



Broadcasting Notice of Consultation CRTC 2012-21

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Ottawa, 18 January 2012

Call for comments on proposed amendments to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order* – new provision relating to emergencies

*The Commission calls for comments on proposed amendments to the Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order set out in Public Notice 1992-6, as amended by the appendix to Public Notice 2002-73 (the exemption order). The proposed amendments would permit the broadcast of information related to emergencies on broadcasting undertakings that fall under the exemption order in cases where emergency alert messages are not available from other sources. The deadline for the receipt of comments is **17 February 2012**.*

Introduction

1. The Legislative Assembly of Nunavut (the Legislative Assembly) has requested that the Commission amend the *Parliamentary and Provincial or Territorial Legislative Proceedings Exemption Order* first set out in Public Notice 1992-6 and amended in the appendix to Public Notice 2002-73 (the exemption order). The amendment would permit it to use the service that broadcasts the proceedings of its Legislative Assembly to broadcast information related to emergencies on broadcasting undertakings that fall under the exemption order in cases where emergency alert messages are not available from other sources.
2. The Legislative Assembly noted that, on 6 October 2011, Telesat Canada's Anik F2 satellite experienced a major failure. As a result, the Government of Nunavut and the RCMP had to implement emergency measures to maintain essential communications links with RCMP detachments, community health centres, medical evacuation providers and others. The Legislative Assembly submitted that Telesat Canada has no backup satellite to replace Anik F2 in the event of major failures, and noted that Pelmorex Communication Inc.'s emergency alert service is carried on Anik F2.
3. Given that the Legislative Assembly's proceedings are carried on Anik F1, it is of the view that permitting emergency information on that channel would provide a back-up in case Anik F2 were to fail again.
4. In light of the Legislative Assembly's concerns, the Commission proposes to amend the exemption order by adding the following criterion:

In the event that an emergency situation prevents the reception of other services authorized to broadcast emergency alert messages, the programming service may

be used to transmit video, audio and text information to the general public concerning the emergency situation.

5. A proposed revised version of the exemption order including the above criterion is set out in the appendix to this document.

Call for comments

6. The Commission invites comments on the revised Exemption Order appended to this notice. The Commission will accept comments that it receives on or before **17 February 2012**.

Procedure for filing comments

7. 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."
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 provided as part of this public process, except information granted confidentiality, 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 provided.
14. The personal information provided 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 provided 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 webpage 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 interested persons to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

Examination of documents

18. A list of all interventions 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

Central Building
Les Terrasses de la Chaudière
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

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

100 4th Avenue South-West
Suite 430
Calgary, Alberta
T2P 3N2
Tel.: 403-292-6660
Fax: 403-292-6686

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

Secretary General

Related documents

- *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order: Amendments to previous order in force*, Broadcasting Public Notice CRTC 2002-73, 19 November 2002
- *House of Commons and Provincial or Territorial Legislature Proceedings Exemption Order*, Public Notice CRTC 1992-6, 17 January 1992

Appendix to Broadcasting Notice of Consultation CRTC 2012-21

Amendment to the Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order

The *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order* set out in Public Notice 1992-6, as amended by the appendix to Public Notice 2002-73, is replaced with the following (amendments are indicated in **bold**):

The Commission has concluded that compliance with the requirements of Part II of the *Broadcasting Act* (the Act) or of any regulations by persons carrying on an undertaking providing coverage of the proceedings of Parliament and provincial or territorial legislatures to distribution undertakings will not contribute in any material manner to the implementation of the broadcasting policy set out in subsection 3(1) of the Act. The Commission is satisfied that the availability of the type of programming described below is in the public interest and, because there would be no editorial comment contained in the programming services, the Commission has no concerns regarding their content.

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on a broadcasting undertaking of the class defined by the following criteria:

- a) The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament or any direction to the Commission by the Governor in Council.
- b) The undertaking meets all the technical requirements of the Department of Industry and has acquired all authorization or certificates prescribed by the department.
- c) The programming service provided by the undertaking consists of coverage of the proceedings of Parliament or of the legislature of a province or territory of Canada, including its various committees, as provided by the Speaker or appropriate committee responsible for broadcasting matters.
- d) No fee is charged for the service by the operator of the undertaking.
- e) The programming service provided by the undertaking is made available to all distribution undertakings, in the case of Parliament, throughout Canada, and in the case of a provincial or territorial legislature, throughout the province or territory involved.
- f) The programming service provided by the undertaking contains no advertising material.

- g) Any programming that is included in the service, but is in addition to the coverage of the proceedings themselves, is limited to a description of the processes of Parliament or the legislature involved or an agenda (including calls for submissions by committees, etc.) of upcoming activities, without any comment or analysis of the particular proceedings themselves. The operator of the undertaking may offer a translation of the proceedings and may offer closed captioning or signing.
- h) Except as permitted under sections (i) and (j) below the programming service provided by the undertaking covers the proceedings of the House of Commons, the Senate or the legislature involved from beginning to end and does not offer selected excerpts of the proceedings, i.e. the coverage is "gavel to gavel."
- i) The programming service provided by the undertaking may include coverage of Parliamentary committee meetings on a selective basis, where the appropriate Speaker or committee responsible for broadcasting matters is satisfied that such coverage is equitable.
- j) The programming service provided by the undertaking may include a repeat broadcast of the relevant question period.
- k) Control over the programming provided by the undertaking is retained by the appropriate Speaker or committee responsible for broadcasting matters.
- l) In the event that an emergency situation prevents the reception of other services authorized to broadcast emergency alert messages, the programming service may be used to transmit video, audio and text information to the general public concerning the emergency situation.**

Accordingly, persons operating an undertaking within the class defined by all of the foregoing criteria need not apply for a licence to operate a broadcasting undertaking.