



Broadcasting Notice of Consultation CRTC 2016-278

PDF version

Ottawa, 21 July 2016

Notice of application received

Across Canada

Deadline for submission of interventions/comments/answers: 22 August 2016

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

The Commission has received the following application:

Aboriginal Peoples Television Network Incorporated

Across Canada

Application 2015-0702-1

Application by **Aboriginal Peoples Television Network Incorporated** (APTN Inc.) relating to the national, English- and French-language specialty Category A service APTN. The applicant requests that APTN no longer be subject to the standard condition of licence¹ requiring that at least 95% of the programming offered by the standard definition (SD) and high definition (HD) versions of APTN be the same and instead proposes that APTN abide by the following condition of licence:

The licensee is authorized to make available for distribution a high definition version of its service, together with the standard definition regional feeds of its service, provided that not less than 95% of the programs on the high definition version of its service are also broadcast on a standard definition regional feed of the service. Further, all of the programs making up the 5% allowance shall be provided in high definition.

For purposes of this definition, the term “program” has the same meaning as that set out in the *Specialty Services Regulations, 1990*.

In Broadcasting Public Notice 2003-61, the Commission noted that it would permit the licensee of a Canadian discretionary service to make available for distribution an HD version of its service provided that not less than 95% of the video and audio components of the upgraded HD and SD versions of the service are the same.

APTN currently broadcasts three separate SD regional feeds of its programming, which offer some similar programming on a time-shifted basis throughout the day. According to APTN Inc., they are designed to meet the particular interests of Aboriginal peoples and Canadians located in the Eastern, Western and Northern regions of Canada. These feeds

¹ set out under condition of licence 9 in Appendix 1 to Broadcasting Regulatory Policy 2011-443

include different Aboriginal-language programming targeting Aboriginal-language groups living in the various regions. APTN also broadcasts one national HD feed.

According to APTN Inc., the proposed licence amendment would afford APTN the flexibility to schedule the programming that airs on its HD feed at different times from when that same programming airs on its SD feeds. APTN Inc. proposes to schedule the HD feed principally with APTN's signature dramatic and other complementary original programming, together with programming that highlights wellness and environmental themes from an Aboriginal perspective. It indicates that the requested scheduling and programming flexibility for the HD feed would have no impact on the service's other conditions of licence or overall performance. The applicant further states that its service would continue to meet all Canadian exhibition requirements on all feeds, both SD and HD.

APTN Inc. submits that, with greater flexibility and more focused thematic programming and promotion, the HD version of APTN would have greater potential to reach a larger audience. As a result, the service would provide more value and better meet its mission of building bridges and greater understanding between Aboriginal peoples and the broader Canadian population. The applicant adds that with a more consistent approach to APTN's programming, the service could potentially increase the size of its audience, resulting in a projected increase in advertising revenue (all national) of approximately \$1 million annually. APTN Inc. also states that the programming would consist of a selection of programs that are best suited for the HD format and a general audience of Aboriginal peoples and others. In APTN Inc.'s view, its dramatic programming, documentaries and programming featuring wellness and environmental themes from an Aboriginal perspective respects and fulfills the service's mandate and regulatory obligations.

As indicated by the Commission in Broadcasting Regulatory Policy 2015-86, national news programming plays a vital role in achieving the *Broadcasting Act's* (the Act) policy objectives by helping Canadians participate fully in the democratic, economic, social and cultural life of their country, their regions, their provinces and their neighbourhoods. For these objectives to be achieved, such programming must come from a variety of independent sources.

Regarding the scheduling of its national news programming and various other programming requirements, APTN Inc. states that it would accept a requirement to include a daily newscast and current affairs programming within the HD service if the Commission considered it to be appropriate. However, APTN Inc. is also seeking greater scheduling flexibility and language consistency on its HD feed, with a greater focus on English- and French-language programming on this feed.

In Broadcasting Regulatory Policy 2013-372, the Commission granted APTN mandatory distribution on the digital basic service across Canada. This determination was made, in part, on the basis that APTN contributed in an exceptional manner to the fulfillment of certain objectives of the Act, as its programming reflects attitudes, opinions, ideas, values and artistic creativity that would not otherwise be seen on television. In APTN Inc.'s view, the proposed licence amendment would not affect its contribution to these objectives.

The present application was initially published as part of a public process under Part 1 of the *CRTC Rules of Practice and Procedure*. Prior to the publication of this notice, additional information was requested from APTN Inc. regarding its proposed licence amendment. APTN Inc.'s responses to those requests for information will form part of the record of the present proceeding. Further, the Commission will consider the documents filed on the public record for that Part 1 application as well as any interventions received in the context of the present notice of consultation.

Applicant's address:

339 Portage Avenue
Winnipeg, Manitoba
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Email: info@aptn.ca

Email to request electronic version of application: info@aptn.ca

Procedure

Deadline for interventions, comments or answers

22 August 2016

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to this proceeding. The Rules of Procedure set out, among other things, the rules for the content, format, filing and service of interventions, answers, replies 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 related 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.

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

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

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.

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.

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.

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

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

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.

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.

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

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.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

An electronic version of the application is available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. It is also available from the applicant, either on its website or upon request by contacting the applicant at its email address, provided above.

Electronic versions of the interventions and answers, as well as 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.

Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

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

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Secretary General

Related documents

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Applications for mandatory distribution on cable and satellite under section 9(1)(h) of the Broadcasting Act*, Broadcasting Regulatory Policy CRTC 2013-372, 8 August 2013
- *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003