



Broadcasting Notice of Consultation CRTC 2012-386

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Ottawa, 18 July 2012

Call for comments on proposed amendments to the *Broadcasting Distribution Regulations* – Provisions relating to the Local Programming Improvement Fund

*The Commission calls for comments on the wording of amendments to the Broadcasting Distribution Regulations in order to implement certain determinations relating to the mechanism for the funding of the Local Programming Improvement Fund by broadcasting distribution undertakings adopted by the Commission in Review of the Local Programming Improvement Fund, Broadcasting Regulatory Policy CRTC 2012-385, 18 July 2012. The deadline for the receipt of comments is **13 August 2012**.*

Introduction

1. The Commission proposes to amend the *Broadcasting Distribution Regulations* in order to implement certain determinations set out in *Review of the Local Programming Improvement Fund*, Broadcasting Regulatory Policy CRTC 2012-385, 18 July 2012 (Broadcasting Regulatory Policy 2012-385). These determinations relate to the mechanism for the funding of the Local Programming Improvement Fund (LPIF) by broadcasting distribution undertakings (BDUs). The proposed amendments give effect to the following aspects of Broadcasting Regulatory Policy 2012-385:
 - The LPIF will be extended for an additional two broadcast years under the following conditions:
 - For the 2012-2013 broadcast year, the BDU contribution rate will decrease from 1.5% to 1%. All other fund contribution conditions will remain unchanged.
 - For the 2013-2014 broadcast year, the BDU contribution rate will decrease from 1% to 0.5%. All other fund contribution conditions will remain unchanged.
 - As of 1 September 2014, the LPIF will be discontinued.
 - If the contribution made by a licensee to the LPIF for the broadcast year beginning 1 September 2013 is greater than the amount required, the licensee will be entitled to a refund of the excess of that contribution. The existing obligation to make up any shortfalls by 31 December of the following broadcast year remains unchanged.

Call for comments

2. The proposed *Regulations Amending the Broadcasting Distribution Regulations* are appended to this notice. The Commission invites comments on the wording of the proposed amendments. The Commission will accept interventions that it receives on or before **13 August 2012**.

Procedure

3. The *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."
4. 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.
5. 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.
6. 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

7. Submissions longer than five pages should include a summary.
8. 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

9. 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.
10. 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.
11. 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.
12. 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.
13. 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

14. 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.
15. 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

100 – 4th Avenue South-West
Suite 403
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 2012-386

Regulations Amending the Broadcasting Distribution Regulations

AMENDMENTS

1. Section 35 of the *Broadcasting Distribution Regulations*¹ is replaced by the following:

35. (1) Except as otherwise provided under a condition of its licence, a licensee shall make a contribution to Canadian programming — specifically, to the Local Programming Improvement Fund — based on a percentage of its gross revenues derived from broadcasting activities in the broadcast year, as follows:

(a) 1.0% for the broadcast year beginning on September 1, 2012; and

(b) 0.5% for the broadcast year beginning on September 1, 2013.

(2) No contributions are required under subsection (1) for any broadcast year after August 31, 2014.

2. Section 37 of the Regulations is renumbered as subsection 37(1) and is amended by adding the following:

(2) Despite subsection (1), if, as a result of the calculations performed under subsection 36(1), the contribution made by a licensee under paragraph 35(1)(b) is greater than the amount required to be contributed under that provision, the licensee is entitled to a refund of the excess.

3. (1) Paragraph 52(c) of the Regulations is replaced by the following:

(c) to the Local Programming Improvement Fund,

(i) a contribution of 1.0% of gross revenues for the broadcast year beginning on September 1, 2012, and

(ii) a contribution of 0.5% of gross revenues for the broadcast year beginning on September 1, 2013.

(2) Section 52 of the Regulations is renumbered as subsection 52(1) and is amended by adding the following:

(2) No contributions are required under paragraph (1)(c) for any broadcast year after August 31, 2014.

4. Section 54 of the Regulations is renumbered as subsection 54(1) and is amended by adding the following:

(2) Despite subsection (1), if, as a result of the calculations performed under subsection 53(1), the contribution made by a licensee under subparagraph 52(c)(ii) is greater than the amount required to be contributed under that provision, the licensee is entitled to a refund of the excess.

COMING INTO FORCE

5. These Regulations come into force on September 1, 2012.

¹ SOR/97-555