



Broadcasting Notice of Consultation CRTC 2019-321

PDF version

Ottawa, 13 September 2019

Public record: 1011-NOC2019-0321

Notice of applications received

Deadline for submission of interventions/comments/answers: 15 October 2019

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

The Commission has received the following applications:

Applicant/Licensee and locality

- 1. Bell Canada**
Chicoutimi, Drummondville (Centre-du-Québec region), Gatineau, Joliette (Lanaudière region), Jonquière, Montréal, Québec, Saint-Jérôme (Laurentides region), Sherbrooke and Trois-Rivières (Mauricie region), and their surrounding areas, Quebec
Application 2017-0865-3
- 2. Bell Canada**
Greater Sudbury, Hamilton/Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto and Windsor, and their surrounding areas, Ontario
Application 2017-0863-7
- 3. Bell Canada**
Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia
Application 2017-0864-5

Compliance

All matters regarding the licensee, whose broadcasting licences will expire 29 February 2020, including any issues relating to compliance with regulatory obligations, will be addressed as part of this licence renewal proceeding. This includes, but is not necessarily limited to, the specific apparent compliance issues set out below.

Community programming and local expression

The Commission intends to examine Bell Canada's (Bell's) compliance of with its regulatory obligations relating to local expression and community programming. The Commission intends to evaluate, among other things, whether Bell's community

programming is in keeping with the policy framework for local and community television set out in *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016 (Broadcasting Regulatory Policy 2016-224) and the broad objectives of the broadcasting policy for Canada set out in the *Broadcasting Act*.

Accessibility

The Commission intends to examine whether Bell should be subject to a standard set of accessibility-related conditions of licence and expectations. This includes the condition of licence requiring broadcasting distribution undertakings that distribute community programming to caption 100% of original licensee-produced programming by the end of their next licence term, as set out in Broadcasting Regulatory Policy 2016-224. Bell confirmed that it would adhere to this closed captioning requirement.

Outcomes of this proceeding

The Commission will take appropriate steps to address any non-compliance that is identified, given the facts specific to each application.

The measures that it may apply could include, among others, a short-term licence renewal or the imposition of conditions of licence and/or additional reporting requirements.

1. Bell Canada

Chicoutimi, Drummondville (Centre-du-Québec region), Gatineau, Joliette (Lanaudière region), Jonquière, Montréal, Québec, Saint-Jérôme (Laurentides region), Sherbrooke and Trois-Rivières (Mauricie region), and their surrounding areas, Quebec
Application 2017-0865-3

Application by **Bell Canada** (Bell) to renew the regional broadcasting licence for its terrestrial broadcasting distribution undertakings (BDUs) serving the above-mentioned locations in Quebec, which expires 29 February 2020.

Bell requests to extend the service area of its BDU serving Montréal and surrounding areas by combining it with its Saint-Jérôme service area.

The licensee proposes to maintain certain existing conditions of licence and to delete or amend others. It also proposes the addition of new conditions to the broadcasting licence for its undertaking. In some cases, these proposals aim to reflect amendments to the *Broadcasting Distribution Regulations* (the Regulations) that were made during the past licence term. Bell's proposals include:

- the addition of a condition of licence that would allow it to operate, under a zone-based approach, the on-demand community programming services serving the following areas:
 - Trois-Rivières, Drummondville and Joliette;

- Montréal and Saint-Jérôme;¹ and
 - Chicoutimi and Jonquière.
- the addition of a condition of licence that would allow it to maintain² the authorization to double its allowable contribution to local expression in the city of Québec. Specifically, Bell would be authorized to direct 1.5%³ of its gross annual revenues derived from broadcasting activities to each of its English- and French-language on-demand community programming services, in order to better serve official language minority communities in that area;
 - the addition of a condition of licence relating to the distribution of the programming service ICI (International Channel/Canal International) on the basic service;
 - an amendment that would suspend certain conditions of licence imposed in *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013, relating to terms of access for programming services, as long as the Wholesale Code⁴ is in effect;
 - to maintain a condition of licence that authorizes it to distribute WGBH-FM Boston, Massachusetts and KUOW-FM Seattle, Washington, two member stations of the non-Canadian audio programming service National Public Radio, in all of its licensed service areas throughout Quebec;
 - the addition of conditions of licence relating to certain requirements set out in section 34 of the Regulations that pertain to contributions to local expression, Canadian programming and community programming undertakings, in order to reflect the amendments to the contribution regime for licensed terrestrial BDUs in effect since 1 September 2018⁵; and

¹ Not applicable if the Commission approves Bell's request to merge both service areas.

² In *Terrestrial broadcasting distribution undertakings serving various communities in Ontario and Quebec – Licence amendments*, Broadcasting Decision CRTC 2013-623, 22 November 2013, the Commission approved applications by Bell to authorize its terrestrial BDUs serving various communities in Ontario and Quebec to redirect up to 2% of its gross annual revenues derived from broadcasting activities to each of its English- and French-language community video-on-demand channels in those markets. In *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the Commission stated that it would no longer authorize BDUs to double the maximum allowable contribution for local expression to operate two community channels (one in each official language) in the same market and that, for a BDU that already has that authorization, it would evaluate that BDU's performance in regard to the reflection of official language minority communities at licence renewal to determine if maintaining the exception is necessary to achieve the objectives of the *Broadcasting Act*.

³ Although Bell's authorization is currently set at 2%, its request in this proceeding reflects the revised contribution scheme set out in *Amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987 regarding local and community television, and financial support, logging requirements and Canadian exhibition requirements for over-the-air television stations*, Broadcasting Regulatory Policy CRTC 2017-278, 4 August 2017 (Broadcasting Regulatory Policy 2017-278).

⁴ See *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015.

⁵ These amendments are set out in Broadcasting Regulatory Policy 2017-278.

- the deletion of and amendments to conditions of licence so as to reflect programming services and stations that have been added to the *Revised list of non-Canadian programming services and stations authorized for distribution* and that are authorized to be distributed as part of the basic service pursuant to section 17 of the Regulations.

Licensee's address:

160 Elgin Street
Floor 19
Ottawa, Ontario
K2P 2C4

Email: bell.regulatory@bell.ca

Email to request electronic version of application: bell.regulatory@bell.ca

2. Bell Canada

Greater Sudbury, Hamilton/Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto and Windsor, and their surrounding areas, Ontario
Application 2017-0863-7

Application by **Bell Canada** (Bell) to renew the regional broadcasting licence for its terrestrial broadcasting distribution undertakings (BDUs) serving the above-mentioned locations in Ontario, which expires 29 February 2020.

The licensee proposes to maintain certain existing conditions of licence and to delete or amend others. It also proposes the addition of new conditions to the broadcasting licence for its undertaking. In some cases, these proposals aim to reflect amendments to the *Broadcasting Distribution Regulations* (the Regulations) that were made during the past licence term. Bell's proposals include:

- the addition of a condition of licence that would allow it to operate, under a zone-based approach, the on-demand community programming services serving the following areas:
 - Oshawa and Peterborough, and their surrounding areas
 - Kitchener, London and Stratford, and their surrounding areas; and
 - Sudbury and Sault Ste. Marie, and their surrounding areas.

- the addition of a condition of licence that would allow it to maintain⁶ the authorization to double its allowable contribution to local expression in Ottawa and direct 1.5%⁷ of its gross annual revenues derived from broadcasting activities to each of its English- and French-language on-demand community programming services, in order to better serve official language minority communities in that area;
- the addition of a condition of licence relating to the distribution of the OMNI television station as part of the basic service;
- an amendment that would suspend certain conditions of licence imposed in *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013, relating to terms of access for programming services, as long as the Wholesale Code⁸ is in effect;
- to maintain a condition of licence that authorizes it to distribute WGBH-FM Boston, Massachusetts and KUOW-FM Seattle, Washington, two member stations of the non-Canadian audio programming service National Public Radio, in all of its licensed service areas throughout Ontario;
- the addition of conditions of licence relating to certain requirements set out in section 34 of the Regulations that pertain to contributions to local expression, Canadian programming and community programming undertakings in order to reflect the amendments to the contribution regime for licensed terrestrial BDUs in effect since 1 September 2018⁹; and
- the deletion of and amendments to conditions of licence so as to reflect programming services and stations that have been added to the *Revised list of non-Canadian programming services and stations authorized for distribution* and that are authorized to be distributed as part of the basic service pursuant to section 17 of the Regulations.

⁶ In *Terrestrial broadcasting distribution undertakings serving various communities in Ontario and Quebec – Licence amendments*, Broadcasting Decision CRTC 2013-623, 22 November 2013, the Commission approved applications by Bell to authorize its terrestrial BDUs serving various communities in Ontario and Quebec to redirect up to 2% of its gross annual revenues derived from broadcasting activities to each of its English- and French-language community video-on-demand channels in those markets. In *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the Commission stated that it would no longer authorize BDUs to double the maximum allowable contribution for local expression to operate two community channels (one in each official language) in the same market and that, for a BDU that already has that authorization, it would evaluate that BDU's performance in regard to the reflection of official language minority communities at licence renewal to determine if maintaining the exception is necessary to achieve the objectives of the *Broadcasting Act*.

⁷ Although Bell's authorization is currently set at 2%, its request in this proceeding reflects the revised contribution scheme set out in *Amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987 regarding local and community television, and financial support, logging requirements and Canadian exhibition requirements for over-the-air television stations*, Broadcasting Regulatory Policy CRTC 2017-278, 4 August 2017 (Broadcasting Regulatory Policy 2017-278).

⁸ See *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015.

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3. Bell Canada

Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia
Application 2017-0864-5

Application by **Bell Canada** (Bell) to renew the regional broadcasting licence for its terrestrial broadcasting distribution undertakings (BDUs) serving the above-mentioned locations in New Brunswick, Newfoundland and Labrador and Nova Scotia, which expires 29 February 2020.

The licensee proposes to maintain certain existing conditions of licence and to delete or amend others. It also proposes the addition of new conditions to the broadcasting licence for its undertaking. In some cases, these proposals aim to reflect amendments to the *Broadcasting Distribution Regulations* (the Regulations) that were made during the past licence term. Bell's proposal include:

- the addition of a condition of licence that would allow it to operate, under a zone-based approach, the on-demand community programming services serving the following areas:
 - Saint John, Moncton, and Fredericton and its surrounding areas.
- an amendment that would suspend certain conditions of licence imposed in *Astral broadcasting undertakings – Change of effective control*, Broadcasting Decision CRTC 2013-310, 27 June 2013, relating to terms of access for programming services, as long as the Wholesale Code¹⁰ is in effect.
- the addition of conditions of licence relating to certain requirements set out in section 34 of the Regulations that pertain to contributions to local expression, Canadian programming and community programming undertakings in order to reflect the amendments to the contribution regime for licensed terrestrial BDUs in effect since 1 September 2018¹¹; and

¹⁰ See *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015.

¹¹ These amendments are set out in *Amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987 regarding local and community television, and financial support, logging requirements and Canadian Exhibition requirements for over-the-air television stations*, Broadcasting Regulatory Policy CRTC 2017-278, 4 August 2017.

- the deletion of and amendments to conditions of licence so as to reflect programming services and stations that have been added to the *Revised list of non-Canadian programming services and stations authorized for distribution* and that are authorized to be distributed as part of the basic service pursuant to section 17 of the Regulations.

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Procedure

Deadline for interventions, comments or answers

15 October 2019

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, 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](#)." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, 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.

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.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, 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 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 filing, or where required, service 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 or served. The Commission advises parties who file or 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, fax, 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 fax 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

Electronic versions of the applications are available on the Commission's website at www.crtc.gc.ca by selecting the application number within this notice. They are also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, 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 "Consultations and hearings – Have your say!" section, then selecting "our applications and processes that are open for comment". 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 at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

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

Secretary General