



Broadcasting Notice of Public Hearing CRTC 2008-12

Ottawa, 16 October 2008

Notice of consultation and hearing

13 January 2009

National Capital Region

Deadline for submission of comments: 20 November 2008

Review of English- and French-language broadcasting services in English and French linguistic minority communities in Canada

*In response to Order in Council P.C. 2008-1293, the Commission calls for comments on the availability and quality of English- and French-language broadcasting services in English and French linguistic minority communities in Canada, on the deficiencies and challenges related to the provision of those services, and on the measures that should be taken to encourage and facilitate the delivery and access to the widest possible range of such services. The deadline for filing comments is **20 November 2008**.*

*The Commission will hold a hearing commencing on **13 January 2009 at 9 a.m. at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec**. Although the hearing will be held in the National Capital Region, parties may participate from the Commission's regional offices via videoconferencing. Parties interested in doing so are asked to indicate clearly the regional office at which they wish to appear. A list of the Commission's regional offices is attached to this notice.*

Introduction

1. The Commission regulates and supervises all aspects of the Canadian broadcasting system with a view to implementing the Canadian broadcasting policy. The objectives of the policy are set out in the *Broadcasting Act* (the Act).
2. The Canadian broadcasting policy acknowledges that English- and French-language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements. Under the objectives of the policy, a range of broadcasting services in English and in French is to be extended to all Canadians as resources become available. The programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources.
3. The Canadian broadcasting policy also prescribes that the Canadian broadcasting system should be regulated and supervised in a flexible manner that is readily adaptable to scientific and technological change and takes into account regional needs and concerns.

Order in Council P.C. 2008-1293

4. Pursuant to section 15 of the Act, which states that the Governor in Council may request that the Commission hold public hearings or make reports on any matter within its jurisdiction under the Act, the Governor in Council issued Order in Council P.C. 2008-1293 (the OIC), a copy of which can be found in Appendix 1 to this notice.
5. The OIC requests that the Commission seek comments from the public and report on three issues by no later than 31 March 2009. The Commission must examine the availability and quality of English- and French-language broadcasting services in English and French linguistic minority communities in Canada across all broadcasting platforms and distribution systems. The Commission must identify any deficiencies and challenges in those communities in the provision of official-language broadcasting services. The Commission must propose measures to encourage and facilitate access to the widest range of official-language broadcasting services in English and French linguistic minority communities and ensure that the diversity of these communities is reflected in the entire Canadian broadcasting system.

Call for comments

6. In Public Notice 2001-25, the Commission published its report on French-language broadcasting services in a minority environment. In order to implement the recommendations set out therein to improve access to television, distribution and radio services in the minority language, the Commission has rendered several decisions and adopted a number of measures. The Commission reviews herein the measures it has taken in each sector (television, distribution, radio) since 2001.
7. In addition, the Commission outlines the important technological advances that have occurred since the issuance of Public Notice 2001-25 in order to take them into account in the course of this consultation process.
8. In light of the objectives set out in the OIC, the Commission also raises the issues it considers relevant in the context of this proceeding.

Television services and their distribution

9. Among the measures taken with respect to television since 2001, in Broadcasting Decision 2001-385, the Commission imposed conditions on the TVA network requiring it to broadcast a minimum of six special events per year reflecting the francophone reality outside Quebec and to include in its programming a weekly 30-minute program on francophone life outside Quebec. In Broadcasting Decision 2003-77, the Commission also imposed a condition of licence on TV5 requiring it to ensure that the programs from Canadian sources it broadcasts reflect the diversity of French-speaking communities in Canada.

10. Additionally, at the time of the amendment and renewal of the licences for several specialty programming services, the Commission stated its expectation that the programming broadcast by these services reflect all of Canada's regions and that these licensees provide opportunities for producers working outside the major production centres to supply programming for their services.
11. With respect to the distribution of television services, Public Notice 2001-26 announced the Commission's policy aimed at increasing the availability of specialty services in the minority official language for cable subscribers. The Commission set out therein the requirement that cable distributors offer at least one Canadian specialty service in the minority official language for every 10 programming services distributed in the majority official language. Additionally, the Commission notes that in Broadcasting Decision 2007-246, it issued a mandatory distribution order, pursuant to section 9(1)(h) of the Act, requiring the distribution of the specialty service RDI as part of the digital basic service of broadcasting distribution undertakings in English-language markets and of Newsworld in French-language markets.
12. Based on the preceding relating to television services and their distribution and without limiting the scope of interventions, the Commission invites comments addressing the following matters:
 - What television services should, at a minimum, be available to English and French linguistic minority communities in Canada?
 - How should a suitable quality of service (e.g. level, type and variety) be defined with respect to the television services provided to English and French linguistic minority communities in Canada?
 - Are the television services received by English and French linguistic minority communities in Canada of a suitable quality? If not, what are the challenges facing these communities?
 - What are the key factors in determining whether English and French linguistic minority communities in Canada receive television services of a suitable quality?
 - What technical or commercial limitations, or any other limitations related to matters within the Commission's jurisdiction, would prevent the distribution of television services of a suitable quality to English and French linguistic minority communities in Canada?
 - How could access to television coverage of important national and international events (e.g. elections, the Olympic Games) in the minority language be promoted?
 - What reasonable measures could be taken, by the Commission, within the limits of its mandate, to meet the challenges facing English and French linguistic

minority communities in Canada with respect to the availability and quality of television services?

Radio services

13. Since 2001, the Commission issued licences for 12 community radio stations in minority environments. A list of the stations is set out in Appendix 2 of this notice. Campus and community radio stations air programming that reflects the communities they serve, including English and French linguistic minority communities.
14. The Commission notes the creation of the Community Radio Fund of Canada, which supports the community and campus radio sector and is eligible to receive Canadian content development contributions from commercial radio stations as well as tangible benefit contributions flowing from ownership transactions between commercial radio stations.
15. Moreover, at the Canadian Broadcasting Corporation's (CBC) last licence renewal, the Commission stated its expectation that the CBC take steps to ensure the fair representation on the airwaves of regional stations and in network programs of the issues and concerns of all francophone groups and communities across the country and to ensure that Chaîne culturelle (now Espace musique) extend its coverage to French linguistic minority communities. These expectations are reiterated in Broadcasting Public Notice 2001-25.
16. Based on the above relating to radio services and without limiting the scope of interventions, the Commission invites comments addressing the following questions:
 - What radio services should, at a minimum, be available to English and French linguistic minority communities in Canada?
 - How should a suitable quality of service (e.g. level, type and variety) be defined with respect to the radio services provided to English and French linguistic minority communities in Canada?
 - Are the radio services received by English and French linguistic minority communities in Canada of a suitable quality? If not, what are the challenges facing these communities?
 - What are the key factors in determining whether English and French linguistic minority communities in Canada receive radio services of a suitable quality?
 - What technical or commercial limitations, or any other limitations related to matters within the Commission's jurisdiction, would prevent the distribution of radio services of a suitable quality to English and French linguistic minority communities in Canada?

- How could access to radio coverage of important national and international events in the minority language be enhanced?
- What reasonable measures could be taken by the Commission, within the limits of its mandate, to meet the challenges facing English and French linguistic minority communities in Canada with respect to the availability and quality of television services?

New technologies

17. Since the issuance of Public Notice 2001-25 on French-language broadcasting services in a minority environment, numerous technological changes have occurred. For example, the conversion of over-the-air broadcasting to digital provides for a better quality signal. However, this conversion entails substantial costs that could prove prohibitive for services serving a minority population.
18. Similarly, the distribution of more television services is possible because of digital distribution, which increases the distribution capacity of undertakings. However, the conversion of a large number of services to high definition, which uses more bandwidth, could restrict this distribution capacity, particularly with respect to satellite distribution.
19. The development of satellite radio has also provided access to a host of radio channels. Some of these are Canadian English- and French-language channels and all are available on a subscription basis to Canadians.
20. Finally, improved access to the Internet, particularly high-speed Internet service, and advances in mobile technology are increasing the availability of broadcasting services, whether television or radio. However, it is often suggested that it is still difficult to access high-speed Internet service in several rural areas that are home to francophone and anglophone minority communities in Canada, thus limiting their access to broadcasting services in new media.
21. Considering the above relating to new technologies and without limiting the scope of interventions, the Commission invites comments addressing the following:
 - What impact are new technologies having on the availability of radio and television services to English and French linguistic minority communities in Canada?
 - What challenges are English and French linguistic minority communities in Canada facing in terms of access to new technologies?
 - What reasonable measures could be taken by the Commission, within the limits of its mandate, to ensure that English and French linguistic minority communities in Canada have optimum access to new technologies?

Studies on the availability of services

22. The Commission has asked the external consulting firm Brynaert et associés to prepare a study on the availability of radio, television, cable and high-speed Internet services in Canada's English and French linguistic minority communities. The study, entitled *Sounds and Images*, will be placed on the public record for this proceeding as soon as it is available. The Commission will also place on the public record, as soon as it is available, a quantitative analysis by province and territory of the results of the study prepared by Brynaert et associés at the Commission's request. This analysis will establish the extent to which broadcasting and high-speed Internet services are available in French and English linguistic communities in Canada.
23. This study will be available for consultation on the Commission's website at www.crtc.gc.ca under "Public Proceedings." It reflects the views of the consultants and not those of the Commission and determines neither the agenda nor the outcome of the proceeding.
24. A study titled, *Canada's Community and Campus Radio Broadcasting sectors*, prepared by Les associés de recherche Ekos inc., is available upon request to the Commission.
25. Another study by Connectus Consulting specifically addressing community radio in minority situations will also be available upon request to the Commission at a later date. The Commission's offices contact information is attached to this notice.
26. Additional information may be placed on the public record as it becomes available and can be consulted at the Commission's offices and on the Commission's website.

Public consultation

27. The Commission will hold a public hearing commencing on **13 January 2009 at 9 a.m. at the Conference Centre, Phase IV, 140 Promenade du Portage, Gatineau, Quebec**, to address the matters set out in this notice and in the comments received.
28. The Commission invites the parties to file written comments that address the matters set out above no later than **20 November 2008**.
29. The Commission will only accept submissions that it receives on or before the prescribed dates noted above.
30. Following the oral public hearing, interested parties may have an opportunity to file brief final written comments.
31. Parties wishing to appear at the public hearing must state their request on the first page of their written submissions. Parties requesting appearance must provide clear reasons, on the first page of their submissions, as to why the written submission is not sufficient and why an appearance is necessary. The Commission will subsequently inform parties

whether their request to appear has been granted. While submissions will not otherwise be acknowledged, they will be considered by the Commission and will form part of the public record of the proceeding, provided the procedures set out herein have been followed.

32. Although the public hearing will be held in the National Capital Region, parties may participate in the public consultation from the Commission's regional offices via videoconferencing. Parties interested in doing so are asked to indicate clearly the regional office at which they wish to appear. A list of the Commission's regional offices is attached to this notice.

Procedure for filing comments

33. Interested parties can file their comments with the Secretary General of the Commission:

- **By using the**
[Broadcasting Intervention/Comments Form](#)

OR

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

OR

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

34. Submissions longer than five pages should include a summary.
35. Please number each paragraph of your submission. Please also 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

36. 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 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 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.
37. 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.

38. Documents received electronically or otherwise will be put on the Commission's website 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.
39. 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 Web page of this particular public process. As a result, a general search of our website 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.
40. The Commission encourages interested parties to monitor the public examination file and the Commission's website 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

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel.: 819-997-2429
Fax: 819-994-0218

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

205 Viger Avenue West
Suite 504
Montreal, 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
2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel.: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel.: 780-495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel.: 604-666-2111
TDD: 604-666-0778
Fax: 604-666-8322

Secretary General

Related documents

- *New digital specialty described video programming undertaking; Licence amendments; Issuance of various mandatory distribution orders*, Broadcasting Decision CRTC 2007-246, 24 July 2007
- *Renewal of the licence for TV5 Québec Canada*, Broadcasting Decision CRTC 2003-77, 27 February 2003
- *Licence renewals for the French-language national television network TVA and for the French-language television programming undertaking CFTM-TV Montréal*, Decision CRTC 2001-385, 5 July 2001

- *A policy to increase the availability to cable subscribers of specialty services in the minority official language*, Public Notice CRTC 2001-26, 12 February 2001
- *Achieving a better balance: Report on French-language broadcasting services in a minority environment*, Public Notice CRTC 2001-25, 12 February 2001

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>.

Appendix 1 to Broadcasting Notice of Public Hearing CRTC 2008-12

Order in Council P.C. 2008-1293, 19 June 2008

Whereas the Canadian Radio-television and Telecommunications Commission (hereinafter referred to as “the Commission”) is responsible for regulating and supervising all aspects of the Canadian broadcasting system;

Whereas, among other things, subsection 5(2) of the *Broadcasting Act* (hereinafter referred to as “the Act”) stipulates that the Canadian broadcasting system should be regulated and supervised in a flexible manner that:

- a) is readily adaptable to the different characteristics of English- and French-language broadcasting and to the different conditions under which broadcasting undertakings that provide English- or French-language programming operate; and
- b) takes into account regional needs and concerns;

Whereas, among other things, the broadcasting policy for Canada set out in subsection 3(1) of the Act provides that:

- a) English- and French-language broadcasting, while sharing common aspects, operate under different conditions and may have different requirements;
- b) the programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources; and
- c) a range of broadcasting services in English and in French shall be extended to all Canadians as resources become available;

Whereas in 2000-2001, the Commission undertook a study of the availability and the quality of French-language broadcasting services in French linguistic minority communities in Canada;

Whereas the Governor in Council recognizes that technological advancements are transforming the way in which content is being created, distributed, consumed and experienced;

Whereas the Governor in Council further considers and assigns high priority to the fact that:

- a) current approaches to the provision of English- and French-language broadcasting services should remain in step with advances in digital technology;
- b) the presence of English- and French-language broadcasting services in English and French linguistic minority communities in Canada contributes not only to the

vitality and development of those communities but also responds to the needs of all Canadians who wish to attain a better understanding of both official languages;

c) the provision of English- and French-language broadcasting services to English and French linguistic minority communities presents particular and considerable challenges; and

d) technological developments could contribute to meeting those challenges;

Whereas subsection 15(1) of the Act provides that the Commission shall, on request of the Governor in Council, hold hearings or make reports on any matter within the jurisdiction of the Commission;

And whereas, in accordance with subsection 15(2) of the Act, the Minister of Canadian Heritage has consulted the Commission with regard to this request,

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, pursuant to section 15 of the *Broadcasting Act*, hereby requests the Canadian Radio-television and Telecommunications Commission to seek comments from the public and to report at the earliest possible time, but no later than 31 March 2009 with a view to:

- a) examining the availability and quality of English- and French-language broadcasting services in English and French linguistic minority communities in Canada;
- b) identifying any deficiencies and challenges in those communities in the provision of official-language broadcasting services, and determining the availability of official-language services across all broadcasting platforms and distribution systems; and
- c) proposing measures to encourage and facilitate access to the widest range of official-language broadcasting services possible in English and French linguistic minority communities and to ensure that the diversity of English and French linguistic communities across Canada is reflected in the Canadian broadcasting system.

Appendix 2 to Broadcasting Notice of Public Hearing CRTC 2008-12

List of new community radio stations in minority environments since 2001

Licensee and location	Broadcasting Decision
New Brunswick	
Radio Miracadie inc., Miramichi	2006-465
Radio Beauséjour inc., Moncton	2004-518
Nova Scotia	
Coopérative Radio-Halifax-Métro limitée, Halifax	2006-139
La Coopérative Radio Richmond limitée, Petit-de-Grat	2006-79
Quebec	
Radio Bishop's Inc., Lennoxville	2004-59
Radio communautaire Missisquoi, Lac-Brome	2004-476
Concordia Student Broadcasting Corporation, Montreal	2006-58
Ontario	
La Coopérative radiophonique de Toronto inc., Toronto	2003-116
Saskatchewan	
Association communautaire fransaskoise de Gravelbourg inc., Gravelbourg	2003-6
Radio Zenon Park Inc., Zenon Park (ceased operations in 2004)	2002-332
British Columbia	
Société radio communautaire Victoria, Victoria	2005-243
National Capital Region	
Fondation Radio Enfant du Canada, Gatineau and Ottawa	2007-89