



Broadcasting Notice of Consultation CRTC 2017-154

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Ottawa, 15 May 2017

Call for applications for a national, multilingual multi-ethnic television service offering news and information programming

The Commission calls for applications from persons wishing to operate a national, multilingual multi-ethnic television service offering news and information programming as well as other programming. If licensed, such a service would receive mandatory distribution on the digital basic service.

The Commission is issuing this call to fill the exceptional need for a national, multi-ethnic television service that can provide Canadians with programming, including news and information, in multiple languages from a Canadian perspective.

*Persons interested in responding to this call must submit a duly completed application to the Commission by no later than **18 August 2017**.*

Introduction

1. In *OMNI Regional – National, multilingual multi-ethnic discretionary service*, Broadcasting Decision CRTC 2017-152 (Broadcasting Decision CRTC 2017-152), also issued today, the Commission considered an application filed by Rogers Media for a broadcasting licence to operate a national, multilingual multi-ethnic discretionary service to be known as OMNI Regional. Rogers Media requested that the service receive mandatory distribution on the digital basic service of broadcasting distribution undertakings.
2. In its assessment of the application, the Commission recognized that there is an exceptional need for a national, multi-ethnic television service that can provide Canadians with programming, including news and information programming, in multiple languages from a Canadian perspective.
3. The multicultural nature of Canadian society is reflected in the broadcasting policy for Canada. In this respect, section 3(1)(d)(iii) of the *Broadcasting Act* states that the broadcasting system should:

through its programming and the employment opportunities arising out of its operations, serve the needs and interests, and reflect the circumstances and aspirations, of Canadian men, women and children, including equal rights, the linguistic duality and multicultural and multiracial nature of Canadian society and the special place of aboriginal peoples within that society.

4. For Canadians to obtain news and information in a third language from a Canadian perspective, they must have access to affordable third-language programming services. Such programming assists Canadians in civic engagement and can help to promote cross-cultural understanding.
5. In Broadcasting Decision 2017-152, the Commission stated that it was concerned that the service proposed by Rogers Media did not fully meet the Commission's expectations for such a service, particularly with respect to long-term viability, the small portion of the program schedule allocated to newscasts and the lack of specific amounts of regionally reflective programming in the proposal. The Commission weighed its concerns in regard to the application against the extraordinary need for this type of service and approved the application by Rogers Media for an interim three-year period. OMNI Regional will fill the gap in multilingual, multi-ethnic programming from a Canadian perspective while the Commission conducts a proceeding to consider proposals for a service that will meet the needs of third-language Canadians.
6. Accordingly, the Commission hereby calls for applications for a national, multilingual multi-ethnic television service offering news and information programming as well as other programming. If licensed, such a service would receive mandatory distribution on the digital basic service.

Eligibility of applicants

7. Applicants must comply with the eligibility requirements set out in the *Direction to the CRTC (Ineligibility of Non-Canadians)* and the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)*.

Procedure for filing

8. Persons interested in responding to this call must submit a duly completed application to the Commission by no later than **18 August 2017**. The criteria that will be considered to assess the applications are set out in the appendix to this notice.
9. Applications that fall outside the scope of this call or that fail to address all criteria adequately will not be considered as part of this process and may be returned.
10. At a later date, the Commission will announce the public process for considering applications and how the applications may be examined by the public. As part of that process, the public will be given the opportunity to comment on any application considered, including whether any of the proposed services should be subject to a mandatory distribution order as a part of the digital basic service, by submitting written interventions to the Commission.
11. Applications must be submitted in electronic form by using the secured service "[My CRTC Account](#)" (Partner Log In or GCKey) and by filling in the "[Broadcasting Cover Page](#)." Applicants can view a sample of [Form 125](#) and find information on [submitting applications using My CRTC Account](#) on the Commission's website. Applicants that have questions related to the application form may contact a Commission specialist at 1-866-781-1911.

12. The *Canadian Radio-Television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) set out, among other things, the rules for filing, content, format of applications, as well as the procedure for filing confidential information and requesting its disclosure. Accordingly, the procedure set out in this notice of consultation must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "[CRTC Rules of Practice and Procedure](#)."

Secretary General

Appendix to Broadcasting Notice of Consultation CRTC 2017-154

Criteria for assessing applications

1. As part of their applications, applicants must include a supplementary brief outlining how the proposed service will meet all of the criteria for mandatory distribution on the digital basic service set out in *Criteria for assessing applications for mandatory distribution of its service on the digital basic service*, Broadcasting Regulatory Policy CRTC 2010-629, 27 August 2010 (Broadcasting Regulatory Policy 2010-629). The criteria are as follows:
 - The applicant must provide evidence demonstrating the exceptional importance of its service to the achievement of the objectives of the *Broadcasting Act* (the Act).
 - The applicant must demonstrate that having mandatory carriage on the digital basic service will enable its service to contribute in meaningful ways to fulfilling the policy objectives of the Act. In particular, the applicant must:
 - a) provide evidence that the programming of its service will make an exceptional contribution to Canadian expression and reflect Canadian attitudes, opinions, ideas, values and artistic creativity. Specifically, the applicant must demonstrate that the contribution it intends to make to Canadian expression and reflection significantly exceeds that normally made by a discretionary service, thus justifying its exceptional status under a 9(1)(h) order.
 - b) provide evidence as to how the programming of its service will contribute, in an exceptional manner, to the overall objectives for the digital basic service set out in paragraph 10 of Broadcasting Regulatory Policy 2010-629 and how it will specifically contribute to one or more objectives of the Act, such as Canadian identity and cultural sovereignty; ethno-cultural diversity, including the special place of Indigenous peoples in Canadian society; service to and the reflection and portrayal of persons with disabilities; or linguistic duality, including improved service to official language minority communities.
 - c) provide evidence that the service will be making exceptional commitments to original, first-run Canadian programming in terms of exhibition and expenditures. Specifically, the applicant must demonstrate that the commitments it intends to make to original, first-run Canadian programming through exhibition and expenditures justify its exceptional status under a 9(1)(h) order. An “original, first-run program” is defined as the original exhibition of a program that has not been distributed by another broadcasting undertaking licensed by the Commission.
 - d) provide evidence, such as surveys of the prospective audience, demonstrating that there is extraordinary need among the intended audience for the proposed service.¹

¹ Any surveys submitted must include methodology.

- e) provide evidence that its business plan and implementation of its specific commitments are dependent on receipt of broad national distribution on the digital basic service, given the availability of other technological means for distributing content, and that the service would not be able to fulfill its programming commitments without mandatory distribution on the basic service.
 - f) provide evidence of the likely impact of the proposed wholesale rate on the price of the basic package to consumers and of its widespread acceptability to Canadians.
 - g) provide evidence to support the proposed timeframe during which its service should have exceptional status under an order pursuant to section 9(1)(h) of the Act.
2. Applicants may provide any other evidence and arguments to support the issuance of an order for mandatory distribution of the proposed service on the digital basic service.
 3. Applicants must clearly demonstrate how the proposed service would contribute to other policy objectives, including how the service would:
 - operate under a diverse governance structure that involves a committed group of broadcasters, producers and members of the community;
 - serve a broadly representative set of minority linguistic and cultural Canadian populations, including newcomers to Canada;
 - be relevant to Canadians across all provinces and territories in the country;
 - present news and information programming in multiple languages from a Canadian perspective, including local, regional and national news and information;
 - offer significant levels of Canadian content, both in terms of expenditures and exhibition; and
 - be able to adapt with the ever changing make up of Canada's ethnocultural demographics.