



## Broadcasting Notice of Consultation CRTC 2009-330

Ottawa, 4 June 2009

### Call for comments on proposed amendments to the Exemption order for new media broadcasting undertakings

1. The Commission proposes to amend the Exemption order for new media broadcasting undertakings, set out in Appendix A to Public Notice 1999-197. Specifically, the Commission proposes to amend the above-mentioned exemption order so as to address the following matters:
  - an expansion of the definition of new media broadcasting undertakings to encompass all Internet-based and mobile point-to-point broadcasting services;<sup>1</sup>
  - the introduction of an undue preference prohibition on new media broadcasting undertakings; and
  - the introduction of a requirement for new media broadcasting undertakings to report to the Commission, upon request, information relevant to their operations.
2. The proposed amendment would reflect the determinations set out in Broadcasting Regulatory Policy 2009-329, also issued today. In that document, the Commission stated its intention to conduct a follow-up public proceeding on measurement tools and standards for the monitoring and reporting of broadcasting activities in new media. That proceeding will provide interested parties an opportunity to comment on specific proposed reporting requirements.

### Call for comments

3. The proposed amendment to Appendix A to Public Notice 1999-197 is appended to this notice. The Commission invites comments on the wording of that proposed amendment. The Commission will accept comments that it receives on or before **6 July 2009**.
4. 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

5. Interested parties can file their comments to the Secretary General of the Commission:
  - by using the

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<sup>1</sup> See Broadcasting Public Notice 2007-13 and Public Notice 1999-197.

[Broadcasting Intervention/Comments Form](#)

OR

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

OR

- by fax at  
819-994-0218

6. Submissions longer than five pages should include a summary.
7. 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**

8. 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](http://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.
9. 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.
10. 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.
11. 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 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.

12. 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

**Regional offices**

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  
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  
2220 – 12<sup>th</sup> Avenue  
Suite 620  
Regina, Saskatchewan  
S4P 0M8  
Tel.: 306-780-3422

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

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

Secretary General

#### **Related documents**

- *Review of broadcasting in new media*, Broadcasting Regulatory Policy CRTC 2009-329, 4 June 2009
- *Exemption order for mobile television broadcasting undertakings*, Broadcasting Public Notice CRTC 2007-13, 7 February 2007
- *Exemption order for new media broadcasting undertakings*, Public Notice CRTC 1999-197, 17 December 1999
- *New Media*, Broadcasting Public Notice CRTC 1999-84/Telecom Public Notice CRTC 99-14, 17 May 1999

*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 to Broadcasting Notice of Consultation CRTC 2009-330

### Amendment to the Exemption order for new media broadcasting undertakings

The final sentence of the Exemption order for new media broadcasting undertakings, which is set out in Appendix A to *Exemption order for new media broadcasting undertakings*, Public Notice CRTC 1999-197, 17 December 1999, which describes those undertakings falling within that exemption order and which reads as follows:

New media broadcasting undertakings provide broadcasting services delivered and accessed over the Internet, in accordance with the interpretation of “broadcasting” set out in Broadcasting Public Notice CRTC 1999-84/Telecom Public Notice CRTC 99-14, *Report on New Media*, 17 May 1999.

is replaced by the following:

#### Description of a new media broadcasting undertaking

1. The undertaking provides broadcasting services, in accordance with the interpretation of “broadcasting” set out in *New Media*, Broadcasting Public Notice CRTC 1999-84/Telecom Public Notice CRTC 99-14, 17 May 1999, that are:
  - a. delivered and accessed over the Internet; or
  - b. delivered using point-to-point technology and received by way of mobile devices.
2. The undertaking does not give an undue preference to any person, including itself, or subject any person to an undue disadvantage. In any proceeding before the Commission, the burden of establishing that any preference or disadvantage is not undue is on the party that gives the preference or subjects the person to the disadvantage.
3. The undertaking submits such information regarding the undertaking’s activities in broadcasting in new media, and such other information that is required by the Commission in order to monitor the development of broadcasting in new media, at such time and in such form, as requested by the Commission from time to time.