



Broadcasting Notice of Consultation CRTC 2011-668

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Ottawa, 26 October 2011

Call for comments on an amendment to the Commission's buy-through requirement

*The Commission calls for comments on a proposed amendment to the buy-through requirement set out in section 27(4) of the Broadcasting Distribution Regulations. The deadline for the receipt of comments is **25 November 2011**.*

Introduction

1. As set out in *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011 (Broadcasting Regulatory Policy 2011-455), the Commission's current buy-through requirement generally establishes that where a subscriber wishes to subscribe to a third-language general interest programming service in the same principal language as one of the ethnic specialty Category A services, the subscriber must also subscribe to that ethnic specialty Category A service.
2. In Broadcasting Regulatory Policy 2011-455, the Commission determined that the buy-through requirement remained an important regulatory measure to support ethnic specialty Category A services in satisfying their regulatory obligations. Accordingly, as announced in that regulatory policy, the Commission incorporated the buy-through requirement into the amended *Broadcasting Distribution Regulations* (the Regulations) that came into effect on 1 September 2011.
3. Specifically, as currently worded, section 27(4) of the amended Regulations requires a broadcasting distribution undertaking (BDU) that distributes a general interest Category B third-language service to subscribers to also distribute an ethnic Category A service to them if one is available in the same principal language.
4. Fairchild Television Ltd. and Asian Television Network International Limited, in letters to the Commission dated 11 August 2011 and 23 August 2011, respectively, indicated that the section 27(4) requirement as currently incorporated into the newly amended Regulations does not require distributors of non-Canadian third-language services to also distribute Category A services in the same principal language. These letters are available on the public record of this proceeding, which can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
5. The Commission acknowledges that based on the current wording of section 27(4) of the amended Regulations, a BDU that distributes a general interest non-Canadian third-language service to subscribers is not similarly required to also distribute an ethnic Category A service. The Commission proposes to amend the Regulations to

include such a requirement (as set out in the appendix to the present notice of consultation), thereby providing further support to ethnic specialty Category A services in meeting their regulatory obligations. In the Commission's view, the proposed amendment would be more consistent with the Commission's determination regarding the importance of the buy-through requirement, as set out in paragraph 32 of Broadcasting Regulatory Policy 2011-455.

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 content, format, filing 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."
7. The proposed amendment is appended to this notice. The Commission invites comments on the wording of the proposed amendment. The Commission will accept interventions that it receives on or before **25 November 2011**.
8. In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made part of the public file.
9. 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.
10. Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

by using the

[\[Intervention/comment/answer form\]](#)

or

by mail to

CRTC, Ottawa, Ontario K1A 0N2

or

by fax at

819-994-0218

11. Submissions longer than five pages should include a summary.

12. 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

13. 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.
14. 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.
15. 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.
16. 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.
17. 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

18. 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.
19. 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

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

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

403 – 4th Avenue South-West
Suite 100
Calgary, Alberta
T2P 3N2

Tel.: 403-292-6660
Fax: 403-292-6686

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

**Appendix to Broadcasting Notice of Consultation
CRTC 2011-668**

**REGULATIONS AMENDING THE *BROADCASTING DISTRIBUTION
REGULATIONS***

AMENDMENT

1. Subsection 27(4) of the *Broadcasting Distribution Regulations*¹ is replaced by the following:

(4) Except as otherwise provided under a condition of its licence, a licensee that distributes a general interest non-Canadian third-language service or a general interest Category B third-language service to subscribers shall also distribute an ethnic Category A service to them if one is available in the same principal language.

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

¹ SOR/97-555