



Broadcasting Notice of Consultation CRTC 2010-470

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Route reference: 2010-167

Ottawa, 12 July 2010

Call for comments on a review of the definitions for television program categories and related matters

To ensure that the definitions of Canadian program categories still accurately capture all of the types of programs enjoyed by Canadians, the Commission seeks comments on proposed amendments to the definitions for specific program categories, as well as matters related to program length and advertising. The Commission is also seeking comments on the appropriate procedure for identifying and updating the specific award shows that will qualify as programs of national interest. The deadline for comments is 10 August 2010.

Introduction

1. In Broadcasting Regulatory Policy 2010-167 relating to a group-based approach to the licensing of large English-language private television ownership groups, the Commission announced that the current exhibition requirements for priority programming would be replaced by an expenditure requirement for programs of national interest. The Commission determined that such programs would consist of programs from categories 2(b) Long-form documentary and 7 Drama and comedy, which are primary vehicles for communicating Canadian stories and values, as well as specific Canadian award shows that celebrate Canadian creative talent, such as The Gemini, The Junos, The Giller Prize, The National Aboriginal Achievement Awards, The East Coast Music Awards and The Aboriginal Peoples Choice Music Awards.¹
2. Further, to ensure that the definitions of Canadian program categories set out in Public Notice 1999-205 still accurately capture all of the types of programs enjoyed by Canadians, the Commission stated that it would seek comments on these definitions, which can be found in the appendix to this notice. The Commission indicated that this process would specifically revisit the definition of category 2(b).

¹ As noted in the regulatory policy, English- and French-language broadcasters, while sharing common aspects, operate under different conditions and may have different requirements. As such, the Commission has determined that with limited exceptions the group-based policies, of which programs of national interest is one, will apply only to large English-language private television ownership groups. As indicated in the regulatory policy, the Commission intends to discuss with French-language television broadcasters, at their licence renewals, the most appropriate approach to take in regard to the issues addressed by the group-based policies.

3. Accordingly, in the following sections, the Commission has identified issues and questions relating to definitions for specific program categories, as well as program length and advertising. The Commission is also seeking comments on the appropriate procedure for identifying and updating the award shows that will qualify as programs of national interest.

Long-form documentaries and reality television

4. Public Notice 1999-205 defines long-form documentaries as follows:

Original works of non-fiction, primarily designed to inform but may also educate and entertain, providing an in-depth critical analysis of a specific subject or point of view over the course of at least 30 minutes (less a reasonable time for commercials, if any). These programs shall not be used as commercial vehicles.

5. Reality television programming can have documentary-like elements and this type of programming may be confused with what the Commission currently defines as category 2(b).
6. Category 10 Game shows and category 11 General entertainment and human interest encompass reality television programming, but in light of the above, the Commission proposes to amend category 11 to make the distinction between documentary-style reality television and long-form documentaries clearer. Specifically, the Commission proposes to identify what is currently defined as category 11 as category 11(a) and to create a new category 11(b) Documentary-style reality television, to be defined as follows:

Documentary-style reality television programming is defined as programming that presents unscripted dramatic or humorous situations, documents actual events and typically features ordinary people instead of professional actors. This type of programming involves passively following individuals as they go about their daily personal and professional activities.

Though unscripted, this programming may be directed and may resemble a soap opera – hence the popular references to “docusoaps” and “docudramas.”

Though this type of programming may be factual, it lacks or has very minimal amounts of in-depth critical analysis of a specific subject or point of view that is the key defining element of category 2(b) Long-form documentary programming.

Other types of reality television programming are captured by program categories 10 Game shows and 11(a) General entertainment and human interest.

7. The Commission is seeking comments in response to the following questions:

- Does the proposed definition adequately and accurately capture this type of programming?
- Should this definition be adopted, would there still be a need to revise the definition of category 2(b) Long-form documentary to further differentiate it from documentary-style reality television programming?

Canadian award shows

8. As noted above, the Commission intends to include award show programming, such as The Gemini, The Junos, The Giller Prize, The National Aboriginal Achievement Awards, The East Coast Music Awards and The Aboriginal Peoples Choice Music Awards, in its definition of programs of national interest. These award shows focused on celebrating Canadian creative talent were provided in Broadcasting Regulatory Policy 2010-167 by way of example and were not intended to represent an exhaustive list. The Commission proposes to establish a “living list” of eligible award shows on its website. Under the proposal, should a party wish to have a Canadian award show considered for inclusion on the list, the party would provide a detailed rationale to the Commission for its qualification as a program of national interest. The Commission would then determine whether the award show should be added to the list.
9. The Commission is seeking comments on the appropriateness of:
 - publishing the list of qualifying award shows on the Commission website and
 - the proposed approach to considering the inclusion of a Canadian award show on the list of award shows qualifying as programs of national interest.
10. In addition, the Commission is seeking comments on what criteria should be used when it considers a submission to include a Canadian award show on the list of programs qualifying as programs of national interest.

Other matters

Religious programming

11. Since the adoption of the current definitions, broadcasters and producers have indicated that what would qualify as category 4 Religion programming is sometimes unclear.
12. Public Notice 1999-205 defines category 4 as follows:

Programs dealing with religion and religious teachings, as well as discussions of the human spiritual condition.

13. To provide clarity, the Commission proposes the following amendment to the definition of category 4, which is consistent with its approach to other program categories (changes are in bold):

Programs dealing **primarily with (i.e. more than 50%)** religion and religious teachings, as well as discussions of the human spiritual condition.

14. The Commission is seeking comments with supporting rationale in response to the following question:

- Does the proposed amendment provide sufficient clarity as to what would qualify as category 4 programming and if not, what amendment, if any, would you propose?

References to program length and advertising

15. In Broadcasting Public Notice 2007-53, the Commission announced a staggered deregulation of advertising on conventional television stations which culminated in the elimination of the advertising limitations for these stations as of 1 September 2009.

16. The current definitions established in Public Notice 1999-205 for category 2(b) Long-form documentary and for Canadian regionally-produced and Canadian entertainment magazine programs, as well as criteria (b) for the 150% and 125% time credits for Canadian drama,² refer to programs of a duration of at least a half-hour, less or including a reasonable amount of time for commercial breaks. In light of the deregulation of advertising on conventional stations, the Commission is of the view that the above-mentioned definitions should be amended to ensure that the programming contains a sufficient amount of programming content, while allowing broadcasters to raise revenues through advertising. In the case of category 2(b) Long-form documentary, the intent is also to distinguish this category from category 2(a) Analysis and interpretation, which includes documentaries less than 22 minutes in duration.

17. Accordingly, the Commission proposes the following amendments to the above-noted definitions and criteria (changes are in bold):

Category 2(b) Long-form documentary

Original works of non-fiction, primarily designed to inform but which may also educate and entertain, providing an in-depth critical analysis of a specific subject or point of view over the course of **at least 22 minutes**,

² In the case of the 150% and 125% time credits for Canadian drama, though the Commission announced in Broadcasting Regulatory Policy 2010-167 that it would eliminate the time credits for broadcasters included within the new group-based approach, these time credits are still available for other eligible broadcasters.

excluding commercials and promotions. These programs shall not be used as commercial vehicles.

Canadian regionally-produced programs

English-language programs **at least 22 minutes in duration, excluding commercials and promotions**, in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Montréal, Toronto or Vancouver. Programs in which the principal photography occurred on Vancouver Island will also be considered regionally produced programs.

French-language programs **at least 22 minutes in duration, excluding commercials and promotions**, in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Montréal.

Programs of News (Category 1), Analysis & Interpretation (Category 2), Reporting & Actualities (Category 3) and Sports (Category 6) are excluded.

Where regionally-produced programs are logged, the program class must be “REG.”

Canadian entertainment magazine programs

Programs **at least 22 minutes in duration, excluding commercials and promotions**, that devote at least two-thirds of their running time to the promotion of Canadian entertainment, including television programs, movies, soundtracks, plays, music, musical and performing arts events, performance artists and off-screen personnel associated with these activities and artists. Such programs may include only brief clips of performances. Where Canadian entertainment magazine programs are logged, the program class must be “MAG.”

150% Time Credit

- (b) has a duration of at least **22 minutes, excluding commercials and promotions**;

125% Time Credit

- (b) has a duration of at least **22 minutes, excluding commercials and promotions**;

18. The Commission is seeking comments with supporting rationale in response to the following questions:

- Does the proposed amendment to the definition of category 2(b) strike an appropriate balance between category 2(b) and 2(a) programs and if not, what amendment, if any, would you propose?
- Overall, are these amendments appropriate and if not, what amendments, if any, would you propose?

Other issues

19. Though the Commission is seeking comments on specific program categories, if parties have comments on other program categories not identified above, the Commission invites those parties to submit their comments to be considered as part of this process.

20. Once the definitions of the television content categories have been finalized, it is the intent of the Commission to replace Schedule I of the *Television Broadcasting Regulations, 1987*, the *Pay Television Regulations, 1990* and the *Specialty Services Regulations, 1990*.

Call for comments

21. The Commission invites comments that address the issues and questions set out in this notice of consultation. The Commission will accept comments that it receives on or before **10 August 2010**.

22. 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 procedure for filing set out below has been followed.

Procedure for filing comments

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

by using the
[\[Broadcasting interventions/comments form\]](#)

OR

by mail to
CRTC, Ottawa, Ontario K1A 0N2

OR

by fax at
819-994-0218

24. Submissions longer than five pages should include a summary.
25. Each paragraph of the submission should be numbered. 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

26. 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, 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.
27. 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.
28. 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.
29. 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.
30. 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

31. A list of all comments will also 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 "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.

32. The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

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

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

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

Regional offices

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
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
Fax: 204-983-6317

2220 - 12th Avenue
Room 620
Regina, Saskatchewan S4P 0M8
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
Fax: 604-666-8322

Secretary General

Related documents

- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Definitions for new types of priority programs; revisions to the definitions of television content categories; definitions of Canadian dramatic programs that will qualify for time credits towards priority programming requirements*, Public Notice CRTC 1999-205, 23 December 1999

Appendix to Broadcasting Notice of Consultation CRTC 2010-470

Current definitions of program categories in Public Notice 1999-205

Canadian long-form documentary programs
See subcategory 2(b) below.

Canadian regionally-produced programs

English-language programs at least 30 minutes long (less a reasonable amount of time for commercials, if any) in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Montréal, Toronto or Vancouver. Programs in which the principal photography occurred on Vancouver Island will also be considered regionally produced programs.

French-language programs at least 30 minutes long (less a reasonable amount of time for commercials, if any) in which the principal photography occurred in Canada at a distance of more than 150 kilometres from Montréal.

Programs of News (category 1), Analysis & Interpretation (category 2), Reporting & Actualities (category 3) and Sports (category 6) are excluded.

Where regionally-produced programs are logged, the program class must be “REG.”

Canadian entertainment magazine programs

Programs at least 30 minutes long (less a reasonable amount of time for commercials, if any) that devote at least two-thirds of their running time (excluding commercials) to the promotion of Canadian entertainment, including television programs, movies, soundtracks, plays, music, musical and performing arts events, performance artists and off-screen personnel associated with these activities and artists. Such programs may include only brief clips of performances. Where Canadian entertainment magazine programs are logged, the program class must be “MAG.”

II. Television program categories

Category 1 News

Newscasts, newsbreaks, and headlines. Programs reporting on local, regional, national, and international events. Such programs may include weather reports, sportscasts, community news, and other related features or segments contained within “News Programs.”

Category 2(a) Analysis and Interpretation

Programs on various topics that include analysis or discussion, for example, talk or panel shows, consumer affairs or reviews, newsmagazines and documentaries that do not fall under category 2(b). This category excludes programs presenting information primarily for entertainment value.

The Commission notes that “Docutainment” programs, gossip or entertainment talk shows fall more appropriately under category 11. Lifestyle magazine shows generally fall under category 5(b).

Category 2(b) Long-form documentary

Original works of non-fiction, primarily designed to inform but may also educate and entertain, providing an in-depth critical analysis of a specific subject or point of view over the course of at least 30 minutes (less a reasonable time for commercials, if any). These programs shall not be used as commercial vehicles.

Category 3 Reporting & Actualities

Programs focusing on the coverage of conferences, political conventions, opening/closing of events (including awards dinners) and political debates, as well as programs of a non-entertainment nature intended to raise funds.

Category 4 Religion

Programs dealing with religion and religious teachings, as well as discussions of the human spiritual condition.

Category 5(a) Formal education & pre-school

Programs presenting detailed information related to a wide variety of topics and used by the viewer primarily to acquire knowledge. The programs can be related to established curricula. All programs targeted at pre-schoolers (ages 2-5) except those that are primarily comprised of drama.

Category 5(b) Informal education/Recreation & Leisure

Programs presenting information on recreation, hobby and skill development, recreational sports and outdoor activities, travel and leisure, employment opportunities, and talk shows of an informative (“how-to”) nature.

Category 6 Sports

Programs of live or live-to-tape sports events and competitions including coverage of professional and amateur tournaments. The category also includes programs reviewing and analysing professional or amateur competitive sports events/teams (i.e. pre- and post-game shows, magazine shows, scripted sports, call-in and talk shows, etc.). This category includes the following sub-categories:

Category 6(a) Professional sports

Category 6(b) Amateur sports

Documentaries on sports-related topics fall under category 2. Programs on leisure and recreational sports fall under category 5(b).

Music and Entertainment

Category 7 Drama and Comedy

Entertainment productions of a fictional nature, including dramatisations of real events. They must be comprised primarily of (i.e. more than 50%) dramatic performances.

Category 7 includes the following subcategories:

- a) On-going dramatic series
- b) On-going comedy series (sitcoms);
- c) Specials, mini-series, and made-for-TV feature films;
- d) Theatrical feature films aired on television;
- e) Animated television programs and films (excludes computer graphic productions without story lines);
- f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy; and
- g) Other drama, including, but not limited to, readings, narratives, improvisations, tapes/films of live theatre not developed specifically for television, experimental shorts, video clips, continuous action animation (e.g. puppet shows).

Category 8(a) Music and dance

Programs comprised primarily (i.e. more than 50%) of live or pre-recorded performances of music and/or dance, including opera, operetta, ballet, and musicals. The performance portion excludes videoclips, voice-overs or musical performances used as background.

Category 8(b) Music video clips

Short film or videotape productions or concert excerpts (clips) not produced primarily for the particular program in which they are presented, which normally contain one musical selection with visual material.

Category 8(c) Music video programs

Programs consisting primarily (i.e. more than 50%) of music videos and in some cases including a host and other programming elements.

Category 9 Variety

Programs containing primarily (i.e. more than 50%) performances of mixed character (e.g. not exclusively music or comedy performances) consisting of a number of individual acts such as singing, dancing, acrobatic exhibitions, comedy sketches, monologues, magic, etc.

Category 10 Game shows

Programs featuring games of skill and chance as well as quizzes.

Category 11 General entertainment and human interest

Programs primarily about the world of entertainment and its people. These programs include celebrity profiles that may use promotional footage, talk or interview shows, award shows, galas and tributes. They also include entertainment-oriented magazine shows; fund-raising shows which include entertainers (i.e. telethons); reality TV, including programs of live or live-to-tape footage without significant portions devoted to in-depth analysis or interpretation; and coverage of community events such as carnivals, festivals, parades and fashion shows.

Programs consisting primarily (i.e. more than 50%) of performances fall under categories 7, 8 or 9.

Other

Category 12 Interstitials

Programs with a running time of less than 5 minutes, exclusive of advertising and other interstitial material, consisting of material that can be described under categories 2 to 11.

Category 13 Public service announcements

Messages of less than 5 minutes duration intended to educate the audience about issues of public concern, encourage public support and awareness of a worthy cause, or promote the work of a non-profit group or organization dedicated to enhancing the quality of life in local communities or in society or the world at large. These include community billboards. These messages are not intended to sell or promote goods or commercial services. No payment is exchanged between broadcasters and producers for the broadcast of these messages.

When public service announcements are logged, the start and end times must be entered, the program class must be "PSA" and two components of the key figure must be recorded: "Origin" and "Category" (130). No other components should be entered.

Category 14 Infomercials, promotional and corporate videos

Programming exceeding 12 minutes in length that combines information and/or entertainment with the sale or promotion of goods or services into a virtually indistinguishable whole. This category includes videos and films of any length produced by individuals, groups and businesses for public relations, recruitment, etc.

When this material is logged, the start and end times must be entered, the program class must be "PGI," and the category 140. No other components of the key figure should be entered.

Category 15 Filler programming

Programming, in no case longer than 30 minutes in duration, the purpose of which is to fill in the time between the presentation of the major programs broadcast by the licensed pay services and those specialty services authorized to distribute filler programming, and includes material that promotes the programs or services provided by the licensee.