



Broadcasting Public Notice CRTC 2007-90

Ottawa, 31 July 2007

Call for comments – Update to *Exemption Order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*

In this public notice, the Commission requests comment on its proposal to update the above-noted exemption order to provide exempt cable systems operating under the order with greater flexibility in the provision of a community channel.

Community channels on exempt systems

1. The Commission has issued two exemption orders applicable to small cable broadcasting distribution undertakings (BDUs). The first of these, *Exemption order for small cable undertakings*, applies to cable BDUs with fewer than 2,000 subscribers.¹ The second order applicable to small cable BDUs is the *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*.²
2. In the exemption order applicable to systems with 2,000 to 6,000 subscribers, the Commission included the following provisions, based in large part on several sections of the *Broadcasting Distribution Regulations* (the Regulations), with respect to the offering of a community channel:

Where an undertaking elects to offer a community channel as part of its contribution to local expression, the community channel must offer community programming that meets the following requirements:

- (1) the programming offered must consist of at least:
 - (a) 60% local community television programs that are reflective of the community and produced in the undertaking's service area by the undertaking or by other members of the community served by the undertaking;
 - (b) 30% access programming consisting of programs produced by members of the community served by the undertaking.

¹ The current version of this exemption order is set out in the Appendix to Broadcasting Public Notice 2002-74.

² The current version of this exemption order is set out in Appendix II to Broadcasting Public Notice 2006-5.

- (2) the programming includes no more than two minutes per hour of promotional messages and at least 75% of this promotional time is made available for the promotion of the community channel, non-related Canadian programming undertakings and for unpaid Canadian public service announcements; and
 - (3) the programming offered adheres to:
 - (a) the *Cable television community channel standards*, as amended; and
 - (b) the Canadian Association of Broadcasters' *Voluntary code regarding violence in television programming*, as amended.
3. The Commission notes that, since this exemption order was last amended, the Commission has, for licensed systems, approved departures from the Regulations with respect to the offering of a community channel, by way of conditions of licence. For example, in Decisions issued on 31 August 2006, the Commission approved a “zone-based” approach to the provision of programming on the community channel for systems operated by Rogers Cable Communications Inc. (Rogers) in New Brunswick and in Newfoundland and Labrador.³ The Commission has also approved a zone-based approach for Cogeco Cable Quebec Inc.⁴ in respect of various systems in Quebec, and for Cogeco Cable Canada Inc.⁵ in respect of various systems in Ontario. Finally, in Broadcasting Decision 2006-679, the Commission approved departures from the Regulations regarding the community channel for Bragg Communications Inc., Bay Communications Inc. and K-Right Communications Inc. in respect of systems in Nova Scotia and Prince Edward Island. Specifically, the Commission reduced from 60% to 30% the amount of local community programming required, with a further 30% of the programming distributed on the channel to comprise “regional community television programming,” that is, programming produced in the same province that is reflective of the community served in a particular licensed area.
4. The Commission notes that the specific provisions set out in the exemption order applicable to cable systems that serve between 2,000 and 6,000 subscribers prevent exempt systems operating under the order from providing community channel programming on the same basis as has been approved for affiliated licensed systems. The Commission proposes to amend the exemption order in order to permit exempt systems operating under it to participate fully in approaches to community programming that the

³ See Broadcasting Decisions 2006-459, 2006-460 and 2006-461.

⁴ See Broadcasting Decision 2006-691.

⁵ See Broadcasting Decision 2007-263.

Commission has found, in decisions such as those noted above, to be appropriate for affiliated licensed systems. The Commission also proposes to provide a comparable degree of flexibility for exempt cable systems that are not affiliated with any licensed system. Specifically, the Commission proposes to add the following to the above-noted provision of the *Exemption Order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*:

Alternatively,

- a) where an undertaking is an affiliate⁶ of a licensed cable system, and the Commission has prescribed specific conditions of licence governing the offering of a community channel by that licensed system, the undertaking may offer its community channel on the same basis as that approved for the licensed system;
- b) where an undertaking is not an affiliate of a licensed cable system, it may offer a community channel on the same basis as approved by condition of licence for any licensed undertaking that has a licensed area that includes any part of the same province or territory in which the undertaking operates.

5. The Commission requests comment on this proposal.
6. As for exempt cable BDUs with fewer than 2,000 subscribers, the Commission notes that the applicable exemption order contains no provisions specifying the basis on which a community channel must be offered. The Commission therefore considers that such systems already have flexibility with respect to the offering of a community channel, and proposes no changes to the exemption order applicable to these systems.

Call for comments

7. The Commission requests comment on the above proposal for amending the *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*.
8. The deadline for the filing of comments is **28 August 2007**. 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.

Procedures for filing comments

9. Interested parties can file their comments to the Secretary General of the Commission:

⁶ “Affiliate” would have the meaning set out in section 21 of the Regulations, that is, “affiliate” means a person who controls the licensee, or who is controlled by the licensee or by a person who controls the licensee.

- **by using the**
Broadcasting Intervention/Comments Form

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
819-994-0218

10. Submissions longer than five pages should include a summary.
11. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

12. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
13. The personal information you 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.
14. Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, 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.
15. Please note that the information you 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 webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

16. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

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

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

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Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
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Fax: 819-994-0218

Metropolitan Place
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Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

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

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

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel.: 204-983-6306
TDD: 204-983-8274
Fax: 204-983-6317

Cornwall Professional Building
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10405 Jasper Avenue
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530-580 Hornby Street
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TDD: 604-666-0778
Fax: 604-666-8322

Secretary General

Related documents

- *Class 1 regional licence for broadcasting distribution undertakings in Ontario*, Broadcasting Decision CRTC 2007-263, 30 July 2007
- *Amendment of Class 1, 2 and 3 regional licences in Quebec*, Broadcasting Decision CRTC 2006-691, 21 December 2006
- *Programming distributed on community channels in Nova Scotia and Prince Edward Island – Licence amendment*, Broadcasting Decision CRTC 2006-679, 19 December 2006
- *Class 3 regional licence for broadcasting distribution undertakings in New Brunswick and in Newfoundland and Labrador*, Broadcasting Decision CRTC 2006-461, 31 August 2006
- *Class 2 regional licence for broadcasting distribution undertakings in New Brunswick and in Newfoundland and Labrador*, Broadcasting Decision CRTC 2006-460, 31 August 2006
- *Class 1 regional licence for broadcasting distribution undertakings in New Brunswick and in Newfoundland and Labrador*, Broadcasting Decision CRTC 2006-459, 31 August 2006

- *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*
- *Amendments to Exemption order for small cable undertakings, Broadcasting Public Notice CRTC 2002-74, 19 November 2002*

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>