



Broadcasting and Telecom Information Bulletin CRTC 2011-755

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Amendments to certain requirements for broadcasting distribution undertakings regarding service area extensions and the filing of service area maps

The Commission announces streamlining measures regarding the requirements for broadcasting distribution undertakings to obtain Commission approval for amendments to service areas, and to file service area maps.

Introduction

1. As set out in section 5(2)(g) of the *Broadcasting Act*, the Canadian broadcasting system should be regulated and supervised in a flexible manner that is sensitive to the administrative burden that, as a consequence of such regulation and supervision, may be imposed on persons carrying on broadcasting undertakings. Consistent with its mandate in this regard, the Commission is eliminating the requirements for broadcasting distribution undertakings (BDUs) to obtain Commission approval for amendments to their service areas and to file service area maps as part of an application for a new BDU licence, for a licence renewal, or for an extension to their “licensed service area.” The Commission also discusses herein the continuation of the requirement to file certain maps pursuant to the *Telecommunications Act*.

Service area extensions

2. A “licensed service area” is the area within which a licensee has been authorized to carry on a distribution undertaking. Among other things, the licensed service area is used to identify the programming services that must be distributed by a licensed BDU. Since BDUs exempted pursuant to Broadcasting Order 2009-544 require a licence to provide service in the same area as a licensed BDU, licensed service areas are also used to determine the areas in which exempt BDUs may or may not operate.
3. Applications for extensions to licensed service areas are currently approved administratively by the Commission. Given that the Commission’s policies encourage competition and the provision of service to the greatest number of subscribers, service area extensions are rarely denied. Accordingly, effective immediately, the Commission is eliminating the requirement for licensed BDUs to apply and obtain approval for amendments to their service areas. This will reduce the administrative burden for both BDUs and the Commission. It should be noted that this applies only to service area extensions into areas not already served by the licensee in question. For all other types of service area extensions, including amendments where a licensee

combines two or more existing services areas into a single service area, licensees must continue to file an application for approval by the Commission.

4. The Commission will only consider the extension to be part of a licensee's service area once it begins to provide service in that area. Therefore, licensed BDUs must inform the Commission, by letter, when they have extended their service area and have begun to offer service in the new area. This letter will be posted on the Commission's website. While the Commission will not conduct a process to approve such extensions, it will, should issues or concerns arise, review a BDU's licensed service area as part of its licence renewal process or in response to complaints.

Service area maps

5. BDUs are currently required to file electronic service area maps as part of an application for a new broadcasting distribution licence, for a licence renewal, or for an extension to their licensed service area. In the latter case, these maps specify the boundaries of the current licensed service area and set out the proposed change to it. Maps must be provided in the format set out in Broadcasting Information Bulletin 2009-384.
6. Among other things, exempt BDUs can refer to these maps to determine whether they intend to operate within the service area of a licensed undertaking. Conventional television broadcasters rely on these maps to determine whether they must be distributed by a BDU and whether they have priority distribution over other broadcasters. To date, the Commission has encouraged BDUs to make these service area maps available on their websites.
7. The Commission will no longer require BDUs to file electronic service area maps as part of an application for a new broadcasting distribution licence, for a licence renewal, or for an extension to their licensed service area. Accordingly, effective immediately, BDUs are instead required to make up-to-date service area maps available to the Commission upon request. These maps should be available in a scale that permits the precise identification of the boundaries of the service area. The Commission continues to encourage existing and new entrant BDUs to post their service area maps on their respective websites.

Cable broadcasting distribution undertakings providing broadband service

8. The information contained in service area maps has been used by the Commission to research the availability of broadband Internet access service, in both urban and rural areas. This data continues to be invaluable in assessing broadband coverage. The Commission will rely on maps, from both licensed and exempt BDUs, that it currently has on file to assess broadband coverage, and the impact and effectiveness of Commission decisions and policies. These maps will also serve as a resource for industry and policy makers in supporting the development of the digital economy.

9. Telecommunications service providers (including cable BDUs that provide broadband service) whose up-to-date broadband maps are already on file with the Commission will not have to resubmit maps. The Commission will only request new cable licensees that have not submitted maps to the Commission and those cable BDUs that have made changes to their service areas to file maps of their broadband coverage as part of the Commission's existing Annual Facilities Survey, pursuant to the *Telecommunications Act*. If no changes have been made to the service area of their broadband coverage, respondents to the Annual Facilities Survey will be required to indicate, on the survey form, that there are no changes to their broadband coverage.

Secretary General

Related documents

- *Exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Order CRTC 2009-544, 31 August 2009
- *Streamlining of certain filing requirements for broadcasting distribution undertakings*, Broadcasting Information Bulletin CRTC 2009-384, 26 June 2009