



Broadcasting Notice of Consultation CRTC 2013-486

PDF version

Ottawa, 13 September 2013

Call for comments on an amendment to the linkage and distribution requirements for Canadian ethnic and third-language services

The Commission calls for comments on a proposed amendment to the linkage and distribution requirements for Canadian ethnic and third-language services, set out in section 27(2) of the Broadcasting Distribution Regulations. The deadline for the receipt of comments is 15 October 2013.

Introduction

1. In its regulatory frameworks for broadcasting distribution undertakings (BDUs) and discretionary programming services (see Broadcasting Public Notice 2008-100), the Commission set out its current approach in regard to the linkage and distribution requirements for Canadian ethnic and third-language services. The objective of this approach was to require a minimum one-to-three distribution ratio of Canadian ethnic and third-language services to non-Canadian third-languages services operating in the same principal language. The intended effect of this requirement was for BDUs to distribute at least one Canadian ethnic or Canadian third-language service for every one to three non-Canadian third-languages services that they distribute in the same principal language.
2. The Commission reiterated its commitment to this requirement in Broadcasting Regulatory Policy 2011-455. As announced in that regulatory policy, as a result of the *Regulations Amending the Broadcasting Distribution Regulations*, SOR/2011-148 (the 2011 Amendments), which came into effect on 1 September 2011, the Commission incorporated the requirement into the *Broadcasting Distribution Regulations* (the Regulations).
3. Since the making of the 2011 Amendments, the only type of “ethnic” service provided for in the Regulations is an “ethnic Category A service,” as defined in section 1 of the Regulations. The current definition of “third-language service” was added to the Regulations at the same time.
4. As currently worded, the requirement set out in section 27(2) of the Regulations requires a BDU, for every one to three non-Canadian third-language services that it distributes to subscribers, to distribute at least **one Canadian third-language service** operating in the same principal language, to the extent that such a service is available.

5. The Commission notes that, based on the current wording of section 27(2), a BDU that distributes a Canadian **ethnic** Category A service in the same principal language as the one to three non-Canadian third-language services it distributes will, in most cases, be both following the intent of the Commission's policy set out in Broadcasting Public Notice 2008-100 and complying with the Regulations. This is owing to the fact that the majority of ethnic Category A services are also third-language services.
6. However, it is possible for an ethnic Category A service **not** to be also a third-language service. The Commission notes that, as a result, in a limited number of cases a BDU will be distributing a Canadian **ethnic** Category A service and one to three non-Canadian third-language services in the same principal language, but will nonetheless be in non-compliance with section 27(2) of the Regulations.
7. To address this limited number of cases, the Commission proposes to amend the Regulations in order to bring them into greater conformity with the policy set out in Broadcasting Public Notice 2008-100 and reiterated in Broadcasting Regulatory Policy 2011-455. Specifically, the Commission proposes to amend section 27(2) of the Regulations in order to make clear that BDUs may satisfy their regulatory requirements relating to the linkage and distribution of Canadian ethnic and third-language services by distributing to subscribers one of **either** a Canadian ethnic Category A service **or** a Canadian third-language service for every one to three non-Canadian third-language services operating in the same principal language that they also distribute. In the Commission's view, the proposed amendment, which is set out in the appendix to this notice, achieves this goal.

Procedure

8. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for content, format, filing and service of interventions. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."
9. The proposed amendment is appended to this notice. The Commission invites comments on the wording of the proposed amendment. The Commission will accept interventions that it receives on or before **15 October 2013**.
10. In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.

11. The Commission will not formally acknowledge interventions. It will, however, fully consider all interventions, and they will form part of the public record of the proceeding, provided that the procedures for filing set out in the Rules of Procedure and this notice have been followed.
12. Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

13. Submissions longer than five pages should include a summary.
14. 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 altered during electronic transmission.

Important notice

15. All information that parties provide as part of this public process, except information designated confidential, 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.
16. 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.
17. 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.
18. 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.

19. The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Examination of documents

20. A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and clicking on the "Interventions/Answers" link associated with this notice.
21. The public may examine public interventions 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

Nova Scotia

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

205 Viger Avenue West
Suite 504
Montréal, Quebec
H2Z 1G2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

Alberta

100 – 4th Avenue South-West
Suite 403
Calgary, Alberta
T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

**Appendix to Broadcasting Notice of Consultation
CRTC 2013-486**

**REGULATIONS AMENDING THE *BROADCASTING DISTRIBUTION
REGULATIONS***

AMENDMENT

1. Subsection 27(2) of the *Broadcasting Distribution Regulations*¹ is replaced by the following:

(2) Except as otherwise provided under a condition of its licence, a licensee shall, for every one to three non-Canadian third-language services that it distributes to its subscribers, distribute — to the extent that one or the other of the following is available — at least:

- (a) one Canadian third-language service in the same principal language; or
- (b) one ethnic Category A service in the same principal language.

COMING INTO FORCE

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

¹ SOR/97-555