less than two-thirds in value of the subscribed stock of the Company represented at a special general meeting duly called for the purpose of considering the same, may issue bonds, debentures or debenture stock from time to time for such amounts as may be approved by the shareholders, and secure the same by one or more deeds of trust creating such mortgages, charges or encumbrances upon the whole or any part of the property of the Company, present and future, as may be described therein.

(2) Nothing herein contained shall authorize the issue of any such bonds, debentures or debenture stock, ranking in priority to, or *pari passu* with, any of the bonds of the Company heretofore issued."

The wording is identical except as indicated by the underlining. The purpose of the changes in wording in sub-clause (1) is to make it clear that it is the vote of two-thirds of the shares represented at the meeting and not the votes of two-thirds of the total outstanding stock that is required to authorize such borrowing.

The omission of the words "*or pari passu with*" from sub-clause 2 is to give effect to the principal Trust Indenture and Mortgage securing the Company's bonds. This Trust Indenture provides for the issue of bonds thereunder from time to time in series and that all bonds so issued shall rank *pari passu* with all other bonds issued thereunder.

Clause 6: The purpose of this clause is to clarify section 5 of chapter 81 of the statutes of Canada 1948.

The revolution in communication techniques has demonstrated that the Company can no longer be considered exclusively as a telephone company. In order to remain strong and competitive and thus be an asset to the Canadian economy, it is compelled to meet the demands of Canadians and to supply them with the widest possible range of telecommunication services. Thus the need to update its powers.

The *Criminal Code* enacted in 1955 has recognized the evolution of the industry. Section 273 which used to refer to theft of telephone service now refers to theft to telecommunication service.

The word "telecommunication" has been repeatedly defined by Parliament in various statutes such as the *Radio Act* (1952 R.S.C. chapter 233) the *Canadian Overseas*

Company to apply for or be holder of broadcasting licence

(2) Notwithstanding subsection (1), the Company and its subsidiaries do not, however, directly or indirectly or by any other means, have the power to apply for or to be the holder of a broadcasting licence as defined in the *Broadcasting Act* or of a licence to operate a commercial Community Antenna Television Service. 5

Company to act solely as carrier

(3) The Company shall, in the exercise of its power under subsection (1), act solely as a common carrier, and shall neither control the contents nor influence the meaning or purpose of the message emitted, transmitted or received as aforesaid. 10

Attachments

(4) For the protection of the subscribers of the Company and of the public, any equipment, apparatus, line, circuit or device not provided by the company shall only be attached to, connected or interconnected with, or used in connection with the facilities of the Company in conformity with such reasonable requirements as may be prescribed by the Company. 15

Transport Commission to determine if requirements reasonable

(5) The Canadian Transport Commission may determine, as questions of fact, whether or not any requirements prescribed by the Company under subsection (4) are reasonable and may disallow any such requirements as it considers unreasonable or contrary to the public interest and may require the company to substitute requirements satisfactory to the Canadian Transport Commission in lieu thereof or prescribe other requirements in lieu of any requirements so disallowed. 20 25

Application to Commission to determine reasonableness of requirement

(6) Any person who is affected by any requirements prescribed by the Company under subsection (4) of this section may apply to the Canadian Transport Commission to determine the reasonableness of such requirement having regard to the public interest and the effect such attachment, connection or inter-connection is likely to have on the cost and value of the service to the subscribers. 30 35

Review

The decision of the Commission is subject to review and appeal pursuant to the *Railway Act*."

Power to invest

7. For the purpose of carrying out its corporate powers the Company is empowered to purchase or otherwise acquire, and to hold shares, bonds, debentures or other securities in any other company engaged in research and development work in areas of inquiry that relate to the objects of this Company and to sell or otherwise deal with the same, provided that such other company, not being a subsidiary of the Company on the date on which this Act comes into force, does not manufacture products for sale to the Company or to other customers. 40 45

Telecommunication Corporation Act (1952 R.S.C. chapter 42), the *Criminal Code*, as:

"Any transmission, emission or reception of signs, signals, writing, images or sounds or intelligence of any nature by wire, radio, visual or other electromagnetic system". (C.O.T.C. Act)

These words have been adapted and incorporated into the proposed clause.

The Company, being unable to forecast all possible technological changes, proposes an amendment which would permit the Company to use and adapt any improvement or invention for communicating with others and any other means for communicating that may, in the opinion of the Board of the Directors of the Company, be deemed to be in the interest of the Company.

Finally, the proposed amendment would permit the Company to enjoy these powers in Canada or elsewhere, alone or in conjunction with others, either on its own behalf or as agent for others.

Clause 7: This clause is new.

The proposed amendment is designed:

To broaden the Company's power to invest in other companies having objects in whole or in part similar to those of the Company and calculated to advance the objects of the Company; and

To enable the Company to invest in organizations carrying on research and development work related to the Company's objects.

At the present time the Company may purchase shares in other companies only when such companies possess as proprietor a line of telegraphic or telephonic communication or when such companies have a power or right to use

The Board of Directors of the Company, may, if authorized by by-law duly passed by the Directors and confirmed by at least two-thirds of the votes cast at any annual or special general meeting of the shareholders called for considering the by-law, elect from its number an executive committee of not less than five, which executive committee may exercise such powers of the Board as are delegated to it by by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the Directors. Three members of the executive committee shall constitute a quorum.

Executive
Committee
of Directors

8. The Board of Directors of the Company, may, if authorized by by-law duly passed by the Directors and confirmed by at least two-thirds of the votes cast at any annual or special general meeting of the shareholders called for considering the by-law, elect from its number an executive committee of not less than five, which executive committee may exercise such powers of the Board as are delegated to it by by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the Directors. Three members of the executive committee shall constitute a quorum.

communication by means of the telephone. This situation is governed by section 4 of chapter 67 of the statutes of 1880 which reads as follows:—

"4. The said Company shall have power and authority to purchase or lease for any term of years any telephone line established or to be established, either in Canada or elsewhere, connecting or hereafter to be connected with the lines which the Company is authorized to construct, or to purchase or lease for any term of years the right of any company to construct any such telephone line; and shall also have power and authority to amalgamate with or to lease their line, or any portion or portions thereof, from time to time, to any company or person possessing as proprietor any line of telegraphic or telephonic communication connecting or to be connected with the Company's line, in Canada; and the Company shall also have power to enter into any arrangements with any person or company possessing, as proprietor, any line of telegraphic or telephonic communication, or any power or right to use communication by means of the telephone upon such terms and in such manner as the Board of Directors may, from time to time, deem expedient or advisable, or to become a shareholder in any such corporation."

By section 2 of chapter 67 of the statutes of 1880 as re-enacted by section 1 of chapter 95 of the statutes of 1882 the Company is given the "power to manufacture telephone and other apparatus connected therewith, and their appurtenances and other instruments, used in connection with the business of a telegraph or telephone company, and also such other electrical instruments and plant as the said Company may deem advisable . . . and to aid or advance money to build or work any such line to be used for telephone purposes."

The present high standards of telecommunications enjoyed by Canadians are the fruit, in no small measure, of foreign research and development. For many reasons these sources could be no longer available.

The most effective way to preserve the enviable position enjoyed by the Canadian telecommunication industry is to develop and support a strong research and development sector fully integrated with operations and manufacturing.

Clause 8: This clause is new.

Companies incorporated by Letters Patent have the power in their Boards of Directors to appoint an executive committee of the Board. This power is given to those companies by section 94 of the *Canada Corporations Act* which reads as follows:—

"94. The board of directors of the company whenever it consists of more than six, may if authorized by by-law duly passed by the directors, and sanctioned by at least two-thirds of the votes cast at a special general meeting of shareholders duly called for considering the by-law, elect from its number an executive committee consisting of not less than three, which executive committee shall have power to fix its quorum at not less than a majority of its members and may exercise such powers of the board as are delegated by such by-law, subject to any restrictions contained in any such by-law and to any regulations imposed from time to time by the directors."

Since Bell Telephone has a Board of Directors of 18 members and is empowered to have twenty members, it requests the convenience of appointing an executive committee.

Clause 9: This clause is new.

Section 91 of the *Canada Corporations Act* reads:

"91. Every director of the company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the company from and against.

- (a) all costs, charges and expenses whatsoever that such director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office, and
 - (b) all other costs, charges and expenses that he sustains, or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default."
- (1934, chapter 33, section 91)

The new section is identical to section 91 of the *Canada Corporations Act* and gives to Company directors the same protection that exists for all Letters Patent Companies directors. It is noted that indemnification is not included when loss is occasioned by a director's wilful neglect or default.

Clause 10: This clause amends section 3 of chapter 67 of the statutes of 1880 by:

- (a) Substituting the word "telecommunication" for the word "telephone" wherever it appears.

Inasmuch as section 7 of this Bill shows the need to refer to the Company as a telecommunication company and not to a telephone company, for the sake of consistency, the proposed substitution appears necessary.

- (b) Giving to the Board of Transport Commissioners for Canada jurisdiction to establish the height of the Company's wires.

Several rules and regulations make it impossible for the Company to establish and maintain its wires at the height of 22 feet specified in the incorporating provisions. By complying with these existing rules and regulations the Company is now forced to violate the provisions of its charter. The proposed amendment will eliminate this difficulty.

Clause 11: This clause is new.

Sections 193 and 190 of the *Canada Corporations Act* referred to are as follows:

"193. No company shall loan any of its funds to any shareholder.

190. Where any loan is made by the company to any shareholder in violation of the provisions of this Part, all directors and other officers of the company who make the same or assent thereto are jointly and severally liable to the amount of such loan with interest to the company and also to creditors of the company, for all debts of the company then existing or contracted from the time of the making of such loan to that of the repayment thereof."

The Company has a Pension Plan and an Employees' Stock Savings Plan which in conjunction are designed to provide adequate post-retirement income to employees. The non-contributory pension plan in itself is not always adequate for this purpose. This clause is designed to prevent a temporary financial storm in an employee's affairs from forcing sale of his holdings of Company stock resulting in post-retirement income problems. Temporary loans to employee-shareholders to tide them over periods of illness or adversity would in many cases permit retention of savings held in the form of Company stock.

Clause 12: This clause is new.

Its purpose is to enable the Company to adequately man the organization. The nature of the business is such that maximum efficiency requires transfers of employees from place to place. This clause permits maintenance of a housing assistance plan so that such moves can be made without undue financial loss to employees. It will permit the Company to purchase or otherwise acquire residences from employees who have been transferred and have not otherwise disposed of their homes.

Director indemnified in suits respecting execution of his office

9. Every Director of the Company, and his heirs, executors and administrators, and estate and effects, respectively, may, with the consent of the Company, given at any meeting of the shareholders thereof, from time to time and at all times, be indemnified and saved harmless out of the funds of the Company, from and against: 5

- (a) all costs, charges and expenses whatsoever that such Director sustains or incurs in or about any action, suit or proceeding that is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever, made, done or permitted by him, in or about the execution of the duties of his office; and 10
- (b) all other costs, charges and expenses that he sustains or incurs, in or about or in relation to the affairs thereof: except such costs, charges or expenses as are occasioned by his own wilful neglect or default. 15

10. Section 3 of chapter 67 of the statutes of 1880 as amended by section 2 of chapter 95 of the statutes of 1882 is hereby repealed and the following substituted therefor: 20

Construction and maintenance of line

Proviso: height of poles, & c

"3. The said Company may construct, erect and maintain its line or lines of telecommunication along the sides of and across or under any public highways, streets, bridges, water courses or other such places, or across or under any navigable waters, either wholly in Canada or dividing Canada from any other country, provided the said Company shall not interfere with the public right of travelling on or using such highways, streets, bridges, water courses or navigable waters; and provided that in cities, towns and incorporated villages the Company shall not erect any pole higher than 40 feet above the surface of the street, nor affix and maintain any telecommunication wire below any minimum height that may be approved by the Board of Transport Commissioners for Canada or that may be established by any regulation or general order of said Board, nor carry more than one line of poles along any street without the consent of the municipal council having jurisdiction over the streets of the said city, town or village, and that in any city, town or incorporated village, the poles shall be as nearly as possible straight and perpendicular, and shall, in cities, be painted if so required by any by-law of the council; and provided further that where lines of telegraph are already 25 30 35 40 45

constructed, no poles shall be erected by the Company in any city, town or incorporated village along the same side of the street where such poles are already erected unless with the consent of the council having jurisdiction over the streets of such city, town or incorporated village; provided also, that in so doing the said Company shall not cut down or mutilate any tree, and provided that in cities, towns and incorporated villages, the location of the line or lines and the opening up of the street for the erection of poles or for carrying the wires under ground shall be done under the direction and supervision of the engineer or such other officer as the council may appoint, and in such manner as the council may direct, and that the surface of the street shall, in all cases, be restored to its former condition by and at the expense of the Company: Provided also, that no Act of Parliament requiring the Company (in case efficient means are devised for carrying telecommunication wires under ground) to adopt such means, and abrogating the right given by this section, to continue carrying lines on poles through cities, town or incorporated villages, shall be deemed an infringement of the privileges granted by this Act; and provided further that whenever in case of fire it becomes necessary for its extinction or the preservation of property that the telecommunication wires should be cut, the cutting under such circumstances of any of the wires of the Company under the direction of the chief engineer or other office in charge of the fire brigade, shall not entitle the Company to demand or claim compensation for any damages that might be so incurred; and section 378 (except subsection (1)) of the *Railway Act* shall apply to the Company insofar as line or lines of telecommunication are concerned.

Proviso as to trees

Proviso as to cutting wires in case of fire

Loans to employees-shareholders. 1964-65, c. 52

Housing plans

11. Notwithstanding the provisions of section 193 of the *Canada Corporations Act*, the Company may make loans to any employee or retired employee to assist him during a period of adversity or illness regardless of the fact that any such employee or retired employee is a shareholder of the Company, and section 190 of the *Canada Corporations Act* shall not apply to any such loans.

12. The Directors of the Company are authorized to provide housing assistance to employees in the course of their employment and to establish plans in connection therewith.

5

10

15

20

25

30

35

40

45

Record date.
for meetings.
1984-85, c. 52

13. Notwithstanding the provisions of section 17 of chapter 67 of the statutes of 1880 and of section 181 of the *Canada Corporations Act*, the Directors may fix in advance a date preceding by not more than fifteen days the date of the holding of any meeting of shareholders as a record date for the determination of the shareholders entitled to attend and vote at such meeting, but any such record date shall be referred to in the notice calling such meeting of shareholders. 5

Repeal

14. Chapter 88 of the statutes of 1884; chapter 67 10 of the statutes of 1892; chapter 108 of the statutes of 1894; sections 1, 3 and 4 of chapter 41 of the statutes of 1902 and chapter 61 of the statutes of 1906 are hereby repealed, but such repeal shall not affect increases in the Company's authorized capital stock effected under any such enactments. 15

Clause 13: This clause is new.

As the law stands at this time all shareholders of the Company, even those who would become so on the day before a general or special meeting, are entitled to attend and vote at such meeting.

With more than 240,000 shareholders, it is extremely difficult if not impossible for the Company to advise those late shareholders of the meeting to be held, to receive their proxy and to try and figure out the number in value of the shareholders present or represented at such meeting. This clause permits a cutoff date to be set up to 15 days before a meeting. Persons becoming shareholders in the period between the cutoff date and the meeting will not have the right to attend and vote.

Clause 14: The chapters and sections repealed are:

(a) Chapter 88 of the statutes of 1884 which is as follows:

"1. The capital stock of the said Company may be increased to an amount not exceeding one million five hundred thousand dollars, in addition to the original capital stock, amounting to five hundred thousand dollars, authorized by section five of the Act passed in the forty-third year of the reign of Her Majesty, chapter sixty-seven; and such increase may be effected in the manner and shall be subject to the provisions contained in the said section."

This section has been superseded by subsequent Acts increasing the Company's capital.

(b) Chapter 67 of the statutes of 1892 which is as follows:

"1. The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding five million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in section five of chapter sixty-seven of the statutes of 1880.

2. Notwithstanding the provisions of the Act incorporating the Company and of the Acts amending the same, the power of the Company to issue bonds or debentures from time to time shall be limited to a sum not exceeding in the whole five hundred thousand dollars.

3. The existing rates shall not be increased without the consent of the Governor in Council."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Section 2 was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

Section 3 was superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(c) Chapter 103 of the statutes of 1894 which is as follows:

"1. Notwithstanding the provisions of the Act incorporating the Bell Telephone Company of Canada, and of the Acts in amendment thereof, the directors of the Company may when authorized by a by-law for that purpose, passed and approved of by the votes of shareholders representing at least two-thirds in value of the subscribed stock of the Company, present or represented at a special general meeting duly called for the purpose of considering such by-law, issue bonds or debentures from time to time to the amount of seventy-five per cent of its actual paid-up capital stock."

This section was superseded by chapter 100 of the statutes of 1920 which removed all limitations as to the amount of money that the Company may borrow.

(d) Chapter 41 of the statutes of 1902, sections 1, 3 and 4 which are as follows:

"1. The capital stock of the Bell Telephone Company of Canada may be increased to an amount not exceeding ten million dollars, including the present authorized stock; and such increase may be effected in the manner provided by, and shall be subject to the provisions contained in, section 5 of chapter 67 of the statutes of 1880.

3. The rates for telephone service in any municipality may be increased or diminished by order of the Governor in Council upon the application of the Company or of any interested municipality, and thereafter the rates so ordered shall be the rates under this Act until again similarly adjusted by the Governor in Council.

(2) In increasing or diminishing said rates due regard shall be had to the principle embodied in section 3 of chapter 67 of the statutes of 1892 and to new conditions which have obtained since.

(3) In the case of any such application the Governor in Council may commission or empower any judge of the Supreme Court or Exchequer Court of Canada, or of any superior court in any province of Canada, to inquire in a summary way into, and report to the Governor in Council whether such increase or diminution should be made, and as to the expenses incurred in and about the application and inquiry.

(4) The Governor in Council may order the whole or any part of such expenses to be borne by the municipality or by the Company.

(5) The judge may compel the attendance of witnesses and examine them under oath and require the production of books and papers, and shall have such other necessary powers as are conferred upon him by the Governor in Council for the purposes of such inquiry.

(6) Any order made under this Act by the Governor in Council may be made an order of the Exchequer Court of Canada or of any superior court of any province of Canada, and shall be enforced in like manner as any rule or order of such court.

4. The word "rates" in this Act shall apply to all rates charged for the rental or use of telephones and telephone service, and also to charges for messages from any person in one municipality to any other person in another municipality, commonly known as long distance messages."

Section 1 has been superseded by subsequent Acts increasing the Company's capital.

Sections 3 and 4 were superseded by the provisions of the *Railway Act* empowering the Board of Transport Commissioners for Canada to regulate the Company's rates. Under the *Railway Act*, an appeal lies to the Governor in Council.

(e) Chapter 61 of the statutes of 1906. The only unrepealed provision of this Act is:

"2. This Act and the Bell Telephone Company of Canada and the exercise of the powers hereby conferred shall be subject to the provisions of the *Railway Act*, 1903, and amendments thereto."

This section is no longer necessary as the relevant provisions of the *Railway Act* are expressly made applicable to the Company by section 380 thereof.

Contents

Canadian Transport Commission General Rules

CANADIAN TRANSPORT COMMISSION

GENERAL ORDER

1967 - 1

By the Commission

IN THE MATTER OF General
Rules under the National
Transportation Act:

The Canadian Transport Commission, pursuant to the
National Transportation Act, hereby orders as follows:

The annexed rules, cited "Canadian Transport Commission
General Rules" are hereby prescribed effective immediately.

Dated at Ottawa, this 20th. day of September, 1967.

(signed)

Secretary,
Canadian Transport Commission.

CANADIAN TRANSPORT COMMISSION
GENERAL RULES UNDER THE NATIONAL TRANSPORTATION ACT
Effective September 20, 1967

CITATION

100 These rules may be cited as the Canadian Transport Commission
General Rules.

INTERPRETATION

110 In these rules :

- (a) "Act" means the National Transportation Act;
- (b) "application" includes complaint;
- (c) "Commission" includes a committee established by
the Commission;
- (d) "costs" includes fees and expenses;
- (e) "Minister" means the Minister of Transport;
- (f) "President" means the President of the Commission and
includes a vice-president acting as President;
- (g) "Secretary" means the Secretary of the Commission and
includes an acting secretary;
- (h) "Vice-President (Law)" means a vice-president of the
Commission who qualifies under subsection 2 of section
7 of the Act.

COMMITTEES OF THE COMMISSION

200 The following committees are established :

- (a) Railway Transport Committee;
- (b) Air Transport Committee;
- (c) Water Transport Committee;
- (d) Motor Vehicle Transport Committee;
- (e) Commodity Pipeline Transport Committee;
- (f) Review Committee.

210 Subject to subsection 6 of section 17 of the Act, the Vice-President (Law) shall be ex officio a member of every committee.

220 In addition to ex officio members, commissioners, including a chairman, shall be appointed by the President to each committee as follows:

- (a) Railway Transport Committee, six members;
- (b) Air Transport Committee, not less than three and not more than five members;
- (c) Review Committee, five members;
- (d) every other committee, three members.

230 Members of the Review Committee shall be selected so that each of them shall be a member of one and only one of the other committees so far as practicable.

240 One or two ad hoc members may be appointed by the President to any committee in addition to the regular number for such specified time or matters as he may deem necessary.

250 Except where under the law a single commissioner may act for the Commission, two members shall constitute a quorum for a committee other than the Review Committee. Five members shall constitute a quorum for the Review Committee.

260 Each committee shall perform all functions of the Commission under the enactments herein mentioned after its name:

(a) Railway Transport Committee:

- (i) Sections 15, 16 and 20 of the Act, in respect of railways;
- (ii) Canadian National Railways Act;
- (iii) Exchequer Court Act;
- (iv) Government Railways Act;
- (v) Maritime Freight Rates Act;
- (vi) National Energy Board Act;
- (vii) Railway Act;
- (viii) Telegraphs Act;
- (ix) Part IV of the Transport Act;

(b) Air Transport Committee:

- (i) Sections 15, 16 and 20 of the Act, in respect of air carriers;
- (ii) Aeronautics Act;

(c) Water Transport Committee:

- (i) Sections 15, 16 and 20 of the Act, in respect of shipping;
- (ii) St. Lawrence Seaway Authority Act;
- (iii) Transport Act, except Part IV;

(d) Motor Vehicle Transport Committee:

- (i) Sections 15, 16 and 20 of the Act, in respect of motor vehicles;
- (ii) Part III of the Act;

(e) Commodity Pipeline Transport Committee:

- (i) Sections 15, 16 and 20 of the Act, in respect of commodity pipelines;
- (ii) Part II of the Act;

(f) Review Committee:

Subsection 4 of section 17 of the Act.

270 The functions of the Commission under section 11 of the Lord's Day Act shall be performed by the committees according to the same division as for sections 15, 16 and 20 of the Act.

275 For the purposes of rule 260 the functions of the Commission to be performed under section 20 of the Act shall be deemed to be in respect of the principal undertaking of the person who proposes to make an acquisition contemplated by said section.

280 The Railway Transport Committee shall perform all functions of the Commission that are not under these rules required to be performed by another committee and immediately before the coming into force of Part 1 of the Act were to be performed by the Board of Transport Commissioners for Canada.

290 The President shall decide by which committee the functions of the Commission shall be performed in any case where a doubt arises in the application of the foregoing rules.

291 Orders, regulations, rules or directions made or issued by the Commission may be signed for the Commission by the Secretary or any officer authorized in writing by the President.

292 Orders, regulations, rules or directions made or issued by a committee may be signed for the committee by the secretary of the committee or any officer authorized in writing by the chairman of the committee.

PRACTICE AND PROCEDURE

Application

300 Except when the Commission otherwise permits, an application made to the Commission shall be in writing and signed by the applicant or the applicant's solicitor.

305 An application shall be in the form prescribed by the Commission and, if no form is prescribed, shall

- (a) contain a clear and concise statement of the facts, the grounds of application, the name and section of the statute under which it is made, the nature of the order or decision applied for and its purpose;

- (b) give all information required by the practice of the appropriate committee;
- (c) be divided into paragraphs, numbered consecutively, each of which shall be confined as nearly as possible to a distinct portion of the subject;
- (d) be endorsed with the name and address of the applicant or of a solicitor acting for him in the matter, and, if it is an application directed against another party, be endorsed with notice as to service of answer as set forth in the form of endorsement given in Schedule No. 1.

310 The applicant shall mail or deliver to the Secretary the application and any document required to be submitted to the Commission or which may be useful in explaining or supporting the application.

315 Where the application is for a licence or certificate or an amendment thereto or cancellation thereof, or for an order approving the issue, or other disposition of capital stock or the acquisition of an interest in the business or undertaking of a person whose principal business is transportation, the applicant shall, after the application has been mailed or delivered as required by rule 310, publish such notice as the Commission may direct and file proof of such publication with the Secretary.

The application will not be considered or dealt with by the Commission until after the expiration of thirty days from the date of the first publication of the notice.

320 The Commission may, in cases where public notice is not required by statute and appears unnecessary, dispense with the publication of any notice. When so ordering, the Commission shall require the applicant to serve a notice of the application upon such persons, if any, as appear to have an interest in opposing the application.

325 Where the application is not for a licence or certificate or an amendment thereto or cancellation thereof, or for an Order contemplated in rule 315 and is directed against one or more persons in adverse interest, herein designated respondents, the applicant shall have a copy of the application served upon each such person.

330 The Commission may refuse to entertain an application containing a complaint against a provision in a tariff unless the applicant gives the C.T.C. number of the tariff and specifies the provision complained of.

335 Where an application is for the suspension or postponement of the effective date of any tariff or amendment to an existing tariff, the application shall, unless otherwise authorized, be made at least ten days before the effective date of the tariff or tariff provisions complained of.

Answer

340 A respondent who intends to oppose an application shall mail or deliver a written statement containing his answer to the application, together with any documents that may be useful in explaining or supporting the answer, to the Secretary, and serve a copy of the answer and documents upon the applicant or his solicitor.

345 The answer shall be clear and concise; it may admit or deny any or all of the facts alleged in the application; it shall be divided into paragraphs, numbered consecutively; it shall be signed by the person making it, or his solicitor; it shall be endorsed with the name and address of the respondent or the solicitor acting for him in the matter, and with notice as to service of reply as set forth in the form of endorsement given in Schedule No. 2.

350 Subject to rule 450, the time limit for filing and service of answer shall be thirty days from the date of service of the application.

355 If a party does not file or serve his answer within the time limit prescribed, the application may be disposed of without further notice to him.

Intervention

360 Any person interested in an application to which he is not a party may intervene in order to support, oppose or modify the application.

365 An intervener shall mail or deliver to the Secretary a written statement describing his interest and containing his approval of the application, his opposition thereto or his suggested modification thereof, together with any documents that may be useful in explaining or supporting the intervention, and he shall also serve a copy of the intervention and documents upon the applicant and upon the respondent, if any, or upon their respective solicitor and such other persons as the Commission may direct.

370 An intervention shall be divided into paragraphs, numbered consecutively; it shall be signed by the person making it, or his solicitor; it shall be endorsed with the name and address of the intervener or the solicitor acting for him in the matter, and with notice as to service of reply as set forth in the form of endorsement given in Schedule No. 2.

375 An intervention shall not be filed without leave of the Commission after the expiration of thirty days from the date of the first publication of notice of the application or of such other period as may be stated in the notice.

Reply

380 Within ten days after an applicant receives an answer or intervention he may mail or deliver a reply thereto to the Secretary, and shall serve a copy thereof upon the respondent or intervener or his solicitor.

35 The applicant in his reply may object to the answer or
intervention as being insufficient, stating the grounds
of the objection, and may admit or deny any or all of
the facts alleged in the answer or intervention. The
reply shall be signed by the applicant or his solicitor.

Service

390 Service of any notice or document may be effected by mail.

Declarations under Oath

400 A proof of service by declaration under oath shall
forthwith after service be filed with the Secretary
in respect of any document required to be served,
except when notice is given or served by the Secretary,
in which event no proof of service shall be necessary.

405 All persons authorized to administer oaths to be used
in any of the superior courts of any province may adminis-
ter oaths in such province to be used in applications,
matters or proceedings before the Commission. (64.2)

410 Declarations under oath in proceedings before the
Commission shall be filed with the Secretary.

415 Where a declaration under oath is made as to belief,
the grounds upon which the same is based shall be set
forth.

Verification

420 The Commission may at any time require the whole or any part of an application, answer, intervention or reply to be verified by declaration under oath, by giving a notice to that effect to the party from whom such declaration is required.

If the notice is not complied with, the Commission may set aside the application, answer, intervention or reply or strike out any part not verified according to the notice.

Suspension of Proceedings

430 The Commission may require further information, particulars or documents from any party, and may stay all formal proceedings until satisfied in that respect.

435 Whenever the Commission directs that an inquiry be made, it shall give notice thereof to the parties interested, and may stay proceedings or any part of the proceedings as it thinks fit.

Interim Ex Parte Orders

440 The Commission may, if the special circumstances of any case so require, make an interim ex parte order authorizing, requiring or forbidding anything to be done that the Commission would be empowered, on application, notice and hearing, to authorize, require or forbid; but no such interim order shall be made for any longer time than the Commission may deem necessary to enable the matter to be heard and determined. (48)

Notice

450 If the Commission enlarges or abridges the period for putting in the answer or reply, the period so enlarged or abridged shall be specified in the notice endorsed on the application, answer or intervention, as the case may be, or otherwise as the Commission may direct.

460 Except as otherwise provided by statute, when the Commission is authorized to hear an application, complaint or dispute, or make any order, upon notice to the parties interested, it may, upon the ground of urgency, or for other reason appearing to the Commission to be sufficient, notwithstanding any want of or insufficiency in such notice, make the like order or decision in the matter as if due notice had been given to all parties; and such order or decision is valid and takes effect in all respects as if made on due notice.

Any company or person entitled to notice and not sufficiently notified may, at any time within ten days after becoming aware of such order or decision, or within such further time as the Commission may allow, apply to the Commission to vary, amend or rescind such order or decision, and the Commission shall thereupon, on such notice to other parties interested as it may in its discretion think desirable, hear such application, and either amend, alter or rescind such order or decision, or dismiss the application, as may seem to it just and right. (60)

470 When an application is ready for hearing, the Secretary shall set it down for hearing at such time and place as the Commission may direct.

475 Any party to an application may request the Commission to have it set down for hearing.

480 When an application is set down for hearing, the Secretary shall give fifteen days' notice, or such longer or shorter notice as the Commission shall direct, to all parties interested.

Dispense

490 In any proceedings the Commission may dispense with the form of proceedings herein mentioned, or some portion thereof.

Power to Direct and Settle Issues

500 If it appears to the Commission at any time that the statements in the application, answer, intervention or reply do not sufficiently raise or disclose the issues of fact in dispute between the parties, it may direct them to prepare issues, and such issues shall, if the parties differ, be settled by the Commission.

Preliminary Questions of Law

510 If it appears to the Commission at any time that there is a question of law which it would be convenient to have decided before further proceeding with the case,

it may direct such question to be raised for its information, either by special case or in such other manner, as it may deem expedient, and the Commission may, pending such decision, order the whole or any portion of the proceedings before the Commission, in such matter, to be stayed.

Appearances

520 When a representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada wishes to be heard by the Commission under subsection 5 of section 17 of the Act he shall file an appearance in writing with the Secretary.

Conference

530 The Commission may direct, orally or in writing, parties or their solicitors to appear before a member or an officer of the Commission at a specified time and place for a conference prior to or during the course of a hearing or, in lieu of personally appearing, to submit suggestions in writing, for the purpose of formulating issues and considering:

- (a) the simplification of issues;
- (b) the necessity or desirability of amending the application, answer, intervention or reply for the purpose of clarification, amplification or limitation;

- (c) the making of admissions of certain facts or the proof of them by declaration under oath, or the use by any party of matters of public record, for example, annual reports;
- (d) the procedure at the hearing;
- (e) the mutual exchange among the parties of documents and exhibits proposed to be submitted at the hearing; and
- (f) such other matters as may aid in the simplification of the evidence and disposition of the proceedings.

Production and Inspection of Documents

550

Any party is entitled, at any time, before the hearing of the case, to give notice in writing to any other party in whose application, answer, intervention or reply reference was made to any document, to produce the document for the inspection of the party giving such notice, or his solicitor, and to permit him to take copies thereof. Any party who does not comply with such notice within ten days from the receipt thereof shall not afterwards be at liberty to put such documents in evidence on his behalf in the proceedings, unless he satisfies the Commission that he had sufficient cause for not complying with the notice.

Notice to Produce

560

Any party may give to any other party a notice in writing to produce such documents, specifying them, as relate to

any matter in difference which are in the possession or control of such other party, and, if the notice is not complied with, secondary evidence of the contents of the documents may be given by or on behalf of the party who gave the notice.

570 Any party may give to any other party a notice in writing to admit any document, saving all just exceptions, and in case of neglect or refusal to admit, after such notice, the cost of proving the document shall be paid by the party so neglecting or refusing, whatever the result of the application may be, unless on the hearing the Commission certifies that the refusal to admit was reasonable; and no costs of proving any document shall be allowed unless such notice be given, except where the omission to give the notice is, in the opinion of the Commission, a saving of expense.

Witnesses

590 Subpoenas shall be sealed by the Secretary with the Commission's seal and may be served in any part of Canada; they may be issued in blank and may be completed by the solicitor or party, and any number of names may be inserted in one subpoena.

The Hearing

600 Except as otherwise provided, witnesses at a hearing shall be examined viva voce upon oath.

610 The Commission may, at any time, for sufficient reason, order that any particular facts may be proved by declaration under oath or that the declaration under oath of any witness may be read at the hearing, on such conditions as it may think reasonable, or that any witness be examined before the Commissioner, officer of the Commission or another person appointed by it for that purpose.

615 A person appointed for the examination of a witness shall have authority to administer oaths and all parties shall attend before him. The evidence taken shall be confined to the subject matter in question, and any objection to the admission of evidence shall be noted and dealt with by the Commission at the hearing.

620 Such notice of the time and place of examination as is prescribed in the order shall be given to the parties.

625 All examinations shall be returned to the Commission and the depositions certified under the hand of the person taking them may without further proof be used in evidence saving all just exceptions.

630 The Commission may require further evidence to be given viva voce or by depositions taken before a Commissioner or other person appointed by it for that purpose.

640 The Commission may, whenever it deems it advisable to do so, order written briefs to be submitted by the parties in addition to or in lieu of oral argument.

50 The hearing, when once commenced, shall proceed, so far as in the opinion of the Commission may be practicable, from day to day.

Formal Objections

660 No proceedings shall be defeated by any objections based upon defects in form merely.

Amendment

670 The Commission may, upon terms or otherwise, allow any of the proceedings to be amended, or may order to be amended or struck out any matters which, in the opinion of the Commission, may tend to prejudice, embarrass, or delay a fair hearing of the case upon its merits; and all such amendments shall be made as may, in the opinion of the Commission, be necessary for the purpose of hearing and determining the real question in issue between the parties.

Sittings

680 The Commission may hold more than one sitting at the same time, and, whenever circumstances render it expedient to hold a sitting elsewhere than in Ottawa, may hold such sitting in any part of Canada. (18)

Adjournment

90 The Commission may, at any time, adjourn any proceedings before it.

Judgment of the Commission

700 Upon any application made to the Commission, the Commission may make an order granting the whole or part only of such application, or may grant such further or other relief, in addition to or in substitution for that applied for, as to the Commission may seem just and proper, as fully in all respects as if such application had been for such partial, other, or further relief. (47)

710 The Commission may give orally or in writing the reasons for its orders or decisions.

720 It shall not be necessary to hold a sitting merely for the purpose of giving orders or decisions.

Costs

730 The costs of and incidental to any proceedings before the Commission, except as otherwise provided by statute, are in the discretion of the Commission, and may be fixed in any case at a sum certain, or may be taxed. (62.1)

740 The Commission may order by whom and to whom any costs are to be paid, and by whom the same are to be taxed and allowed. (62.2)

Enforcement of Judgments

750 Any decision or order made by the Commission may be made a rule, order or decree of the Exchequer Court, or of any superior court of any province of Canada, and shall be enforced in like manner as any rule, order or decree of such court. (50.1)

760

To make a decision or order of the Commission a rule, order or decree of a court, the usual practice and procedure of the court in such matters may be followed; or, in lieu thereof, the Secretary may make a certified copy of such decision or order, upon which shall be made an endorsement in the form given in Schedule No. 3 signed by the President and sealed with the official seal of the Commission. (50.2)

Review of Orders or Decisions

770

Save in the case contemplated in rule 780, any application to review, rescind, change, alter or vary any order or decision shall be made to the appropriate committee of the Commission within thirty days after the order or decision is communicated to the parties, unless such committee enlarges the time for making the application, or otherwise orders.

780

Any objection to an order, rule or direction made by a committee of the Commission in respect of a matter related to a particular mode of transport, not being a matter of a specific rate, licence or certificate, on the ground that the order, rule or direction discriminates against the operator of another mode of transport or is otherwise unfair to his operations shall be made by application for review giving particulars of such discrimination or unfairness.

785 Any application for review under rule 780 shall be referred immediately to the Review Committee.

Appeal to Supreme Court of Canada

790 (NOTE) Appeals to the Supreme Court of Canada upon a question of law or a question of jurisdiction by leave of a judge of that Court are governed by the provisions of subsection (2) et seq of section 53 of the Railway Act.

APPEALS TO THE MINISTER

800 An appeal to the Minister shall be instituted by serving the Minister, the Secretary and, where applicable, the applicant, respondent and interveners by registered mail with a notice of appeal.

810 A notice of appeal to the Minister shall set out

(a) the matter appealed against;

(b) the grounds of appeal; and

(c) the relief sought.

820 Concurrently with the institution of an appeal, an appellant may apply ex parte to the Commission for an order staying the Commission's decision, ruling or order pending the outcome of the appeal.

830 The Commission shall not make an order staying the Commission's decision, ruling or order pending the outcome of an appeal unless the appellant files with the Secretary an undertaking, under seal, to save harmless all other parties from damages resulting from the operation of such an order.

840 Within fifteen days from completion of the service of the notice of appeal, an appellant shall serve by registered mail the Minister, the Secretary and, where applicable, the applicant, respondent and interveners with complete documentary evidence supported by a declaration that sets out the reasons for which and the grounds upon which relief is sought.

850 Within fourteen days from receipt of the documentary evidence required, any party who intends to oppose the appeal shall file with the Minister and serve by registered mail the appellant, the Secretary and any other party with an answer setting out full particulars of the grounds upon which the appeal is opposed.

860 Where an appellant desires to reply to an answer, he shall, within seven days of receipt, serve with a reply by registered mail the Minister, the Secretary, the person who served the notice and any other party.

870 The Commission may provide the Minister with a statement of

(a) its reasons or additional reasons for the decision, ruling or order appealed from; and

(b) any reasons for opposing the relief sought in the appeal.

Such statement shall be served upon all parties.

880 There shall be no oral argument on an appeal to the Minister unless he otherwise directs.

890 The decision of the Minister shall be communicated by mail to the appellant, to the Secretary and other parties, if any.

RULES INSERTED FOR CONVENIENCE

950 Rules 405, 440, 460, 680, 700, 730, 740, 750 and 760 are taken from sections of the Railway Act indicated by the numbers within parenthesis at the end thereof.

These rules are inserted for convenience only and are not intended to alter the statutory provisions.

REPEAL OF FORMER RULES

960 The rules of practice and procedure made by the Board of Transport Commissioners pursuant to section 54 of the Railway Act and the rules made by the Air Transport Board pursuant to section 10 of the Aeronautics Act are hereby repealed.

970 In case of conflict, these rules shall prevail over any regulations, rules, orders and directions made by the Board of Transport Commissioners for Canada or the Air Transport Board and in force on the coming into force of these rules. This rule does not apply to regulations, rules, orders or directions made under the Bridges Act.

Schedule No. 1

(Form of endorsement)

See rule 305

Endorsement where notice is required.

The within application is made by A.B. of
(state address), (or by C.D., of , his solicitor).

Take notice that the within named Respondent
is required to mail or deliver his answer to the within application
to the Secretary of the Canadian Transport Commission, and a copy
thereof to the applicant or his solicitor, within days after
the service hereof.

Schedule No. 2

(Form of endorsement of Answer or Intervention)

See rules 345, 370

The within answer (or intervention) is made by

(or by E.F., of _____, his solicitor).

Take notice that the within named Applicant is required to mail or deliver his reply to the within answer (or intervention) to the Secretary of the Canadian Transport Commission, and a copy thereof to the within named or his solicitor, within _____ days after the service hereof.

Schedule No. 3

(Endorsement on certified copy of judgment to be made
a rule of a Court)

See rule 760

To move to make the within a rule
(order or decree, as the case may be) of the Exchequer Court of
Canada (or as the case may be).

Dated this ... day of ... A.D. 19...

A.B.

President of the Canadian
Transport Commission.

(Seal)

CANADIAN TRANSPORT COMMISSION

GENERAL ORDER

1968 - 2

By the Commission

IN THE MATTER OF Rules 275,
315, 320 and 325 of the
Canadian Transport Commission
General Rules:

The Canadian Transport Commission, pursuant to the National Transportation Act, hereby orders as follows:

Rules 275, 315, 320 and 325 of the Canadian Transport Commission General Rules, established by General Order 1967-1, dated the 20th day of September, 1967, are rescinded and the following substituted therefor:

"275. For the purposes of rule 260, the functions of the Commission to be performed under section 20 of the Act, shall be performed by the Committee exercising jurisdiction over the mode of transport in which an interest is proposed to be acquired. "

"315. Where the application is directed against any person in adverse interest, herein designated the "respondent", the applicant shall have a copy of the application served upon each such person.

The provisions of this rule do not apply in respect of an application for a licence or a certificate or an amendment thereto or cancellation thereof. "

"320. The Commission may in any case give or cause to be given such public or other notice of an application as to it appears to be reasonable and where such direction is given, the applicant shall file with the Secretary proof that notice of the application has been given as directed. "

"325. The application will not be considered or dealt with by the Commission until after the expiration of a period of thirty days from the date of the notice given pursuant to rule 320 unless such period is enlarged or abridged by the Commission. "

Dated at Ottawa, this 31st day of October, 1968.

Secretary,
Canadian Transport Commission.



GENERAL ORDER

1969-3

BY THE COMMISSION

IN THE MATTER OF the Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated the 20th day of September, 1967, as amended.

THE COMMISSION PURSUANT TO THE NATIONAL TRANSPORTATION ACT HEREBY ORDERS:

The Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated September 20, 1967, as amended by General Order 1968-2, dated October 31, 1968, are further amended by:

1. Adding thereto, immediately after rule 292, the following heading and rule:

" OFFICIAL LANGUAGES ACT

293. In order to ensure compliance with the Official Languages Act by the Commission, including any committee thereof, and without limiting the applicability otherwise of any

ORDONNANCE GENERALE

1969-3

PAR LA COMMISSION

AU SUJET DES Règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20 septembre 1967, telles que modifiées.

LA COMMISSION, EN CONFORMITE DE LA LOI NATIONALE SUR LES TRANSPORTS, ORDONNE PAR LES PRESENTES CE QUI SUIT:

Les règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20^e jour de septembre 1967 et modifiées par l'Ordonnance générale 1968-2 en date du 31^e jour d'octobre 1968 sont à nouveau amendées:

1. En ajoutant à la suite de la règle 292 les titre et règle suivants:

" LOI SUR LES LANGUES OFFICIELLES

293. Afin de s'assurer que la Commission, y compris tout comité d'icelle, se conforme à la Loi sur les langues officielles et sans restreindre en aucune manière l'application d'aucune des dispositions de cette loi:

(1) subject to section (2) of this rule, all decisions, orders and judgments, including any reasons given therefor shall be issued simultaneously in both official languages:

(2) where any decision, order or judgment is not one that determines a question of law of general public interest or importance or where the proceedings leading to its issue were not conducted in whole or in part in both official languages, and the President, the Vice-President (Law) or the Chairman of the appropriate committee is of the opinion that to issue it in both official languages would occasion a delay prejudicial to the public interest or resulting in injustice or hardship to any party to the proceedings leading to

(1) sous les réserves prévues par le paragraphe (2), les décisions, ordonnances et jugements, avec les motifs y afférents, seront tous émis dans les deux langues officielles simultanément;

(2) lorsqu'une décision, une ordonnance ou un jugement ne tranche pas une question de droit présentant de l'intérêt ou de l'importance pour le public en général ou lorsque les procédures y afférentes ne se sont pas déroulées, en totalité ou en parties, dans les deux langues officielles, et le Président, le vice-président (avocat) ou le président du comité approprié est d'avis que le fait de l'émettre dans les deux langues officielles entraînerait, soit un retard préjudiciable à l'intérêt public, soit

its issue, the President, the Vice-President (Law) or the Chairman of the appropriate committee, as the case may be, may direct that it be issued in the first instance in its version in one of the official languages, but in giving any such direction he shall order that the decision, order or judgment, including any reasons given therefor, be issued within a reasonable time in its version in the other language.

The version in which the decision, order or judgment may be directed to be issued in the first instance shall be in the official language used in the application, complaint or submission leading

une injustice ou un inconvénient grave pour l'une des parties aux procédures qui ont abouti à son émission, le Président, le vice-président (avocat) ou le président du comité approprié, selon le cas pourra ordonner que la décision l'ordonnance ou le jugement soit émis d'abord dans l'une des langues officielles, mais en ce faisant il donnera des instructions pour que la décision, l'ordonnance ou le jugement, y compris les motifs y afférents, soit émis dans un délai raisonnable dans l'autre langue.

La décision, l'ordonnance ou le jugement sera alors émis d'abord dans la langue officielle utilisée dans la requête, la plainte ou la pièce de plaidoirie qui a abouti à

to its issue, unless otherwise requested by the applicant;

- (3) all rules and regulations shall be issued simultaneously in both official languages;
- (4) all public notices, including notices of application or of hearing, shall wherever feasible be given and published and all licences shall be issued in both official languages.";

son émission, à moins que le requérant demande qu'il en soit autrement;

- (3) toutes les règles et tous les règlements seront émis dans les deux langues officielles simultanément;
- (4) tous les avis publics, y compris les avis de requête ou d'audition, seront, si praticable, donnés et publiés et tous les permis seront émis dans les deux langues officielles.";

2. Adding immediately after paragraph (e) of rule 200 the following paragraph:

"(ee) International Transport Policy Committee;"

3. Deleting paragraph (b) of rule 220 thereof and substituting the following therefor:

"(b) Air Transport Committee and International Transport Policy Committee, not less than three and not more than five members each;"

2. En ajoutant à la suite de l'alinéa (e) de la règle 200 l'alinéa suivant:

"(ee) Comité de la politique internationale en matière de transport;"

3. En supprimant l'alinéa (b) de la règle 220 pour y substituer ce qui suit:

"(b) Comité des transports aériens et Comité de la politique internationale en matière de transport, au moins trois et au plus cinq membres chacun;"

4. Adding the following sub-paragraph 4. to paragraphe (d) of rule 260
"(iii) Sections 2,3 and 6 of the Atlantic Region Freight Assistance Act;"

5. Adding immediately after paragraph (e) of rule 260 the following paragraph:
"(ee) International Transport Policy Committee:

Section 15 of the Act, in respect of any mode of transport between Canada and other Countries, wherever the Commission has a power, duty or function to:

- (i) participate in the work of intergovernmental or international organizations;
- (ii) formulate or recommend policy;
- (iii) investigate, examine and report on the economic effects and requirements resulting from participation in or ratification of international agreements;

4. En ajoutant le sous-alinéa suivant à l'alinéa (d) de la règle 260:
"(iii) Articles 2,3 et 6 de la Loi sur les subventions au transport des marchandises dans la Région atlantique;"

5. En ajoutant à la suite de l'alinéa (e) de la règle 260 l'alinéa suivant:
"(ee) Comité de la politique internationale en matière de transport:

L'article 15 de la Loi en ce qui concerne tout moyen de transport entre le Canada et les autres pays, lorsque la Commission a un pouvoir, un devoir ou une fonction:

- (i) de collaborer aux travaux des organismes intergouvernementaux ou internationaux;
- (ii) de formuler ou recommander la ligne de conduite à suivre;
- (iii) de faire des enquêtes, des examens et des rapports sur les effets et les exigences économiques qui résultent de la participation aux conventions internationales ou de leur ratification;

(iv) consult with other departments or agencies of the government of Canada; or
(v) participate in the negotiations of international agreements;".

(iv) de consulter d'autres ministères ou agences du gouvernement du Canada; ou
(v) de participer aux négociations d'accords internationaux;".

DATED at OTTAWA this 2nd day
of November, 1969.

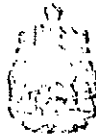
FAIT à OTTAWA, ce 2^{ème} jour de
novembre 1969.



H. Artois,

Secretary,
Canadian Transport
Commission.

Le Secrétaire,
Commission canadienne des
transports.



GENERAL ORDER

ORDONNANCE GÉNÉRALE

1969-4

1969-4

BY THE COMMISSION

PAR LA COMMISSION

IN THE MATTER OF the Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated the 20th day of September, 1967, as amended.

AU SUJET DES Règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20 septembre 1967, telles que modifiées.

THE COMMISSION PURSUANT TO THE NATIONAL TRANSPORTATION ACT HEREBY ORDERS:

LA COMMISSION, EN CONFORMITÉ DE LA LOI NATIONALE SUR LES TRANSPORTS ORDONNE PAR LES PRÉSENTES CE QUI SUIT:

The Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated September 20, 1967, as amended by General Order 1968-2 dated October 31, 1968 and General Order 1969-3 dated November 12, 1969, are further amended as follows:

Les règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20^e jour de septembre 1967 et modifiées par l'Ordonnance générale 1968-2 en date du 31^e jour d'octobre 1968, et l'Ordonnance générale 1969-3 en date du 12^e jour de novembre 1969, sont à nouveau amendées comme suit:

1. Rule 240 is rescinded and the following substituted therefor:

1. La règle 240 est rescindée et remplacée par la suivante:

"240 Ad hoc members may be appointed by the President to any committee in addition to the regular number for such specified time or matters as he may deem necessary.";

"240 Le Président peu nommer à tout comité, en plus du nombre régulier de membres, des membres ad hoc pour des périodes ou des questions particulières, selon qu'il le juge nécessaire.";

2. All the words immediately preceding paragraph (a) of rule 260 are deleted and the following is substituted therefor:

"260(1) Unless otherwise directed by the Commission and subject to section (2) of this rule, each committee shall perform all functions of the Commission under the enactments herein mentioned after its name:";

3. Rule 260 is further amended by adding the following section thereto:

"(2) Notwithstanding anything in these rules, all regulations and rules, including orders that establish or make effective such regulations or rules, shall be made by the Commission.";

2. Tous les mots qui précèdent l'alinéa (a) de la règle 260 sont supprimés et remplacés par ce qui suit:

"260(1) A moins d'une directive contraire de la Commission et sous les réserves prévues au paragraphe (2) de cette règle, chaque comité exercera toutes les fonctions de la Commission que lui attribuent les lois et articles de loi mentionnés ci-dessous après le nom de chaque comité:";

3. La règle 260 est amendée de plus en y ajoutant le paragraphe suivant:

"(2) Nonobstant toute disposition des présentes règles, tous les règlements et règles, y compris les ordonnances qui établissent de tels règlements ou règles ou qui leur donnent effet, seront faits par la Commission.";

4. Rule 292 is rescinded and the following substituted therefor:

"292 Orders or directions made or issued by a committee may be signed for the committee by the secretary of the committee or any officer authorized in writing by the chairman of the committee."

This order shall come into force on the 15th day of January, 1970.

DATED AT OTTAWA, this 24th day of December, 1969.

H. Arbique
Secretary,
Canadian Transport Commission.

4. La règle 292 est rescindée et remplacée par la suivante:

"292 Les ordonnances ou directives faites ou émises par un comité pourront être émises pour le comité par le secrétaire du comité ou tout fonctionnaire autorisé par écrit par le président du comité."

Cette ordonnance entrera en vigueur le 15^e jour de janvier 1970.

FAIT A OTTAWA, ce 24^e jour de décembre 1969.

H. Arbique
Secrétaire,
Commission canadienne des transports.



GENERAL ORDER

1970-5

BY THE COMMISSION

IN THE MATTER OF the Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated the 20th day of September, 1967, as amended.

THE COMMISSION PURSUANT TO THE NATIONAL TRANSPORTATION ACT HEREBY ORDERS:

The Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated September 20, 1967, as amended, are further amended as follows:

1. Rule 770 is rescinded and the following rules are substituted therefor:
 - "770 Notwithstanding anything in these rules:
 - (a) subject to paragraph (c), the Review Committee shall perform all functions and exercise all powers of the Commission in respect of any application to review

ORDONNANCE GENERALE

1970-5

PAR LA COMMISSION

AU SUJET DES Règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20 septembre 1967, telles que modifiées.

LA COMMISSION, EN CONFORMITE DE LA LOI NATIONALE SUR LES TRANSPORTS ORDONNE PAR LES PRESENTES CE QUI SUIT:

Les règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20^e jour de septembre 1967, telles que modifiées, sont à nouveau amendées comme suit:

1. La règle 770 est rescindée et remplacée par les règles suivantes:
 - "770 Nonobstant toute disposition des présentes règles:
 - (a) sous les réserves prévues par le paragraphe (c) le Comité de révision exercera toutes les fonctions et les pouvoirs de la Commission concernant toute requête en révision d'une ordonnance

an order or a decision of a committee pursuant to section 52 of the Railway Act, and for these purposes three members of the Review Committee shall form a quorum;

(b) any such application shall be filed with the Secretary within 30 days after the order or decision is communicated to the parties unless the Review Committee enlarges the time for the making thereof; and

(c) the Review Committee shall determine whether the order or decision should be reviewed and may then, in its discretion, either dispose of the application or refer it for review to the committee that had made or issued such order or decision.

ou d'une décision d'un comité aux termes de l'article 52 de la Loi sur les chemins de fer et pour ces fins trois membres du Comité de révision constitueront un quorum;

(b) une telle requête devra être transmise au Secrétaire dans les trente jours qui suivent la communication de l'ordonnance ou de la décision aux parties, à moins que le Comité de révision ne prolonge le délai pour ce faire; et

(c) le Comité de révision décidera s'il y a lieu de réviser l'ordonnance ou la décision et pourra ensuite à sa discrétion disposer de la requête ou la référer pour révision au comité qui avait émis ou rendu l'ordonnance ou la décision.

775 Rule 770, so far as is not inconsistent therewith, applies in respect of any reference, opinion or direction for review given pursuant to any provisions of the National Transportation Act or the Railway Act."

2. Rule 785 is rescinded.

DATED at Ottawa, this 23rd day of June, 1970.

H. Arbique
Secretary,
Canadian Transport Commission.

775 La règle 770 s'applique, dans la mesure où ses dispositions ne sont pas incompatibles, dans tout cas où une révision doit se faire par suite d'un renvoi, d'un avis ou d'instructions à la Commission en vertu des termes de la Loi nationale sur les transports ou de la Loi sur les chemins de fer."

2. La règle 785 est rescindée.

FAIT A OTTAWA, ce 23^e jour de juin 1970.

H. Arbique
Secrétaire,
Commission canadienne des transports



GENERAL ORDER

ORDONNANCE GÉNÉRALE

1971-6

1971-6

BY THE COMMISSION

PAR LA COMMISSION

IN THE MATTER OF the Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated the 20th day of September, 1967, as amended.

AU SUJET DES Règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20 septembre 1967, telles qu'amendées.

THE COMMISSION PURSUANT TO THE NATIONAL TRANSPORTATION ACT HEREBY ORDERS:

LA COMMISSION, EN CONFORMITÉ DE LA LOI NATIONALE SUR LES TRANSPORTS ORDONNE PAR LES PRÉSENTES CE QUI SUIT:

The Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated September 20, 1967, as amended, are further amended as follows:

Les règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 en date du 20^e jour de septembre 1967, telles qu'amendées, sont à nouveau amendées comme suit:

Rule 260 is amended by adding after sub-paragraph (iii) of paragraph (c) of clause (1) thereof the two following sub-paragraphs:

La règle 260 est amendée en y ajoutant après l'alinéa (iii) du sous-paragraphe (c) du paragraphe (1) d'icelle les deux alinéas suivants:

- (iv) Ferries Act; and
- (v) Shipping Conferences Exemption Act.

- (iv) Loi sur les passages d'eau; et
- (v) Loi dérogatoire sur les conférences maritimes.

DATED at Ottawa, this fifth day of February, 1971.

FAIT à Ottawa, ce cinquième jour de février 1971.

(Signed)

(Signature)

H. Arbluke
Secretary
Canadian Transport Commission

Le secrétaire
Commission canadienne des transports

Canadian Transport Commission
General Order 1972-7, amendment

BY THE COMMISSION

In the matter of the Canadian Transport Commission General Rules prescribed by General Order 1967-1 dated the 20th day of September 1967, as amended.

The Commission, pursuant to the National Transportation Act, hereby orders that the following rules be amended as follows:

1. Rule 110 is amended by adding thereto, immediately after paragraph (h) thereof, the following paragraph:

"(i) telecommunication, includes telephone and telegraph."

2. Rule 200 is amended by adding thereto, immediately after paragraph (ee) thereof, the following paragraph:

"(eee) Telecommunication Committee."

3. Rule 210 is revoked and the following substituted therefor:

"210. Subject to subsection (6) of section 24 of the Act, the Vice-President (Law) shall be *ex officio* a member of every committee."

4. Rule 220 is revoked and the following substituted therefor:

"220. In addition to *ex officio* members, commissioners, including a chairman, shall be appointed by the President to each committee."

5. Section (1) of Rule 260 is revoked and the following substituted therefor:

"260. (1) Unless otherwise directed by the Commission and subject to section (2) of this rule, each committee shall perform all functions of the Commission under the enactments herein mentioned after its name:

(a) Railway Transport Committee:

- (i) Sections 22, 23 and 27 of the Act, in respect of railways;
- (ii) *Canadian National Railways Act*;
- (iii) *Federal Court Act*;
- (iv) *Government Railways Act*;
- (v) *Maritime Freight Rates Act*;
- (vi) *National Energy Board Act*;
- (vii) *Railway Act* except in respect of telecommunication matters; and
- (viii) Part IV of the *Transport Act*;

(b) Air Transport Committee:

- (i) Sections 22, 23 and 27 of the Act, in respect of air carriers; and
- (ii) *Aeronautics Act*;

(c) Water Transport Committee:

- (i) Sections 22, 23 and 27 of the Act, in respect of shipping;
- (ii) *St. Lawrence Seaway Authority Act*;

Commission canadienne des transports
Ordonnance générale 1972-7—Modification

DE LA COMMISSION

Au sujet des Règles générales de la Commission canadienne des transports établies par l'Ordonnance générale 1967-1 du 20 septembre 1967, dans sa forme modifiée.

En vertu de la loi nationale sur les transports, la Commission ordonne par les présentes que lesdites règles soient modifiées comme suit:

1. La règle 110 est modifiée par l'adjonction, immédiatement après l'alinéa h), de l'alinéa suivant:

«i) «télécommunication» comprend le téléphone et le télégraphe.»

2. La règle 200 est modifiée par l'insertion, immédiatement après l'alinéa ee), de l'alinéa suivant:

«eee) Comité des télécommunications;»

3. La règle 210 est abrogée et remplacée par ce qui suit:

«210. Sous réserve des dispositions du paragraphe (6) de l'article 24 de la Loi, le vice-président (avocat) est membre d'office de chaque comité.»

4. La règle 220 est abrogée et remplacée par ce qui suit:

«220. En plus des membres d'office, le Président nommera à chaque comité des commissaires, dont un président.»

5. L'article (1) de la règle 260 est abrogé et remplacé par ce qui suit:

«260. (1) A moins d'une directive contraire de la Commission et sous réserve des dispositions de l'article 2 de la présente règle, chaque comité doit exercer toutes les fonctions qu'attribuent à la Commission les lois et articles de loi mentionnés ci-dessous après le nom de chaque comité:

a) Comité des transports par chemin de fer:

- (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne les chemins de fer;
- (ii) *Loi sur les Chemins de fer nationaux du Canada*;
- (iii) *Loi sur la Cour fédérale*;
- (iv) *Loi sur les chemins de fer de l'État*;
- (v) *Loi sur les taxes de transport des marchandises dans les provinces Maritimes*;
- (vi) *Loi sur l'Office national de l'énergie*;
- (vii) *Loi sur les chemins de fer, sauf en matière de télécommunications*; et
- (viii) Partie IV de la *Loi sur les transports*;

b) Comité des transports aériens:

- (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne les transporteurs aériens; et
- (ii) *Loi sur l'aéronautique*;

c) Comité des transports par eau:

- (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne la navigation;
- (ii) *Loi sur l'Administration de la voie maritime du Saint-Laurent*;

- (iii) *Transport Act*, except Part IV;
- (iv) *Ferries Act*;
- (v) *Shipping Conferences Exemption Act*; and
- (vi) *Pilotage Act*;
- (d) Motor Vehicle Transport Committee:
 - (i) Sections 22, 23 and 27 of the Act, in respect of motor vehicles;
 - (ii) Part III of the Act; and
 - (iii) Sections 2, 3 and 6 of the *Atlantic Region Freight Assistance Act*;
- (e) Commodity Pipeline Transport Committee:
 - (i) Sections 22, 23 and 27 of the Act, in respect of commodity pipelines; and
 - (ii) Part II of the Act;
- (ee) International Transport Policy Committee: Section 22 of the Act, in respect of any mode of transport between Canada and other countries, wherever the Commission has a power, duty or function to:
 - (i) participate in the work of intergovernmental or international organizations;
 - (ii) formulate or recommend policy;
 - (iii) investigate, examine and report on the economic effects and requirements resulting from participation in or ratification of international agreements;
 - (iv) consult with other departments or agencies of the government of Canada; or
 - (v) participate in the negotiations of international agreements;
- (f) Telecommunication Committee:
 - (i) sections 22, 23 and 27 of the Act, in respect of telecommunications;
 - (ii) the *Railway Act* in respect of matters pertaining to telecommunications and without limiting the generality of the foregoing, sections 312 to 336 in so far as they relate to telephone and telegraph matters, including the sections made applicable to all companies, as defined in section 320 of the Act, and to all telegraph and telephone systems, lines and business of such companies within the legislative authority of the Parliament of Canada;
 - (iii) *Telegraphs Act*;
 - (iv) the special Act of all telegraph and telephone companies subject to the legislative authority of Parliament of Canada; and
 - (v) generally all powers, duties and functions of the Commission under any statute in respect of telecommunications;
- (g) Review Committee:
 - Subsection (4) of section 24 of the Act.

6. Rule 270 is revoked and the following substituted therefor:

"270. The functions of the Commission under section 11 of the *Lord's Day Act* shall be performed by the committees according to the same division as for sections 22, 23 and 27 of the Act."

7. Rule 275 is revoked and the following substituted therefor:

"275. For the purposes of rule 260, the functions of the Commission to be performed under section 27 of the Act shall be performed by the Committee exercising jurisdiction

- (iii) *Loi sur les transports*, excepté la Partie IV;
- (iv) *Loi sur les passages d'eau*;
- (v) *Loi d'exemption sur les conférences maritimes*; et
- (vi) *Loi sur le pilotage*;
- d) Comité des transports par véhicule à moteur:
 - (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne les véhicules à moteur;
 - (ii) Partie III de la Loi; et
 - (iii) Articles 2, 3 et 6 de la *Loi sur les subventions au transport des marchandises dans la Région atlantique*;
- e) Comité des transports par pipe-line de denrées:
 - (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne les pipe-lines de denrées; et
 - (ii) Partie II de la Loi;
- ee) Comité de la politique internationale en matière de transport:
 - Article 22 de la Loi, en ce qui concerne tout moyen de transport entre le Canada et les autres pays, lorsque la Commission a le pouvoir, le devoir ou pour fonction:
 - (i) de collaborer aux travaux d'organismes intergouvernementaux ou internationaux;
 - (ii) de formuler ou recommander la ligne de conduite à suivre;
 - (iii) de faire des enquêtes, des examens et des rapports sur les effets et les exigences économiques qui résultent de la participation aux conventions internationales ou de leur ratification;
 - (iv) de consulter d'autres ministères et organismes du gouvernement du Canada; et
 - (v) de participer aux négociations d'accords internationaux;
- f) Comité des télécommunications:
 - (i) Articles 22, 23 et 27 de la Loi, en ce qui concerne les télécommunications;
 - (ii) la *Loi sur les chemins de fer*, en ce qui concerne les télécommunications et, sans restreindre la généralité de ce qui précède, les articles 312 à 336, en ce qui a trait au téléphone et au télégraphe, y compris les articles qui s'appliquent à toutes les compagnies définies à l'article 320 de la Loi, et à tous les réseaux de télégraphe et de téléphone, lignes et opérations de ces compagnies qui sont assujetties à la compétence législative du Parlement du Canada;
 - (iii) *Loi sur les télégraphes*;
 - (iv) la loi spéciale de toutes les compagnies de télégraphe et de téléphone assujetties à la compétence législative du Parlement du Canada; et
 - (v) généralement tous les pouvoirs, devoirs et fonctions attribués à la Commission par une loi en matière de télécommunications;
- g) Comité de révision:
 - Paragraphe (4) de l'article 24 de la Loi.

6. La règle 270 est abrogée et remplacée par ce qui suit:

"270. Les fonctions qu'attribue à la Commission l'article 11 de la *Loi sur le dimanche* seront exercées par les comités suivant la répartition prévue aux articles 22, 23 et 27 de la Loi."

7. La règle 275 est abrogée et remplacée par ce qui suit:

"275. Pour l'application de la règle 260, les fonctions qu'attribue à la Commission l'article 27 de la Loi seront exercées par le Comité ayant compétence à l'égard du

over the mode of transport in which an interest is proposed to be acquired."

8. Rule 520 is revoked and the following substituted therefor:

"520. When a representative or agent of any provincial or municipal government or any association or other body representing the interests of shippers or consignees in Canada wishes to be heard by the Commission under subsection (5) of section 24 of the Act he shall file an appearance in writing with the Secretary."

9. Paragraph (a) of Rule 770 is revoked and the following substituted therefor:

"(a) subject to paragraph (c), the Review Committee shall perform all functions and exercise all powers of the Commission in respect of any application to review an order or a decision of a committee pursuant to section 63 of the Act, and for those purposes three members of the Review Committee shall form a quorum;"

10. Rule 790 is revoked and the following substituted therefor:

"790. (NOTE) Appeals to the Federal Court of Appeal upon a question of law or a question of jurisdiction by leave of that Court are governed by the provisions of subsection (2) *et seq* of section 64 of the Act and by the *General Rules and Orders* of that Court."

11. Rule 950 is revoked and the following substituted therefor:

"950. Rules 405, 440, 460, 700, 730, 740, 750 and 760 are taken from sections of the Act indicated by the number within parenthesis at the end thereof. The numbers appearing in parenthesis at the end of the Rules referred to in this Rule are deleted and the following substituted therefor, opposite each Rule set out hereunder:

Rule 405—(75(2))	Rule 730—(73(1))
Rule 440—(59)	Rule 740—(73(2))
Rule 460—(71)	Rule 750—(61(1))
Rule 700—(58)	Rule 760—(61(2))

These rules are inserted for convenience only and are not intended to alter the statutory provisions.

12. This order shall come into force on the 29th day of February 1972.

mode de transport qui fait l'objet d'une proposition d'acquisition.»

8. La règle 520 est abrogée et remplacée par ce qui suit:

«520. Lorsqu'un représentant ou un agent d'un gouvernement provincial ou municipal ou d'une association ou d'un autre organisme représentant les intérêts d'expéditeurs ou de destinataires au Canada désire être entendu par la Commission aux termes du paragraphe (5) de l'article 24 de la Loi, il doit déposer auprès du Secrétaire un avis écrit de comparution.»

9. L'alinéa a) de la règle 770 est abrogé et remplacé par ce qui suit:

«a) Sous réserve des dispositions de l'alinéa c), le Comité de révision exercera toutes les fonctions et les pouvoirs de la Commission concernant toute requête en révision d'une ordonnance ou d'une décision d'un comité aux termes de l'article 63 de la Loi, et à ces fins, trois membres du Comité de révision constitueront un quorum;»

10. La règle 790 est abrogée et remplacée par ce qui suit:

«790. (REMARQUE) Les appels interjetés à la Cour d'appel fédérale au sujet d'une question de droit ou d'une question de compétence, avec l'autorisation de ladite Cour, sont régis par les dispositions du paragraphe (2) et des paragraphes suivants de l'article 64 de la Loi et par les *Règles et ordonnances générales* de ladite Cour.»

11. La règle 950 est abrogée et remplacée par ce qui suit:

«950. Les règles 405, 440, 460, 700, 730, 740, 750 et 760 sont tirées d'articles de la Loi. Le numéro de l'article est indiqué entre parenthèses à la fin de la règle. Les nombres qui apparaissent entre parenthèses à la fin des règles énumérées dans la présente règle sont supprimés et remplacés par les nombres qui apparaissent vis-à-vis de chacune des règles mentionnées ci-après:

Règle 405—(75(2))	Règle 730—(73(1))
Règle 440—(59)	Règle 740—(73(2))
Règle 460—(71)	Règle 750—(61(1))
Règle 700—(58)	Règle 760—(61(2))

Ces règles ont été insérées pour des raisons de commodité seulement et ne modifient en rien les dispositions légales.»

12. Cette ordonnance entrera en vigueur le 29^e jour de février 1972.

CANADIAN TRANSPORT COMMISSION
GENERAL ORDER
1974-2

BY THE COMMISSION

IN THE MATTER of the Canadian Transport
Commission General Rules prescribed by
General Order 1967-1 dated the 26th day
of September 1967, as amended.

The Commission, pursuant to the National Transportation Act,
hereby orders that

1. Rule 260(1)(a) is amended by deleting the word "and"
at the end of paragraph (vii) thereof, by adding the word
"and" at the end of paragraph (viii) thereof and by adding
thereto the following paragraph:

"(ix) Railway Relocation and Crossing Act."

DATED at OTTAWA, this 24th day of July 1974.

(signed)

H. Arhique,
Secretary.

Headings and comments were received from the following parties:

Ad Hoc Telecommunications Committee
 Aeronautical Radio, Inc.
 American Satellite Corporation
 American Telephone and Telegraph Company
 COMSAT Satellite Corporation
 Computer and Business Equipment Manufacturers Association
 Data Transmission Company
 Department of Defense
 Eastern Microwave, Inc.
 Independent Data Communications Manufacturers Association
 International Business Machines Corporation
 McDonnell Douglas Corporation
 McGraw-Hill, Inc.
 MCI Carriers (MCI New York West, MCI New England, Inc., Interdata Communications, Inc.)
 National Retail Merchants Association
 Office of Telecommunications Policy
 Packet Communications, Inc.
 The Singer Company
 Southern Pacific Communications Company
 Telenet Communications Corporation
 Utilities Telecommunications Council
 Western Tele-Communications, Inc.
 Western Union Telegraph Company

Letters were also received from the following companies:

Affiliated Computer Systems
 Affiliated Fund, Inc.
 American Business Shared, Inc.
 Braniff International
 Consolidated Foods Corporation
 Dallas Independent School District
 Data Communications Corporation
 Erib-Lay, Inc.
 Gumble-Sigano, Inc.
 General Electric Company
 The Hocht Company
 INA Corporation
 Lee-Way Motor Freight, Inc.
 Lord Abbett Developing Growth Fund, Inc.
 Paccar Inc.
 Public Ford Corporation
 Rockwell International
 Scientific Time Sharing Corporation
 Supervised Investors Services, Inc.
 Uniguard Insurance Group

In addition letters and telegrams were received from a number of members of Congress.

