



Broadcasting Notice of Consultation CRTC 2020-227

PDF version

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Call for comments on a standardized approach to monitoring linear community channels and on-demand community programming services

The Commission calls for comments on its proposal for a standardized approach to monitoring linear community channels and on-demand community programming services. A proposed information bulletin providing guidance in regard to the above is set out in the appendix to this notice of consultation.

*The deadline for the submission of comments is **17 August 2020**.*

Background

1. In Broadcasting Regulatory Policy 2016-224 (the Community Television Policy), the Commission stated that the community television sector would benefit from a more systematic and standardized evaluation of compliance by licensees of broadcasting distribution undertakings (BDUs) with requirements relating to their community programming. To that end, the Commission announced that it would periodically require BDU licensees to submit logs and audiovisual recordings, and would choose a sample of logs and annual returns to analyze.
2. In late 2015 and early 2016, the Commission received complaints alleging non-compliance by linear community channels operated in various markets by certain licensed and exempt BDUs with local and access programming requirements. In this regard, in October 2016, the Commission initiated a monitoring exercise by requesting a sample of the logs and audiovisual recordings of programming broadcast by linear community channels operated in most of the licensed and exempt BDU service areas referred to in those complaints. In addition, the Commission placed those complaints on the public record of the proceeding that was initiated by Broadcasting Notice of Consultation 2017-160 and that led to the renewal of the licences for various BDUs as specified in Broadcasting Decision 2018-263.
3. In that decision, the Commission considered whether a follow-up proceeding would be required to examine ways to standardize logging and reporting requirements, which are the tools the Commission generally uses to monitor regulatory compliance with community programming requirements. However, given that most of the issues surrounding standardization were strictly of a technical nature and did not raise policy issues, it determined that having Commission staff hold discussions directly with

licensed BDUs would be an appropriate way of working toward standardizing logging and reporting requirements for linear community channels operated by terrestrial BDUs.

4. In Broadcasting Decision 2018-263, the Commission stated that the monitoring format used in the above-noted initial exercise may serve as an appropriate starting point for the monitoring of linear community channels going forward. In the fall of 2018, Commission staff consulted with BDUs on the format of the Excel spreadsheet template for linear community channels used in that monitoring exercise.
5. In that decision, the Commission further stated, however, that the approach for monitoring linear community channels (including the use of certain tools) may not necessarily apply to the monitoring of community programming distributed on an on-demand basis. Consequently, the Commission determined that a different approach may need to be adopted for monitoring on-demand community programming. It also expressed the view that a public process would be of assistance in developing tools appropriate for the task.
6. As a first step towards establishing clear and consistent monitoring practices for community programming offered on an on-demand basis, a two-phased informal consultation separate from the above-noted 2018 consultation was undertaken between Commission staff and BDUs in the fall of 2019 and in early 2020. This information-gathering exercise focused on the format of the Excel spreadsheet template that would apply to on-demand community programming services, and on the technical feasibility of organizing community programming content on on-demand platforms in a manner that would allow the Commission to verify compliance with the exhibition requirements.
7. In the first phase of the informal consultation, BDUs commented on various options, including grouping local and access programming by location, providing a list of the relevant programming, and providing screen captures. For the second phase, options addressing the concerns expressed by the BDUs were proposed. Those options essentially reflect the practices currently set out in the proposed information bulletin appended to this notice, specifically, that BDUs should make it possible for their subscribers to select community programs by location¹ from the search menu; or should identify the location in or next to the program tile² presented to subscribers on the on-demand platform. These were generally considered to be viable options by most BDUs, and in some cases, BDUs indicated that the practices had already been implemented.

¹ The location is the area that is served by either a licensed or exempt BDU and in which the program in question was produced or to which it is relevant.

² A program tile is a visual display of the program and is generally comprised of an image and of the title of the program. Tiles are grouped and presented on the on-demand interface to allow the viewer to be informed of the various programs available, and can be selected in order to access the associated program.

Proposed approach

8. Both the 2018 informal consultation relating to linear community channels and the subsequent 2019-2020 two-phased informal consultation relating to on-demand programming services have resulted in proposed revised guidance regarding the program grids to be used for assessing compliance.
9. In regard to linear community channels, the Commission is proposing to formalize the approach that it adopted during the initial 2016 monitoring exercise.
10. The Commission's current practice for assessing compliance by on-demand services with exhibition requirements differs significantly from the above. For on-demand services, the Commission assesses compliance based on a calculation of the required amount of programming as a percentage of the overall library.³ This approach, which considers the entirety of the titles available on an on-demand server, is effective for calculating compliance with the requirements for certain types of programming available on demand. However, given the particular nature of community programming, for which the exhibition requirements are based on whether a program is local to a community, an alternative approach for evaluating compliance may be more appropriate.
11. Such an approach would take into account the fact that some on-demand community programming services may be offering BDU subscribers access to most, if not all, of the community programs produced in the various locations served by the BDU. While distributing these programs as widely as possible and ensuring their discoverability is encouraged by the Commission, the practice could place those BDUs in non-compliance with exhibition requirements should the Commission consider the entirety of the community programs available on a server in assessing compliance. This could ultimately lead on-demand community programming services that currently offer subscribers access to a large volume of community programs produced in various locations to remove some community programs from their server, which would be an undesirable consequence.
12. Accordingly, rather than calculating the percentage of local and access programming based on the entirety of the community programs available on the server of an on-demand service when assessing compliance with exhibition requirements, the Commission is proposing to consider only the programs produced in or relevant to a particular service area. However, this approach would only be feasible where those programs are easily identifiable and discoverable by subscribers from that particular service area (i.e., where the subscribers are not required to actively search for the local content). For example, the location should be provided when the program tile is first displayed, and not within a description in a separate window.

³ Calculations are based on the number of titles available or on the percentage of the total amount of time of the programming available on the server.

13. Where a BDU has made no effort to make such programs easily identifiable or discoverable, the Commission is proposing to maintain its general approach of considering the overall number of titles available on the server of the on-demand service for the purpose of assessing compliance with exhibition requirements, which are set out as conditions of licence in the appendix to Broadcasting Regulatory Policy 2017-138.

Call for comments

14. The purpose of this proceeding is to establish general guidance regarding the tools and approaches the Commission intends to use to monitor community programming going forward. Accordingly, the Commission calls for comments on proposed guidance in this regard, set out in the proposed information bulletin appended to the present notice of consultation. Comments should be limited to the appropriateness of the respective approaches set out in the information bulletin as they relate to monitoring linear community channels and on-demand community programming services. Comments that seek substantive changes to the Community Television Policy, such as requests by interveners regarding the submission of additional information not currently required under the *Broadcasting Distribution Regulations* or under Broadcasting Order 2017-320, are beyond the scope of this proceeding. The Commission will accept interventions that it receives on or before **17 August 2020**.

Procedure

15. 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.
16. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in Broadcasting Information Bulletin 2010-28-1.
17. 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.
18. 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.

19. 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.
20. 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

21. 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.
22. 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.
23. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions that fall within the scope of this proceeding, 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

24. 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.
25. 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.
26. 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.
27. 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

28. 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 "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.
29. 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

- *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
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017
- *Renewal of the broadcasting licences for terrestrial broadcasting distribution undertakings that will expire in May 2018*, Broadcasting Notice of Consultation CRTC 2017-160, 18 May 2017
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Changes to certain practices for filing interventions – Expansion of filing practices to include the filing of joint supporting comments for broadcasting policy proceedings*, Broadcasting Information Bulletin CRTC 2010-28-1, 10 December 2010

Appendix to Broadcasting Notice of Consultation CRTC 2020-227

Proposed Broadcasting Information Bulletin relating to a standardized approach for monitoring linear community channels and on-demand community programming services

The Commission intends, going forward, to use the standardized approaches to monitoring linear community channels and on-demand community programming services that are set out in this information bulletin.

Introduction

Monitoring of community programming

1. In Broadcasting Regulatory Policy 2016-224 (the Community Television Policy), the Commission announced that it would periodically require broadcasting distribution undertakings (BDUs) to submit logs and audiovisual recordings for a sample of the community programming they broadcast. This measure was first implemented as part of the 2018 BDU licence renewal proceeding (which led to the issuance of Broadcasting Decision 2018-263 and the licence renewals specified therein), where compliance of certain BDUs regarding the operation of their linear community channels was assessed.
2. In Broadcasting Decision 2018-263, the Commission considered that the tools used during that proceeding could serve as a starting point for monitoring linear community channels going forward. However, the Commission stated that it may need to adopt a different approach for monitoring on-demand community programming services.
3. Consistent with the intention of Broadcasting Decision 2018-263, potential monitoring approaches were discussed with licensed and exempt BDUs, and the Commission subsequently initiated a public proceeding to solicit broader input on proposed standardized approaches to monitoring linear community channels and on-demand community programming services. Accordingly, in the present information bulletin, the Commission sets out general guidance regarding these standardized monitoring approaches.

Background

Exhibition requirements

4. As indicated in the Community Television Policy, exhibition requirements for licensees operating linear community channels are set out in section 31 of the *Broadcasting Distribution Regulations*. For BDUs exempt from the requirement to hold a licence, these requirements are set out in Broadcasting Order 2017-320. For BDUs distributing community programming on an on-demand basis, the exhibition

requirements are imposed as conditions of licence on their related on-demand services and set out in the appendix to Broadcasting Regulatory Policy 2017-138.

Calculating the percentage of local and access programming for on-demand community programming services

5. In order for the Commission to consider only the programs produced in or relevant to a particular service area when assessing compliance regarding the operation of their on-demand community programming services, BDUs should adopt either of the following practices:¹
 - make it possible for the BDU subscriber to select community programs by location² from the search menu; or
 - identify the location in or next to the program tile³ presented to subscribers on the on-demand platform.⁴
6. In instances where a BDU has made no effort to adopt these practices, the Commission will generally consider the overall number of community programming titles available on the on-demand server for the purpose of assessing compliance with exhibition requirements.
7. In addition, BDUs are encouraged to adopt the following practices, which would also improve the discoverability of local and access community programming for viewers:
 - make it possible to find the program produced in each location using the search option (i.e., by keyword); and
 - give pride of place to local programs when viewed in the location where they were produced.

Program grids for community channels and on-demand community programming services

8. When a BDU operating a community channel or an on-demand community programming service is selected⁵ by the Commission to participate in its monitoring

¹ When participating in a monitoring exercise, BDUs may be required to submit evidence that they have adopted the practices in question (e.g., screen captures).

² The location is the area that is served by either a licensed or exempt BDU and in which the program in question was produced or to which it is relevant.

³ A program tile is a visual display of the program and is generally comprised of an image and of the title of the program. Tiles are grouped and presented on the on-demand interface to allow the viewer to be informed of the various programs available, and can be selected in order to access the associated program.

⁴ Subscribers should not be required to actively search for content that is local to their community. Such information should be provided when the program tile is first displayed. It would be insufficient, for example, to include the location within a description in a separate window.

⁵ BDUs may, for example, be selected at random, or based on previous non-compliance or on any potential non-compliance issues brought to the Commission's attention.

exercise, it is to submit the calculations of the total amount of time devoted to each program category (as defined below) and the percentage of the overall total, as well as the following information:

General information

- the licensee or operator of the exempt undertaking;
- the undertaking number (optional);
- the main community served by the community channel, corresponding to the service area of the licensed or exempt BDU;
- whether the location is part of a zone-based community channel; and
- the time period covered by the program grid.

Program information

- the program title;
- the program description;
- the type of program (program category):
 - (A) local community television programming (BDU-produced);
 - (B) access programming produced by a member of the public with the assistance of a BDU (community-produced programs, assisted by the BDU);
 - (C) access programming produced by local not-for-profit community television corporations and community-produced programs, unassisted by the BDU;
 - (D) other community programming (programs produced by other BDUs);
 - (E) announcement promoting broadcasting services, or government and public service announcements; and
 - (F) bulletin board.
- how the program meets the program category definition;
- the language(s) in which the program was broadcast. If the program includes more than one language, the portion (i.e., percentage) of the program broadcast in each language; and

- the length of the program.

Access programming

- the name of the access requester;
- the location of production;
- a confirmation that the access requester resides in the service area; and
- the access requester's role in the program.

Accessibility

- whether the program includes:
 - closed captioning (not applicable to exempt undertakings);
 - audio description (not applicable to exempt undertakings); and/or
 - described video (not applicable to exempt undertakings).

9. In addition to the above, BDUs operating on-demand community programming services must specify the year of production of the program, while BDUs operating community channels must include the following information:

Broadcast information to be submitted by linear community channels only

- the broadcast date;
- the start and end times for the program;
- original or repeat programming (one of the following to be selected):
 - (1) original exhibition of a program that has been distributed by another licensed or exempt BDU; or
 - (2) original, first-run program (original exhibition of a program that has not been distributed by another licensed or exempt BDU); or
 - (3) repeat exhibition of a program.

Secretary General

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
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016