



## Broadcasting Notice of Consultation CRTC 2011-307

PDF version

Ottawa, 11 May 2011

### Call for comments on the addition of RAINews to the lists of eligible satellite services for distribution on a digital basis

#### Deadline for comments: 10 June 2011

1. The Commission received a request dated 25 March 2011 from Rogers Communications Inc. (Rogers) to add RAINews to the lists of eligible satellite services for distribution on a digital basis (the digital lists).
2. Rogers described RAINews as the all-news broadcasting service of Italy's public broadcaster RAI Radiotelevisione Italiana and specified that it provides Italian-language daily news and current affairs programming focused on events and issues that are taking place in Italy and around the world.
3. With respect to such non-Canadian news services, the Commission considers an open-entry approach to be consistent with the importance it places on a diversity of editorial points of view. Accordingly, in *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008 (Broadcasting Public Notice 2008-100), the Commission announced that in the absence of clear evidence, as determined by the Commission, that a non-Canadian news service would violate Canadian regulations, such as those regarding abusive comment, it will be predisposed to authorize such a service for distribution in Canada.
4. The Commission invites comments on the request described above. Consistent with the open-entry approach regarding non-Canadian news services and in particular with the importance placed by the Commission on a diversity of editorial points of view, parties wishing to submit that RAINews should not be authorized for distribution in Canada should provide detailed support for their position. Such support might consist, for example, of transcripts or tapes of actual programs aired on the service, along with details as to the date or dates on which they aired.
5. If a party wishes to argue that RAINews should not be considered a news service and should therefore not be subject to the open-entry approach set out in Broadcasting Public Notice 2008-100, it should provide evidence to that effect. The party may then argue that the proposed service would be competitive with a Canadian pay and specialty service. To do so, it should name the specific Canadian pay or specialty service with which it considers RAINews would compete and provide details to

support its views, such as comparisons as to nature and genre of service, programming schedules, programming sources and supply and target audience.

## Procedure

6. The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for filing, content, format and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of the public hearing. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "CRTC Rules of Practice and Procedure."
7. This notice announces an application that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that was filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.
8. The Commission invites interventions as well as answers from respondents regarding Rogers' application for the addition of RAINews to the digital lists. Parties submitting interventions or answers should also submit a true copy of their submissions to the applicant at the following address:

Rogers Communications Inc.  
Attention: Cable Regulatory Department  
9<sup>th</sup> Floor  
333 Bloor Street East  
Toronto, Ontario  
M4W 1G9  
Email: [cable.regulatory@rci.rogers.com](mailto:cable.regulatory@rci.rogers.com)  
Fax: 416-935-4875
9. Proof that interventions and answers have been sent to Rogers must accompany the original version of the interventions or answers sent to the Commission.
10. Interventions and answers regarding Rogers' application must be received by the Commission no later than **10 June 2011**. A true copy of these submissions must be received by Rogers, and an answer from a respondent must also be served on any other respondent, by no later than the same deadline date.
11. Rogers may file a written reply to any intervention or answer received concerning its application. This reply should be filed with the Commission, and a copy sent to the party who submitted the intervention or answer, by no later than **20 June 2011**.
12. The Commission will not formally acknowledge interventions, responses or replies. It will, however, fully consider all interventions, responses and replies, and they will

form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

13. The Commission cannot be held responsible for postal delays and will not notify a party whose submission is received after the above-noted deadline dates. The submission will not be considered by the Commission and will not be part of the public file.
14. Interventions, answers from respondents and replies from the applicant will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.
15. Interventions, answers or replies must be submitted to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[\[Intervention/comment/answer form\]](#)

or

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

or

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

16. The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.
17. Parties must ensure that before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.
18. Submissions longer than five pages should include a summary.
19. Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document, as an indication that the document has not been altered during electronic transmission.

20. Interventions, answers and replies should clearly identify the applicant referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

### **Important notice**

21. All information that parties provide as part of this public process, except information designated confidential, 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 personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
22. The personal information that parties 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.
23. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, 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.
24. The information that parties 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 the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
25. The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

### **Examination of documents**

26. Electronic versions of the application and related documents are available on the Commission's website. They are accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Related documents" link associated with this notice. They are also available from Rogers upon request by contacting the applicant at its email address, provided above.
27. A list of all interventions, answers and replies will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

28. Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with this the sponsor's request, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

### **Location of Commission offices**

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

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

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

### ***Regional offices***

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99 Wyse Road  
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M4T 1M2  
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Secretary General