



Broadcasting Public Notice CRTC 2005-89

Ottawa, 9 September 2005

Tools to promote and improve the visibility of services whose national distribution is required pursuant to section 9(1)(h) of the *Broadcasting Act*

In this public notice, the Commission sets out its determinations regarding appropriate mechanisms, including the use of local availabilities, for the promotion of services whose national distribution is required pursuant to section 9(1)(h) of the Broadcasting Act. "Local availabilities," in the context of this notice, refers to the approximately two minutes per hour of air time set aside in the programming of certain U.S. satellite programming services for use by distributors in the United States. The licensees of most broadcasting distribution undertakings in Canada are authorized, by condition of licence, to use these local availabilities for the distribution of promotional material.

Background

1. Pursuant to section 9(1)(h) of the *Broadcasting Act* (the Act), the Commission "may require any licensee who is authorized to carry on a distribution undertaking to carry, on such terms and conditions as the Commission deems appropriate, programming services specified by the Commission." The Commission has used this authority to require the distribution of four services as part of the basic service offered by broadcasting distribution undertakings (BDUs). The four services are: TVA, the French-language television network service operated by TVA Groupe Inc.; the satellite-to-cable programming services APTN and CPAC operated by Aboriginal Peoples Television Network Incorporated and Cable Public Affairs Channel Inc., respectively; and the audio programming service "VoicePrint" operated by The National Broadcast Reading Service Inc. (NBRS). Collectively, these are known as the 9(1)(h) services.
2. In Decision CRTC 98-488, 29 October 1998, the Commission approved the national distribution of TVA on the grounds that such distribution would help increase the availability of French-language television services across Canada and would contribute to the promotion of Canada's linguistic duality and cultural diversity, in keeping with several policy objectives of the Act. Subsequently, in *Order respecting the distribution of the French-language television service of TVA Group Inc.*, Public Notice CRTC 1999-27, 12 February 1999, corrected in Public Notice CRTC 1999-27-1, 19 May 1999, the Commission directed the licensees of Class 1 and Class 2 BDUs and direct-to-home (DTH) BDUs that were not otherwise required to distribute TVA by condition of licence or pursuant to the *Broadcasting Distribution Regulations* (the Regulations) to distribute TVA as part of the basic service.

3. In Decision CRTC 99-42, 22 February 1999, the Commission determined that the national distribution of APTN would strengthen the cultural identity of Aboriginal peoples through new and diverse Canadian programming and offer a cultural bridge between Aboriginal and non-Aboriginal Canadians, also in keeping with the policy objectives of the Act. Subsequently, in *Order respecting the distribution of the Aboriginal Peoples Television Network*, Public Notice CRTC 1999-70, 21 April 1999, the Commission directed the licensees of Class 1 and Class 2 BDUs and DTH BDUs to distribute APTN as part of the basic service.
4. In Decision CRTC 2000-380, 11 September 2000, as corrected by *Erratum: Distribution Order 2000-1*, Decision CRTC 2000-380-1, 21 September 2000, the Commission concluded that VoicePrint provided a unique service of particular benefit to Canadians who are blind, visually impaired or dyslexic. In keeping with the accessibility objective of the Act, the Commission directed the licensees of analog Class 1 and Class 2 BDUs serving anglophone markets to distribute VoicePrint on CBC Newsworld's secondary audio programming (SAP) channel. Licensees of digital Class 1 and Class 2 BDUs were directed to distribute VoicePrint on an audio channel adjacent to CBC radio, where possible. Further, the Commission directed DTH licensees to distribute VoicePrint on an audio channel adjacent to CBC radio, where possible, in basic service packages that have a preponderance of English-language services.
5. Finally, in *Licence renewal for CPAC; and issuance of a distribution order*, Broadcasting Decision CRTC 2002-377, 19 November 2002, the Commission found CPAC's licensed public affairs programming to be a significant and valuable complement to its coverage of the proceedings of the House of Commons, and determined that, consistent with the objectives of the Act, granting CPAC mandatory carriage on the basic service of BDUs would contribute to maintaining and enhancing Canada's national identity and cultural sovereignty. The Commission therefore ordered the licensees of Class 1 and Class 2 BDUs, DTH BDUs, and the licensees of certain digital Class 3 BDUs¹ to distribute CPAC as part of the basic service.
6. It became clear to the Commission over time that many cable BDUs were distributing the signals of APTN and TVA as part of their basic service, but on channels higher than 55. As a result, subscribers with older television sets that were not able to display the top-end channels could not receive APTN or TVA, and concerns were expressed that subscribers who "channel surf" might be less likely to look beyond the scrambled pay and pay-per-view channels. Accordingly, in *Call for comments on the channel placement of services whose distribution has been required pursuant to section 9(1)(h) of the Broadcasting Act*, Broadcasting Public Notice CRTC 2002-49, 16 August 2002 (Public Notice 2002-49), the Commission indicated that it was concerned about whether APTN and TVA were actually as widely available and as readily accessible to Canadians as they

¹ Specifically, Distribution Order 2002-1, set out in Appendix 2 to Decision 2002-377, identifies as those that must distribute CPAC as part of the basic service, the "licensees of Class 3 distribution undertakings that have a nominal capacity of at least 550 MHz and that deliver any programming services on a digital basis, and licensees of Class 3 distribution undertakings whose distribution system is totally interconnected with another system".

should be. More importantly, the Commission stated that it considered placement of APTN and TVA above channel 55 to be potentially inconsistent with its objectives in mandating the distribution of these services as part of the basic service pursuant to section 9(1)(h) of the Act. The Commission therefore called for comment on questions concerning the channel placement of these services and related issues.

7. In *Channel placement of certain services whose national distribution has been required pursuant to section 9(1)(h) of the Broadcasting Act – Call for comments on tools to promote and improve the visibility of these services*, Broadcasting Public Notice CRTC 2004-46, 9 July 2004 (Public Notice 2004-46), the Commission determined that, instead of mandating the channel placement of 9(1)(h) services, it would require all distributors to assist in improving the visibility of such services through improved promotion. The Commission then called for comments on various suggested mechanisms to promote 9(1)(h) services, including:
 - allocation of a portion of the local availabilities;
 - use of a portion of time on barker channels² and/or community channels;
 - inclusion of promotional material in billing inserts;
 - mentions on TV listing channels and/or in electronic program guides; and
 - other mechanisms for ensuring the improved visibility of 9(1)(h) services.
8. The Commission also asked parties to comment on the best way to implement any new requirements and on whether any such tools should be available to all 9(1)(h) services. Specifically the Commission requested comment on whether a commercial service, such as TVA, or a cable-owned service, such as CPAC, should be able to access the promotional tools that were suggested in Public Notice 2004-46.
9. Public Notice 2004-46 was issued concurrently with two other public notices dealing with use of the local availabilities. In *Proposal by the Canadian Cable Television Association to amend the policy regarding the use of local availabilities – Call for comments*, Broadcasting Public Notice CRTC 2004-47, 9 July 2004 (Public Notice 2004-47), the Commission called for comments on a proposal by the Canadian Cable Television Association, now known as the Canadian Cable Telecommunications Association (CCTA). The CCTA proposed that the Commission amend its policy regarding local availabilities to permit the distribution of commercial advertising and messages promoting affiliated non-programming services offered by cable BDUs, including telephony services, in up to 100% of the local availabilities present within the programming of twelve popular U.S. satellite programming services. In *Vidéotron ltée, on behalf of itself and its subsidiaries CF Cable TV Inc. and Vidéotron (Regional) Ltd.*, Broadcasting Public Notice CRTC 2004-48, 9 July 2004, the Commission announced that it had received an application by Vidéotron ltée (Vidéotron), on behalf of itself and two subsidiaries, for amendments to the conditions of licence of various cable BDUs in Quebec. The amendments would permit the BDUs to insert commercial advertising, including messages promoting affiliated broadcasting services, in 50% of the local availabilities contained in the signals of three U.S. satellite programming services.

² “Barker channels” are dedicated channels that promote Canadian pay and other television services.

10. The Commission received thirteen submissions in response to Public Notice 2004-46, including comments filed by the licensees of the four 9(1)(h) services, others by the Canadian Association of Broadcasters (the CAB) and by Friends of Canadian Broadcasting (Friends), and the submissions of several BDU licensees and their industry representatives, the CCTA and Canadian Cable Systems Alliance Inc. (CCSA). Ten parties supported some sort of promotion for the 9(1)(h) services, while three parties did not.
11. In the following section, the Commission addresses the comments of parties regarding the proposed promotional mechanisms for the 9(1)(h) services set out in Public Notice 2004-46.

Proposed promotional mechanisms

Local availabilities

Position of parties

12. There was general agreement among the parties that local availabilities should be used to promote 9(1)(h) services. There was, however, no general agreement concerning the proportion of the local availabilities that should be used for this purpose.
13. BDUs that make use of local availabilities have conditions of licence that require that at least 75% of local availabilities must be made available for use by licensed Canadian programming services for the promotion of their services, or must otherwise be used by the BDUs for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be used by BDUs for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.
14. The CAB and APTN proposed that, in addition to the 75% of local availabilities that must be made available for use by licensed Canadian programming services for the promotion of their services, or must otherwise be used by the BDUs for the promotion of the community channel and for unpaid Canadian public service announcements, a further 5% of the local availabilities should be made available, free of charge, for the promotion of the 9(1)(h) services.
15. The CCTA noted that, under its proposed amendment to the Commission's policy on local availabilities, 25% of the revenues that cable BDUs earned from the insertion of commercial messages in local availabilities would be allocated to the Canadian Television Fund (CTF). However, it also indicated that its membership would be willing to reserve a proportion of local availabilities for the promotion of the 9(1)(h) services, on the understanding that the amount allocated to the CTF would be reduced to reflect this promotion. The CCTA's position was supported by the CCSA and by CPAC.

16. Quebecor Media Inc. (Quebecor) noted that, in an application by Vidéotron to amend the condition of licence regarding the use of local availabilities by BDUs in certain markets, the applicant had proposed that 50% of local availabilities contained in three U.S. satellite programming services be used to promote Canadian programming services and the community channel, and to broadcast unpaid public service announcements. Quebecor proposed that a quarter of this time (i.e., 12.5% of all local availabilities in the three services) be used for the promotion of the 9(1)(h) services, and that the time be made available free of charge.
17. Bell ExpressVu³ noted that, under the Commission's current policy, 75% of the local availabilities contained in the programming of a single U.S. satellite programming service (or 27 minutes of the 36 minutes generally devoted to local availabilities during an 18-hour broadcast day) must be made available for use by licensed Canadian programming services for the promotion of their services, or must otherwise be used by the BDUs for the promotion of the community channel and for unpaid Canadian public service announcements. Bell ExpressVu proposed that two minutes of this allocation be used to promote the 9(1)(h) services other than TVA. Bell ExpressVu stated that, in fairness to other Quebec-based commercial broadcasters, TVA should not have access to the local availabilities, and that on-air promotional time for the TVA service should be restricted to the barker channel.
18. In a joint submission, TELUS Communications Inc. and Saskatchewan Telecommunications (TELUS/SaskTel) indicated that they had no objection to dedicating a portion of the local availabilities to the promotion of 9(1)(h) services, as long as the licensees of those services paid for and supplied the related promotional material.
19. NBRIS and Friends both considered that half of the 75% of the local availabilities currently reserved to promote Canadian programming services and the community channel and to air unpaid Canadian public service announcements, be directed exclusively to the promotion of the 9(1)(h) services. NBRIS submitted that access should be provided to VoicePrint free of charge.

Commission's analysis and determinations

20. The Commission is of the view that, although the 9(1)(h) services already have access to the local availabilities, the significance of these services to the Canadian broadcasting system warrants that some specific portion of the local availabilities be dedicated exclusively to their promotion. The Commission, however, considers that this should be accomplished without significantly affecting the opportunities available for the promotion of other licensed Canadian programming services, for the promotion of the community channel and for the broadcast of unpaid Canadian public service announcements.

³ Bell ExpressVu Inc., (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership.

21. The Commission has determined that 5% of the local availabilities currently set aside for the promotion of licensed Canadian programming services and community channels and for the broadcast of unpaid Canadian public service announcements should be made available exclusively for the promotion of the 9(1)(h) services. Generally, each hour of programming broadcast by a U.S. satellite programming service contains two minutes of local availabilities, or a total of 48 minutes in a 24-hour period. Of these 48 minutes, 75% would equate to approximately 36 minutes per day. Of these 36 minutes, 5% would represent somewhat less than two minutes, or almost four, thirty-second announcements promoting the 9(1)(h) services that would be aired in each broadcast day during the local availabilities contained in the programming of each U.S. satellite programming service.
22. The Commission directs BDU licensees to distribute these announcements in a reasonable manner throughout the day. As with other Canadian programming services, BDU licensees may not charge licensees of the 9(1)(h) services an amount in excess of their share of the direct costs associated with the insertion of promotional material during local availabilities.
23. If the local availabilities that, as a consequence of the Commission's determination, must now be reserved for use by the 9(1)(h) services are not fully subscribed for by these services, BDU licensees may make the unused time available to other Canadian programming services, or use it to promote their community channels or broadcast unpaid Canadian public service announcements. The above determination does not preclude the 9(1)(h) services from purchasing additional time in local availabilities.
24. The Commission considers that this approach will ensure that the 9(1)(h) services have access to an adequate percentage of the local availabilities to promote their services effectively, while allowing for the promotion of other Canadian programming services and programs during local availabilities.

Community channel and/or barker channel

Position of parties

25. The CAB supported the use of the barker channel and the community channel to promote the 9(1)(h) services. TELUS/SaskTel also expressed support for such use, provided that it was without cost to BDU licensees.
26. Several parties suggested that various specific amounts of promotional time be made available on the community channel and the barker channel to promote 9(1)(h) services. APTN proposed that 5% of the promotional time on the barker channel and the community channel should be set aside for this purpose, while Friends and NBRS advocated that BDUs set aside 75% of the time available for the promotion of Canadian programming on the community channel and barker channel, and that they divide this time equally between the promotion of drama programming and promotion of the 9(1)(h) services. Bell ExpressVu proposed to set aside 30 minutes per broadcast day on its barker channel for the promotion of the 9(1)(h) services. Quebecor proposed that the

Commission grant 9(1)(h) services access to the barker channel similar to that enjoyed by other Canadian programming services. In addition, Quebecor was of the view that promotional announcements for 9(1)(h) services should be provided a place of prominence on the community channel and that at least as much promotional material for such services be broadcast as that broadcast for other Canadian programming services.

27. The CCTA, supported by the CCSA and CPAC, did not consider that the use of the barker channel or the community channel for the promotion of the 9(1)(h) services was warranted.

Commission's analysis and determinations

28. The Commission notes that the community channel and the barker channel are already subject to requirements relating to the promotion of Canadian programs and services. Under sections 27(1)(b), (1.1) and (1.2) of the Regulations, a maximum of two minutes during each clock hour of announcements promoting broadcasting services that a licensee is authorized to provide may be distributed on the community channel, under the following conditions:

(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 the promotion of the community channel and for the promotion, by Canadian programming undertakings other than related programming undertakings, of their respective services.

(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 the services of related programming undertakings, discretionary services and programming packages, cable FM service and additional cable outlets and for the distribution of information on customer services and channel realignments.

29. In *Revision to the Commission's Policy Governing the Distribution of Pay Television Promotional Material by Cable Television Licensees*, Public Notice CRTC 1995-172, 12 October 1995, the Commission revised the terms and conditions for the operation of barker channels that it had originally set out in *Exhibition of Pay Television Promotional Channel*, Decision CRTC 83-635, 1 August 1983. Under the policy, access to the barker channel should be made available by a BDU licensee on a non-discriminatory, equitable manner to all pay and non-pay Canadian television services that the licensee is authorized to exhibit, and at least 50% of the time devoted to promotional material in each month must be used for the promotion of Canadian programs or services. The promotional material should be supplied to the BDU licensee by the service's distributor or its agent and no fees are to be charged for the exhibition of the promotional material.

30. The Commission considers it appropriate to apply to the community channel and the barker channel the same approach that it has decided to apply to local availabilities, with a view to ensuring that the 9(1)(h) services have access to effective promotional opportunities, while allowing for promotion of other Canadian programming services and programs.
31. Accordingly, the Commission has determined that 5% of all of the promotional time on the community channel that is currently used by a BDU for the promotion of that channel, or that is made available for the promotion of Canadian programming services operated by programming undertakings with which the BDU is not affiliated, must be set aside for the promotion of the 9(1)(h) services. Similarly, in the case of the barker channel, of the time currently used by a BDU for the promotion of Canadian pay and non-pay television services that the BDU is authorized to distribute, 5% must be set aside for the promotion of the 9(1)(h) services. The promotional announcements for the 9(1)(h) services must be distributed in a reasonable manner throughout the day.
32. If the promotional opportunities that must now be reserved for use by the 9(1)(h) services on the community channel are not fully subscribed for by these services, a BDU licensee may use the time to promote its community channel or make the time available for the promotion of Canadian programming services operated by programming undertakings with which the BDU is not affiliated. Promotional opportunities on the barker channel that must now be reserved for use by the 9(1)(h) services for their promotion, but which are not fully subscribed for by these services, may be used by a BDU for the promotion of all Canadian pay and non-pay television services that the BDU is authorized to distribute.
33. The approach set out above does not preclude the 9(1)(h) services from accessing additional time on the community channels or barker channels.

Billing inserts

Position of parties

34. In their comments, Friends and the licensees of 9(1)(h) services supported the use of billing inserts to promote the 9(1)(h) services. TELUS/SaskTel and MTS Allstream Inc. (MTS) questioned the Commission's authority to specify that billing inserts be used for such a purpose.
35. As part of its argument against such use of billing inserts, Bell ExpressVu cited *Equal access – Marketing information*, Telecom Decision CRTC 94-17, 24 August 1994 (Telecom Decision 94-17), in which the Commission recognized the difficulties associated with requiring “the telephone companies to provide competitors with the option of including their own billing inserts in telephone company regular bill mailings.”

Commission's analysis and determinations

36. In the Commission's view, the interveners failed to provide any statistical information or other evidence in the course of this proceeding to demonstrate the effectiveness of billing inserts to communicate information about programming services. The Commission finds, in this instance, that the use of billing inserts would be cumbersome, and that the time and effort required to implement and monitor a system based around the use of billing inserts would outweigh their effectiveness.

TV listings channels and electronic programming guides

Position of parties

37. The CAB suggested that each BDU be required to develop a marketing plan for the 9(1)(h) services that would include the use of TV listings channels and electronic programming guides (EPGs), but that there be no specific requirements for BDUs relating to this plan.
38. APTN suggested that "the Commission develop rules for placing [the 9(1)(h)] services within the EPG in proximity to other basic carriage services, such as national television services, and in proximity to each other." Quebecor indicated that it was willing to identify the 9(1)(h) services with a special colour or symbol in its EPGs, while Bell ExpressVu stated that its EPG is organized using thematic groupings that provide improved visibility for 9(1)(h) services.
39. NBRIS and Friends recommended that "75% of any time devoted to promotion on TV listing channels and EPGs should be used to promote the 9(1)(h) services and Canadian drama programming," while TELUS/SaskTel, and MTS argued that the Commission does not have clear authority to direct the use of TV listings channels or EPGs to promote 9(1)(h) services.

Commission's analysis and determinations

40. EPGs that are alphanumeric in nature do not fall under the definition of "broadcasting" set out in the Act. They are therefore not subject to regulation by the Commission. The Commission, however, encourages distributors to promote 9(1)(h) services in their EPGs.
41. While the Commission received a number of suggestions regarding the appropriateness of the use of TV listing channels to promote the 9(1)(h) services, it did not receive enough information to make a definitive determination on this matter. The Commission, nevertheless, encourages distributors to promote 9(1)(h) services on their TV listing channels.

Other mechanisms

Position of parties

42. The NBRS suggested that a portion of the airtime allocated to public service announcements by specialty and conventional programming services be made available for the promotion of 9(1)(h) services, and that this airtime be provided free of charge to not-for-profit 9(1)(h) services. Similar views were expressed in the comments filed by Friends and Bell ExpressVu. The CAB promoted the establishment of “a sustained and focused marketing effort involving both the [9(1)(h)] service itself and the BDU.”
43. Several parties suggested incentives that they considered would encourage BDUs to promote 9(1)(h) services. APTN proposed that, if BDUs are granted commercial access to local availabilities, such access should be conditional on the use of some of the local availabilities for the promotion of the 9(1)(h) services. CPAC suggested the introduction of a credit system whereby promotional announcements for the 9(1)(h) services would receive a higher value than promotional announcements for other Canadian programming services. CPAC considered that such an approach would allow a BDU to fulfil more easily the requirement that at least 75% of local availabilities be made available for use by licensed Canadian programming services for the promotion of their services, for the promotion of the community channel and for unpaid Canadian public service announcements. For its part, the CAB considered that incentives for distributors to promote 9(1)(h) services are unnecessary, given the significant growth in the revenues and profits of the cable industry over the past three years.

Commission's analysis and determinations

44. As indicated above, the Commission received a number of comments in response to Public Notice 2004-46 regarding mechanisms to promote 9(1)(h) services other than those specifically mentioned in that notice. However, the Commission is not satisfied that it has sufficient information to make a definitive determination regarding any of these proposed mechanisms.
45. With respect to the suggestion that incentives be provided to BDUs for their use of local availabilities to promote 9(1)(h) services, the Commission notes that, in *Determinations on a request by the Canadian Cable Telecommunications Association for an amendment to the Commission's policy regarding the use by cable broadcasting distribution undertakings of local availabilities contained in the signals of U.S. satellite programming services*, Broadcasting Public Notice CRTC 2005-88, issued today, it has decided to maintain its policy respecting local availabilities. In light of this determination, it will not establish any incentive for BDUs to use local availabilities for this purpose.

Other matters

Equal treatment for all mandated services

Position of parties

46. NBRS and Friends were of the opinion that not-for-profit 9(1)(h) services should have free access to local availabilities. As noted above, Bell ExpressVu argued that, in fairness to other Quebec-based commercial broadcasters, TVA should not have access to local availabilities and that its on-air promotional time should be restricted to the barker channel.

Commission's analysis and determinations

47. The Commission required the distribution of the four 9(1)(h) services as part of the basic service⁴ because it considered that mandatory distribution of these services supports the objectives of the Act, irrespective of whether or not the services operate on a for-profit basis. The Commission therefore considers that all 9(1)(h) services should be permitted to take advantage of any special promotional tools on an equal basis, in light of their importance to the Canadian broadcasting system.

Implementation of the policy

Position of parties

48. The CAB, NBRS, APTN and Friends recommended that any change to the Commission's policies regarding the promotion of the 9(1)(h) services be implemented by amending the relevant distribution orders. In addition, APTN recommended that the the Regulations be amended to incorporate the promotional requirements.
49. Bell ExpressVu was of the view that measures relating to the promotion of the 9(1)(h) services should not be introduced as requirements or in formal regulations, but rather as expectations.

Commission's analysis and determinations

50. The Commission finds it appropriate that the measures for the promotion of 9(1)(h) services set out below be introduced as expectations rather than as requirements specified in amendments to the Regulations or the relevant distribution orders. The Commission will, however, monitor the progress of the industry in implementing these expectations. Should it determine that the measures set out in this notice are not being implemented by BDUs, the Commission may issue an Order under section 9(1)(h) of the Act requiring them to do so.

⁴ As noted earlier, the 9(1)(h) order pertaining to TVA specifies that, except those that are not otherwise required to distribute TVA by condition of licence or pursuant to the Regulations, Class 1 and Class 2 BDU licensees, and the licensees of DTH BDUs, must distribute TVA as part of the basic service.

Conclusion

51. In light of the determinations set out above, and in order to promote and improve the visibility of the 9(1)(h) services, the Commission hereby revises its policy respecting local availabilities by applying expectations to the licensees of BDUs that each:
- set aside, for the promotion of the 9(1)(h) services, 5% of the time occupied by local availabilities that are made available for the promotion of licensed Canadian programming services, the community channel and the broadcast of unpaid Canadian public service announcements;
 - set aside, for the promotion of the 9(1)(h) services, 5% of all promotional time on the community channel that is currently used for the promotion of that channel, or that is made available for the promotion of Canadian programming services operated by programming undertakings with which the BDU is not affiliated;
 - set aside, for the promotion of the 9(1)(h) services, 5% of all promotional time on the barker channel that is currently used for the promotion of Canadian pay and non-pay television services that the BDU is authorized to distribute; and
 - distribute promotional announcements for the 9(1)(h) services in a reasonable manner throughout the day.
52. The Commission further encourages licensees of BDUs to promote the 9(1)(h) services on their TV listings channels and in their EPGs.
53. The Commission reminds licensees of BDUs that they may not charge the operators of Canadian programming services, including those of 9(1)(h) services, an amount in excess of the share of the direct costs incurred by the BDU licensees for the insertion of promotional material during local availabilities.

Secretary General

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