



Broadcasting Notice of Consultation CRTC 2015-555

PDF version

Reference: 2015-514

Ottawa, 16 December 2015

Call for comments on an amendment to the *Regulations Amending the Broadcasting Distribution Regulations*

The Commission calls for comments on an amendment to the Regulations Amending the Broadcasting Distribution Regulations published in Broadcasting Regulatory Policy 2015-514 to make a correction. The Commission will accept interventions that it receives by 15 January 2016.

Introduction

1. In Broadcasting Notice of Consultation 2015-304, the Commission called for comments on amendments to the *Broadcasting Distribution Regulations* (the Regulations) to implement certain policy determinations in the Let's Talk TV proceeding, including determinations regarding pick-and-pay and small packaging requirements.
2. Section 23(1) of the proposed amendments provided that the pick-and-pay and small packaging requirements would apply to all programming services offered by a licensee other than those distributed as part of its basic service. Several interveners raised questions about the services that should be included in this provision, including whether on-demand, pay television and premium services or television stations should be excluded from the rules.
3. In Broadcasting Regulatory Policy 2015-514, the Commission noted that it had expressly indicated in Broadcasting Regulatory Policy 2015-96 that these rules would apply to “discretionary services.” As a result, it determined that the provision as worded was too broad and replaced the phrase “all programming services” with “discretionary services.”

Issue

4. In changing the wording of the amendments, the Commission inadvertently over-narrowed the scope of section 23. Specifically, in the *Regulations Amending the Broadcasting Distribution Regulations* (the Amending Regulations) set out in Broadcasting Regulatory Policy 2015-514, “discretionary services” is defined in such a way as to exclude non-Canadian programming services, all of which are required to be distributed on a discretionary basis. However, as indicated in Broadcasting Regulatory Policy 2015-96, the Commission’s intention was to have the pick-and-pay

and packaging rules apply to both Canadian and non-Canadian discretionary programming services.

5. To rectify this situation, the Commission proposes to further amend the Amending Regulations as set out in Broadcasting Regulatory Policy 2015-514 and published in the *Canada Gazette* on 2 December 2015 to include a reference in section 23(1) to **all authorized non-Canadian programming services other than the programming services of non-Canadian television stations**. The Commission's intention is to have this further amendment take effect on the date on which it is registered in order to correct section 23(1) prior to its coming into force on 1 March 2016.

Call for comments

6. The proposed amendment to the Amending Regulations is appended to this notice. The Commission invites comments on the wording of the proposed amendment. The Commission will accept interventions that it receives by **15 January 2016**.

Procedure

7. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, replies, answers of respondents and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "Statutes and Regulations." Broadcasting and Telecom Information Bulletin 2010-959 provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.
8. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
9. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
10. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations and encourages all Canadians to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

11. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

12. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
13. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
14. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

15. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
16. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

17. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
18. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

19. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
20. Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
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Fax: 604-666-8322

Secretary General

Related documents

- *Amendments to the Broadcasting Distribution Regulations to implement determinations in the Let's Talk TV proceeding*, Broadcasting Regulatory Policy CRTC 2015-514, 19 November 2015
- *Call for comments on amendments to the Broadcasting Distribution Regulations to implement determinations in the Let's Talk TV proceeding*, Broadcasting Notice of Consultation CRTC 2015-304, 9 July 2015
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Let's Talk TV – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

**Appendix to Broadcasting Notice of Consultation
CRTC 2015-555**

**Proposed amendment to the *Regulations Amending the Broadcasting
Distribution Regulations***

**Regulations Amending the Regulations Amending the Broadcasting Distribution
Regulations**

Amendment

- 1. Section 13 of the *Regulations Amending the Broadcasting Distribution Regulations*¹ is amended by replacing the portion of subsection 23(1) before paragraph (a) that it enacts with the following:**

23 (1) Except as otherwise provided under a condition of its licence, all authorized non-Canadian programming services, other than the programming services of non-Canadian television stations, and all discretionary services that are offered by a licensee in a licensed area shall be offered as follows:

Coming into Force

- 2. These Regulations come into force on the day on which they are registered.**

¹ SOR/2015-239