



Broadcasting Public Notice CRTC 2005-86

Ottawa, 1 September 2005

Call for comments – Proposed amendments to the *Broadcasting Distribution Regulations*

1. The Commission proposes to amend the *Broadcasting Distribution Regulations* (the Regulations) in order to implement requirements pursuant to the distribution and linkage requirements for Class 1 and Class 2 licensees,¹ and the public notices *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002 (Public Notice 2002-61) and *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-96, 16 December 2004 (Public Notice 2004-96). In addition, the Commission proposes to amend the Regulations to correct anomalies, in certain sections, that have been identified as part of a review by the Standing Joint Committee on the Scrutiny of Regulations.
2. Specifically, the Commission proposes to amend the Regulations to:
 - implement the requirement that Category 1 services and Category 2 services be distributed in accordance with the distribution and linkage requirements for Class 1 and Class 2 licensees;
 - implement the requirement that the community programming of a licensed community programming undertaking be accorded mandatory carriage as part of the basic service by Class 1 and Class 2 licensees that do not elect to distribute their own community programming, in accordance with Public Notice 2002-61;
 - implement the requirement for continued distribution by Class 1 licensees of ethnic programming services that were distributed by a licensee on 16 December 2004, as determined in Public Notice 2004-96; and
 - correct grammatical and/or translation anomalies in sections 33.3 and 53 that were identified by the Standing Joint Committee on the Scrutiny of Regulations.
3. A copy of the proposed *Regulations Amending the Broadcasting Distribution Regulations* is appended to this public notice.

¹ The current requirements are set out in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Notice CRTC 2005-45, 11 May 2005.

Call for comments

4. The Commission invites comments that address the issues and questions set out in this notice. The Commission will accept comments that it receives on or before **17 October 2005**.
5. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

6. Interested parties can file their comments to the Secretary General of the Commission:
 - **by using the**
Broadcasting Intervention/Comments Form

OR

 - **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

 - **by fax at**
(819) 994-0218
7. Submissions longer than five pages should include a summary.
8. Please number each paragraph of your submission. In addition, please enter the line *****End of document***** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

9. All information submitted, including email address, name and any other personal information, will be placed on the public examination file and can be examined on the Commission's web site at www.crtc.gc.ca.
10. Comments filed in electronic form or on paper will be available in the *Public Proceedings* section of the Commission's web site in the official language and format in which they are submitted. Paper versions will be converted to electronic versions by the Commission for this purpose. All comments will be placed on the public examination file.

11. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 - TDD: 994-0423
Fax: (819) 994-0218

Metropolitan Place

99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 - TDD: 426-6997
Fax: (902) 426-2721

205 Viger Avenue West

Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

55 St. Clair Avenue East

Suite 624
Toronto, Ontario M4T 1M2
Tel: (416) 952-9096

Kensington Building

275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 - TDD: 983-8274
Fax: (204) 983-6317

Cornwall Professional Building

2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 - TDD: 666-0778
Fax: (604) 666-8322

Secretary General

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REGULATIONS AMENDING THE BROADCASTING DISTRIBUTION REGULATIONS

AMENDMENTS

1. Sub-paragraph 18(5)(c)(i) of the *Broadcasting Distribution Regulations*¹ is replaced by the following:

(i) the licensee was distributing the service on December 16, 2004, or

2. Paragraph 19(f) of the Regulations is replaced by the following:

(f) subject to section 27, community programming.

3. (1) Subsection 20(1) of the Regulations is replaced by the following:

20. (1) (1) Except as otherwise provided under a condition of its licence, if a licensee distributes a Category 1 service, a Category 2 service, or a programming service referred to in subsection 18(5) or paragraph 19(c),(d) or (i), the licensee shall distribute the service in accordance with the Commission's Public Notice entitled *Distribution and Linkage Requirements for Class 1 and Class 2 Licensees*, as amended from time to time.

(2) Subsection 20(3) of the Regulations is repealed.

4. (1) Section 27 of the Regulations is amended by adding the following before subsection (1):

27. (0.1) Except as otherwise provided under a condition of its licence, if a licensee elects to distribute community programming under paragraph 19(f) or if a community programming undertaking is licensed in the licensed area, the licensee shall distribute the community programming as part of the basic service.

(2) The portion of subsection 27(1) of the Regulations before paragraph (a) is replaced by the following:

(1) If a licensee elects to distribute community programming under paragraph 19(f), except as otherwise provided in subsections (2) and (3) or under a condition of its licence, the licensee shall not distribute on the community channel in a licensed area any programming service other than

5. Subsection 33.3(2.1) of the English version of the Regulations is replaced by the following:

¹ SOR/97-555

(2.1) A licensee whose licensed area is totally interconnected with another licensed area shall distribute in the first-mentioned licensed area the English- and French-language versions of the House of Commons programming service with the same distribution status as in the licensed area with which it is interconnected, unless the licensee does not have the technological capacity to do so.

6. (1) Subsection 53(1) of the French version of the Regulations is replaced by the following:

53. (1) Sous réserve de l'article 54, le titulaire peut augmenter les frais imputables relativement à une zone de desserte autorisée si l'augmentation ne dépasse pas le montant d'une augmentation permise par le Conseil, après le 1^{er} septembre 1986, à titre de somme à payer à l'exploitant d'une entreprise de radiodiffusion.

(2) Subsection 53(3) of the French version of the Regulations is replaced by the following:

(3) Le titulaire qui a augmenté les frais imputables conformément au paragraphe (1) relativement à un service de programmation doit, si le montant que l'exploitant de l'entreprise de radiodiffusion exige de lui pour le service est inférieur au montant inclus dans les frais imputables à titre de somme à payer à l'entreprise, réduire les frais imputables relativement à la zone de desserte autorisée d'un montant égal à la différence.

COMING INTO FORCE

7. These Regulations come into force on the day on which they are registered.