



Broadcasting Notice of Consultation CRTC 2019-9

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Ottawa, 16 January 2019

Public record: [1011-NOC2019-0009](#)

Call for comments regarding the English-language closed captioning quality standards relating to the accuracy rate for live programming

The Commission calls for comments on a proposal to amend and update the English-language closed captioning quality standards relating to the accuracy rate for live programming, set out in Broadcasting Regulatory Policy 2016-435, and to finalize the accuracy standard for live English-language closed captioning in Canada.

*The deadline for the receipt of interventions is **18 March 2019**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline to file replies is **2 April 2019**.*

Background

1. In Broadcasting Regulatory Policy 2012-362, the Commission approved the mandatory quality standards for English-language closed captioning set out in the appendix to that regulatory policy, and established 1 September 2012 as the date on which the quality standards would come into effect. Among the quality standards were those relating to the accuracy rate for live programming (Quality Standard 3) and the monitoring of the accuracy rate (Quality Standard 4). In regard to Quality Standard 4, the Commission set out a requirement whereby every two years, broadcasters must provide the Commission documented evidence of efforts made to improve the accuracy of captioning.
2. In its first biennial [report](#) to the Commission, dated 31 October 2014, the English Language Broadcasters Group (EBG), comprising the Canadian Association of Broadcasters' (CAB's) English Membership and the Canadian Broadcasting Corporation (CBC) (collectively, the broadcasters), submitted that the quality standard setting out an accuracy rate of 95% for the closed captioning for live programming (Quality Standard 3) was not achievable. The broadcasters reported that many types of live programming, due to the nature of such programming, had not scored well under that accuracy rate, where accuracy was measured by comparing the on-screen captions with a verbatim transcription of program audio. They argued that achieving the accuracy rate was often not possible. The broadcasters added that as a consequence, all English-language broadcasters were in non-compliance with their conditions of licence relating to the accuracy rate for the closed captioning of live English-language programming.

3. In Broadcasting Notice of Consultation 2015-325, the Commission called for comments on a targeted review of the closed captioning quality standard relating to the accuracy rate for live programming.¹ Following the issuance of that call for comments, a group of broadcasters voluntarily formed a working group (the 2016 Working Group) with representatives from associations for people who are deaf or hard of hearing, closed captioning providers and the Northern Alberta Institute of Technology, to look into the issues raised in the notice. The 2016 Working Group submitted a proposal for a trial to develop and test an alternative method to measure the accuracy of captioning, with a view to improving quality. It also requested that the Commission temporarily suspend the requirement that broadcasters reach a given captioning accuracy rate for live programming during the trial.
4. Following the 2016 Working Group's submission of that proposal, the Commission issued Broadcasting Regulatory Policy 2016-435, in which it stated that it would suspend until 31 August 2019 the requirement that broadcasters achieve a captioning accuracy rate of at least 95% for live programming, to allow the working group to conduct a trial of an alternative method of measuring captioning accuracy. In the appendix to that regulatory policy, the Commission set out English-language closed captioning mandatory quality standards to replace those set out in the appendix to Broadcasting Regulatory Policy 2012-362; the above-noted date of 31 August 2019 was set out in the revised Quality Standard 3. The Commission also stated that during the suspension period, all programming would continue to be captioned, the methods used to provide captioning would not change, and all other quality standards would continue to be in effect.
5. Also in Broadcasting Regulatory Policy 2016-435, the Commission expected the 2016 Working Group to submit, by 2 November 2018, a final proposal for a new accuracy rate and measurement model for live programming. The Commission received the working group's [final submission](#) on 6 November 2018, in which the following were proposed in regard to Quality Standards 3 and 4:
 - a) the current requirement to monitor two programs per month should continue, but of those programs, one should be in the "news" category and one should be chosen from genres that fairly represent the live program mix of the monitoring broadcaster;
 - b) the reporting of monitoring results should be done annually rather than every two years, and should include publication of the data from each program monitored;

¹ The Commission subsequently approved three requests for extensions to the comment period to allow sufficient time for collaborative discussions among parties and for the assessment of an alternative method to measure the accuracy of closed captioning.

c) the current 95% accuracy rate based on the verbatim test should be replaced by the NER² model, as measured in the Canadian NER Evaluation Guidelines, by certified NER evaluators; and

d) the condition of licence relating to the accuracy rate for the closed captioning of live programming should be amended to require that the broadcaster and the captioning provider discuss any monitored program scoring below the accuracy standard, and provide a report describing the remedial action to be taken.

Call for comments

6. The Commission calls for comments on the 2016 Working Group's [proposal](#) to amend and update the English-language closed captioning quality standards relating to the accuracy rate for live programming, set out in Broadcasting Regulatory Policy 2016-435, and to finalize the accuracy standard for live English-language closed captioning in Canada. Specifically, the Commission seeks comments on the following:

- approving and adopting the Canadian NER Evaluation Guidelines that were included with the 2016 Working Group's final submission;
- issuing amended English-language closed captioning mandatory quality standards for live programming, which would replace those set out in Broadcasting Regulatory Policy 2016-435 and would read as follows:

3) Accuracy rate for live programming

Beginning 1 September 2019, broadcasters must reach an accuracy level of 98 based on the "NER model," measured pursuant to the Canadian NER Evaluation Guidelines using certified NER evaluators.

4) Monitoring of accuracy rate

Beginning 1 September 2019:

- for each month, each broadcaster must calculate the accuracy rate for two programs containing live content including one program from the news category and another program chosen by the broadcaster from a genre that fairly represents the live program provided by the broadcaster.
- broadcasters must provide the Commission with an annual report describing their efforts to improve their accuracy rate. The report

² The NER model is based on (1) the Number of words, (2) 'Edition' errors, where a difference arises from a choice made by the captioner to paraphrase the verbatim speech, and (3) 'Recognition' errors, where the captioner, or the software used by the captioner, delivers a caption word that is wrong, misspelled, or garbled.

shall also include the data from each program monitored. The reports are to be filed by 30 November of each year.

- each broadcaster shall provide the Commission with a report describing the remedial action to be undertaken in respect of any monitored program that scores below the new accuracy standard. The reports are to be filed by 30 November of each year.

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, 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](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide 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 invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **18 March 2019**. Only parties that file interventions may file a reply to matters raised during the intervention phase. The deadline for the filing of replies is **2 April 2019**.
9. The full text of the 2016 Working Group's final submission and of the Canadian NER Evaluation Guidelines, along with a final project report filed by the Canadian Association of the Deaf, have been added to the [public file](#) for this proceeding. 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.
10. 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.
11. 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.
12. 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

13. 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.
14. 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.
15. 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

16. 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.
17. 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.
18. 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.

19. 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

20. 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 "Have your say!" section, 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.
21. 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, Room 206
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

Related documents

- *English-language closed captioning quality standard related to the accuracy rate for live programming*, Broadcasting Regulatory Policy CRTC 2016-435, 2 November 2016
- *Call for comments on the English-language closed captioning quality standard relating to the accuracy rate for live programming*, Broadcasting Notice of Consultation CRTC 2015-325, 22 July 2015
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Quality standards for English-language closed captioning*, Broadcasting Regulatory Policy CRTC 2012-362, 5 July 2012
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010