



Broadcasting Notice of Consultation CRTC 2011-363

PDF Version

Ottawa, 7 June 2011

Call for comments on a proposed code of best practices for access programming on cable community channels

The Commission calls for written comments on a proposed code of best practices for access programming on cable community channels that has been submitted by the Cable Industry Working Group in relation to the Community Television Policy, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010. The proposed code is appended to this notice.

*The deadline for submitting comments in regard to the proposed code is **6 September 2011**. The deadline for submitting replies is **16 September 2011**.*

Introduction

1. In *Community Television Policy*, Broadcasting Regulatory Policy CRTC [2010-622](#), 26 August 2010 (the Community Television Policy), the Commission determined that the creation of a cable industry working group (the working group) to develop a code of best practices for access programming (the Code) to guide broadcasting distribution undertakings (BDUs) in decision-making would be beneficial to all BDUs, as well as members of the public who wish to produce access programming.
2. The Community Television Policy also established that the term “best practices” refers to the means by which licensed BDUs can achieve the overall objective of ensuring that their decision-making with respect to access programming promotes fair and consistent practices at all times and throughout each individual system.
3. In the Community Television Policy, the Commission mandated that the working group:
 - include one representative from each of the following: Rogers, Shaw, Cogeco, EastLink, Quebecor and the Canadian Cable Systems Alliance;
 - develop a code of best practices for access programming; and
 - submit this code to the Commission for approval no later than 6 months from the date of this policy, i.e. before 26 February 2011.
4. The Commission also required that the Code include guiding principles such as, but not limited to:

- what can be expected from and by an individual, group or community television corporation residing within the licensed area of a terrestrial BDU that is producing access programming; and
 - what types of access program proposals are acceptable.
5. Following the issuance of the Community Television Policy, an industry working group was established and provided the Commission with a preliminary draft of its Code in a timely manner. The Fédération des télévisions communautaires du Québec (FTCAQ) and the Community Television Users and Stations (CACTUS) both received a draft of the proposed Code and were invited to comment. Their comments have been placed on the public file for this proceeding.

Call for comments

6. The Commission calls for written comments on the Code that has been submitted by the Cable Industry Working Group. The proposed Code, as provided to the Commission, is appended to this notice.
7. The Commission will await the completion of the comment phase of this process before evaluating the substance of the proposed Code. However, it notes that the proposed Code suggests a possible role for the Canadian Broadcast Standards Council (the CBSC) in providing a dispute resolution process when conflicts arise. The Commission considers that the Cable Industry Working Group needs to provide more detail on the costs and the specific role of the CBSC in arbitrating any disputes. It also encourages the CBSC to file comments in this proceeding.
8. The Commission also notes the proposal by CACTUS for the establishment of citizen advisory committees as a mechanism to address access or viewer complaints. In this regard, the Commission notes that the Community Television Policy specifically states that “feedback mechanisms, such as advisory boards, to encourage viewer response to the range and types of programs aired” should be implemented. The Commission requests that parties to this proceeding address the potential for such bodies to mediate any disputes between access producers and licensees as well as any other mechanisms that may be more effective in resolving disputes.

Procedure

9. 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. 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 under “CRTC Rules of Practice and Procedure.”
10. The Commission will accept interventions that it receives on or before **6 September 2011**. Parties may file with the Commission, by **16 September 2011**, replies to any of the interventions submitted. The Commission cannot be held

responsible for postal delays and will not notify a party whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

11. The Commission will not formally acknowledge interventions. It will, however, fully consider all interventions, and they will form part of the public record of the proceeding, provided that the procedures for filing set out in the Rules of Procedure and this notice have been followed.
12. Interested persons must file their interventions 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

13. Submissions longer than five pages should include a summary.
14. Each paragraph of the submission should be numbered. In addition, where the comment 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.

Important notice

15. 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, 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.
16. 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.
17. 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.

18. 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.
19. 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

20. A list of all interventions and answers 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 clicking on the "Interventions/Answers" link associated with this notice.
21. The public may examine public interventions and related documents at the following Commission offices during normal business hours.

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

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
Fax: 204-983-6317

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

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

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
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Fax: 604-666-8322

Secretary General

Appendix to Broadcasting Notice of Consultation 2011-363

Cable Industry Community Channel Best Practices

“The role of the community channel should be primarily of a public service nature, facilitating self-expression through free and open access by members of the community.”

[Broadcasting Regulatory Policy CRTC 2010-622]

The Challenge

Created to ensure content produced by local people and featuring local issues, voices, places and events are accessible by community members, cable community channel operators welcome the CRTC’s recent challenge to intensify our dedication to that core role. This Best Practices document will serve to codify our commitment to that objective.

The Objectives

This document unites the directive vision of the CRTC quoted above with the historic commitment of cable-owned community television channels into a set of up-to-date principles, standards and outreach practices. We begin with a confirmation of over-arching objectives. These are:

- To pursue our commitment to fair and consistent practices in the spirit of the long-recognized best efforts of both cable-operated community television stations and independent community television corporations to meet the legitimate aspirations of Canadians who wish to participate in community-based television production
- To broadcast locally-reflective programming produced and presented by community and in-house sources, as well as by the co-operative efforts of the two.
- To ensure fair and equitable access policies for individuals and groups that wish to express their views on the community channel within legal and regulatory guidelines.
- To reach out to community members in an effort both to publicize access opportunities and to offer training intended to better prepare volunteers to participate in all aspects of the development, preparation and presentation of high quality community programming.

Guiding Principles

Cable community channels shall actively promote free access by community members to community channels.

While striving to maximize free access, cable community television operators must also comply with all laws, regulations and policies governing content, taste, community reflection and diversity of voices. As such, in addition to acting as advisors and facilitators, they will also be responsible for monitoring all content that airs on the cable community channel.

In coordinating access to community channel facilities, cable community television operators will ensure compliance with the *Broadcasting Act*, CRTC regulations and other relevant Canadian laws. Cable community television operators need not grant access to program proposals that could jeopardize the terms and conditions of their licenses.

Cable community television operators shall further be guided by the following criteria, in combination one with the other. No single criterion taken separately necessarily constitutes sufficient grounds for granting or refusing access.

- a. Program proposals must be within the capabilities of the human, technical and financial resources available and the licensee's desire to maximize access opportunities.
- b. Proposed programs should be relevant to some element of the community served. The licensee shall make reasonable efforts to ensure that access programming as a whole reflects the socio-cultural composition of the service area.
- c. The particular topic proposed for production should be such that television is an effective medium for presentation.
- d. Proposals should be such that programs can be produced and aired in time-frames that are reasonable in the circumstances.
- e. Criteria for access programming:
 - 1) The idea for an access program must originate from a community member not employed by the BDU.
 - 2) A community member must be involved in the production team:
 - (a) in an on-camera role (e.g., a personality or actor that appears in a predominant portion of the production); and/or
 - (b) as a creative member of the production crew (e.g, directing, producing or writing).
- f. At any time, the licensee may assist in training and supporting community members in the production and distribution of access programming with the access producer exercising creative control within established parameters.
- g. The licensee will ensure access programs are scheduled in a reasonable manner throughout the broadcast day, including the peak viewing period (7 p.m.-11p.m.).

Outreach

A community channel's unique identity and reputation are enhanced as it reaches out to involve local groups and individuals, and in the efforts it makes to provide them with access to its programming and production facilities.

Accordingly, interested individuals or groups within the community shall, to the extent possible, be given a fair and reasonable opportunity to access the community channel or use its facilities. Though this does not ensure an automatic right to enjoy such privileges, in an effort

to encourage, develop and increase access, the terms and conditions set down by community channel operators shall be as flexible as possible, keeping in mind community values, content accountability and the dictates of Canadian law and regulation in general.

To build public awareness of the community channel, licensees shall regularly promote and publicize the availability and objectives of their community channels' access opportunities. Licensees can choose to do so through a variety of means, including but not limited to:

- televised public service announcements
- social media campaigns
- town hall meetings
- “open house” days
- paid advertisements

Consistent with their means, licensees will provide adequate training for volunteers to ensure they may more effectively participate in the production and presentation of high quality community programming. Training will be provided free of charge on a number of different levels, including but not limited to:

- workshops
- internships and co-operative education placements
- online seminars
- job shadowing
- how-to videos

These training opportunities will be promoted through various channels including those listed in the paragraph about public awareness tactics above.

Dispute resolution

It is mutually beneficial for BDUs and community access producers to work together cooperatively to create community television programming. If disagreements should arise, it is expected that both BDUs and producers would try to resolve the matters together. Should that fail, BDUs would look to the Canadian Broadcast Standards Council to provide a fair and balanced dispute resolution mechanism, but would be subject to an agreed upon fee structure with the CBSC and would be contingent on the CRTC agreeing that said fees would qualify as access costs.