



Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448

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Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages

The Commission requires broadcasters to fully participate in Canada's National Public Alerting System. By 31 March 2015, broadcasters in Canada will be required to alert Canadians of imminent threats to life. Campus, community and Native radio and television broadcasters, as well as radiocommunication distribution undertakings, will be required to do so by 31 March 2016.

As a result of today's changes, Canadians across the country who are listening to radio or watching television will receive notification of imminent emergencies issued by public officials so that they can take appropriate action. Alert messages include messages relating to events such as tornadoes, floods, forest fires, industrial disasters and tsunamis.

Introduction

1. The Commission announces that it has made amendments to the *Radio Regulations, 1986* (the Radio Regulations), the *Television Broadcasting Regulations, 1987* (the TV Regulations) and the *Broadcasting Distribution Regulations* (the BDU Regulations), as set out in Appendix 1 to this policy. The proposal for these amendments was announced in Broadcasting Notice of Consultation 2014-85 (the Notice). The amendments will make participation in the National Public Alerting System (NPAS) mandatory for broadcasting distribution undertakings (BDUs), radio broadcasters and over-the-air (OTA) television broadcasters by 31 March 2015, and for campus, community and Native radio and television broadcasters¹ and radiocommunication distribution undertakings (RDUs) by 31 March 2016. The amended regulations come into force on the date of their

¹ Community-based television broadcasters comprise community-based television undertakings and community-based digital services. They are not owned and operated by BDUs.

registration. A copy of the amendments to the regulations will be published in the *Canada Gazette*, Part II.

2. The Commission further announces that it has similarly amended the exemption order for terrestrial BDUs serving fewer than 20,000 subscribers set out in the appendix to Broadcasting Order 2012-408; the exemption order for RDUs set out in the appendix to Broadcasting Order 2012-673; the exemption order for low-power tourist information related radio programming undertakings set out in the appendix to Broadcasting Order 2013-620; and the exemption order respecting certain Native radio undertakings set out in Public Notice 1998-62 (collectively, the Orders), in order to incorporate provisions relating to the broadcast of emergency alert messages. For ease of reference, the Commission has set out revised versions of the above-noted exemption orders in Appendices 2, 3, 4 and 5 to this policy, respectively.
3. Finally, the Commission announces that it has revised the standard requirements for video-on-demand (VOD) undertakings to include a provision relating to their mandatory participation in the NPAS. The revised version of these requirements is set out in Appendix 6 to this regulatory policy.

Background

4. Emergency alert messages are issued by public officials (such as emergency management officials, or EMOs) for immediate distribution to the public to warn of dangers to life and property. These messages contain information relating to the nature of a threat, the area affected and actions that the public should take. In this policy, the Commission has focused on emergency alert messages relating to imminent or unfolding dangers to life (including but not limited to tornadoes, forest fires, industrial disasters and tsunamis) and for which an immediate public call to action is required.
5. The provision of emergency alert messages is achieved through the NPAS. At the core of the NPAS is the National Alert Aggregation and Dissemination (NAAD) System, which is operated by Pelmorex Communications Inc. (Pelmorex). The Commission took steps in Broadcasting Order 2009-340 and Broadcasting Decision 2011-438 to improve the effectiveness of the system, including ensuring that all EMOs are authorized to use the NAAD System and the establishment of a governance body² to provide direction and advice to Pelmorex with respect to the NAAD System. Launched in June 2010, the NAAD System authenticates alerts issued by public officials and disseminates these messages to broadcasters, BDUs and other parties for distribution to the public.

² The Pelmorex Alerting Governance Council includes representatives of the Senior Officials Responsible for Emergency Management, which has federal, provincial and territorial oversight for emergency management, as well as representatives from other federal government departments, Pelmorex, broadcasters, BDUs and the Canadian Association for Public Alerting and Notification.

6. Given that EMOs are now authorized to issue emergency alert messages through the NAAD System, the remaining component of the NPAS is the widespread distribution of emergency alert messages to Canadians by last-mile distributors. Accordingly, the Commission proposed in the Notice that the broadcasting industry be required to distribute alerts to Canadians.

Comments

7. The Commission received comments in response to the Notice from OTA radio/television broadcasters, BDUs, broadcasting associations, public interest groups, alerting solution vendors and federal/provincial/territorial (FPT) government EMOs. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Issues

8. After examining the public record for this proceeding, the Commission considers that the issues it must address relate to the following:
 - the broadcasters that must participate in the NPAS;
 - the deadline by which the broadcasting industry must begin broadcasting emergency alert messages;
 - compliance with the *NPAS Common Look and Feel Guidance 1.0*;
 - the inclusion of an audio component in emergency alert messages;
 - the language of emergency alert messages;
 - the distribution of emergency alert messages on individual OTA transmitters;
 - the broadcast of emergency alert messages within the authorized service contours;
 - the broadcast of emergency alert messages on analog/digital cable systems;
 - a separate alert feed for third-party distributors;
 - the insertion of emergency alert messages by BDUs;
 - the distribution of emergency alert messages from the Alberta Emergency Alert (AEA) System;
 - the alert attention signal; and
 - issues relating to various policy considerations identified in the Notice.

Participation in the National Public Alerting System

9. In the Notice, the Commission reiterated its view that the broadcasting system has a vital role to play in the provision of emergency alert messages to Canadians. Given that holding a broadcasting licence is a privilege, broadcasters and BDUs have a duty to inform the public of imminent perils. This is at the core of the public service obligations of all broadcasters. In the Notice, the Commission expressed its view that all radio and television broadcasters, as well as BDUs, should therefore be required to participate in the NPAS.

Comments

10. In general, the broadcasting industry expressed a willingness to participate in the NPAS.
11. Alberta Municipal Affairs and the Alberta Emergency Management Agency (the Province of Alberta) submitted that smaller broadcasters should not be required to participate in the NPAS since this would entail operational costs and support requirements and could be burdensome, particularly in light of the low number of listeners/viewers.
12. The Canadian Broadcasting Corporation (CBC) stated that it does not support the proposal to require the participation of OTA television broadcasters given that less than 6% of Canadians rely on OTA television services. It further stated that a requirement imposed on OTA television services would be a waste of financial resources since the most effective and efficient way to reach the largest population base is through OTA radio and BDUs.

Commission's analysis

13. In the Notice, the Commission indicated that broadcasters and BDUs have attributed their lack of participation in the NPAS to a variety of reasons including the unavailability of equipment and of technical solutions that would enable the distribution of emergency alert messages, and to the lack of clear business and technical rules relating to the operation of that system. It further indicated, however, that equipment is currently available to distribute emergency alert messages on broadcasting platforms and that this equipment could be readily modified to accommodate the distribution of emergency alert messages via the broadcasting system.³
14. While some broadcasters and BDUs raised concerns about the ability to implement alerting in a timely manner due to the cost and effort required, the Commission considers that the full participation of the broadcasting industry is important in order for the NPAS to be effective in safeguarding and warning Canadians.

³ See Broadcasting Decision 2013-239.

15. Although Canadians for the most part receive television service by means other than OTA, in the Commission's view, it is important for this group of viewers to be warned of imminent perils through the reception of emergency alert messages. Consequently, the Commission considers that all OTA television broadcasters should be required to participate in the NPAS.
16. While the Commission recognizes that smaller broadcasters, such as Native, campus and community radio and television programming undertakings, may not have access to the same level of funding as do larger, commercial radio broadcasters to cover the costs associated with the equipment and expertise necessary to participate in the NPAS, these broadcasters may be the primary or only source of local information to their audiences. Further, in regard to low-power tourist radio stations, given that these services already provide weather, traffic and news information, the broadcast of emergency alert messages would be a natural and valuable addition to their role in the Canadian broadcasting system.
17. Accordingly, the Commission has amended the Radio Regulations, the TV Regulations, the BDU Regulations, the standard requirements for VOD undertakings and the Orders, as published in the Notice, to require participation of all broadcasters and BDUs in the NPAS.

Deadline by which to begin broadcasting emergency alert messages

18. In the Notice, the Commission proposed that radio broadcasters, OTA television broadcasters, BDUs and VOD undertakings should be required to broadcast emergency alert messages by no later than 31 December 2014. It noted that this is the same date by which the CBC is required to implement its emergency alerting solution on its radio stations.⁴ The Commission further noted that the key challenges to the broadcasting industry's participation (such the availability of equipment for the distribution and the lack of direction with respect to the common look and feel of alerts) have been addressed, and that the industry has had sufficient time to implement alerting solutions.

Comments

19. The Public Interest Advocacy Centre (PIAC) and FPT government EMOs supported the implementation date proposed in the Notice.
20. Most of the broadcasters and BDUs that intervened in this proceeding proposed implementation dates ranging from June 2015 to December 2017 and indicated that significant efforts were still required to implement alerting solutions (for example, procuring, installing and testing equipment). In particular, smaller broadcasters and provincial broadcasting associations suggested a phased rollout, with a later start date for those serving small or medium markets.

⁴ See Broadcasting Decision 2013-263 and Broadcasting Orders 2013-264 and 2013-265.

21. Le ministère de la Culture et des Communications et le ministère de la Sécurité publique (the Province of Quebec) argued that community-based broadcasters, in the absence of funding from the Community Radio Fund of Canada (CRFC) for alerting, should be afforded a delay as regards the required implementation date. The Association des radiodiffuseurs communautaires du Québec (ARCQ), the Alliance des radio communautaires du Canada (ARC du Canada) and the National Campus and Community Radio Association (NCRA) proposed that campus and community radio stations with annual revenues below \$150,000 should be granted extensions to the proposed deadline, unless these stations received funding (for instance, provincial government or CRFC).

Commission's analysis

22. The Commission recognizes the broadcasting industry's view that setting too early an implementation date could result in the broadcasting industry not being fully prepared to broadcast emergency alert messages, which could be detrimental to public safety. The Commission also recognizes the challenges that campus, community and Native radio and television programming undertakings face due to limited revenues and the lack of available funding, and considers that their requests for a later implementation date is justified. As regards the setting of an appropriate implementation date, the Commission notes that some EMOs stated that major events for which the public should be alerted (for example, forest fires and floods) occur in the spring and summer.
23. Accordingly, in the Commission's view, an implementation date of 31 March 2015 for the distribution of emergency alert messages received from the NAAD System is appropriate for all broadcasters, BDUs and VOD undertakings.
24. In light of the funding challenges specifically faced by campus, community and Native radio and television programming undertakings, as well as RDUs, the Commission considers that an implementation date of 31 March 2016 will provide them with sufficient time to explore options for funding with respect to the costs associated with emergency alerting (for instance, the purchase, installation and maintenance of equipment or the training of staff). Potential sources of funding could include various levels of government, station supporters or the receipt of tangible benefits.

Compliance with the NPAS Common Look and Feel Guidance 1.0

25. The Senior Officials Responsible for Emergency Management⁵ (SOREM) oversees the development, in cooperation with broadcasters, of specifications and recommended practices for alerting authorities, broadcasters and other last-mile distributors (for example, broadcasters and BDUs). The *NPAS Common Look and Feel Guidance 1.0* (the CLF guidelines) were published in 2013 and produced at the

⁵ This body consists of public officials designated by FPT governments and is the authoritative body for emergency management in Canada.

request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials responsible for Emergency Management with the support of Defence Research and Development Canada – Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group.

26. In the Notice, the Commission proposed that emergency alert messages would need to comply with the CLF guidelines.

Comments

27. Broadcasters and BDUs submitted that the CLF guidelines were intended to be used as guidelines rather than a strict set of requirements. Certain broadcasters indicated that it would be difficult for them to meet all the specifications or targets set out in the guidelines. In particular, Rogers stated that a large audio file size could prevent it from distributing the emergency alert message within one minute from reception, as prescribed by the CLF guidelines. Accordingly, broadcasters and BDUs suggested that the Commission provide flexibility in the regulations by requiring that broadcasters take all reasonable measures to comply with the CLF guidelines, or comply with the guidelines whenever possible.
28. Pelmorex expressed the concern that SOREM could alter the CLF guidelines without the broadcasting industry's approval. It suggested that the Commission require the industry to follow the CLF guidelines, as adopted by the Pelmorex Alerting Governance Council, as the Council includes representation from both EMOs and the broadcasting industry.

Commission's analysis

29. The Commission notes that broadcasters and BDUs provided input on the development of the CLF guidelines. Although the CLF specifications were intended as guidelines, given that the presentation of emergency alert messages impacts the safety of Canadians, the Commission considers that measurable performance requirements for the delivery of such messages are needed to ensure that the NPAS is effective and that the regulatory framework is enforceable. Accordingly, the Commission considers that reference to the CLF guidelines remains appropriate.
30. However, in light of the comments raised in the interventions, the Commission considers it appropriate to require that broadcasters take all reasonable measures to comply with the CLF guidelines. Accordingly, it has amended the Radio Regulations, the TV Regulations, the BDU Regulations, the Orders and the standard conditions of licence for VOD undertakings to this effect. The Commission expects SOREM to consult with the broadcasting industry prior to amending the CLF guidelines. The Commission notes that the degree of adherence to the CLF guidelines will be used to measure compliance.

Inclusion of an audio component in emergency alert messages

31. In the Notice, the Commission proposed that a broadcast intrusive emergency alert message would only need to be broadcast or distributed if it is received in a form including both text and audio content.

Comments

32. Certain parties submitted that the inclusion of an audio component should not be a requirement as most emergency alert messages are currently only issued in text. However, should the Commission find that an audio component should be included in emergency alert messages, parties expressed differing views as to who should create the audio and how it should be done. Among the options explored were the following:
 - (a) audio created using a centralized text-to-speech system; and
 - (b) audio created by broadcasters using machine text-to-speech.
33. EMOs identified the option of a centralized text-to-speech functionality and suggested that the Commission require Pelmorex to implement such a system. However, Pelmorex stated that the CLF guidance does not require the inclusion of audio.
34. Pelmorex stated that two key suppliers of alerting equipment include text-to-speech in their equipment and that broadcasters and BDUs could therefore create audio components themselves. EMOs did not support this option and submitted that there would be little consistency in the look and feel of emergency alert messages since various vendors implement text-to-speech using different methods. For its part, Corus Entertainment Inc. (Corus) provided an example of incomprehensible audio created by text-to-speech from equipment operated by last-mile distributors.

Commission's analysis

35. The Commission notes that in Broadcasting Decision 2011-438, it required Pelmorex to ensure that emergency alert messages include audio information indicating the urgency and basic nature of the imminent threat, where such audio content was provided by the issuing authority.
36. The Commission considers that the audio component of an emergency alert message is critical, particularly in regard to the broadcast of such messages on radio and, as indicated in Broadcasting Order 2009-340, for Canadians with visual impairments.
37. Consequently, the Commission considers it appropriate to require broadcasters to distribute emergency alert messages when they include an audio component. Accordingly, it has adopted the proposed amendments to the TV Regulations, the BDU Regulations, the Orders and the standard conditions of licence for VOD undertakings to mandate the distribution of emergency alert messages with both text

and audio. In the absence of provided audio, the Commission also encourages broadcasters and BDUs to distribute emergency alert messages that they receive that only include text, either through the use of text-to-speech within their alerting equipment or with no audio at all.

38. With respect to the appropriate option for creating the audio component, the Commission considers that cooperation among EMOs, Pelmorex and broadcasters should lead to a solution in this regard. Accordingly, the Commission expects the Pelmorex Alerting Governing Council to develop a solution to the issue of creating audio components.

Language of emergency alert messages

39. The proposed regulatory requirements did not specifically address language requirements for the distribution of emergency alert messages. The Commission notes that emergency alert messages may be issued in either official language.

Comments

40. In their interventions, several broadcasters requested direction on which language should be distributed in a particular market, submitting that issuing authorities, not last-mile distributors, should be responsible for selecting the appropriate language for the targeted market. EMOs submitted that emergency alert messages should be broadcast in either of the official languages. EMOs further encouraged third-language broadcasters to discuss options with them regarding the availability of alerts in third languages.

Commission's analysis

41. The Commission considers that EMOs are ultimately responsible for alerting the public and are therefore in the best position to deal with official-language and third-language issues. It acknowledges that the creation of timely emergency alert messages by EMOs in both English and French may not be possible in all situations.
42. The Commission also notes that the CLF guidelines provide guidance with respect to language.⁶ Accordingly, the Commission does not consider it necessary to set out provisions relating to the broadcast of emergency alert messages that specify the language in which such messages must be broadcast. It nevertheless encourages EMOs to create emergency alert messages in both official languages and to discuss third-language options with broadcasters. In addition, the Commission encourages the broadcasting industry to consult with EMOs in regard to the language of emergency alert messages for bilingual markets, as well as to explore solutions regarding third-language alerting. In this regard, the Commission does not consider broadcasters or BDUs to be responsible for the translation of emergency alert messages.

⁶ Section 7.3.2 of the *National Public Alerting System Common Look and Feel Guidance 1.0* provides direction with respect to official languages.

Distribution of emergency alert messages on individual over-the-air transmitters

43. In the Notice, the Commission proposed provisions whereby radio and television broadcasters would be required to implement the public alerting system on each individual transmitter. This way, a given alert would be broadcast only on the transmitter or rebroadcasting transmitter that serves the area targeted by that particular alert.

Comments

44. Broadcasters opposed the proposed requirement. They argued that this requirement would be very difficult to implement and would raise costs, particularly for rebroadcasting transmitters that receive their signal from the main transmitter via OTA transmission (that is, fed off-air) or that do not have a satellite or Internet connection. They submitted that each rebroadcasting transmitter, or each transmitter that is fed off-air, should not be required to have a unique alert feed. The Province of Alberta stated that there is no need for rebroadcasting transmitters to have unique feeds and that over-alerting has not occurred in its system, where alerts are issued at the licence level.

Commission's analysis

45. The purpose of the provisions proposed in the Notice was to avoid over-alerting, so that Canadians are not exposed to emergency alert messages that do not apply to them and ultimately do not become desensitized to such messages. However, based on the Province of Alberta's experience, there is no evidence that over-alerting is in fact an issue.
46. The Commission notes that the CBC's radio stations are required, by condition of licence,⁷ to implement alerting at the originating station level, rather than on each individual transmitter. Accordingly, any given alert will be broadcast on all transmitters, including all rebroadcasting transmitters, of the stations that serve the area targeted by the alert. Requiring other broadcasters, both radio and television, to implement alerting only on originating stations would be consistent with the requirement set out for the public broadcaster and would decrease costs.
47. Accordingly, the Commission has amended the Radio Regulations, the TV Regulations and the exemption orders for tourist and Native radio stations to reflect its decision that a public alerting system is to be installed at the originating station, with alerts fed to all associated transmitters. To this end, the Commission has adopted the wording proposed by broadcasters in their interventions. Nevertheless, to improve the effectiveness of the alerting system, it encourages broadcasters to strive to implement alerting at the transmitter level.

⁷ See Broadcasting Decision 2013-263 and Broadcasting Orders 2013-264 and 2013-265.

Broadcast of emergency alert messages within the authorized service contours

48. In the Notice, the Commission proposed that an emergency alert message relating to an imminent or unfolding danger to life would need to be broadcast by a broadcaster if it targeted part of the area the broadcaster is licensed to serve (that is, the station's official contour) and that the alert be broadcast only on transmitters that serve the area targeted by the alert.

Comments

49. In its intervention, Corus submitted that the concept of the area targeted by the alert is not well defined. Corus and the Ontario Association of Broadcasters questioned whether the area being referred to was the primary, or local, service contour (that is, the 3 mV/m contour for FM radio stations / the 15 mV/m contour for AM radio stations / the Grade A contour for analog television / the digital urban contour) or the secondary, or regional, service contour (that is, the 0.5 mV/m contour for FM radio stations / the 5 mV/m contour for AM radio stations / the Grade B contour for analog television / the noise-limited bounding contour for digital television / the digital service area for digital radio).

Commission's analysis

50. The Commission notes that the area targeted by the alert will be identified in the geographic description in the alert message itself and that the CLF guidelines provide guidance regarding the description of the area of the alert.
51. In general, viewers/listeners within regional service contours receive the broadcasting signal. Further, broadcasters may choose to market or target their station to different communities within both the local and regional contours. Accordingly, the Commission amends the Radio Regulations, the TV Regulations and the tourist radio and Native radio exemption orders to require the distribution of emergency alert messages relevant to areas within a station's regional service contour.
52. The Commission also notes that RDUs distribute the services of programming undertakings using transmitters. Accordingly, the Commission amends the RDU exemption orders to reflect the distribution of emergency alert messages by RDUs within their regional service contours.

Broadcast of emergency alert messages on analog/digital cable systems

53. "Analog" and "digital" relate to different technologies used by BDUs to deliver television programming and other services to their subscribers. Some distributors, such as those operating direct-to-home satellite undertakings and Internet Protocol television (IPTV), make exclusive use of the digital technology to deliver services to subscribers.

54. Many BDUs are moving toward “all digital delivery” either by distributing digital-to-analog converters to subscribers, or by migrating certain or all programming services to digital. Although the number of analog-only subscribers across Canada is decreasing, there remains a significant number of Canadians relying on analog cable.
55. In its proposed regulatory amendments, the Commission proposed that all BDUs be required to distribute alerts to Canadians.

Comments

56. Various parties, including Canadian Cable Systems Alliance Inc. (CCSA) and BDUs, requested that the BDU Regulations and BDU exemption order not require analog cable systems to distribute emergency alert messages, given that the mandatory distribution order for Pelmorex’s service known as The Weather Network/Météomédia only applies to the digital basic service.⁸ Further, BDUs stated that digital systems allow for more targeted alerting compared to analog systems and that developing alerting on analog would be a poor investment, given that analog systems are a diminishing technology, and in light of their efforts to migrate customers to digital cable service. A number of BDUs stated that distribution of alerts via analog cable systems would be problematic due to technical issues.

Commission’s analysis

57. The Commission recognizes that BDUs may need to explore technical solutions to enable the distribution of alerts on an analog basis. However, although the number of analog-only subscribers is decreasing, the Commission considers that Canadians who subscribe to analog distribution services should also be alerted in times of emergency. Therefore, in general, the Commission does not consider it appropriate for public alerting systems to be implemented only on digital cable systems. The Commission considers that as many alert delivery means as possible should be employed. However, the Commission recognizes that there are costs associated with the delivery of emergency alert messages via analog cable systems, which may have an impact on smaller cable systems.
58. Accordingly, the Commission has adopted the changes to the BDU Regulations as proposed in the Notice, which would require licensed BDUs to deliver emergency alert messages in both digital and analog format. In light of the costs to smaller systems, it has also amended the applicable exemption order to require terrestrial BDUs serving more than 2,000 subscribers and fewer than 20,000 subscribers to deliver emergency alert messages solely on a digital basis. Nevertheless, the Commission encourages exempt BDUs to distribute emergency alert messages on an analog basis.

⁸ See Broadcasting Decision 2011-438.

Separate alert feed for third-party distributors

59. In its proposed amendments, the Commission did not address whether OTA television stations could or should customize their feeds for distribution of emergency alert messages via multiple streams. For example, a conventional television station would insert an emergency alert message into the feed being sent to its OTA transmitters, with separate feeds without emergency alert messages being sent to BDUs and affiliates, which would in turn insert appropriate emergency alert messages for their respective service areas.

Comments

60. Pelmorex submitted that in the case of an OTA television station providing a dedicated feed of its signal to a BDU that is itself required to insert emergency alert messages into that signal, the OTA station should be exempt from a requirement to insert an emergency alert message on that dedicated broadcast feed. It argued that this would minimize occurrences of duplicate emergency alert messages interfering with each other (for example, the BDU's emergency alert message overlaid on the broadcaster's message). It further argued that such an exemption would help to reduce the number of occasions when emergency alert messages are displayed on an OTA broadcast signal outside the communities affected by the message.
61. In regard to affiliates, RNC Media inc. and Télévision Inter-Rives ltée, in a joint submission, expressed concerns over "alert overlap," noting that feeds received from Radio-Canada, TVA and V's Montréal stations would contain emergency alert messages for the Montréal region. They submitted that emergency alert messages destined for Montréal viewers would be seen by viewers in their own service areas and could cause confusion when emergency alert messages for those service areas are distributed simultaneously.

Commission's analysis

62. The extent to which emergency alert message overlap and over-alerting would become an issue is not clear to the Commission based on the record for this proceeding. Further, the regulations do not prevent OTA television broadcasters from choosing to make "alert-free" feeds available to third-party distributors (such as BDUs and affiliates) if such an approach were beneficial to the parties involved. In light of the above, the Commission has not made any modifications to the regulations as proposed in the Notice, in response to this issue. Accordingly, the Commission encourages OTA broadcasters to make "alert-free" feeds available to third-party distributors.

Insertion of emergency alert messages by BDUs

63. In the Notice, the Commission proposed amendments to the BDU Regulations and to the exemption order for terrestrial BDUs serving fewer than 20,000 subscribers to require BDUs to alter a programming service in order to insert an emergency alert message.

Comments

64. BDUs, as well as the CCSA, expressed the concern that the proposed requirement would force them to implement a crawl solution and prevent them from using other means of displaying emergency alert messages.

Commission's analysis

65. As envisioned by the CLF guidelines, a number of options are available to BDUs to distribute emergency alert messages. In the Commission's view, BDUs should be able to choose the option that works best for them according to their system architecture and vendor solutions, provided that BDUs satisfy the Commission's other requirements related to alerting, namely, that they distribute the provided audio content. In the Commission's view, the current wording of section 7 of the BDU Regulations and the wording of the proposed amendments reflect this flexibility and are broad enough to capture the use of methods such as forced channel switching. Accordingly, the Commission does not consider that any changes are needed to the wording proposed in the Notice.

Alberta Emergency Alert System

66. The Province of Alberta has operated its AEA System, a system with similar functionality to the NPAS, since 1992. As part of that system, it has installed equipment in several Albertan broadcasting facilities to enable the distribution of emergency alert messages to Albertans. The Commission's efforts relating to the NPAS have been complementary to the operation of the AEA System serving Albertans.

Comments

67. The Province of Alberta requested that the regulations be amended to allow broadcasters to distribute emergency alert messages from the AEA System.

Commission's analysis

68. The Commission notes that the proposed regulatory requirements, as published in the Notice, already permit broadcasters to distribute emergency alert messages from the AEA System. The Province of Alberta has expended significant resources over the years to install equipment in numerous broadcasters' facilities. Further, requiring broadcasters operating in Alberta to distribute two alerts feeds (the AEA and NAAD Systems feeds) could raise technical concerns.
69. The Commission considers that it is reasonable to permit broadcasters and BDUs in Alberta to distribute emergency alert messages from the AEA System and considers such distribution to be in compliance with the regulations as the AEA System currently incorporates the alert messages from the NAAD System. The Commission therefore finds that it is sufficient and appropriate that the regulations, Orders and standard conditions of licence for VOD undertakings only make reference to the NAAD System.

Alert attention signal

70. The Canadian Alerting Attention Signal is the tone played at the beginning of the emergency alert message in order to capture the attention of Canadians.

Comments

71. In their comments, EMOs requested that the Commission take action to protect against misuse of the Canadian Alerting Attention Signal.

Commission's analysis

72. The Commission is of the view that EMOs provided little evidence to support the need for protection. They also failed to provide examples of potential misuse and did not suggest what course of action the Commission should consider taking.

73. Accordingly, the Commission finds that no action should be taken to protect the emergency alert message signal. However, it may take action if evidence should arise that abuse of the signal is impeding the success of the alerting system. The Commission expects the broadcasting industry to include the alert attention signal with every emergency alert message distributed, in conformity with the CLF guidelines.

Issues relating to policy considerations identified in the Notice

74. In the Notice, the Commission sought comment on a number of policy considerations relating to assessing and reviewing the effectiveness of the proposed alerting requirements, relief from those requirements and public awareness. After examining the public record for this proceeding, the Commission has addressed the following policy considerations relating to emergency alert messages:

- alerting system tests;
- measuring the effectiveness of regulatory measures;
- compliance with alerting requirements;
- public awareness and education;
- broad relief from regulatory measures;
- specific requests for relief from regulatory measures;
- EMO funding; and
- liability of the broadcasting industry.

Alerting system tests

75. Several EMOs expressed the view that SOREM should receive results from system tests as it is ultimately responsible for emergency management. Broadcasters and BDUs were of the view that results from system tests should be reported to the Commission and/or the Pelmorex Alerting Governance Council.
76. The Commission notes that SOREM is responsible for emergency management. It notes that end-to-end system tests involve EMOs, Pelmorex (operator of the NAAD System) and broadcasters/BDUs, and that the Pelmorex Alerting Governance Council has representation from these three main elements of the alerting system.
77. Consequently, the Commission requests that the Pelmorex Alerting Governance Council coordinate system tests. The Commission is of the view that system test results should be reported to the Pelmorex Alerting Governance Council. The Commission expects that Pelmorex report the results to the Commission on a regular basis, according to the frequency of tests.

Measuring the effectiveness of regulatory measures

78. EMOs submitted that there are three general categories of performance measures:
 - compliance with the regulations: the number of broadcasters/BDUs capable of distributing emergency alerts messages;
 - transmission effectiveness: a report submitted by broadcasters/BDUs to the Commission and EMOs regarding the transmission of test emergency alert messages, including the number of stations that issued the emergency alert message, as well as an indication of any issues encountered and an action plan to resolve the issues; and
 - emergency alert message quality: measured by examining alert timeliness, its comprehensiveness in terms of broadcast languages, ease of understanding and whether it adhered to the CLF guidelines.
79. Quebecor Media Inc. (Quebecor), on behalf of its affiliate Videotron G.P. and TVA Group Inc., stated that Pelmorex should be responsible for measuring the effectiveness of the regulations and seeking information from Canadians about the effectiveness of alerting.
80. Most broadcasters and BDUs, including Shaw, Bell Aliant / Bell Media / Bell TV (Bell), Corus and Rogers, stated that it is premature to establish any specific performance measures and that the success of the regulations will be best measured by the availability of emergency alert messages to Canadians.
81. The Commission is of the view that the effectiveness of the regulatory measures should be measured by a number of factors including the general level of industry compliance, transmission effectiveness, alert quality, availability of emergency alert

messages to Canadians, as well as the success of system tests and actual emergency alert message distribution. Given that the Pelmorex Alerting Governance Council has representation from alert issuers and the broadcasting industry, it also finds that the Pelmorex Alerting Governance Council is best positioned to provide a holistic view of the effectiveness of the regulations and that Pelmorex, in consultation with the Pelmorex Alerting Governance Council, should provide this information in an annual report to the Commission to be filed by 31 May of each year, starting in 2016.

Compliance with alerting requirements

82. EMOs stated that enforcement is the Commission's responsibility. Most broadcasters and BDUs proposed that the Commission rely on its licence renewal process and complaints mechanism as the means of monitoring and addressing compliance issues. NetAlerts, an alerting vendor, stated that alerting equipment includes automated logging and that an annual reporting requirement would be beneficial.
83. The Commission considers that it would be appropriate to monitor compliance via complaints, results of system tests, results of actual emergency alert message distribution and information provided by the industry and alert issuers in the reports outlined below. Further, the Commission intends to enforce compliance through a variety of measures that are appropriate to the level of non-compliance.
84. The Commission directs each broadcaster and BDU to:
 - outline the steps they plan to take or have already taken to ensure compliance with the alerting requirements in their Fall 2014 annual return filing;
 - file an implementation report on 30 April 2015, or 30 April 2016 for those broadcasters required to implement alerting by 31 March 2016, outlining the steps they have taken to comply with the regulations; and
 - confirm annually, as part of the annual returns, whether they are distributing alerts to Canadians consistent with the Commission's requirement.
85. The broadcasting industry is encouraged to make use of automated logging in alerting equipment, if available.
86. In addition to the report requested at paragraph 82, the Commission expects that Pelmorex, in consultation with the Pelmorex Alerting Governance Council, submit an annual report on 31 May of each year outlining general industry compliance.
87. The broadcasting industry will generally be considered to be compliant with the Commission's requirements if it can demonstrate, at a minimum, that it has taken the following actions:

- distribute broadcast intrusive emergency alert messages⁹ contained within the NAAD System alerting feed through the installation and operation of equipment that automates the distribution, and/or the performance of live, on-air, timely distribution of emergency alert messages in a manner consistent with the various alerting regulatory measures;
- develop and adopt processes to maintain, test and update emergency alert message distribution equipment; and
- undertake all reasonable measures to comply with the CLF guidelines.

Public awareness and education

88. In Broadcasting Decision 2011-438, the Commission granted a request by Pelmorex for an extension until 31 August 2018 of the mandatory distribution of The Weather Network/Météomédia. As a condition of this extension, Pelmorex was required to develop and fund a two-year, \$2 million public awareness and education campaign to prepare Canadians for the NAAD System. The Commission notes that Pelmorex filed a plan for its public awareness campaign, which was developed in consultation with the Pelmorex Alerting Governance Council.
89. EMOs submitted that Pelmorex should develop its awareness campaign in consultation with EMOs and broadcasters and that it should start in spring/summer 2015 to coincide with major events (for example, forest fires and floods) for which alerting is required. Broadcasters and BDUs stated that they would voluntarily participate in an awareness campaign (for instance, air public service announcements) coordinated between Pelmorex, EMOs and the broadcasting industry. Finally, Pelmorex expressed its intent to begin its campaign, across various platforms (including online), in concert with Emergency Preparation Week in May 2015.
90. The Commission is of the view that the Pelmorex Alerting Governance Council is well suited to coordinate a campaign between EMOs, Pelmorex and the broadcasting industry. Should public education becomes an issue, the Commission could explore regulatory measures requiring industry participation.
91. The Commission directs Pelmorex to implement its public education campaign, as required as part of Broadcasting Decision 2011-438, starting in spring 2015, in coordination with the Pelmorex Alerting Governance Council. Further, it commends broadcasters for committing to voluntarily participate in the education campaign.

⁹ The list of broadcast intrusive alerts can be found at https://alerts.pelmorex.com/download/public/Broadcast_Immediately_NAAD_Support_Policy_Approved_22Sept2011.pdf.

Broad relief from regulatory measures

92. In the Notice, the Commission expressed concern over ensuring that emergency alert messages are available to as many Canadians as possible and stated that it was therefore not predisposed to grant exemptions to the proposed regulatory measures. Noting the wide spectrum of broadcasting industry players as well as their respective resources, it nevertheless questioned whether it would be appropriate to allow relief from the application of the proposed regulatory measures, in what circumstances relief would be warranted and what form the relief should take.
93. The majority of EMOs submitted that relief from the regulatory measures should not be granted as this may result in patchwork implementation of alerting, which could confuse Canadians. Other parties submitted that relief should be granted, by condition of licence, on a case-by-case basis, when a party can demonstrate that implementation of alerting is not reasonably achievable by the prescribed deadline. They added that such parties should be required to file a report outlining steps taken and planned actions to meet the requirements.
94. The Commission finds that it is premature to set up a formal relief mechanism. In the Commission's view, establishment of such a mechanism could encourage delays in industry participation in the NPAS. Moreover, the revised implementation dates of 31 March 2015 for the majority of BDUs, radio broadcasters and OTA television broadcasters, and of 31 March 2016 for Native, campus and community broadcasters, will be more achievable start dates for the industry than the originally proposed date of 31 December 2014. Lastly, the Commission notes that the various regulations currently allow licensees to apply, on a case-by-case basis, for a condition of licence granting them relief.

Specific requests for relief from regulatory measures

95. The CBC and the Ontario Education Communications Authority (TVO) requested that the Commission grant an exemption for their OTA television stations due to the costs associated with alerting and their financial state, particularly in light of low OTA television penetration and the fact that most viewers would receive the emergency alert message via BDUs. MTS Inc. (MTS) requested that its MTS Classic TV system be exempted from the proposed requirements as there are no available solutions to deliver emergency alert messages over the Motorola/Next Level platform used by Classic TV.
96. As noted above, the Commission is of the view that holding a broadcasting licence is a privilege and that broadcasters and BDUs therefore have a public service duty to inform the public of imminent perils. The Commission finds that the CBC, TVO and MTS did not make compelling cases at this time for relief from the alerting requirements. Further, to ensure that the distribution of emergency alert messages is uniform and as widespread as possible, and to facilitate public awareness and mitigate potential public confusion, the Commission finds that the requested exemptions would not be in the public interest and should not be granted at this time.

Liability of the broadcasting industry

97. Certain interveners raised the issue of liability and requested that federal and provincial governments find solutions to address the issue, such as by passing legislation that provides for indemnification.
98. In Broadcasting Decision 2011-438, the Commission indicated that liability for the content of emergency alert messages lies with the originator of the message and that issues pertaining to liability should not prevent the participation of last-mile distributors in the NPAS. The Commission remains of this view.

Conclusion

99. In light of all of the above, the Commission has adopted the amendments proposed in Broadcasting Notice of Consultation 2014-85, with the following key modifications:
 - the deadline to distribute emergency alert messages received from the NAAD System is 31 March 2015 for BDUs, radio broadcasters, OTA television broadcasters and VOD undertakings, subject to the following bullet;
 - the deadline to distribute emergency alert messages received from the NAAD System is 31 March 2016 for campus, community and Native radio and television programming undertakings, as well as RDUs;
 - a public alerting system must be implemented at the licence level;
 - in regard to the mandatory distribution of emergency alert messages by exempt BDUs serving more than 2,000 subscribers but fewer than 20,000 subscribers, the requirements will only apply to digital systems; and
 - broadcasters, BDUs and VOD undertakings must make all reasonable efforts to comply with the CLF guidelines.
100. The Commission has made corrections and housekeeping changes to the appended exemption orders and to the standard conditions of licence regarding VOD undertakings that would bring them in line with the current regulatory measures.¹⁰
101. Although the Commission is addressing the participation of the broadcasting industry in emergency alerting in the present policy, it strongly encourages, as it did in Broadcasting Decision 2011-438, the use of digital media and mobile platforms to

¹⁰ With respect to the Exemption Order for terrestrial BDUs serving fewer than 20,000 subscribers, the Commission issued a number of decisions in 2012 and 2013 dealing with programming services that benefit from mandatory distribution. It has also announced a proceeding entitled “Let’s Talk TV”, [Phase 2](#), which was launched on 18 February 2014. The outcome of that proceeding may affect the mandatory distribution of programming services. Accordingly, in conditions of exemption 14 and 15, the Commission has not proposed any amendments to the list of services that benefit from mandatory distribution at the present time, pending the outcome of the “Let’s Talk TV” proceeding.

alert Canadians to imminent or unfolding dangers, particularly given the increase since 2011 in the use of mobile devices by Canadians. The Commission notes that Public Safety Canada has requested that the CRTC Interconnection Steering Committee (CISC) initiate a new task to assist in the development of the technical specifications and network design of a wireless public alerting service for Canada. Subsequently, the Defence Research and Development Canada Centre for Security Science, through the Canadian Safety and Security Program, will implement a pilot project based on the technical specifications and a network design developed by CISC, to build, test and operate an effective wireless public alerting service.¹¹ The Commission awaits the results of these initiatives.

Secretary General

Related documents

- *Call for comments on proposed amendments to various regulations, to the standard conditions of licence for video-on-demand undertakings, and to certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Notice of Consultation CRTC 2014-85, 27 February 2014, as amended by Broadcasting Notice of Consultation CRTC 2014-85-1, 25 March 2014
- *Exemption order for low-power radio stations that provide tourist information*, Broadcasting Order CRTC 2013-620, 21 November 2013
- *Canadian Broadcasting Corporation – Licence renewals*, Broadcasting Decision CRTC 2013-263 and Broadcasting Orders CRTC 2013-264 and 2013-265, 28 May 2013
- *CHEX-TV Peterborough – Licence amendment*, Broadcasting Decision CRTC 2013-239, 10 May 2013
- *Revised exemption order for radiocommunication distribution undertakings*, Broadcasting Order CRTC 2012-673, 11 December 2012
- *Amended exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers – Implementation of the regulatory framework relating to vertical integration and other amendments*, Broadcasting Order CRTC 2012-408, 26 July 2012
- *The Weather Network/Météomédia – Licence renewal and extension of the mandatory distribution of the service*, Broadcasting Decision CRTC 2011-438, 22 July 2011

¹¹ This three-year project is led by the Department of Industry and includes the following partners: Mobility & Wireless Solutions, Bell Mobility, the Ontario Office of the Fire Marshal and Emergency Management, Ontario Power Generation, Pelmorex and Public Safety Canada.

- *Mandatory distribution order for The Weather Network and Météomédia*, Broadcasting Order CRTC 2009-340, 11 June 2009, as amended by Broadcasting Orders CRTC 2009-340-1, 24 January 2012, and 2009-340-2, 15 June 2012.
- *Exemption order respecting certain native radio undertakings*, Public Notice CRTC 1998-62, 9 July 1998

Appendix 1 to Broadcasting Regulatory Policy CRTC 2014-444

Regulations Amending Certain Regulations made under the Broadcasting Act

RADIO REGULATIONS, 1986

1. The *Radio Regulations, 1986*¹ are amended by adding the following after section 15:

PART IV

EMERGENCY ALERTS

16. (1) The following definitions apply in this section.

“issuing authority” means any person who is authorized by a Canadian governmental authority — including the federal Department of the Environment, federal and provincial government departments and agencies that are responsible for emergency management and public safety, and municipal authorities — to issue warnings to the public, and to the National Alert Aggregation and Dissemination System, announcing danger to life or property. (*autorité compétente*)

“National Alert Aggregation and Dissemination System” means the alert message aggregation system established and operated by Pelmorex Communications Inc. (*système d’agrégation et de dissémination national d’alertes*)

(2) Except as otherwise provided under a condition of its licence, a licensee shall implement on all stations that it is licensed to operate, by no later than March 31, 2015, a public alerting system that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System that

(a) announces an imminent or unfolding danger to life; and

(b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station’s A.M. 5 mV/m contour, F.M. 0.5 mV/m contour or digital service area, as the case may be.

(3) Despite subsection (2) and subject to any condition of licence, the deadline for implementing the public alerting system in the case of a campus station, community station or native station is March 31, 2016.

(4) The licensee shall implement the public alerting system for each of its transmitters.

(5) The licensee shall broadcast the alert on transmitters that serve the area that is targeted by the alert.

(6) The licensee shall take all reasonable measures to ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

TELEVISION BROADCASTING REGULATIONS, 1987

2. The *Television Broadcasting Regulations, 1987*² are amended by adding the following after section 17:

EMERGENCY ALERTS

18. (1) The following definitions apply in this section.

“community station” means a station that is licensed as a community station. (*station communautaire*)

“issuing authority” means any person who is authorized by a Canadian governmental authority — including the federal Department of the Environment, federal and provincial government departments and agencies that are responsible for emergency management and public safety, and municipal authorities — to issue warnings to the public, and to the National Alert Aggregation and Dissemination System, announcing danger to life or property. (*autorité compétente*)

“National Alert Aggregation and Dissemination System” means the alert message aggregation system established and operated by Pelmorex Communications Inc. (*système d’agrégation et de dissémination national d’alertes*)

“native station” means a station that is licensed as a native station. (*station autochtone*)

(2) Except as otherwise provided under a condition of its licence, a licensee shall implement on all stations that it is licensed to operate, by no later than March 31, 2015, a public alerting system that broadcasts without delay, on a given station, any alert that it receives, in a form including both text and audio content, from the National Alert Aggregation and Dissemination System that

(a) announces an imminent or unfolding danger to life; and

(b) is designated by the applicable issuing authority for immediate broadcast in all or part of the area within the station’s Grade B official contour or noise-limited bounding official contour, as the case may be.

(3) Despite subsection (2) and subject to any condition of licence, the deadline for implementing the public alerting system in the case of a community station or native station is March 31, 2016.

(4) The licensee shall implement the public alerting system for each of its transmitters.

(5) The licensee shall broadcast the alert on transmitters that serve the area that is targeted by the alert.

(6) The licensee shall take all reasonable measures to ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

BROADCASTING DISTRIBUTION REGULATIONS

3. The portion of section 7 of the *Broadcasting Distribution Regulations*³ before paragraph (a) is replaced by the following:

7. Subject to section 7.2, a licensee shall not alter the content or format of a programming service or delete a programming service in a licensed area in the course of its distribution except

4. The Regulations are amended by adding the following after section 7.1:

EMERGENCY ALERTS

7.2 (1) The following definitions apply in this section.

“issuing authority” means any person who is authorized by a Canadian governmental authority — including the federal Department of the Environment, federal and provincial government departments and agencies that are responsible for emergency management and public safety, and municipal authorities — to issue warnings to the public, and to the National Alert Aggregation and Dissemination System, announcing danger to life or property. (*autorité compétente*)

“National Alert Aggregation and Dissemination System” means the alert message aggregation system established and operated by Pelmorex Communications Inc. (*système d’agrégation et de dissémination nationale d’alertes*)

(2) Except as otherwise provided under a condition of its licence, a licensee shall implement, by no later than March 31, 2015, a public alerting system that alters without delay a programming service being distributed by the licensee in a licensed area in order

to insert any alert that it receives — in a form including both text and audio content — from the National Alert Aggregation and Dissemination System that

(a) announces an imminent or unfolding danger to life; and

(b) is designated by the applicable issuing authority for immediate broadcast or distribution in the licensed area.

(3) The licensee shall insert the alert in all programming services that it is distributing to subscribers whose residence or other premises are located in an area that is targeted by the alert.

(4) The licensee shall take all reasonable measures to ensure that the alerts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

COMING INTO FORCE

5. These Regulations come into force on the day on which they are registered.

¹ SOR/86-982

² SOR/87-49

³ SOR/97-555

Appendix 2 to Broadcasting Regulatory Policy CRTC 2014-444

Broadcasting Order CRTC 2014-445

Terms and conditions of the exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers

Pursuant to section 9(4) of the *Broadcasting Act* (the Act), the Commission, by this order, exempts from the requirements of Part II of the Act and any regulations made thereunder, those persons carrying on broadcasting distribution undertakings of the class defined by the criteria, and operating under the terms and conditions, outlined below.

Description

The purpose of these broadcasting distribution undertakings is to provide programming services to fewer than 20,000 subscribers, using co-axial cable, fibre, digital subscriber line or multi-point distribution system technology.

A. Definition of terms

1. For the purpose of this order, the terms “affiliate,” “anglophone market,” “broadcast year,” “Canadian production fund,” “Canadian programming service,” “community access television,” “community channel,” “comparable,” “contribution to local expression,” “Corporation,” “educational television programming service,” “francophone market,” “independent production fund,” “issuing authority,” “licensed,” “licensed area,” “local television station,” “National Alert Aggregation and Dissemination System,” “new programming service” “pay television service,” “programming service,” “regional television station,” “radiocommunication distribution undertaking,” “relay distribution undertaking,” “specialty service,” “station” and “subscriber” have the same meaning as that set out in the *Broadcasting Distribution Regulations*; “basic service” means the package of programming services provided to all subscribers for a single fee; “gross revenues derived from broadcasting activities” has the same meaning as that set out in *Guidelines respecting financial contributions by the licensees of broadcasting distribution undertakings to the creation and presentation of Canadian programming*, Circular No. 426, 22 December 1997; “local head end” means (a) in respect of an undertaking other than a radiocommunication distribution undertaking, the specific location at which the undertaking receives the majority of the programming services that are transmitted by local television stations or, if there are no such stations, by regional television stations, and that are distributed by the exempt undertaking in the service area, and (b) in respect of a radiocommunication distribution undertaking, the undertaking’s transmitter site; “service area” means the area in which an exempt undertaking carries on a broadcasting distribution undertaking; and an undertaking that “serves more than 2,000 subscribers” means an undertaking whose subscriber base at the time it becomes exempt exceeds 2,000, or an undertaking whose subscriber base at the time it becomes exempt did not exceed 2,000 but has

subsequently exceeded 2,200 for at least two consecutive broadcasting years as reported pursuant to paragraph 24, below.

B. Provisions applicable to exempt distribution undertakings

General provisions

2. 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.
3. The undertaking meets all the technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by the Department.
4. In total, the number of subscribers served by the individual undertaking is fewer than 20,000, and the undertaking either (a) does not serve all or part of the licensed area of a licensed terrestrial broadcasting distribution undertaking (BDU) that serves 20,000 or more subscribers within that licensed area, or (b) serves all or part of the licensed area of a licensed terrestrial BDU that serves 20,000 or more subscribers only by virtue of the fact that the licensed BDU expanded to operate within the service area of the undertaking at some time following the time at which the undertaking came into being. Once exempt, the undertaking does not have more than 21,000 subscribers in any two consecutive broadcasting years as reported pursuant to paragraph 24, below.

Distribution of the basic service

5. The undertaking does not provide a subscriber with any programming services, other than licensed pay-per-view services, licensed video-on-demand services or the programming services of exempt programming undertakings, without also providing the basic service.

Distribution of conventional television stations

6. In regard to the provision of a basic service:
 - (a) The undertaking distributes as part of its basic service all services of local television stations, with no degradation of the signal received.
 - (b) If the undertaking serves more than 2,000 subscribers, it distributes as part of its basic service all services of regional television stations, other than affiliates or members of the same network of which a local television station distributed pursuant to paragraph 6(a), above, is also an affiliate or member. These stations are distributed with no degradation of the signal received. If the programming services of the two or more regional television stations that are affiliates or members of the same network are received at the local head end or equivalent, the undertaking is required to distribute only one of them.

- (c) If not otherwise distributed as a local or regional television station, the undertaking distributes at least one television station owned and operated by the Corporation, in each of the official languages, where the Corporation makes its signals available and pays the costs associated with the transport and reception of its signals to the undertaking's local head end or equivalent.
- (d) If the undertaking receives television stations that are identical, the undertaking is required to distribute only one of them under this section.
- (e) If the undertaking serves more than 2,000 subscribers, it distributes as part of its basic service, and with no degradation of the signal received, educational television programming services the operation of which is the responsibility of an educational authority designated by the province in which the service area of the undertaking is located.

Majority of Canadian programming services

- 7. A majority of each of the video and audio channels received by each subscriber, other than the programming distributed on program repeat channels, are devoted to the distribution of Canadian programming services. For the purposes of this paragraph, each pay television service, television pay-per-view service, and video-on-demand service is counted as a single video channel.

Programming services in the language of the minority

- 8. If the undertaking delivers any programming service on a digital basis, it distributes:
 - (a) at least one French-language Canadian pay or specialty service, excluding the services that the undertaking may be required to distribute under paragraphs 14 and 15, below, for every ten English-language programming services distributed by the undertaking, if the undertaking is operating in an anglophone market; and
 - (b) at least one English-language Canadian pay or specialty service, excluding the services that the undertaking may be required to distribute under paragraphs 14 and 15, below, for every ten French-language programming services distributed by the undertaking, if the undertaking is operating in a francophone market.

Distribution of adult programming services

- 9. The undertaking does not package an adult programming service in such a way that subscribers are obliged to purchase the service in order to purchase any other programming service. The undertaking takes measures to fully block the reception of both the audio and video portions of any adult programming service to subscribers who request that it not be receivable in their home (in either unscrambled or scrambled mode).

Distribution of single point-of-view religious services

10. The undertaking distributes a single or limited point-of-view religious pay or specialty service only on a “stand-alone basis” or in a package with other single or limited point-of-view religious services, and all such services are distributed only on a discretionary basis.

Alteration or deletion of a programming service

11. Subject to 11.1 and 11.2, the undertaking does not alter the content or format of a programming service or delete a programming service in the course of its distribution except:

- (a) for the purpose of complying with section 328(1) of the *Canada Elections Act*;
- (b) for the purpose of deleting a programming service to comply with an order of a court prohibiting the distribution of the service to any part of the service area;
- (c) for the purpose of altering a programming service to insert a warning to the public announcing:
 - (i) any danger to life or property if the insertion is provided for in an agreement entered into by the undertaking with the operator of the service or the network responsible for the service; or
 - (ii) an imminent or unfolding danger to life if there is no agreement with the operator of the service or the network responsible for the service;
- (d) for the purpose of preventing the breach of programming or underlying rights of a third party, in accordance with an agreement entered into with the operator of the service or the network responsible for the service;
- (e) for the purpose of deleting a subsidiary signal, unless the signal is, itself, a programming service or is related to the service being distributed;
- (f) for the purpose of deleting the described video programming of a service distributed on an analog basis; or
- (g) for the purpose of inserting a commercial message in a Canadian programming service, excluding a video-on-demand service, if the insertion is in accordance with an agreement between the undertaking and the operator of the service or the network responsible for the service and that pertains to commercial messages that are directed to a target market of consumers.

11.1. An undertaking

- (1) that serves more than 2,000 subscribers and that alters the audio content or audio format of a programming service under paragraph 11(g) shall ensure that every commercial message complies with the technical requirements set out in *ATSC*

Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television, published by the Advanced Television Systems Committee Inc., as amended from time to time.

- (2) that serves more than 2,000 subscribers and that distributes an authorized non-Canadian programming service shall ensure that every commercial message complies with the technical requirements set out in *ATSC Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television*, published by the Advanced Television Systems Committee Inc., as amended from time to time.

11.2. An undertaking that serves more than 2,000 subscribers and that delivers any programming service on a digital basis

- (1) shall implement, by no later than March 31, 2015, a public alerting system that alters without delay a programming service being distributed by the undertaking in its service area to insert any alert that it receives – in a form including both text and audio content – from the National Alert Aggregation and Dissemination System, that
- (i) announces an imminent or unfolding danger to life; and
 - (ii) is designated by the applicable issuing authority for immediate broadcast or distribution in the undertaking’s service area.
- (2) shall insert the alert in all programming services that it is distributing to subscribers whose residence or other premises are located in an area that is targeted by the alert.
- (3) shall take all reasonable measures to ensure that the alerts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purpose of this provision, “issuing authority” and “National Alert Aggregation and Dissemination System” are defined in section 1 of this Order.

Prohibited programming content

12. The undertaking does not distribute a programming service that the undertaking originates and that contains:
- (a) anything that contravenes any law;

- (b) any abusive comment or abusive pictorial representation that, when taken in context, tends to or is likely to expose an individual or group or class of individuals to hatred or contempt on the basis of race, national or ethnic origin, colour, religion, sex, sexual orientation, age or mental or physical disability;
- (c) any obscene or profane language or pictorial representation; or
- (d) any false or misleading news.

For the purpose of (b), sexual orientation does not include the orientation towards a sexual act or activity that would constitute an offence under the *Criminal Code*.

For the purpose of (c), material is obscene if it has as a dominant characteristic the undue exploitation of sex or the combination of sexual content with one or more of the following subjects, namely, crime, horror, cruelty and violence.

Other services distributed

13. In regard to other services distributed:

- (a) No service received over-the-air or by any other means is distributed over the undertaking, other than a service that the Commission, by regulation or otherwise, has authorized. If the Commission has authorized a service for distribution subject to terms and conditions intended to address the concerns addressed in paragraph 12, above, the undertaking distributes the service subject to those terms and conditions.
- (b) The undertaking distributes no more than two sets of U.S. 4+1 signals, with the exception of signals receivable by the undertaking over the air, to its subscribers.
- (c) The undertaking is authorized to undertake any activity authorized in the regulatory policy entitled *General authorizations for broadcasting distribution undertakings*, as amended from time to time, under the terms and conditions set out in that regulatory policy.

Distribution of services subject to orders under section 9(1)(h) of the Broadcasting Act

14. If the undertaking serves more than 2,000 subscribers, it distributes, as part of the basic service,

- (a) the Aboriginal Peoples Television Network programming service;
- (b) the programming service of TVA Group Inc. (CFTM-TV Montréal or the programming service of one of its affiliates);
- (c) if the undertaking is operating in a francophone market, the licensed public affairs programming service of the Cable Public Affairs Channel Inc. (CPAC) and the federal parliamentary service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order*, as may

be amended from time to time, including the main audio channel of those services in the French language and an auxiliary audio channel of those services in the English language;

- (d) if the undertaking is operating in an anglophone market, the licensed public affairs programming service of CPAC and the federal parliamentary service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order*, as may be amended from time to time, including the main audio channel of those services in the English language and an auxiliary audio channel of those services in the French language;
- (e) if the undertaking is operating in a francophone market, a second version of the licensed public affairs programming service of CPAC and the federal parliamentary service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order*, as may be amended from time to time, including the main audio channel of those services in the English language, which may be distributed as part of the basic service or on a discretionary basis;
- (f) if the undertaking is operating in an anglophone market, a second version of the licensed public affairs programming service of CPAC and the federal parliamentary service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order*, as may be amended from time to time, including the main audio channel of those services in the French language and an auxiliary audio channel of those services in the French language, which may be distributed as part of the basic service or on a discretionary basis;
- (g) where the undertaking elects to distribute, as part of its basic service, both an English-language and a French-language version of the licensed public affairs programming service of CPAC and the service exempted pursuant to the *Parliamentary and Provincial or Territorial Legislature Proceedings Exemption Order*, as may be amended from time to time, it is relieved of the requirement to distribute an auxiliary audio channel for any of these services;
- (h) The requirements in paragraphs e) and f) above do not apply to undertakings using multi-point distribution system technology.
- (i) if the undertaking is operating in an anglophone market and distributes the Corporation's CBC News Network programming service on an analog basis, the programming service AMI-audio as the secondary audio program of the former service; and
- (j) the undertaking does not distribute the Corporation's CBC News Network programming service on an analog basis, the programming service AMI-audio on an audio channel.

15. If the undertaking serves more than 2,000 subscribers and delivers any programming service on a digital basis, it distributes to all digital subscribers:
 - (a) AMI-tv;
 - (b) if it operates in a francophone market, CBC News Network, Canal M and, until 31 August 2015, Météomedia;
 - (c) if it operates in an anglophone market, le Réseau de l'information and, until 31 August 2015, The Weather Network; and
 - (d) if it operates in the province of Quebec, Avis de Recherche.
16. An exempt undertaking is not required to distribute any of the programming services noted in paragraphs 14 and 15, above, with the exception of AMI-audio and Canal M, unless the licensee or operator of the programming service or a third party pays for the satellite uplink and transponder costs associated with the delivery of its programming service to the exempt undertaking.

Dispute resolution

17. In regard to the resolution of disputes:
 - (a) If a dispute concerning the terms and conditions under which programming services are distributed arises between the exempt undertaking and a programming undertaking, whether operating by licence or by exemption order, the undertaking submits to such mediation and/or dispute resolution process or processes as may be required by the Commission and to any decision that may ultimately result therefrom.
 - (b) If a dispute, within the meaning of paragraph 17(a), arises with respect to a programming undertaking's programming services being distributed in the absence of a commercial agreement and the matter proceeds before the Commission for dispute resolution, the undertaking submits to having the dispute resolved as provided for in Broadcasting and Telecom Information Bulletin CRTC 2009-38, dated 29 January 2009, as amended from time to time, and further submits to the rates, terms and conditions established by the Commission as of the date on which the programming was first made available to the relevant undertaking in the absence of a commercial agreement.
 - (c) If a dispute, within the meaning of paragraph 17(a), arises with respect to a programming undertaking's new programming service that is being distributed in the absence of a commercial agreement and the matter proceeds before the Commission for dispute resolution, the undertaking further submits to the rates, terms and conditions established by the Commission for the duration of the contractual term established by the Commission.

- (d) If a dispute concerning the terms and conditions under which programming services are provided to the undertaking arises between the undertaking and a relay distribution undertaking, whether operating by licence or by exemption order, the undertaking submits to such mediation and/or dispute resolution process or processes as may be required by the Commission and to any decision that may ultimately result therefrom.
- (e) For greater certainty, nothing in paragraphs 17(a) through (d) prevents parties from reaching an agreement with respect to rates, terms or conditions that differ from those established by the Commission.
- (f) If the Commission accepts a referral of a matter for dispute resolution, the undertaking submits to produce and file such additional information as may be requested by the Commission or any individual named by the Commission to act as mediator in a given dispute.

Obligation during dispute

18. In regard to obligation during dispute:

- (a) During any dispute between the undertaking and a person licensed to carry on a programming undertaking or the operator of an exempt programming undertaking concerning the carriage or terms of carriage of programming services or concerning any right or obligation under the Act, the undertaking shall continue to distribute those programming services subject to the dispute, at the same rates and on the same terms and conditions as it did before the dispute.
- (b) For the purposes of paragraph 18(a), a dispute exists from the moment that written notice of the dispute is provided to the Commission and served on the other undertaking that is party to the dispute and ends when an agreement settling the dispute is reached by the concerned undertakings or when the Commission renders a decision concerning any unresolved matter, whichever is first.
- (c) An undertaking that distributes a new programming service with respect to which it has no commercial agreement shall abide by the rates, terms and conditions established by the operator of the concerned programming undertaking until such time as a commercial agreement is reached between the parties or the Commission renders a decision concerning any unresolved matter.

Programming service substitution

19. If the undertaking serves more than 2,000 subscribers, the undertaking deletes the programming service of a television station and substitutes the programming service of a local television station or, with the agreement of the broadcaster operating the local television station, has that broadcaster carry out the deletion and substitution, if

- (a) the main studio of the local television station (i) is located within the service area of the undertaking, and (ii) is used to produce locally originated programming;
- (b) the programming service to be deleted and the programming service to be substituted are comparable and simultaneously broadcast;
- (c) in a case where the broadcaster operating the local television station is not to carry out the deletion and substitution under an agreement with the undertaking, the undertaking has, at least four days before the date on which the programming service is broadcast, received from the broadcaster operating the local television station a written request for the deletion and substitution; and
- (d) if a substitution is requested by more than one broadcaster, the undertaking gives priority, in the following order, to (i) if the studios of the stations are located in the same province as the service area of the undertaking or in the National Capital Region, as described in the schedule to the *National Capital Act*, the programming service of the station whose main studio is closest to the local head end, or equivalent, of the service area; (ii) in any other case, the programming service of the station that has a studio located in the same province as the service area.

An undertaking may discontinue a deletion and substitution if the programming services in respect of which the deletion and substitution are made are not, or are no longer, comparable and broadcast simultaneously.

Community channel

- 20. If the undertaking serves more than 2,000 subscribers, it shall make a contribution to Canadian programming in each broadcast year of an amount not less than 5% of that undertaking's gross revenues derived from broadcasting activities in the year, less any contribution to local expression made by the undertaking in that year. Contributions to Canadian programming shall consist of:
 - (a) a contribution to the Canadian production fund of at least 80% of the undertaking's total required contribution; and
 - (b) to one or more independent production funds, the remainder of its total required contribution.
- 21. The undertaking is authorized to offer a zone-based community channel (where two or more exempt BDU service areas are combined to share local and community access television programming) under the following condition:

Exempt systems that make up a zone must be part of a community of interest. A community of interest would be determined by the following criteria:

A community of interest is one where its members share one or more of the following attributes:

- common social and economic interests;
- common heritage, culture or history;
- the same geographic or politically recognized boundary;
- access to the same local/regional media.

22. If the undertaking serves more than 2,000 subscribers and elects to offer a community channel or a zone-based community channel, the community channel offers programming that meets the following requirements:

(a) the programming offered consists of at least:

- (i) 60% local community television programs that are reflective of the community and produced in the undertaking's service area by the undertaking or by other members of the community served by the undertaking;
- (ii) 30% access programming consisting of programs produced by members of the community served by the undertaking;

(b) alternatively,

- (i) where an undertaking is an affiliate of a licensed cable undertaking, and the Commission has prescribed specific conditions of licence governing the offering of a community channel by that licensed undertaking, the undertaking may offer its community channel on the same basis as that approved for the licensed undertaking;
- (ii) where an undertaking is not an affiliate of a licensed cable undertaking, it may offer a community channel on the same basis as approved by condition of licence for any licensed undertaking that has a licensed area that includes any part of the same province or territory in which the undertaking operates;

(c) the programming includes no more than two minutes per hour of promotional messages and at least 75% of this promotional time is made available for the promotion of the community channel, non-related Canadian programming undertakings and for unpaid Canadian public service announcements;

(d) reasonable efforts are made to ensure that all the communities included within a zone-based community channel are proportionately represented; and

(e) the programming offered adheres to:

- (i) the *Cable television community channel standards*, as amended from time to time; and
 - (ii) the Canadian Association of Broadcasters' *Violence Code*, as amended from time to time and approved by the Commission.
- (f) commercial messages or promotional messages on the community channel comply with the technical requirements set out in *ATSC Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television*, published by the Advanced Television Systems Committee Inc., as amended from time to time.

Information requirements

23. The undertaking or its representative submits the following information to the Commission by 30 November of each year:
- (a) the name and contact information of the operator of the undertaking;
 - (b) the location of the undertaking and the communities served by the undertaking;
 - (c) the total number of basic subscribers served by the undertaking as of 31 August of that year;
 - (d) if the undertaking offers community programming exclusively through a video-on-demand service or provides community programming under a “zone based” approach, and does not operate separate head-end facilities or distribute a distinct local or regional television station, a statement as to its gross revenues derived from broadcasting activities in the past broadcast year and the amount and percentage of those revenues that have been contributed to community programming as described in paragraph 20(a); and
 - (e) whether any programming services are provided on a digital basis.
24. If the exempt undertaking serves more than 2,000 subscribers, the undertaking submits the simplified annual return for exempt broadcasting distribution undertakings by 30 November of each year.
25. The undertaking submits any information requested by the Commission in order to ascertain the undertaking's compliance with the terms of this order.

Appendix 3 to Broadcasting Regulatory Policy CRTC 2014-444

Broadcasting Order CRTC 2014-446

Exemption order for radiocommunication distribution undertakings

Pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), the Commission by this order exempts from the requirements of Part II of the Act and any regulations made thereunder those persons carrying on radiocommunication distribution undertakings (RDUs) defined by the following criteria.

Purpose

The purpose of these RDUs is to serve small, rural and/or often remote communities having small populations by distributing the services of one or more programming undertakings, as authorized by the Commission.

Criteria

1. 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.
2. The undertaking meets all the technical requirements of the Department of Industry and has acquired all authorization or certificates prescribed by that department.
3. The undertaking does not alter the content or format of a programming service or delete a programming service in the course of its distribution except:
 - (a) for the purpose of complying with subsection 328(1) of the *Canada Elections Act*;
 - (b) for the purpose of deleting a programming service to comply with an order of a court prohibiting the distribution of the service to any part of the licensed area;
 - (c) for the purpose of altering a programming service to insert a warning to the public announcing:
 - (i) any danger to life or property if the insertion is provided for in an agreement entered into by the licensee with the operator of the service or the network responsible for the service; or
 - (ii) an imminent or unfolding danger to life if there is no agreement with the operator of the service or the network responsible for the service;
 - (d) for the purpose of preventing the breach of programming or underlying rights of a third party, in accordance with an agreement entered into with the operator of the service or the network responsible for the service; or

- (e) for the purpose of deleting a subsidiary signal, unless the signal is itself a programming service or is related to the service being distributed.
4. The undertaking originates no programming itself.
 5. The undertaking distributes services by means of radiocommunication and distributes no service of a programming undertaking other than one which the Commission has authorized by regulation or otherwise.
 6. The undertaking operates in an area covered by the local service contour (official Grade A contour or official digital urban contour) of no more than two licensed television programming undertakings.
 7. Each channel used by the undertaking to distribute radio and or television signals does not exceed the power limits for low and very low power transmitters, as defined in the Department of Industry's *Broadcast Procedures and Rules* (Parts II, III and IV).
 8. The undertaking
 - (a) has implemented, by no later than March 31, 2016, a public alerting system that alters without delay a programming service being distributed by the undertaking in its service area in order to insert any alert that it receives – in a form including both text and audio content – from the National Alert Aggregation and Dissemination System, that
 - (i) announces an imminent or unfolding danger to life; and
 - (ii) is designated by the applicable issuing authority for immediate broadcast or distribution in all or part of the undertaking's A.M. 5mV/m contour, F.M. 0.5 mV/m contour or Grade B official contour, as the case may be.
 - (b) shall implement the public alerting system for each of its transmitters.
 - (c) shall broadcast the alert on transmitters that serve the area that is targeted by the alert.
 - (d) shall take all reasonable measures to ensure that the alerts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purpose of this provision, the terms “issuing authority” and “National Alert Aggregation and Dissemination System” shall have the same meaning as that set out in the *Broadcasting Distribution Regulations*.

9. Any undertaking licensed by the Commission as a radiocommunication distribution undertaking as of 1 November 2012 shall be deemed to meet the requirements of this exemption order so long as it continues to operate in accordance with the specific frequencies, contours, effective radiated powers and effective height of antenna above average terrain authorized by the Department of Industry for the undertaking as of 1 November 2012.

Appendix 4 to Broadcasting Regulatory Policy CRTC 2014-444

Broadcasting Order CRTC 2014-447

Terms and conditions of the exemption order for low-power tourist information related radio programming undertakings

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

Purpose

The purpose of these radio programming undertakings is to provide the public with live or pre-recorded messages with tourist related information that may include information about local traffic, weather and marine conditions, road and boating conditions, highway construction and closures, airport arrival and departure information, ferry and train schedules, current border crossing regulations and wait times, marine traffic information, conditions on bridges and in mountain passes, advisories of approaching large vehicles (example: logging trucks and large construction and road maintenance vehicles) and any other locally relevant information relating to attractions and events of interest to tourists or the public.

Description

1. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by that Department.
2. The low-power undertaking operates between 525 kHz and 1705 kHz in the AM frequency band or between 88 MHz and 107.5 MHz in the FM frequency band. The undertaking broadcasts with a transmitter power of less than 100 watts in the AM band, and with a maximum effective radiated power of 50 watts with a maximum transmitting antenna height of 60 metres in the FM band as defined by the Department of Industry in Parts II and III of its *Broadcasting Procedures and Rules*.
3. The Commission would not be prohibited from licensing the undertaking by virtue of the *Direction to the CRTC (Ineligibility of Non-Canadians)*.
4. The programming provided by the undertaking consists of live or pre-recorded messages which provide the public with information about local traffic, weather and marine conditions, road and boating conditions, highway construction and closures, airport arrival and departure information, ferry and train schedules, current border crossing regulations and wait times, conditions on bridges and in mountain passes, advisories of approaching large vehicles (example: logging, construction, road maintenance and other large vehicles) and any other locally relevant information relating to attractions and events of interest to tourists.

5. The undertaking does not rebroadcast the programming service of any licensed or exempted radio or television undertaking.
6. The programming provided by the undertaking contains no musical selections, except as incidental background music.
7. The undertaking does not broadcast programming that is religious or political in nature.
8. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Equitable portrayal code*, as amended from time to time and approved by the Commission.
9. The undertaking adheres to the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
10. The undertaking
 - (a) has implemented, by no later than March 31, 2015, a public alerting system on all its stations that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System, that
 - (i) announces an imminent or unfolding danger to life; and
 - (ii) is designated by the applicable issuing authority for immediate broadcast in the station's A.M. 5 mV/m contour or F.M. 0.5 mV/m contour, as the case may be.
 - (b) shall implement the public alerting system for each of its transmitters.
 - (c) shall broadcast the alert on transmitters that serve the area that is targeted by the alert.
 - (d) shall take all reasonable measures to ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purpose of this provision, the terms "issuing authority" and "National Alert Aggregation and Dissemination System" shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Appendix 5 to Broadcasting Regulatory Policy CRTC 2014-444

Broadcasting Order CRTC 2014-448

Exemption order respecting certain native radio undertakings

The Commission, by this order made pursuant to section 9(4) of the *Broadcasting Act* (the Act), exempts those persons carrying on radio programming undertakings of the class defined below from the requirements of Part II of the Act, with the exception of the requirements set out in sections 32 and 34. Such persons shall also be subject to the requirements of sections 3, 3.1, 4 and 5 (broadcasting content) of the *Radio Regulations, 1986*, with the necessary modifications.

Purpose

The purpose of these radio programming undertakings is to provide radio programming that reflects the interests and needs of, and is specifically oriented to, the native communities they serve. These undertakings have a distinct role in fostering the development of aboriginal cultures and, where possible, the preservation of ancestral languages. These undertakings broadcast programming in any native Canadian language or in either or both of the two official languages, and make the greatest practicable use of Canadian creative and other resources in the creation and presentation of programming.

Description

1. The undertaking is owned and controlled by a not-for-profit organization whose structure provides for board membership by the native population of the region served.
2. The primary purpose of the undertaking is not to provide a religious programming service.
3. No commercial AM, FM or digital radio programming undertaking or terrestrial radiocommunication distribution undertaking that distributes the programming of a commercial radio undertaking is licensed to operate in all or in any part of the undertaking's geographical area enclosed within: (a) in the case of a native AM station, the 5 millivolt-per-metre daytime official contour; or (b) in the case of a native FM station, the 500 microvolt-per-metre official contour. For greater clarity, the official contour includes the service contour marked for each transmitter on the map that pertains to that station and that is most recently published under the Department of Industry Act by the Minister of Industry.
4. The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament, of the Direction to the CRTC (*Ineligibility of Non-Canadians*), the Direction to the CRTC (*Ineligibility to Hold Broadcasting Licences*) or of any other direction to the Commission by the Governor in Council.

5. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Sex-Role Portrayal Code for Television and Radio Programming* and the provisions of the CAB's *Broadcast Code for Advertising to Children* as may be amended from time to time and approved by the Commission.
6. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.
7. The undertaking
 - (a) has implemented, by no later than March 31, 2016, a public alerting system on all its stations that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System, that
 - (i) announces an imminent or unfolding danger to life; and
 - (ii) is designated by the applicable issuing authority for immediate broadcast in the station's A.M. 5 mV/m contour or F.M. 0.5 mV/m contour, as the case may be.
 - (b) shall implement the public alerting system for each of its transmitters.
 - (c) shall broadcast the alert on transmitters that serve the area that is targeted by the alert.
 - (d) shall ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada – Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purpose of this provision, the terms “issuing authority” and “National Alert Aggregation and Dissemination System” shall have the same meaning as that set out in the *Radio Regulations, 1986*.

Appendix 6 to Broadcasting Regulatory Policy CRTC 2014-444

Standard conditions of licence, expectations and encouragement for video-on-demand undertakings

Conditions of licence

1. The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of sections 3(2)(d), 3(2)(e), 3(2)(f), 4 and 6.1.
2. Except as authorized by the Commission, the programming undertaking shall be operated in fact by the licensee itself.
3. The licensee shall ensure that at all times:
 - (a) no less than 5% of the English-language feature films in the inventory available to subscribers are Canadian;
 - (b) no less than 8% of the French-language feature films in the inventory available to subscribers are Canadian;
 - (c) the feature film inventory includes all new Canadian feature films that are suitable for video-on-demand exhibition and that meet the approved *Industry Code of Programming Standards and Practices Governing Pay, Pay-Per-View and Video-On-Demand Services*; and
 - (d) no less than 20% of all programming other than feature films in the inventory available to subscribers is Canadian.
4. The licensee shall ensure that no less than 25% of the titles promoted each month on its barker channel are Canadian titles.
5. The licensee shall contribute 5% of its gross annual revenues to an existing Canadian program production fund administered independently of its undertaking.

For the purpose of this condition:

- (a) if the video-on-demand service is a “related service,” “gross annual revenues” shall be 50% of the total video-on-demand associated revenues received from customers of the broadcasting distribution undertaking distributing the service;
- (b) if the video-on-demand service is not a “related service,” “gross annual revenues” shall be the total amount received from the broadcasting distribution undertaking(s) distributing the video-on-demand service; and
- (c) a “related service” means one in which the broadcasting distribution undertaking distributing the video-on-demand service or any of its shareholders owns, directly or indirectly, 10% or more of the equity of the video-on-demand service.

6. In regard to Canadian feature films:
 - (a) The licensee shall remit to the rights holders of all Canadian feature films 100% of revenues earned from the exhibition of these films. The licensee will be permitted to exclude the amount remitted to Canadian feature film rights holders as revenue for the purpose of calculating the contribution to a production fund required under condition of licence 5.
 - (b) Notwithstanding paragraph (a), some Canadian feature films may be the subject of a negotiated revenue-sharing agreement between the licensee and the rights holder of Canadian feature films. Any revenues retained by the video-on-demand licensee with respect to such Canadian feature films shall be included as gross broadcasting revenues for the purposes of calculating the contribution to a production fund required under condition of licence 5.
7. The licensee is prohibited from offering: (a) a non-Canadian subscription video-on-demand (SVOD) package that is directly competitive with a Canadian linear pay or specialty service or (b) a Canadian SVOD package that is directly competitive with a genre-protected Canadian linear pay or specialty service, unless the package is an on-demand extension of this Canadian linear pay or specialty service.
8. The licensee shall not include as part of its video-on-demand offering any program containing a commercial message except under the following circumstances:
 - (a) the commercial message
 - (i) is inserted by the licensee in a program that is obtained from a Canadian programming undertaking that is not a related Canadian programming undertaking;
 - (ii) is inserted by the licensee in a program that is obtained from a related licensed Canadian programming undertaking that has acquired the right to broadcast the program on its linear Canadian programming service(s);
 - (iii) was already included in a program previously broadcast in Canada by a non-Canadian programming service authorized for distribution in Canada;
or
 - (iv) is included in the licensee's community programming in accordance with subsections 30(1)(g), 30(1)(h) and 30(1)(i) of the *Broadcasting Distribution Regulations* (where applicable);
 - (b) if the commercial message is included in a program by virtue of 8(a)(i), 8(a)(ii) or 8(a)(iv), the program's inclusion as part of the video-on-demand offering must be the subject of a written agreement entered into with the programming undertaking that owns the rights to the program;

- (c) the commercial message complies with the *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission; and
- (d) as of 1 September 2012, the commercial message complies with the technical requirements set out in *ATSC Recommended Practice A/85: Techniques for Establishing and Maintaining Audio Loudness for Digital Television*, published by the Advanced Television Systems Committee Inc., as amended from time to time.

For the purpose of this condition of licence, “related Canadian programming undertaking” means a Canadian programming undertaking of which the licensee and/or an affiliate controls more than 10% of the total shares issued and outstanding.

9. The licensee may broadcast a commercial message directly or indirectly advertising an alcoholic beverage only if:
 - (a) the sponsor is not prohibited from advertising the alcoholic beverage by the laws of the province in which the commercial message is broadcast;
 - (b) the commercial message is not designed to promote the general consumption of alcoholic beverages; and
 - (c) the commercial message complies with the *Code for Broadcast Advertising of Alcoholic Beverages* published by the Commission on 1 August 1996.

Paragraph (b) does not prohibit industry, public service or brand preference advertising.

10. The licensee shall not give an undue preference to any person, including itself, or subject any person to an undue disadvantage. In any proceedings before the Commission, the burden of establishing that any preference or disadvantage is not undue is on the licensee that has given the preference or subjected the person to the disadvantage.
11. The licensee shall not acquire exclusive rights for any of the programming offered on its programming service.
12. The licensee shall caption
 - (a) 100% of the English- and French-language programs in its inventory, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007, with the exception of original licensee-produced community programming and access programming.
 - (b) 100% of original licensee-produced community programming by the end of the licence term.

13. The licensee shall adhere to the quality standards on closed captioning developed by the television industry's working groups, as amended from time to time and approved by the Commission.
14. The licensee shall have a monitoring system in place to ensure that for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. "Original form" means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
15. The licensee shall adhere to the *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
16. The licensee shall adhere to the *Pay television and pay-per-view programming code regarding violence*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
17. The licensee shall adhere to the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
18. The licensee shall maintain for a period of one year and submit to the Commission upon request a detailed list of the inventory available on each server. The list must identify each program by programming category and by country of origin and indicate the period of time that each program was on the server and available to subscribers.
19. In regard to local expression:
 - (a) Except as otherwise provided in subsections (b) and (c) or under a condition of its licence, if a licensee elects to offer an outlet for local expression, the licensee shall offer the programming at no charge to its subscribers and shall not offer any programming service other than the following:
 - (i) community programming;
 - (ii) a maximum of two minutes during a 60-minute interval of announcements promoting broadcasting services that the licensee is authorized to provide;
 - (iii) a public service announcement;

- (iv) an information program funded by and produced for a federal, provincial or municipal government or agency or a public service organization;
 - (v) the question period of the legislature of the province in which the licensed area is located;
 - (vi) an announcement providing information about the programming that is to be offered as local expression;
 - (vii) a commercial message that mentions or displays the name of a person who sponsored a community event or the goods, services or activities sold or promoted by the person, if the mention or display is in the course and incidental to the production of community programming relating to the event;
 - (viii) an oral or written acknowledgement, which may include a moving visual presentation of no more than 15 seconds per message, contained in community programming that mentions no more than the name of a person, a description of the goods, services or activities that are being sold or promoted by the person and their address and telephone number, if the person provided direct financial assistance for the community programming in which the acknowledgement is contained;
 - (ix) an oral or a written acknowledgement contained in community programming that mentions no more than the name of a person, the goods or services provided by the person and their address and telephone number, if the person provided the goods or services free of charge to the licensee for use in connection with the production of the community programming in which the acknowledgement is contained;
 - (x) a still image programming service as described in Public Notice CRTC 1993-51, dated April 30, 1993 and entitled *Exemption order respecting still image programming service undertakings*, if the service is produced by the licensee or by members of the community served by the licensee and does not contain commercial messages, other than commercial messages that are contained within the programming service of a licensed radio station; and
 - (xi) the programming of a community programming undertaking.
- (b) At least 75% of the time for promotional announcements included in programming offered as local expression under subparagraph (a)(ii) shall be made available for the promotion of the outlet for local expression and for the promotion, by Canadian programming undertakings other than related programming undertakings, of their respective services.
- (c) A maximum of 25% of the time for promotional announcements included in programming offered as local expression under subparagraph (a)(ii) may be

made available for the promotion of the services of related programming undertakings, discretionary services, packages of programming services, FM services and additional outlets and for the distribution of information on customer services and channel realignments.

- (d) Whenever a licensee is not offering community programming on the outlet for local expression or is offering as part of its inventory community programming that has no audio component, the licensee may offer as part of its inventory the programming service of a local radio station, other than an educational radio programming service whose operation is the responsibility of an educational authority.
- (e) If a licensee provides time on the outlet for local expression during an election period for the distribution of programming of a partisan political character, the licensee shall allocate that time on an equitable basis among all accredited political parties and rival candidates.

20. Except as otherwise provided under a condition of its licence,

- (a) a licensee shall devote to local community television programming not less than 60% of the programming offered as local expression.

- (b) a licensee

- I. shall devote at least the following percentages of the programming offered as local expression to community access television programming:
 - (i) 35% for the broadcast year beginning on 1 September 2011 and ending on 31 August 2012;
 - (ii) 40% for the broadcast year beginning on 1 September 2012 and ending on 31 August 2013;
 - (iii) 45% for the broadcast year beginning on 1 September 2013 and ending on 31 August 2014; and
 - (iv) 50% for the broadcast year beginning on 1 September 2014 and each subsequent broadcast year.
- II. shall, on or before August 31, 2014, devote a further percentage up to a total of 50% of the programming offered as local expression to community access television programming, according to requests;
- III. shall, if one or more community television corporations are in operation in a licensed area, make available to them up to 20% of the programming offered as local expression for community access television programming; and

IV. shall, if one or more community television corporations are in operation in a licensed area, make available to each of them, on request, not less than four hours of community access television programming.

The time allocated to the distribution of alphanumeric message services is excluded from the calculation of the programming requirement under this condition.

21. The licensee shall:

- (a) except as otherwise provided under a condition of its licence,
 - I. keep a program log or a machine-readable record of programs offered as local expression in the licensed area and retain it for a period of one year after the latest date on which the program is offered; and
 - II. enter into the program log or machine-readable record of programs the following information for each program:
 - (i) the title of the program;
 - (ii) the duration of time the program was offered, including the announcements and commercial messages referred to in conditions of licence 19(a)(ii) and (vii);
 - (iii) a brief description of the program, including a statement as to whether it is local community television programming;
 - (iv) the name of the distribution undertaking for which the program was produced and the name of the producer;
 - (v) a statement as to whether the program constitutes community access television programming and identifying the party that has been provided with access; and
 - (vi) the time of commencement of the announcements and commercial messages referred to in conditions of licence 19(a)(ii) and (vii), the duration and in the case of each commercial message, the name of the person selling or promoting goods, services or activities.
- (b) retain a clear and intelligible audiovisual recording of each program offered as local expression in the licensed area for a period of
 - I. four weeks after the latest date on which the program is offered; or
 - II. eight weeks after the latest date on which the program is offered if the Commission receives a complaint from a person regarding the program or, for any other reason, decides to investigate and so notifies the licensee before the end of the period referred to in paragraph (I).

22. As part of its annual return on 30 November of each year, the licensee shall file aggregate statistical data for the previous broadcast year ending 31 August concerning the following:
- video server capacity – current;
 - video server capacity – projected for the end of the next broadcast year;
 - total number of titles on the servers;
 - total number of Canadian titles on the servers;
 - total number of feature films on the servers;
 - total number of Canadian feature films on the servers;
 - breakdown of titles in both official languages;
 - total number of orders of Canadian programs;
 - total number of orders of non-Canadian programs;
 - total number of orders of Canadian feature films;
 - total number of orders of non-Canadian feature films; and
 - the amount of revenue remitted to Canadian feature film rights holders.
23. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that no less than 95% of the video and audio components of the high definition and standard definition versions of the service are the same, exclusive of commercial messages and any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
24. The licensee shall:
- (a) except as otherwise provided under a condition of its licence, implement, by no later than March 31, 2015, a public alerting system that inserts in a program, without delay, any alert that the licensee receives – in a form including both text and audio content – from the National Alert Aggregation and Dissemination System, that
 - (i) announces an imminent or unfolding danger to life; and
 - (ii) is designated by the applicable issuing authority for immediate broadcast or distribution in the licensed service area.

- (b) insert the alert in all programs that it is distributing to subscribers whose residence or other premises are located in an area that is targeted by the alert.
- (c) take all reasonable measures to ensure that the alerts that it inserts in a program are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purpose of this condition of licence, the terms “issuing authority” and “National Alert Aggregation and Dissemination System” shall have the same meaning as that set out in the *Broadcasting Distribution Regulations*

Expectations

1. The Commission expects the licensee to make its program offering available to the maximum extent possible in both official languages.
2. If captions are available, the Commission expects the licensee to provide viewers with a captioned version of all advertising, sponsorship messages and promos offered in its programming.
3. The Commission expects the licensee to ensure that 100% of original access programming is captioned by the end of the licence term.
4. The Commission expects the licensee to acquire and make available described versions of programming, where possible, and to ensure that its customer service responds to the needs of persons with a visual impairment, as set out in *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009.
5. The Commission expects the licensee to:
 - display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
 - make information available regarding the described programs that it will broadcast.
6. The Commission expects the licensee to provide an audio description of all programming that provides textual or graphic information, including programming broadcast on the barker channel.

7. If the licensee broadcasts adult programming, the Commission expects the licensee to provide its proposed internal policy on adult programming at least one month prior to the implementation of the service, as required by the Commission in *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.
8. Where applicable, the Commission expects the licensee to adhere to its internal policy on adult programming once reviewed and approved by the Commission.
9. The Commission expects the licensee to endeavour through its programming and employment opportunities to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.
10. In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992 (Public Notice 1992-59):
 - if the licensee has 100 or more employees, it is subject to the *Employment Equity Act*.
 - if the licensee has between 25 and 99 employees, the Commission expects the licensee to have in place an employment equity plan that addresses the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities), as set out in Public Notice 1992-59 and in *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC 1997-34, 2 April 1997. As part of the implementation of this employment equity plan, the Commission further expects the licensee to:
 - ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
 - assign a senior level person to be responsible for tracking progress and monitoring results; and
 - dedicate financial resources to the promotion of employment equity in the workplace.

Encouragement

The Commission encourages video-on-demand undertakings to share aggregate information on viewing of video-on-demand programs with broadcasters if such information is available.