



## Broadcasting Regulatory Policy CRTC 2009-562-1

PDF version

Route reference: Broadcasting Public Notice 2008-100

Additional references: Broadcasting Public Notice 2008-103 and Broadcasting Regulatory Policy 2009-562

Ottawa, 18 June 2010

### **Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters**

*In Broadcasting Regulatory Policy 2009-562, the Commission announced standard conditions of licence for competitive Canadian mainstream sports and national news specialty services. In order to ensure that the Accessibility Policy announced in Broadcasting and Telecom Regulatory Policy 2009-430 is implemented in an equitable and competitively neutral manner for all new and existing services operating in these competitive genres, the Commission also considers it appropriate to add the standardized conditions of licence concerning accessibility of programming to the standard conditions for competitive news and sports services. Accordingly, in the appendices to this document, the Commission amends the conditions set out in Broadcasting Regulatory Policy 2009-562 to include such standardized conditions of licence. To avoid unnecessary administrative burden, the Commission has also included the standard authorization to make available for distribution an upgraded version of a service in high definition format.*

1. The implementation of Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy) was originally intended to be accomplished through the imposition of conditions of licence and expectations, where appropriate, at the time of licence renewal for existing licensees and as an element of the licensing process for new services. However, in the case of those specialty services operating in the genres of mainstream sports and national news that were opened up to competition among licensed Canadian specialty services in Broadcasting Public Notice 2008-100, the Commission considers it appropriate to establish standardized conditions of licence concerning accessibility of programming in order to ensure that the Accessibility Policy is implemented in an equitable and competitively neutral manner for all new and existing services operating in these competitive genres, consistent with the Commission's approach for such services announced in Broadcasting Public Notice 2008-100 and implemented in Broadcasting Regulatory Policy 2009-562. These conditions and expectations are set out in the revised Appendices 1 and 2 to this document.

2. The Commission has taken into consideration the concerns raised by broadcasters related to the feasibility of immediately captioning advertising, sponsorship messages and promos and will accordingly impose the following condition of licence on new services:

The licensee shall ensure that advertising, sponsorship messages and promos in the English and French language are captioned by no later than the fourth year of the licence term.

3. However, to ensure that existing and new services are treated equitably and in a competitively neutral manner, the Commission expects the licensees of services whose licence renewal will be considered in the next two years to begin assessing how they will meet this requirement. The Commission will consider imposing a condition of licence at their licence renewals that will take into account the time elapsed so that existing and new services are granted the same level of flexibility.

### **High definition programming**

4. The Commission has authorized licensees by condition of licence to make available for distribution an upgraded version of a service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in high definition format. The Commission notes that this is a standard condition of licence that now applies to most services. Accordingly, to avoid unnecessary administrative burden, it is adding it to the standard conditions of licence to ensure that mainstream sports and news services are able to offer either standard or HD versions of their services without further Commission process.

Secretary General

### **Related documents**

- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

## Appendix 1 to Broadcasting Regulatory Policy CRTC 2009-562-1

### Conditions of licence, expectations and encouragement for competitive mainstream sports specialty programming undertakings

1. (a) The licensee shall provide a national, English- or French-language specialty programming service that shall consist of programming dedicated to all aspects of sports with an emphasis on mainstream Canadian professional sports. The licensee may provide multiple feeds.  
  
(b) Programming may be drawn from all program categories set out in Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.  
  
(c) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming from the following categories: 7, 7(d), 7(e), 8(b), 8(c).
2. (a) During each broadcast year, the licensee shall devote not less than 60% of the broadcast day and not less than 50% of the evening broadcast period to Canadian programming.  
  
(b) The levels set out in subsection 2(a) shall be met on each feed offered by the service.
3. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-93, 22 June 1993, and in *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993, as may be amended from time to time:
  - (a) In each broadcast year of the licence term following the first year of operation, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 50% of the gross revenues derived from the operation of this service during the previous broadcast year.
  - (b) In each broadcast year of the licence term following the first year of operation, excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such a case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

(c) In each broadcast year of the licence term following the first year of operation, where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:

- i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and
- ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.

(d) Notwithstanding subsections 3(b) and 3(c), during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

4. (a) Subject to subsections 4(b) and 4(c), the licensee shall not distribute more than 12 minutes of advertising material during each clock hour.
  - (b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.
  - (c) In addition to the 12 minutes of advertising material referred to in subsection 4(a), the licensee may broadcast partisan political advertising during an election period.
  - (d) The licensee shall not distribute any advertising material other than national paid advertising.
5. The licensee is authorized to make available for distribution an upgraded version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in HD format.
6. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
7. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:

- adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
8. The licensee shall provide audio description for all the key elements of information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the textual and graphic information that is displayed on the screen during information programs.
  9. The licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
  10. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
  11. The licensee shall adhere to the Canadian Association of Broadcasters’ *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of these conditions:

“broadcast day” and “clock hour” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*;

“broadcast month” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast days in a month; and

“broadcast year” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcasting months in a 12-month period, beginning on 1 September in any year.

## **Expectations**

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

The Commission expects the licensees of services whose licence renewal will be considered in the next two years to begin assessing how they will meet the requirement of ensuring that advertising, sponsorship messages and promos in the English and French language are closed captioned. Accordingly, the Commission will consider imposing a condition of licence at the licence renewal for such a service that will take into account the time elapsed since the issuance of the decision relating to the application of the conditions of licence set out in this policy to the service in question.

The Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the Commission expects the licensee to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
- make information available regarding the described programs that it will broadcast.

### **Encouragement**

The Commission encourages broadcasters to repeat the standard described video logo and audio announcement indicating the presence of described video following each commercial break.

## Appendix 2 to Broadcasting Regulatory Policy CRTC 2009-562-1

### Conditions of licence, expectations and encouragement for competitive mainstream national news programming undertakings

1. (a) The licensee shall provide a national, English- or French-language specialty programming service that shall consist of mainstream national news and information programming. The licensee shall provide updated news reports every 120 minutes.  
  
(b) Programming may be drawn from all program categories set out in Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.  
  
(c) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming from the following categories: 7, 7(d), 7(e), 8(b), 8(c).
2. During each broadcast year, the licensee shall devote not less than 90% of the broadcast day to Canadian programming.
3. (a) Subject to subsections 3(b) and 3(c), the licensee shall not distribute more than 12 minutes of advertising material during each clock hour.  
  
(b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.  
  
(c) In addition to the 12 minutes of advertising material referred to in subsection 3(a), the licensee may broadcast partisan political advertising during an election period.  
  
(d) The licensee shall not distribute any advertising material other than national paid advertising.
4. The licensee is authorized to make available for distribution an upgraded version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in HD format.
5. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.

6. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
- adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
7. The licensee shall provide audio description for all the key elements of information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the textual and graphic information that is displayed on the screen during information programs.
8. The licensee shall adhere to the Canadian Association of Broadcasters’ *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
9. The licensee shall adhere to the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
10. The licensee shall adhere to the Canadian Association of Broadcasters’ *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of these conditions, “broadcast day” and “clock hour” shall have the same meaning as that set out in the *Television Broadcasting Regulations, 1987*.

## **Expectations**

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

The Commission expects the licensees of services whose licence renewal will be considered in the next two years to begin assessing how they will meet the requirement of ensuring that advertising, sponsorship messages and promos in the English and French language are closed captioned. Accordingly, the Commission will consider imposing a condition of licence at the licence renewal for such a service that will take into account

the time elapsed since the issuance of the decision relating to the application of the conditions of licence set out in this policy to the service in question.

The Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the Commission expects the licensee to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
- make information available regarding the described programs that it will broadcast.

### **Encouragement**

The Commission encourages broadcasters to repeat the standard described video logo and audio announcement indicating the presence of described video, following each commercial break.

## **Appendix 3 to Broadcasting Regulatory Policy CRTC 2009-562-1**

### **Supplementary condition of licence for Le Réseau de l'information**

Le Réseau de l'information (RDI) programming shall reflect the concerns of each of the principal Francophone regions in Canada identified by the Canadian Broadcasting Corporation (CBC) as: Atlantic Canada, Quebec, Ontario and Western Canada. To this end, the licensee shall ensure that at least one-third of all of the original programs distributed by RDI each broadcast year are regional productions either produced by the CBC's own stations in the regions or by RDI's regional associates. Each region concerned shall be identified in the program logs.