



Broadcasting Public Notice CRTC 2006-13

Ottawa, 3 February 2006

Amendments to the *Specialty Services Regulations, 1990*, the *Radio Regulations, 1986*, and the *Pay Television Regulations, 1990* – Requirements for the maintenance of program logs and records

The Commission has adopted amendments to the Specialty Services Regulations, 1990, the Radio Regulations, 1986, and the Pay Television Regulations, 1990 as set out in the appendix to this notice. These amendments were registered and came into effect on 12 January 2006 and were published in Part II of the Canada Gazette on 25 January 2006.

Background

1. In *Call for comments – Proposed amendments to the Specialty Services Regulations, 1990, the Radio Regulations, 1986, and the Pay Television Regulations, 1990*, Broadcasting Public Notice CRTC 2005-76, 2 August 2005 (Public Notice 2005-76), the Commission proposed to amend the *Specialty Services Regulations, 1990*, the *Radio Regulations, 1986* and the *Pay Television Regulations, 1990* (the Regulations) to provide the possibility for a condition of licence that would allow the Commission to grant certain licensees an exception to the requirements related to the maintenance of program logs and records.
2. As noted in Public Notice 2005-76, these amendments were intended to decrease the administrative burden on the Commission and licensees in certain circumstances, such as in the case of networks, where duplication of logs and records could occur.

Position of parties

3. The Commission received one comment in response to Public Notice 2005-76 from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo (ADISQ).
4. ADISQ submitted that only in exceptional circumstances should a licensee be exempt from the obligation to produce logs and records of the programs it broadcasts and suggested that the wording of the proposed amendments be modified accordingly.

5. While ADISQ agreed that the production of records by all stations in a network was not essential, ADISQ was of the opinion that, because network programming does not constitute the entirety of the programming of each of these stations, the Commission should ensure that some form of record for programming that is not from the network is maintained.
6. ADISQ also submitted that the exemption should not apply in the same way to radio and television stations since radio programming rarely consists of pre-recorded or rebroadcast programs as television programming often does. ADISQ was of the view that, absent an obligation to produce records, the Commission would have no way of verifying the programming broadcast by the radio station. ADISQ submitted that lists or self-assessments by licensees were no substitute for the records required under the *Radio Regulations, 1986* (the Radio Regulations).

Commission's determination

7. In response to ADISQ's concerns, the Commission notes that the current provisions of the Radio Regulations requiring licensees to retain a tape recording or other exact copy of all matter broadcast will remain unchanged. Thus, were the Commission to grant a licensee an exception to requirements for the maintenance of logs, the Commission would not lose its ability to monitor a radio station's programming.
8. In light of the above, the Commission has decided to amend the Regulations as proposed. The Commission will consider each application on its own merits and will take into account any particular circumstances unique to that broadcasting undertaking.

Implementation

9. The Commission has made the amendments appended to this notice. These amendments were registered and came into effect on 12 January 2006 and were published in Part II of the *Canada Gazette* on 25 January 2006.

Secretary General

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REGULATIONS AMENDING THE SPECIALTY SERVICES REGULATIONS,
1990

AMENDMENT

1. The portion of subsection 7(1) of the *Specialty Services Regulations, 1990*¹ before paragraph (a) is replaced by the following:

7. (1) Except as otherwise provided under a condition of its licence, a licensee shall

COMING INTO FORCE

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

¹SOR/90-106

REGULATIONS AMENDING THE RADIO REGULATIONS, 1986

AMENDMENT

1. The portion of subsection 8(1) of the *Radio Regulations, 1986*¹ before paragraph (a) is replaced by the following:

8. (1) Except as otherwise provided under a condition of its licence, a licensee shall

COMING INTO FORCE

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

¹SOR/86-982

REGULATIONS AMENDING THE PAY TELEVISION REGULATIONS, 1990

AMENDMENT

1. The portion of subsection 4(1) of the *Pay Television Regulations, 1990*¹ before paragraph (a) is replaced by the following:

4. (1) Except as otherwise provided under a condition of its licence, a licensee shall

COMING INTO FORCE

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

¹SOR/90-105