



## Broadcasting Notice of Public Hearing CRTC 2007-10-1

Ottawa, 12 September 2007

### **Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services**

Further to its Broadcasting Notice of Public Hearing 2007-10, dated 5 July 2007, relating to a public hearing that will be held commencing on 28 January 2008 at 9:00 a.m. at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec, the Commission announces the following:

#### **Additional documents placed on the record of the proceeding**

1. In Broadcasting Notice of Public Hearing 2007-10, the Commission stated that it had commissioned communications lawyers Laurence Dunbar and Christian Leblanc to conduct an independent study of its broadcasting rules and regulations. The Commission noted that the purpose of their work was to examine each of the Commission's rules and regulations in light of its original purpose and to make recommendations as to whether that purpose had any continued relevance, and on whether the same purpose could be obtained by streamlined or less intrusive means or whether the rule or regulation should be altogether eliminated. The Commission added that it would be placing the study on the record of the proceeding and asked that parties review the study and comment on its recommendations in their submissions in this proceeding.
2. The Commission has now received the study prepared by Dunbar and Leblanc and has placed it on the record of the proceeding. Parties are asked to comment in their submissions on any recommendations in the report pertaining to the matters raised in Broadcasting Notice of Public Hearing 2007-10. As to recommendations pertaining to other matters, parties are invited to refer to the study in formulating any comments they may submit in further proceedings, as such proceedings arise.
3. The Commission also commissioned Peter H. Miller, P. Eng., LL.B., to provide an overview of the operation of and issues associated with the Canadian program rights market, including:
  - public policy measures that support a separate Canadian rights market;
  - program rights "windows," commercial practices for foreign and domestic programming, and emerging trends in new media; and
  - the evolution of the rights markets, key stakeholder concerns and potential threats to a separate Canadian rights market.

This overview has also been placed on the record of this proceeding, and parties are invited to refer to it in preparing their submissions in this proceeding.

4. In addition to the above, the Commission engaged broadcasting consultant Michael McEwen to provide an overview of industry practices and the regulations and policies of various countries with respect to matters related to the obligations of programming services and the obligations of distributors with regard to the distribution of those services. The countries in question include the United States, Australia and European Union countries. The Commission will shortly be placing this overview on the record of the proceeding. Parties are invited to refer to it also in preparing their submissions in this proceeding.

### **Additional issue**

5. The Commission requests that parties address in their comments and proposals in this proceeding, in addition to issues raised in Broadcasting Notice of Public Hearing 2007-10, the possible impact of the Commission disclosing financial information of broadcasting distribution undertakings (BDUs), in particular, that of large BDUs and/or large multi-system operators, in a manner similar to that set out for pay and specialty services in Circular No. 429. The Commission's current practice is to treat the annual returns and historical financial statements of BDUs as confidential. Only the aggregated financial data at the national and regional levels for the industry as a whole is made available to the public. Should the Commission determine that it would be appropriate to disclose such information, it would propose that it be aggregated by ownership group.

### **Process**

6. The Commission notes that the deadline for filing comments and proposals in this proceeding is 9 October 2007. Parties may file replies to matters raised in the comments and proposals. The deadline for the filing of replies is 5 November 2007. For further details regarding this proceeding, please refer to Broadcasting Notice of Public Hearing 2007-10.

Secretary General

### **Related documents**

- *Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, Broadcasting Notice of Public Hearing CRTC 2007-10, 5 July 2007
- *Guidelines respecting the confidential treatment of annual returns and material or information filed in support of a broadcasting application before the Commission*, Circular No. 429, 19 August 1998

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