



## Broadcasting Notice of Consultation CRTC 2009-377

Ottawa, 23 June 2009

### **Call for comments on proposed amendments to the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990*, and the *Specialty Services Regulations, 1990***

1. The Commission proposes to amend the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990*, (Pay Television Regulations) and the *Specialty Services Regulations, 1990*, (Specialty Services Regulations), in order to make explicit that the Commission recognizes a program that has been certified by the Minister of Canadian Heritage, on the recommendation of the Canadian Audio-Visual Certification Office or Telefilm Canada, as a Canadian program for the purposes of meeting the regulatory requirements.
2. The proposed amendments would also replace the definition of “program” in the Pay Television Regulations and the Specialty Services Regulations to correct an inconsistency between the definition of that term in those regulations and its definition in the *Broadcasting Act*.

### **Call for comments**

3. The Commission invites comments on the wording of the proposed *Regulations Amending Certain Regulations Made under the Broadcasting Act*, which are appended to this notice. The Commission will accept comments that it receives on or before **23 July 2009**. The Commission cannot be held responsible for postal delays and will not notify interested parties whose comments are received after the deadline date. The comments will not be considered by the Commission and will not be part of the public record.
4. 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.

### **Procedure for filing comments**

5. Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[Broadcasting Intervention/Comments Form](#)

or

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

or

**by fax at**  
819-994-0218

6. The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.
7. Parties must ensure, before initiating service through electronic mode, that they will be able to satisfy the Commission, upon request, that service of the notification was completed.
8. Submissions longer than five pages should include a summary.
9. Please number each paragraph of your submission. In addition, where the comment is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

**Important notice**

- 10 Note that all information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at [www.crtc.gc.ca](http://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, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.
- 11 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.
- 12 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.
- 13 Please note that 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 our website with the help of either our 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.

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

### **Examination of documents**

- 15 A list of all comments will be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "List of interventions/comments" under "Public Proceedings" from the Commission's website.
- 16 Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications, or, upon request, within 2 working days, at any other Commission offices and documentation centres.

### **Location of Commission offices**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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Secretary General

*This document is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.*

# Appendix to Broadcasting Notice of Consultation CRTC 2009-377

## REGULATIONS AMENDING CERTAIN REGULATIONS MADE UNDER THE BROADCASTING ACT

### AMENDMENTS

#### TELEVISION BROADCASTING REGULATIONS, 1987

**1. The definition “Canadian program” in section 2 of the *Television Broadcasting Regulations, 1987*<sup>1</sup> is replaced by the following:**

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

#### PAY TELEVISION REGULATIONS, 1990

**2. The definitions “Canadian program” and “program” in subsection 2(1) of the *Pay Television Regulations, 1990*<sup>2</sup> are replaced by the following:**

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

“program” means a broadcast presentation of sound and visual matter that is designed to inform or entertain and that falls into a category set out in item 6, column I, of Schedule I, but does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text; (*émission*)

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<sup>1</sup> SOR/87-49

<sup>2</sup> SOR/90-105

**SPECIALTY SERVICES REGULATIONS, 1990****3. The definitions “Canadian program” and “program” in section 2 of the *Specialty Services Regulations, 1990*<sup>3</sup> are replaced by the following:**

“Canadian program” means a program

(a) in respect of which a Canadian film or video production certificate referred to in section 125.4 of the *Income Tax Act* has been issued by the Minister of Canadian Heritage, or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in Appendices I and II to Public Notice CRTC 2000-42 dated March 17, 2000, entitled *Certification for Canadian Programs – A Revised Approach* and published in the *Canada Gazette*, Part I, on May 20, 2000; (*émission canadienne*)

“program” means a broadcast presentation of sound and visual matter that is designed to inform or entertain and that falls into a category set out in item 6, column I, of Schedule I, but does not include visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text; (*émission*)

**COMING INTO FORCE****4. These Regulations come into force on the day on which they are registered.**

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<sup>3</sup> SOR/90-106