



Broadcasting Order CRTC 2022-297

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Ottawa, 1 November 2022

Distribution of national news discretionary services

Introduction

1. In Broadcasting Order 2013-735, the Commission implemented its determination regarding the distribution of Category C national news specialty services as set out in Broadcasting Regulatory Policy 2013-734.
2. In Broadcasting Decision 2022-296, the Commission determined that The News Forum should be added to the list of national news discretionary services that are subject to distribution as set out in Broadcasting Order 2013-735. Accordingly, the Commission issues a new updated broadcasting order to reflect this addition, which is effective immediately.
3. The Commission also takes this opportunity to address some housekeeping matters. In particular, Category C national news specialty services are now referred to as national news discretionary services. Therefore, the references are updated accordingly.
4. Further, the Commission notes that the national news discretionary service Sun News Network is no longer operating. Therefore, the Commission has removed the reference to Sun News Network in the order.
5. The current order replaces Broadcasting Order 2013-735.

Order regarding the distribution of national news discretionary services

6. Pursuant to paragraph 9(1)(h) of the **Broadcasting Act**, the Commission orders licensees of broadcasting distribution undertakings to distribute the national news discretionary services known as CBC News Network, CTV News Channel, Le Canal Nouvelles, ICI RDI and The News Forum (hereinafter referred to collectively as the programming services) on the following terms and conditions:
 - a) This order applies to all licensed distribution undertakings, including terrestrial and direct-to-home (DTH) distribution undertakings. These licensees are collectively referred to in this order as distribution licensees.
 - b) Distribution licensees shall make the programming services available to their subscribers.
 - c) Unless the parties agree otherwise, when discretionary packages are offered by a distribution licensee, the licensee shall include the programming services in the best available discretionary package consistent with their genre and programming.

- d) Where the programming services are available in a discretionary package, the distribution licensee shall also provide its subscribers with the option to subscribe to these services on a stand-alone basis.
- e) Distribution licensees shall file with the Commission all affiliation agreements to which they are a party with the programming services or with a non-Canadian news service within five days following the execution of the agreement by the parties.
- f) If the distribution licensee has not renewed an affiliation agreement to which it is a party with any of the programming services within the 120 days preceding the expiry date of the agreement and if the other contracting party has confirmed its intention to renew the agreement, the distribution licensee shall refer the matter to the Commission for dispute resolution under sections 12 to 15 of the *Broadcasting Distribution Regulations*, unless the parties agree otherwise.
- g) When negotiating a wholesale rate for any of the programming services based on fair market value, the distribution licensee shall take into consideration the following factors:
 - i. historical rates;
 - ii. penetration levels and volume discounts;
 - iii. the packaging of the service;
 - iv. rates paid by unaffiliated distribution licensees for the programming service;
 - v. rates paid for programming services of similar value to consumers;
 - vi. the number of subscribers who subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
 - vii. the retail rate charged for the service on a stand-alone basis; and
 - viii. the retail rate for any packages in which the service is included.

For the purposes of this order, “DTH distribution undertaking,” “licensed,” “programming service” and “terrestrial distribution undertaking” shall have the same meanings as set out in the *Broadcasting Distribution Regulations*, as amended from time to time.

Secretary General

Related documents

- *The News Forum – Distribution pursuant to paragraph 9(1)(h) of the Broadcasting Act*, Broadcasting Decision CRTC 2022-296, 1 November 2022

- *Distribution of Canadian Category C national news specialty services*, Broadcasting Order CRTC 2013-735, 19 December 2013
- *Distribution of Canadian Category C national news specialty services*, Broadcasting Regulatory Policy CRTC 2013-734, 19 December 2013