



## Broadcasting Notice of Consultation CRTC 2013-573

PDF version

Ottawa, 30 October 2013

### Notice of applications received

#### Across Canada

**Deadline for submission of interventions/comments/answers: 19 November 2013**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following applications:

#### Applicant/licensee and locality

1. **Canadian Broadcasting Corporation**  
Across Canada  
Applications 2013-1304-8 and 2013-1306-4

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Applications 2013-1304-8 and 2013-1306-4

Applications by the **Canadian Broadcasting Corporation (CBC)** to amend the broadcasting licences for the Espace Musique and Radio 2 networks and stations across Canada.

In *Canadian Broadcasting Corporation – Licence renewals*, Broadcasting Decision CRTC 2013-263, 28 May 2013, the Commission granted the CBC's request to broadcast national advertising on its Espace Musique and Radio 2 networks to permit the services to continue to fulfill their mandates and objectives.

However, to permit the introduction of advertising in such a manner as to minimize disruptions to the programming, to maintain the service's distinct character, and to minimize the impact on the listeners, the Commission limited the time to be devoted to national advertising to no more than four minutes in any clock hour, and the number of interruptions of programming for advertising to no more than two per clock hour (condition of licence 11 of Appendix 4 to Broadcasting Decision 2013-263).

Also, given that the introduction of advertising would be a significant change with effects that were difficult to predict, the Commission approved the addition of national advertising for a period of only three years, until 31 August 2016 (condition of licence 13).

The licensee now proposes to amend conditions of licence 11 and 13, as described in Parts A, B and C below.

Interested parties are requested to specify at the beginning of their written interventions which part of the proposed amendments (A, B or C) their comments address.

## Part A

Condition of licence 11 now reads, in part:

11. The licensee shall not broadcast any advertising (category 5) except:

- a) paid national advertising; or
- b) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.

The CBC proposes changes to this part (changes are in **bold**):

11. The licensee shall not broadcast any advertising (category 5) except:

- a) paid national advertising;
- b) **during programs that are available only on a sponsored basis;**  
or
- c) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.

The Commission notes that prior to the recent renewal of the licences, a condition of licence prohibited all four CBC radio services from broadcasting most advertising, except for advertising that was included in programs that were available to the network only on a sponsored basis. This exception is still in effect for Radio One and La Première Chaîne, and in the past permitted Radio 2 and Espace Musique to provide Canadian listeners with a high-quality musical program, *The Metropolitan Opera*. The proposed wording would reinstate this longstanding exception.

The applications state that the CBC receives no revenue from this embedded advertising.

## Part B

The remainder of condition of licence 11 reads as follows:

For the purposes of this condition, the licensee may not broadcast more than four minutes of paid national advertising in any clock hour.

Programming may not be interrupted more than twice during any clock hour for paid national advertising.

The licensee proposes the following amendments to this part (changes are in **bold**):

For the purposes of this condition, the licensee may not broadcast more than four minutes of paid national advertising in any clock hour.

**Music** programming may not be interrupted more than twice during any clock hour for paid national advertising. **For the purposes of this paragraph, the mention of a sponsor's name or the inclusion of a sponsor promotion within a sponsored program shall not qualify as an interruption of the music programming.**

## Part C

Condition of licence 13 reads as follows:

13. Conditions of licence 11 and 12 expire on 31 August 2016.

The licensee proposes the following amendment to this condition of licence (changes are in **bold**):

13. Conditions of licence 11 and 12 expire on 31 August 2016. **Effective 1 September 2016, the licensee shall not broadcast any advertising (category 5) except:**
- a) during programs available only on a sponsored basis; or**
  - b) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.**

*Licensee's address:*

181 Queen Street  
P.O. Box 3220  
Station C  
Ottawa, Ontario  
K1Y 1E4  
Fax: 613-288-6257

Email: [RegulatoryAffairs@cbc.ca](mailto:RegulatoryAffairs@cbc.ca)

Website to view application: <http://www.cbc.radio-canada.ca/en/reporting-to-canadians/reports/submissions/>

Email to request electronic version of application: [RegulatoryAffairs@cbc.ca](mailto:RegulatoryAffairs@cbc.ca)

## Procedure

**Deadline for interventions, comments or answers**

**19 November 2013**

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 public hearings. 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."

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

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.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

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

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents, as it may be difficult to establish that service has occurred.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender

must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

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.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

### **Important notice**

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](http://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.

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.

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.

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.

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**

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the licensee, either on its website or upon request by contacting the licensee at its email addresses, provided above.

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 by clicking on the "Interventions/Answers" link associated with this notice.

Documents are also available during normal office hours at the Commission offices and documentation centres directly involved with these applications, or, upon request, within two (2) working days, at any other Commission offices and documentation centres.

### **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  
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 Tel.: 819-997-2429  
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### **Regional offices**

#### **Nova Scotia**

Metropolitan Place  
 99 Wyse Road  
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 Tel.: 902-426-7997  
 Fax: 902-426-2721

#### **Quebec**

205 Viger Avenue West  
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 Montréal, Quebec  
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 Tel.: 514-283-6607

#### **Ontario**

55 St. Clair Avenue East  
 Suite 624  
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**Manitoba**

360 Main Street  
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**Saskatchewan**

2220 – 12<sup>th</sup> Avenue  
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**Alberta**

100 – 4<sup>th</sup> Avenue South-West  
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Secretary General