



Broadcasting Notice of Consultation CRTC 2013-529

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Ottawa, 1 October 2013

Call for comments on proposed changes to the measurement of local programming requirements for conventional television stations

*The Commission calls for comments on amendments to the standard conditions of licence for conventional television stations that would allow licensees of such stations to average their weekly local programming obligations quarterly throughout the broadcast year. The deadline for comments is **5 November 2013**.*

Introduction

1. Bell Media Inc. (Bell) has submitted an application (2013-0389-1) to amend the standard conditions of licence applicable to its conventional television stations, as set out in *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011. The purpose of the proposed amendments is to allow those English-language conventional stations whose licences were renewed as part of the Commission's group-based licence renewals in 2011 to average their weekly local programming obligations quarterly throughout the broadcast year.
2. Accordingly, Bell has proposed the following changes to the standard conditions of licence (the changes are in bold):
 11. If the licensee operates in a metropolitan television market, the licensee shall broadcast no less than 14 hours of Canadian local programming **per broadcast week, averaged quarterly throughout the broadcast year**.
 12. If the licensee operates in a non-metropolitan television market, the licensee shall broadcast no less than seven hours of Canadian local programming **per broadcast week, averaged quarterly throughout the broadcast year**. The licensee will not be eligible to receive funding from the Local Programming Improvement Fund if it is not in compliance with this condition of licence.
3. In support of its proposal, Bell noted that it had made a similar request during the group-based licence renewals when it asked to be allowed to average its local programming obligations over the broadcast year. At that time, Bell stated that such an amendment would give it the flexibility to temporarily reduce the amount of local programming on its stations during holiday periods (to account for staffing issues) or to cover special events. Bell stated that in *Group-based licence renewals for English-language television groups – Introductory decision*, Broadcasting Decision CRTC 2011-441, 27 July 2011 (Broadcasting Decision 2011-441), the Commission denied this request on the grounds that any change to the measurement of local programming could have an impact on the way in which the Local Programming Improvement Fund (LPIF) was managed and administered.

4. Bell argued that the Commission's current approach to local programming is related to its determinations with regard to the LPIF in Broadcasting Decision 2011-441. It further argued that the elimination of the LPIF as of 1 September 2014 should exclude this factor from the Commission's assessment of local programming requirements. Bell added that if its request were approved it did not have the intent to eliminate local programming for weeks at a time from the programming schedule and then make up the shortfall later, since such a move would not be competitive and would alienate loyal viewers.
5. The Commission notes that in *Canadian Broadcasting Corporation – Licence renewals*, Broadcasting Decision CRTC 2013-263, 28 May 2013, it partially approved a request by the Canadian Broadcasting Corporation (CBC) to average its weekly programming requirements over the broadcast year. While the Commission found that the CBC had not provided a sufficient rationale to justify this departure for all its stations, in light of the challenges faced by French-language stations in English-language markets, the Commission permitted the CBC to calculate its required hours of local programming over a broadcast year for its French-language stations in Edmonton, Moncton, Ottawa, Regina, Toronto, Vancouver and Winnipeg.

Call for comments

6. The Commission calls for comments on the proposed amendments to the measurement of local programming as set out in the standard conditions of licence for conventional television stations. The Commission will accept comments that it receives on or before **5 November 2013**.

Procedure

7. 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, the procedure for filing confidential information and requesting its disclosure, and the conduct of the public hearing. 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. 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

10. Submissions longer than five pages should include a summary.
11. Each paragraph of the submission should be numbered. In addition, where the intervention 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

12. 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.
13. 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.
14. 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.
15. 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.
16. 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

17. 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.

18. 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
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