



Broadcasting Public Notice CRTC 2003-57

Ottawa, 16 October 2003

Call for comments – Proposed amendments to the *Broadcasting Distribution Regulations*

Implementation of the policy framework for community-based media

1. The Commission proposes to amend the *Broadcasting Distribution Regulations* in order to implement its policy set out in *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002 (the Policy). A copy of the proposed *Regulations Amending the Broadcasting Distribution Regulations* is appended to this public notice.
2. The Policy sets out integrated frameworks for community-based media which include a replacement for *Community channel policy*, Public Notice CRTC 1991-59, 5 June 1991, a new licensing framework for community-based television undertakings and a replacement for *A licensing policy for low-power radio broadcasting*, Public Notice CRTC 1993-95, 28 June 1993.
3. The Commission developed the frameworks set out in the Policy following public processes initiated in *Call for comments on a licensing framework for low-power community television undertakings in urban areas, and in other markets not covered by existing policy*, Public Notice CRTC 2000-127, 1 September 2000, in *Review of community channel policy and low-power radio broadcasting policy*, Public Notice CRTC 2001-19, 5 February 2001, and in *Proposed policy framework for community-based media*, Public Notice CRTC 2001-129, 21 December 2001.

Call for comments on the proposed amendments

4. Interested parties are invited to present their comments as to whether the proposed amendments accurately reflect the Commission's frameworks set out in the Policy. The Commission will consider comments received no later than **Monday, 17 November 2003**.
5. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

6. Interested parties can file their comments to the Secretary General of the Commission by using ONE of the following formats:
 - Intervention/Comments form
available from the Commission's web site by indicating and selecting the public notice number under the Decisions, Notices and Orders section

OR

 - by electronic mail to
procedure@crtc.gc.ca

OR

 - by mail to
CRTC, Ottawa, Ontario, K1A 0N2

OR

 - by fax at
(819) 994-0218
7. Submissions longer than five pages should include a summary.
8. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.
9. The Commission will make comments filed in electronic form available on its web site at www.crtc.gc.ca but only in the official language and format in which they are submitted. Such comments may be accessed in the Public Proceedings section of the CRTC web site. Copies of all comments, whether filed on paper or in electronic form, will also be placed on the public examination file.
10. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following
Commission offices during normal business hours**

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room G-5
Hull, Quebec K1A 0N2
Tel: (819) 997-2429 - TDD: 994-0423
Fax: (819) 994-0218

Metropolitan Place,

99 Wyse Road, Suite 1410,
Dartmouth, Nova Scotia, B3A 4S5.
Tel: (902) 426-7997 – TDD: 426-6997
Fax: (902) 426-2721

405 de Maisonneuve Blvd. East

2nd Floor, Suite B2300
Montréal, Quebec H2L 4J5
Tel: (514) 283-6607
Fax: (514) 283-3689

55 St. Clair Avenue East

Suite 624
Toronto, Ontario M4T 1M2
Tel: (416) 952-9096
Fax: (416) 954-6343

Kensington Building

275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 - TDD: 983-8274
Fax: (204) 983-6317

Cornwall Professional Building

2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422
Fax: (306) 780-3319

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224
Fax: (780) 495-3214

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 - TDD: 666-0778
Fax: (604) 666-8322

Secretary General

This document is available in alternative format upon request and may also be examined at the following Internet site: <http://www.crtc.gc.ca>

**REGULATIONS AMENDING THE BROADCASTING
DISTRIBUTION REGULATIONS**

AMENDMENTS

1. (1) The definition "community channel" in section 1 of the *Broadcasting Distribution Regulations*¹ is replaced by the following:

"community channel" means the channel of a distribution undertaking that is used by a licensee or by a community programming undertaking for the distribution of community programming within a licensed area of the distribution undertaking. (*canal communautaire*)

(2) Paragraph (d) of the definition "community programming" in section 1 of the Regulations is replaced by the following:

(d) by a person licensed to operate a network for the purpose of producing community programming for distribution by the licensee on a community channel.

This definition includes community access television programming and local community television programming. (*programmation communautaire*)

(3) The definition "service sonore spécialisé" in section 1 of the French version of the Regulations is replaced by the following:

« service sonore spécialisé » Service de programmation fourni par une personne autorisée à exploiter une entreprise de programmation sonore spécialisée. (*specialty audio service*)

(4) Section 1 of the Regulations is amended by adding the following in alphabetical order:

"community access television programming" means programming produced by an individual, group or community television corporation residing within the licensed area of a cable distribution undertaking. (*programmation d'accès à la télévision communautaire*)

"community-based digital undertaking" means a programming undertaking whose service is distributed on a digital basis and that is licensed as a community-based digital undertaking. (*entreprise communautaire numérique*)

¹ SOR/97-555

"community-based low-power television station" means an analog or digital over-the-air programming undertaking that is licensed as a community-based low-power television station. (*station de télévision communautaire de faible puissance*)

"community programming undertaking" means a television programming undertaking operated by a not-for-profit organization that is licensed to operate a community channel. (*entreprise de programmation communautaire*)

"community television corporation" means a not-for-profit corporation that resides within a licensed area, that is incorporated by or under the laws of Canada or of a province and of which

- (a) the primary activity is to produce local community television programming or to operate a community channel that is reflective of the community it represents;
- (b) board members must be drawn from the community; and
- (c) all board members must be entitled to participate and vote at an annual meeting. (*société de télévision communautaire*)

"local community television programming" means, in relation to a licensed area, programming that is reflective of the community served in the licensed area and that is produced

- (a) by the licensee in the licensed area, by the members of the community served in the licensed area or by a community television corporation residing in the licensed area; or
- (b) by another licensee in a licensed area within the same municipality as the licensee referred to in paragraph (a), by the members of the community served in that licensed area or by a community television corporation residing within that licensed area. (*programmation locale de télévision communautaire*)

"service area" means an area for which a community-based digital undertaking or a community-based low-power television station has been licensed. (*zone de service*)

2. (1) Section 18 of the Regulations is amended by adding the following after subsection (11):

(11.01) Except as otherwise provided under a condition of its license, a licensee that delivers any programming service to any subscriber on a digital basis shall distribute, on a digital basis,

- (a) the programming service of a community-based low-power television station to the subscribers of the distribution undertaking who reside within the service area of the community-based low-power television station; and

(b) the programming service of a community-based digital undertaking to the subscribers of the distribution undertaking who reside within the service area of the community-based digital undertaking.

(2) The portion of subsection 18(12) of the Regulations before the definition "affiliate" is replaced by the following:

(12) The definitions in this subsection apply in this subsection, subsection (14) and section 27.

3. (1) Paragraph 27(1)(b) of the Regulations is replaced by the following:

(b) a maximum of two minutes during each clock hour of announcements promoting broadcasting services that the licensee is authorized to provide;

(2) Paragraph 27(1)(h) of the Regulations is replaced by the following:

(h) an oral or written acknowledgement, that may include a moving visual presentation of no more than 15 seconds per message, contained in community programming that mentions no more than the name of a person, a description of the goods, services or activities that are being sold or promoted by the person, and their address and telephone number, if the person provided direct financial assistance for the community programming in which the acknowledgement is contained;

(3) Subsection 27(1) of the Regulations is amended by striking out the word "or" at the end of paragraph (i), by adding the word "or" at the end of paragraph (j) and by adding the following after paragraph (j):

(k) the programming of a community programming undertaking.

(4) Section 27 of the Regulations is amended by adding the following after subsection (1):

(1.1) At least 75% of the time for promotional announcements broadcast in each broadcast week under paragraph (1)(b) shall be made available for use by Canadian programming undertakings, other than related programming undertakings, for the promotion of their respective services and the community channel.

(1.2) A maximum of 25% of the time for promotional announcements broadcast in each broadcast week under paragraph (1)(b) may be made available for the promotion of related programming undertakings, discretionary services and programming packages, customer service information, channel realignments, cable FM service and additional cable outlets.

4. The Regulations are amended by adding the following after section 27:

27.1 (1) Except as otherwise provided under a condition of its licence, a licensee shall devote not less than 60% of the programming distributed on the community channel in the licensed area in each broadcast week to the distribution of local community television programming.

(2) The time allocated to the distribution of alphanumeric message services is excluded from the calculation of the programming requirement under this section.

(3) Except as otherwise provided under a condition of its licence, a licensee shall

- (a) devote not less than 30% of the programming distributed on the community channel in each broadcast week to community access television programming;
- (b) if the requests for community access television programming exceed the minimum requirement referred to in paragraph (a), devote not less than 50% of the programming distributed on the community channel in each broadcast week to community access television programming;
- (c) if one or more community television corporations are in operation in a licensed area, make available to them up to 20% of the programming distributed on the community channel in each broadcast week for community access television programming; and
- (d) if one or more community television corporations are in operation in a licensed area, make available to each of them, on request, not less than four hours of community access television programming.

5. (1) Subparagraphs 28(1)(b)(i) to (v) of the Regulations are replaced by the following:

- (i) the title of the program,
- (ii) the date of distribution, time of commencement and completion, and duration of the program, which includes announcements and commercial messages referred to in paragraphs 27(1)(b) and (g),
- (iii) a brief description of the program, including a statement as to whether the program is local community television programming,
- (iv) the name of the undertaking for which the program was produced and the name of the producer,
- (v) a statement as to whether the program is community access television programming and the identification of the party having been provided access, and

(vi) the time of commencement of announcements and commercial messages referred to in paragraphs 27(1)(b) and (g), the duration and, in the case of a commercial message, the name of the person selling or promoting goods, services or activities.

(2) Paragraph 28(2)(b) of the English version of the Regulations is replaced by the following:

(b) eight weeks after the date of distribution of the program, if the Commission receives a complaint from a person regarding the program or, for any other reason, wishes to investigate, and so notifies the licensee before the end of the period referred to in paragraph (a).

6. The heading before section 29 of the Regulations is replaced by the following:

*Contribution to Local Expression, Canadian Programming
and Community Television*

7. Subsections 29(3) to (6) of the Regulations are replaced by the following:

(3) Except as otherwise provided under a condition of its licence, if a licensee had fewer than 20,000 subscribers on August 31 of the previous broadcast year and does not distribute its own community programming on the community channel, and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of 5% of its gross revenues derived from broadcasting activities in the broadcast year to the community programming undertaking.

(4) Except as otherwise provided under a condition of its licence, if a licensee had 20,000 or more subscribers on August 31 of the previous broadcast year and does not distribute its own community programming on the community channel, and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of not less than 3% of its gross revenues derived from broadcasting activities in the broadcast year to Canadian programming and a contribution of 2% of its gross revenues derived from broadcasting activities in the broadcast year to the community programming undertaking.

(5) Except as otherwise provided by a condition of its licence, if a Class 1 licensee had fewer than 20,000 subscribers on August 31 of the previous broadcast year and distributes its own community programming on the community channel, the licensee shall make, in each broadcast year, a contribution of not less than 5% of its gross revenues derived from broadcasting activities in the year to Canadian programming, less any contribution to local expression made by the licensee in that year.

(6) Except as otherwise provided by a condition of its licence, if a Class 1 licensee had 20,000 or more subscribers on August 31 of the previous broadcast year and distributes its own community programming on the community channel, the licensee shall make, in each broadcast year, a contribution to Canadian programming not less than the greater of

- (a) 5% of its gross revenues derived from broadcasting activities in the year, less any contribution to local expression made by the licensee in that year, and
- (b) 3% of its gross revenues derived from broadcasting activities in that year.

(7) Except as otherwise provided by a condition of its licence, if a Class 2 licensee distributes its own community programming on the community channel, the licensee shall make, in each broadcast year, a contribution of not less than 5% of its gross revenues derived from broadcasting activities in the year to Canadian programming, less any contribution to local expression made by the licensee in that year.

(8) Except as otherwise provided by a condition of its licence, if a licensee does not distribute its own community programming on the community channel and if no community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of not less than 5% of its gross revenues derived from broadcasting activities in the year to Canadian programming.

8. Section 33.3 of the Regulations is amended by adding the following after subsection (1):

(1.1) Except as otherwise provided under a condition of its license, a licensee that delivers any programming service to any subscriber on a digital basis, shall distribute, on a digital basis,

- (a) the programming service of a community-based low-power television station to the subscribers of the distribution undertaking who reside within the service area of the community-based low-power television station; and
- (b) the programming service of a community-based digital undertaking to the subscribers of the distribution undertaking who reside within the licensed area of the community-based digital undertaking.

9. Section 35 of the Regulations is replaced by the following:

35. (1) Except as otherwise provided under a condition of its licence, if a licensee elects to distribute community programming under paragraph 33(g) or if a community programming undertaking is licensed in the licensed area, the licensee shall distribute the community programming as part of the basic service.

(2) Except as otherwise provided under a condition of its licence, if a licensee elects to distribute community programming under paragraph 33(g), the licensee

- (a) shall comply with the requirements of paragraphs 27(1)(a) to (i) and (k) and subsection 27(4);
- (b) may distribute a still image programming service as described in Public Notice CRTC 1993-51, entitled *Exemption Order Respecting Still Image Programming Service Undertakings*, if the service is produced by the licensee or by the members of the community served by the undertaking;
- (c) may, if it provides service to an unserved community, distribute a maximum of 12 minutes of commercial messages during each clock hour of community programming;
- (d) shall devote not less than 60% of the programming distributed on the community channel during each broadcast week to the distribution of local community television programming; and
- (e) shall make available not less than 30% of the programming distributed on the community channel in each broadcast week to community access television programming.

(3) The time allocated to the distribution of alphanumeric message services may be included in the calculation of the requirement under paragraph (2)(d).

COMING INTO FORCE

10. These Regulations come into force on the day on which they are registered.