



# Broadcasting Regulatory Policy CRTC 2018-271

PDF version

Reference: 2018-263

Ottawa, 2 August 2018

## General authorizations for broadcasting distribution undertakings

1. In the appendix to Broadcasting Regulatory Policy 2016-364, the Commission set out general authorizations for terrestrial and direct-to-home broadcasting distribution undertakings (BDUs) that are incorporated by reference into the licences for all BDUs. These include an authorization for BDUs to insert certain promotional material as a substitute for the local availabilities of authorized non-Canadian programming services. This general authorization ensures that local availabilities are used, to a large extent, to promote first-run, original Canadian television programs.
2. In Broadcasting Decision 2018-263, the Commission determined that it would be appropriate to amend the general authorization relating to local availabilities in order to authorize BDUs to insert unpaid Canadian public service announcements in any of the unused inventory of local availabilities (either in the 75% portion reserved for the promotion of Canadian programs or in the 25% portion reserved for their own use), as long as they first offer at least 75% of the local availabilities inventory for the promotion of first-run, original Canadian television programs.
3. Accordingly, the Commission amends the general authorization relating to local availabilities as follows (change in bold):

The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of authorized non-Canadian programming services. At least 75% of local availabilities must be made available in each broadcast day for use by licensed Canadian programming services, in an equitable manner and on a cost-recovery basis, to promote first-run, original Canadian programs. A maximum of 25% of the local availabilities may be used to provide subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services. **The licensee may insert unpaid Canadian public service announcements within any unused inventory of local availabilities.**

4. The full updated list of general authorizations for BDUs is set out in the appendix to this regulatory policy.

Secretary General

Canada 

## **Related documents**

- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision CRTC 2018-263, 2 August 2018
- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2016-364, 8 September 2016

# Appendix to Broadcasting Regulatory Policy CRTC 2018-271

## General authorizations for broadcasting distribution undertakings

### Terrestrial and direct-to-home satellite broadcasting distribution undertakings

The terms “Atlantic provinces,” “authorized non-Canadian programming service,” “basic service,” “Canadian programming service,” “high definition,” “non-Canadian programming service” and “standard definition” have the same meanings as those set out in the *Broadcasting Distribution Regulations*, as amended from time to time.

The general authorizations below are effective 2 August 2018.

#### Use of local availabilities

1. The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of authorized non-Canadian programming services. At least 75% of local availabilities must be made available in each broadcast day for use by licensed Canadian programming services, in an equitable manner and on a cost-recovery basis, to promote first-run, original Canadian programs. A maximum of 25% of the local availabilities may be used to provide subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services. **The licensee may insert unpaid Canadian public service announcements within any unused inventory of local availabilities.**

#### Distribution of satellite subscription radio services

2. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (a) The licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(1) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  - (b) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(1) of the Regulations.

### **Distribution of down-converted programming services**

3. Subject to section 42 of the *Broadcasting Distribution Regulations* (the Regulations), where a standard definition (SD) or analog version of a programming service is not provided by the broadcaster, the licensee is authorized to down-convert a high definition (HD) or SD version of any programming service authorized by the Regulations, by the *List of non-Canadian programming services and stations authorized for distribution*, or by condition of licence into either SD or analog format, and to distribute that version of the programming service to its subscribers. The above is subject to the following terms and conditions:
  - (a) The terms and conditions otherwise applicable to the distribution of the television signals in question apply, *mutatis mutandis*, to the distribution of down-converted versions of those signals.
  - (b) In the case of a Canadian programming service, the licensee obtains the consent of the Canadian programming undertaking.
  - (c) If the licensee distributes an authorized HD or SD programming service on a down-converted basis, it must distribute down-converted versions of other comparable HD or SD Canadian programming services in a similar fashion, without undue discrimination or undue preference.

### **Distribution of up-converted programming services**

4. The licensee is authorized to distribute, with the consent of the Canadian programming undertaking, an up-converted version of any analog-only Canadian programming services in standard definition. Where the licensee distributes an analog programming service on an up-converted basis, it must distribute other Canadian programming services in a similar fashion, without undue discrimination or undue preference.

### **Distribution of a local package**

5. The licensee is authorized to distribute, at its option, a local package without having to provide users of that local package with the full basic service. The distribution of a local package is subject to the following provisions:
  - (a) Only local and regional television stations that were available to the subscribers on an over-the-air basis as of 10 November 2010 are to be included in the local package. Stations must provide their signals to broadcasting distribution undertaking (BDU) head-ends or up-link centres, by any means.
  - (b) Users cannot receive video-on-demand or any other broadcasting services in conjunction with the local package.

- (c) BDUs may offer telecommunications services to local package users, but may not offer a local package as part of a bundle or otherwise make receiving this package contingent on purchasing other services.
- (d) No fee shall be charged for the local package, but users may be required to purchase or rent equipment, or pay for service/support calls. In addition, users may choose to pay for the use of an electronic programming guide.

**Distribution of satellite-to-cable services**

- 6. The licensee is authorized to distribute the signal of any satellite-to-cable service.
- 7. As an exception to sections 16.1 and 45.1 of the *Broadcasting Distribution Regulations*, the licensee may distribute CTV Two Atlantic as part of the basic service offered to subscribers located in the Atlantic provinces.