



Broadcasting Notice of Consultation CRTC 2011-66

PDF version

Route reference: Broadcasting Public Notice 2008-100

Additional reference: Broadcasting Public Notice 2006-5

Ottawa, 3 February 2011

Call for comments on a revised distribution order for the Cable Public Affairs Channel and the House of Commons programming service

The Commission calls for comments on proposed amendments to Distribution of the public affairs programming service of Cable Public Affairs Channel Inc. known as CPAC by persons licensed to carry on certain types of broadcasting distribution undertakings, Distribution Order 2006-1, set out in Appendix I to Broadcasting Public Notice CRTC 2006-5.

*These amendments reflect determinations the Commission made in Broadcasting Public Notice 2008-100, that it would remove the current requirement that broadcasting distribution undertakings distribute the House of Commons programming service from the Broadcasting Distribution Regulations and incorporate this requirement into the distribution order. The deadline for filing written comments is **7 March 2011**.*

1. Cable Public Affairs Channel Inc. broadcasts a licensed public affairs programming service known as CPAC and an exempt service that includes the House of Commons programming service. The aforementioned services are broadcast on a time-shared basis on the same channel, with the licensed programming service providing the wrap-around programming that precedes and follows that of the exempt programming service.
2. Appendix I to Broadcasting Public Notice 2006-5 (Distribution order 2006-1) sets out the requirement whereby broadcasting distribution undertakings (BDUs) serving more than 2,000 subscribers must generally distribute both an English- and a French-language version of the CPAC and House of Commons services. Additional requirements to distribute the House of Commons programming service, however, are set out in the *Broadcasting Distribution Regulations* (the Regulations). Rather than maintaining these requirements in two separate regulatory mechanisms, the Commission announced in Broadcasting Public Notice 2008-100 that the latter requirements should be removed from the Regulations and added to Distribution order 2006-1.

3. In Broadcasting Public Notice 2008-100, the Commission also announced its intention to expand the BDU exemption order to include BDUs that serve up to 20,000 subscribers and to amalgamate the three current classes of terrestrial BDU licences into a single type of terrestrial BDU licence. A revised exemption order was set out in Broadcasting Order 2009-544. To reflect the changes to the exemption order and the proposed elimination of the requirements to distribute the House of Commons programming service from the Regulations, a proposed distribution order referring only to licensed terrestrial and direct-to-home satellite BDUs is set out in Appendix 1 to this Notice of Consultation.

Call for comments

4. The Commission calls for comments on the wording of the proposed distribution order set out in Appendix 1 below. The Commission will accept comments that it receives on or before **7 March 2011**. The Commission cannot be held responsible for postal delays and will not notify a party whose comment is received after the deadline. The comment will not be considered by the Commission and will not be part of the public file.
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.

Procedure for filing comments

6. Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

by using the
[\[Broadcasting interventions/comments form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

7. The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.
8. Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

9. Submissions longer than five pages should include a summary.
10. Each paragraph of the submission should be numbered. In addition, where the comment is filed by electronic means, the line ***End of document*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Important notice

11. All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
12. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
13. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
14. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
15. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

16. A list of all comments will be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.
17. The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

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

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

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

Regional offices

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
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Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West
Suite 504
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Tel.: 514-283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
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Tel.: 416-952-9096

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba
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Tel.: 204-983-6306
TDD: 204-983-8274
Fax: 204-983-6317

2220 – 12th Avenue
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Regina, Saskatchewan
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858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Telephone: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Order CRTC 2009-544, 31 August 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy – Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Changes to the distribution of the Cable Public Affairs Channel and the parliamentary programming service in response to a Direction from the Governor in Council* – Broadcasting Public Notice CRTC 2006-5, 19 January 2006

Appendix 1 to Broadcasting Notice of Consultation 2011-66

Proposed distribution order

Distribution of the public affairs programming service of Cable Public Affairs Channel Inc. known as CPAC and the House of Commons programming service by persons licensed to carry on certain types of broadcasting distribution undertakings

This distribution order replaces *Distribution of the public affairs programming service of Cable Public Affairs Channel Inc. known as CPAC by persons licensed to carry on certain types of broadcasting distribution undertakings*, Distribution Order 2006-1, set out in Appendix I to *Changes to the distribution of the Cable Public Affairs Channel and the parliamentary programming service in response to a Direction from the Governor in Council*, Broadcasting Public Notice CRTC 2006-5, 19 January 2006.

The Commission hereby orders, pursuant to section 9(1)(h) of the *Broadcasting Act*, persons licensed to carry on broadcasting distribution undertakings of the types identified in paragraph (a) below to distribute the licensed public affairs programming service of CPAC (CPAC programming service) and the service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order* appended to *Parliamentary and Provincial or Territory Legislature Proceedings Exemption Order: Amendments to previous order in force*, Broadcasting Public Notice CRTC 2002-73, 19 November 2002, as may be amended from time to time, which includes the programming service of an undertaking required by the Commission to cover the entire proceedings of the House of Commons (House of Commons programming service). These services must be distributed in the manner and under the terms and conditions specified in paragraph (b) below:

- a) This Order applies to all licensed broadcasting distribution undertakings serving more than 2,000 subscribers, including terrestrial and direct-to-home (DTH) satellite undertakings. These licensees are collectively referred to in this Order as distribution licensees.
- b) Distribution licensees shall:
 - i) Subject to paragraph v) and except as otherwise provided under a condition of its licence, each distribution licensee that is not a DTH undertaking, shall distribute, as part of its basic service, the CPAC and House of Commons programming services, including the main audio channel of those services in the French language and an auxiliary audio channel of those services in the English language, if the licensee is operating in a francophone market.
 - ii) Subject to paragraph v) and except as otherwise provided under a condition of its licence, each distribution licensee that is not a DTH undertaking shall distribute, as part of its basic service, the CPAC and House of Commons programming services, including the main audio channel of those services in

the English language and an auxiliary audio channel of those services in the French language, if the licensee is operating in an anglophone market.

iii) Each distribution licensee that is not a DTH undertaking shall distribute the CPAC and House of Commons programming services, including the main audio channel of those services in the English language, if the licensee is operating in a francophone market.

iv) Each distribution licensee that is not a DTH undertaking shall distribute the CPAC and House of Commons programming services, including the main audio channel of those services in the French language, if the licensee is operating in an anglophone market.

v) Where a distribution licensee that is not a DTH undertaking elects to distribute, as part of its basic service, both an English-language and a French-language version of the CPAC and House of Commons programming services, it is relieved of the requirement in paragraphs i) and ii) above to distribute an auxiliary audio channel for any of these services.

vi) The requirements of subsections iii) and iv) above do not apply to multipoint distribution system licensees.

vii) Except as otherwise provided under a condition of its licence, a DTH undertaking shall distribute, as part of its basic service, the English- and French-language versions of the CPAC and House of Commons programming services.

c) A distribution licensee shall not distribute the CPAC and House of Commons programming services on a restricted channel unless these services consent in writing to distribution on such a channel.

d) Distribution licensees shall pay to CPAC the fee it charges, up to the maximum fee authorized under the terms of CPAC's licence. Distribution licensees are authorized to increase the basic monthly fee to be paid by their subscribers by no more than \$0.08, in accordance with the terms of CPAC's licence.

e) Notwithstanding the foregoing, distribution licensees shall not be required to distribute the CPAC and House of Commons programming services, unless CPAC or a third party pays for the satellite uplink and transponder costs with respect to the transmission of these programming services.

g) Notwithstanding the foregoing, distribution licensees shall not be required to distribute the CPAC programming service if CPAC ceases to broadcast the House of Commons programming service.

h) This Distribution Order shall remain in effect until such time as the Commission amends or rescinds it.

For the purposes of this Distribution Order, “anglophone market,” “basic service,” “DTH distribution undertaking,” “francophone market,” “licensed,” “programming service” and “restricted channel” carry the meanings assigned to them in the *Broadcasting Distribution Regulations*, as may be amended from time to time.