



Broadcasting Notice of Consultation CRTC 2023-214

PDF version

Reference: 2023-90

Ottawa, 21 July 2023

Public record: 1011-NOC2023-0214

Call for comments on amendments to the *Television Broadcasting Regulations, 1987* and to the *Discretionary Services Regulations*

The Commission calls for comments on proposed amendments to the *Television Broadcasting Regulations, 1987* and the *Discretionary Services Regulations*. These amendments would update the definition of the term “Canadian program” in both regulations in order to make reference to Broadcasting Regulatory Policy 2023-90, in which the Commission amended the treatment of stock footage costs.

The Commission will accept interventions received by **21 August 2023**.

Background

1. In Broadcasting Regulatory Policy 2023-90, the Commission amended the treatment of stock footage costs by moving them from the “Services” category to the “Other costs” category when calculating the cost breakdown of a production.
2. Because of this amendment to the treatment of stock footage costs, which came into force on 23 March 2023, the Commission proposes to amend the *Television Broadcasting Regulations, 1987* and the *Discretionary Services Regulations* in order to update the definition of “Canadian program” in those regulations. Specifically, the amendments to the regulations would align the definition of “Canadian program” with the findings set out in Broadcasting Regulatory Policy 2023-90.
3. The Commission also proposes to amend the *Television Broadcasting Regulations, 1987* and the *Discretionary Services Regulations* in order to grandfather productions that qualify as Canadian programs under subparagraphs (b)(i) or (ii) of the definition of “Canadian program” as currently set out in those regulations.

Call for comments

4. The Commission calls for comments on the wording of the proposed amendments set out in the appendix to this notice.

Procedure

5. 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.
6. The proposed amendments are appended to this notice. The Commission invites comments on the wording of the proposed amendments. The Commission will accept interventions that it receives on or before **21 August 2023**.
7. 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.
8. 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.
9. 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.
10. 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

11. 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.
12. 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.
13. 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

14. 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.
15. 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.
16. 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.
17. 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

18. Links to interventions, replies and answers filed for this proceeding, as well as other documents referred to in this notice, are available on the Commission's "[Consultations and hearings: have your say](#)" page.

19. Documents are available upon request during normal business hours by contacting:

Documentation Centre
Examinationroom@crtc.gc.ca
Tel.: 819-997-4389
Fax: 819-994-0218

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

Secretary General

Related documents

- *Change to the treatment of stock footage costs as part of the evaluation of applications for Canadian program certification*, Broadcasting Regulatory Policy CRTC 2023-90, 23 March 2023
- *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

Appendix to Broadcasting Notice of Consultation CRTC 2023-214

Regulations Amending Certain Regulations Made under the Broadcasting Act

Television Broadcasting Regulations, 1987

1 Subparagraphs (b)(i) and (ii) of the definition *Canadian program* in section 2 of the *Television Broadcasting Regulations, 1987*¹ are replaced by the following:

(i) Appendices 1 and 2 to Broadcasting Regulatory Policy CRTC 2023-90, dated 23 March 2023 and entitled *Change to the treatment of stock footage costs as part of the evaluation of applications for Canadian program certification*, or

2 The Regulations are amended by adding the following after section 18:

Transitional provision

19 A program that, before September 1, 2023, qualified as a Canadian program under subparagraph (b)(i) or (ii) of the definition *Canadian program* in section 2, as it read immediately before that day, continues to qualify as a Canadian program for the purposes of these Regulations.

Discretionary Services Regulations

3 Subparagraphs (b)(i) and (ii) of the definition *Canadian program* in section 1 of the *Discretionary Services Regulations*² are replaced by the following:

(i) Appendices 1 and 2 to Broadcasting Regulatory Policy CRTC 2023-90, dated 23 March 2023 and entitled *Change to the treatment of stock footage costs as part of the evaluation of applications for Canadian program certification*, or

4 Section 18 of the Regulations is replaced by the following:

18 A program that, before September 1, 2023, qualified as a Canadian program under subparagraph (b)(i) or (ii) of the definition *Canadian program* in section 1, as it read immediately before that day, continues to qualify as a Canadian program for the purposes of these Regulations.

Coming into Force

5 These Regulations come into force on September 1, 2023.

¹ SOR/87-49

² SOR/2017-159