



Broadcasting Regulatory Policy CRTC 2017-278

PDF version

Reference: 2017-50

Ottawa, 4 August 2017

Amendments to the *Broadcasting Distribution Regulations* and the *Television Broadcasting Regulations, 1987* regarding local and community television, and financial support, logging requirements and Canadian exhibition requirements for over-the-air television stations

The Commission announces that it has made amendments to the Broadcasting Distribution Regulations and to the Television Broadcasting Regulations, 1987, relating to the following:

- *providing terrestrial broadcasting distribution undertakings (BDUs) with greater flexibility in making their contributions to local expression, and direct-to-home BDUs with the ability to claim an allowable contribution for locally reflective news programming;*
- *providing financial support to over-the-air television stations;*
- *reflecting policy changes regarding the operation of community channels;*
- *streamlining logging requirements for over-the-air television stations;*
- *eliminating the daily Canadian content requirement for over-the-air television stations; and*
- *updating language and references, and addressing certain anomalies.*

These amendments will allow the Commission to operationalize certain determinations announced in its revised policy for local and community television, set out in Broadcasting Regulatory Policy 2016-224, as well as its policy regarding Canadian exhibition requirements, set out in Broadcasting Regulatory Policy 2015-86.

These amendments will be published in the Canada Gazette, Part II, and will come into force on 1 September 2017, with the exception of the amendments to the key figures set out in the Schedules to the Television Broadcasting Regulations, 1987, which will come into force on 1 September 2018.

Introduction

1. In Broadcasting Notice of Consultation 2017-50, the Commission called for comments on proposed amendments to the *Broadcasting Distribution Regulations* and the *Television Broadcasting Regulations, 1987* (collectively, the Regulations). The primary purpose of these amendments is to operationalize the following determinations set out in the Commission's revised policy for local and community television (see Broadcasting Regulatory Policy 2016-224):
 - provide terrestrial broadcasting distribution undertakings (BDUs) with greater flexibility in making their contributions to local expression, and direct-to-home BDUs with the ability to claim an allowable contribution for locally reflective news programming;
 - provide financial support to over-the-air television stations;
 - reflect policy changes regarding the operation of community channels; and
 - streamline logging requirements for over-the-air television stations.
2. Further, the Commission proposed to eliminate section 4(6) of the *Television Broadcasting Regulations, 1987*, which requires licensees to devote at least 55% of the broadcast year to Canadian programs. This would implement the Commission determination set out in Broadcasting Regulatory Policy 2015-86 to maintain the Canadian exhibition requirements for over-the-air television stations only in the evening broadcast period.
3. Finally, certain proposed amendments would address administrative matters relating to, among other things, updating language and references for consistency, and would address anomalies in the Regulations identified through correspondence with the Standing Joint Committee for the Scrutiny of Regulations.

Interventions

4. In response to Broadcasting Notice of Consultation 2017-50, the Commission received comments from various broadcasters, BDUs, organizations and associations, as well as from several individuals. Parties generally supported the proposed amendments, with the majority focusing on minor amendments to the wording of the Regulations. However, certain parties expressed concerns over various amendments; these are addressed in the sections that follow. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca.

Issues

5. After examining the public record for this proceeding, the Commission determines that it must address the following issues in regard to the proposed amendments to the Regulations:

- providing terrestrial BDUs with greater flexibility to allow them to direct contributions to local expression to community channels in exempt service areas;
- the definition of “metropolitan market” as it relates to contributions by terrestrial BDUs to local expression;
- contributions to the Independent Local News Fund (ILNF) by BDUs that are subject to conditions of licence relating to contributions to local expression; and
- minor issues relating to key figures used in the *Television Broadcasting Regulations, 1987*, and to ensuring consistency between those key figures and those proposed for the new *Discretionary Services Regulations*.

Directing contributions to local expression to community channels in exempt service areas

6. In Broadcasting Regulatory Policy 2016-224, the Commission stated that licensed terrestrial BDUs serving metropolitan markets would be permitted to direct their local expression contribution to community programming in other markets and/or to designated local television stations for the production of locally reflective news programming. In the appendix to Broadcasting Notice of Consultation 2017-50, the Commission proposed the following as part (b) of the definition of “contribution to local expression”:

a contribution to community programming for distribution on a community channel in another licensed area that is operated by the licensee or by an affiliate;

7. Certain BDUs expressed the concern that they would not be able to direct their contributions to community channels in exempt service areas given that the above definition limited the ability to direct local expression contributions to licensed undertakings. In this regard, both BCE Inc. and TELUS Communications Company indicated that Broadcasting Regulatory Policy 2016-224 did not make a distinction between licensed and exempt service areas. Rogers Communications Inc. submitted that there was no policy reason to exclude exempt service areas and argued that there was a greater need for additional funding in those areas given their size. According to Shaw Communications Inc., allowing BDUs to transfer contributions to exempt systems would better serve the policy objectives and would be more consistent with the recognition of the relative importance of the community channel in smaller markets.
8. Broadcasting Regulatory Policy 2016-224 did not specify whether the “other markets” in which licensed terrestrial BDUs serving metropolitan markets would be permitted to direct their local expression contribution to community programming were to be licensed, exempt or both. In the Commission’s view, the community channel remains an important source of local reflection in small and medium markets.

The Commission's intention in regard to this aspect of Broadcasting Regulatory Policy 2016-224 was for money to flow from urban markets to smaller markets to better sustain community channels in those areas.

9. Under Broadcasting Order 2015-544, exempt BDUs that are required to make a contribution to Canadian programming are permitted to direct the entire 5% to their community channel. Despite this advantage, some of them are so small that they could still benefit from investment from other markets.
10. In the Commission's view, licensed BDUs should be able to benefit from the additional flexibility that would come from directing some of their contributions to local expression to affiliated community channels in exempt service areas. Accordingly, it has amended the definition of "contribution to local expression" in the *Broadcasting Distribution Regulations* to permit terrestrial BDUs to direct all or some of their contributions to local expression, as the case may be, to affiliated community channels in exempt service areas.

Definition of "metropolitan market" as it relates to contributions by terrestrial broadcasting distribution undertakings to local expression

11. In Broadcasting Regulatory Policy 2016-224, the Commission indicated that as part of the flexible approach to local expression described in that regulatory policy, "metropolitan market" would mean the Calgary, Edmonton, Montréal, Toronto or Vancouver markets.
12. In Broadcasting Notice of Consultation 2017-50, the Commission noted that for clarity, it would adopt the following interpretation of what constitutes a "metropolitan market":

Metropolitan markets will be considered as having the same boundaries as the census metropolitan areas (CMAs), as defined by Statistics Canada. Additionally, for a licensed area to be deemed as including a metropolitan market, a majority of the population residing in the licensed area must be residents of a municipality forming part of the CMA.
13. The Canadian Union of Public Employees (CUPE) submitted that the Commission should include the clarification within the definition in the *Broadcasting Distribution Regulations*.
14. In the interest of clarity and ease of reference, the Commission has incorporated the above clarification regarding "metropolitan market" into the *Broadcasting Distribution Regulations*.

Contributions to the Independent Local News Fund by broadcasting distribution undertakings that are subject to conditions of licence relating to contributions to local expression

15. Under section 34 of the *Broadcasting Distribution Regulations*, each licensed terrestrial BDU must contribute 5% of its gross revenues from broadcasting activities in each broadcast year to Canadian programming. In Broadcasting Regulatory Policy 2016-224, the Commission announced that by 1 September 2017, it would replace the above BDU contribution regime for licensed terrestrial BDUs by the following:

- in each broadcast year, each BDU will contribute to Canadian programming the equivalent of 5% of its gross revenues from broadcasting activities in the previous broadcast year, less its required contribution to the ILNF and any allowable contribution to local expression over the current broadcast year;
- the required contribution to the ILNF will be set at 0.3% of the previous year's broadcast revenues;
- the allowable maximum contribution to local expression will be set at 1.5% of the previous year's broadcast revenues; and
- at least 80% of the total amount to be contributed to Canadian programming under the preceding formula will be devoted to the Canada Media Fund, while the remainder may be contributed to one or more of the Certified Independent Production Funds.

16. Access Communications Co-operative Limited (Access) expressed concern with how the policy was worded versus how it was operationalized. In particular, Access pointed out that the policy stated that BDUs would be required to contribute 5% to Canadian programming less the required contribution to the ILNF and any allowable contribution to local expression while the proposed amendments split the obligation into 4.7% for Canadian programming less the allowable contribution to local expression and 0.3% for ILNF.

17. According to Access, should the policy be operationalized in this way, it would be required to contribute 5.3% to Canadian programming rather than 5% due to the fact that it has a condition of licence allowing it to devote the full 5% to local expression, as an exception to the *Broadcasting Distribution Regulations*. As a result of that condition of licence, Access is required to contribute to Canadian programming 5% rather than 4.7% as set out in the proposed *Broadcasting Distribution Regulations*, plus an additional 0.3% to ILNF.

18. Access stated that should the Commission not amend the *Broadcasting Distribution Regulations* to make the 0.3% ILNF contribution part of the contribution to Canadian programming, it would seek to amend its licence renewal application to exempt it from the requirement to make a contribution to the ILNF.

19. As proposed, Broadcasting Regulatory Policy 2016-224 maintains the cumulative 5% requirement set out in the *Broadcasting Distribution Regulations*. For the majority of BDUs, allocating portions of their contributions to Canadian programming and to the ILNF will not impact their overall obligation. There are cases, however, such as Access, where a BDU has a pre-existing condition of licence that provides something different and puts them at a disadvantage.
20. In light of the above and to ensure consistency, any BDU that finds itself in a situation similar to that of Access can apply to amend its condition of licence to include the ILNF contribution as part of the 5% of its gross revenues from broadcasting activities in each broadcast year that must be devoted to Canadian programming.

Minor issues relating to key figures used in the *Television Broadcasting Regulations, 1987*, and to ensure consistency between those key figures and those proposed for the new *Discretionary Services Regulations*

21. The Schedules of the *Television Broadcasting Regulations, 1987* set out the key figures or alphanumeric characters that are to be used by television stations when completing their logs.
22. In the interest of maximizing administrative efficiencies for undertakings, the Commission has, where possible, tried to ensure consistency between the key figures proposed in the *Television Broadcasting Regulations, 1987* and those in the *Discretionary Services Regulations* (see Broadcasting Regulatory Policy 2017-279, also published today). In this regard, there are three differences between the key figures for the two sets of regulations:
 - in the descriptive category 4 “Program Source,” “TV station (licensee)” is used in the *Television Broadcasting Regulations, 1987*, whereas “discretionary service (licensee)” is used in the *Discretionary Services Regulations*;
 - the inclusion in the *Television Broadcasting Regulations, 1987* of a logging requirement relating to locally relevant programming in the key figures, which is unnecessary in the *Discretionary Services Regulations*; and
 - in the descriptive category 6 “Categories” in the *Television Broadcasting Regulations, 1987*, the category “filler programming” has been excluded as it is a program category that is not relevant to television stations.
23. Several parties raised concerns with certain aspects of the proposed Schedules. Where the Commission considered it appropriate, it has made amendments to the Schedules proposed for the *Television Broadcasting Regulations, 1987* and the *Discretionary Services Regulations* in response to those concerns.

24. In terms of the logging requirement relating to locally relevant and locally reflective programming in the *Television Broadcasting Regulations, 1987*, several parties expressed concerns in regard to tracking locally reflective programming. Consistent with the approach discussed in the group based licensing proceeding (see Broadcasting Decisions 2017-143 and 2017-148), the Commission has deleted the requirement to track locally reflective programming in the key figures. Compliance with requirements relating to locally reflective programming will instead be assessed as part of spot audits.
25. Finally, CUPE noted that there was not an obligation to include locally relevant programming in the logs under section 10 of the *Television Broadcasting Regulations, 1987*. The Commission has added a provision to that effect to section 10(1) of the *Television Broadcasting Regulations, 1987*.
26. The amended key figures will come into force on **1 September 2018** to allow the industry sufficient time to adapt their logging processes.

Other issues

27. In Broadcasting Notice of Consultation 2017-50, the Commission proposed to define “contribution to community programming” as a contribution made by a licensee toward the creation and distribution of community programming that meets the criteria identified in Appendix 2 to Broadcasting Regulatory Policy 2016-224. Given that the reference to “community programming” is sufficient to achieve the objectives of that regulatory policy, the Commission has deleted the reference to Broadcasting Regulatory Policy 2016-224 from that definition.
28. In response to a concern raised by Bragg Communications Incorporated regarding the interaction between the expressions “direct programming expenses” in the *Broadcasting Distribution Regulations* and “direct expenses” in Circular No. 426, the Commission confirms that the term in the *Broadcasting Distribution Regulations* has no impact on the operation of that circular.
29. Finally, various parties commented on the logging requirements for community channels set out in section 33 of the *Broadcasting Distribution Regulations*. The Commission notes that it has addressed the majority of these concerns as part of the standard requirements for on-demand services set out in Appendix 3 to Broadcasting Regulatory Policy 2017-138. For those parties who expressed concerns regarding the applicability of certain of those requirements to their services or the ability to provide certain information, licensees should provide the information where applicable and endeavour to do their best to provide the information requested. Should a licensee be unsure of how to log certain information, it can consult with Commission staff.

Conclusion

30. In light of the above, the Commission announces that it has made, with some changes, the proposed amendments to the *Broadcasting Distribution Regulations* and the *Television Broadcasting Regulations, 1987* set out in the appendix to Broadcasting Notice of Consultation 2017-50.
31. With the exception of the revised key figures in the Schedules to the *Television Broadcasting Regulations, 1987* as noted above, the amendments will come into force on **1 September 2017**. A copy of the amendments to the *Broadcasting Distribution Regulations* and the *Television Broadcasting Regulations, 1987* is provided in the appendix to this regulatory policy.

Secretary General

Related documents

- Discretionary Services Regulations, Broadcasting Regulatory Policy CRTC 2017-279, 4 August 2017
- *Call for comments on proposed amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987*, Broadcasting Notice of Consultation CRTC 2017-50, 24 February 2017
- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Renewal of licences for the television services of large French-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-143, 15 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2015-543 and Broadcasting Order CRTC 2015-544, 9 December 2015
- *Let's Talk TV – The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Guidelines respecting financial contributions by licensees of broadcasting distribution undertakings to the creation and presentation of Canadian programming*, Circular No. 426, 22 December 1997

Appendix to Broadcasting Regulatory Policy CRTC 2017-278

Regulations amending the *Broadcasting Distribution Regulations* and the *Television Broadcasting Regulations, 1987*

Broadcasting Distribution Regulations

1 (1) The definition *Small Market Local Production Fund* in section 1 of the *Broadcasting Distribution Regulations*¹ is repealed.

(2) The definition *contribution to local expression* in section 1 of the Regulations is replaced by the following:

contribution to local expression means a contribution to

- (a) community programming for distribution on the licensee's own community channel;
- (b) community programming for distribution on a community channel in another licensed area or an exempt area, that is operated by the licensee or by an affiliate; or
- (c) locally reflective news programming. (*contribution à l'expression locale*)

(3) The definition *independent production fund* in section 1 of the Regulations is replaced by the following:

independent production fund means a production fund, other than the Canadian production fund, that meets the criteria set out in the Appendix to Broadcasting Regulatory Policy CRTC [2016-343](#) entitled *Policy Framework for Certified Independent Production Funds*. (*fonds de production indépendant*)

(4) The definition *contrat d'affiliation* in section 1 of the French version of the Regulations is replaced by the following:

contrat d'affiliation contrat conclu entre une ou plusieurs stations de télévision et une autre station de télévision, aux termes duquel des émissions fournies par cette dernière sont diffusées par une ou plusieurs de ces stations de télévision à une période fixée d'avance. (*affiliation agreement*)

(5) Section 1 of the Regulations is amended by adding the following in alphabetical order:

allowable contribution to local expression means

- (a) in the case of a licensed area the majority of the population of which resides in a metropolitan market, any contribution to local expression; and

¹ SOR/97-555

(b) in the case of a licensed area the majority of the population of which does not reside in a metropolitan market, the sum of

(i) any contributions to local expression that are directed to community programming for distribution on the licensee's own community channel, and

(ii) any other contributions to local expression up to the amount of the contribution referred to in subparagraph (i). (*contribution à l'expression locale admissible*)

contribution to community programming means a contribution made by a licensee toward the creation and distribution of community programming. (*contribution à la programmation communautaire*)

contribution to locally reflective news programming means a contribution that is made by a licensee to a television station that is designated by the Commission to receive contributions from broadcasting distribution undertakings for the creation of locally reflective news programming. (*contribution aux émissions de nouvelles reflétant la réalité locale*)

Independent Local News Fund means the fund referred to in Appendix 1 to Broadcasting Regulatory Policy CRTC [2016-224](#) entitled *Policy framework for local and community television*. (*fonds pour les nouvelles locales indépendantes*)

locally reflective news programming means programming from category 1 or 2(a) set out in item 6, column 1, of Schedule I to the *Television Broadcasting Regulations, 1987*

(a) the subject matter of which relates specifically to the market that a television station is licensed to serve;

(b) that portrays an onscreen image of that market; and

(c) that is produced by the station's staff or by an independent producer specifically for the station. (*émissions de nouvelles reflétant la réalité locale*)

metropolitan market means the census metropolitan area – within the meaning of the Statistics Canada document entitled Standard Geographical Classification (SGC) 2016 - of Calgary, Edmonton, Montreal, Toronto or Vancouver. (*marché métropolitain*)

2 Section 15.2 of the French version of the Regulations is replaced by the following:

15.2 Lorsqu'un titulaire fournit un service de programmation canadien, pour lequel il est tenu de payer un tarif de gros, à un seul abonné dans au moins deux logements ou locaux distincts qui appartiennent au même abonné ou sont occupés par lui, le titulaire est tenu de payer le tarif de gros à l'entreprise de programmation canadienne pour chaque logement ou local.

3 Paragraph 17(4) of the Regulations is replaced by the following:

(4) If the programming services of two or more television stations rank equally in the order of priority set out in subsection (1), a licensee shall, unless the operators of the stations agree otherwise in writing, give priority to the programming services of those stations that have studios that are located in the province in which the licensed area is located or in the National Capital Region, as described in the schedule to the *National Capital Act*, in the order of the proximity of their main studios to the local head end of the licensed area.

4 Paragraph 17.3(1)(b) of the Regulations is replaced by the following:

(b) the programming service of at least one Canadian programming undertaking that is in addition to those distributed under paragraph (a).

5 Subparagraph 20(1)(e)(i) of the Regulations is replaced by the following:

(i) a religious programming service, and

6 Paragraph 26(1)(a) of the Regulations is repealed.

7 (1) Subsection 31(1) of the Regulations is replaced by the following:

31 (1) Except as otherwise provided under a condition of its licence, a licensee shall devote at least 60% of the programming distributed on the community channel in the licensed area in each broadcast week to the distribution of local community television programming.

(2) Paragraphs 31(2)(a) and (b) of the Regulations are replaced by the following:

(a) shall devote at least 50% of the programming distributed on the community channel in each broadcast week to community access television programming;

8 (1) The portion of subsection 32(1) of the Regulations before paragraph (a) is replaced by the following:

32 (1) In this section, *direct programming expense* means an expenditure for the production or acquisition of programming, including

(2) Subsections 32(2) and (3) of the Regulations are replaced by the following:

(2) Except as otherwise provided under a condition of its licence, a licensee shall direct at least 50% of its direct programming expenses in a broadcast year to community access television programming.

(3) Except in the final year of the term of its licence, a licensee may defer up to 5% of the amount of direct programming expenses required to be directed in a given broadcast year under subsection (2) to the following broadcast year.

(4) Except as otherwise provided under a condition of its licence, the licensee shall direct to direct programming expenses for its community channel at least the following percentages of any contributions to community programming that are allowable contributions to local expression made by either the licensee or an affiliate:

(a) 60%, for the broadcast year beginning on September 1, 2017 and ending on August 31, 2018;

(b) 65%, for the broadcast year beginning on September 1, 2018 and ending on August 31, 2019;

(c) 70%, for the broadcast year beginning on September 1, 2019 and ending on August 31, 2020; and

(d) 75%, for each successive broadcast year beginning on September 1, 2020.

9 (1) Paragraph 33(1)(a) of the Regulations is replaced by the following:

(a) keep, in a form acceptable to the Commission, a program log or record of the programs that are distributed on the community channel in each licensed area and retain it for a period of one year after distribution of the programs; and

(2) The portion of paragraph 33(1)(b) of the English version of the Regulations before subparagraph (i) is replaced by the following:

(b) enter into the program log or record each day the following information for each program:

(3) Subparagraphs 33(1)(b)(v) and (vi) of the Regulations are replaced by the following:

(v) a statement that indicates whether the program constitutes community access television programming and, if so,

(A) the party that has been provided with access and whether that party is a community television corporation, and

(B) the name of the individual requesting access, their role in the origination and production of the program and their relationship, if any, with the licensee,

(vi) the time of commencement of an announcement or commercial message referred to in paragraphs 30(1)(b) and (g), respectively, its duration and, in the case of a commercial message, the name of the person selling or promoting goods, services or activities,

(vii) a statement that indicates whether the program was broadcast with closed captioning, audio description or described video,

(viii) a statement that indicates whether the program is an original first-run program, a previously broadcast program or a repeat program, and

(ix) the language of the program.

(4) Subsection 33(3) of the Regulations is replaced by the following:

(3) If, before the end of the relevant period referred to in paragraph (1)(a) or subsection (2), the Commission requests from a licensee a program log, a record or a clear and intelligible audiovisual recording, the licensee shall, without delay, furnish the log, record or recording to the Commission.

(4) The following definitions apply in this section.

original first-run program means a program that is broadcast for the first time on the community channel and that has not already been broadcast on another community channel. (*émission originale en première diffusion*)

previously broadcast program means a program that is broadcast for the first time on the community channel and that has already been broadcast on another community channel. (*émission déjà diffusée*)

repeat program means a program that has already been broadcast on the community channel. (*émission rediffusée*)

10 Subsections 34(2) to (7) of the Regulations are replaced by the following:

(2) Except as otherwise provided under a condition of its licence or subsection (3), a licensee shall, for each broadcast year, contribute to Canadian programming an amount equal to 4.7% of its gross revenues derived from broadcasting activities in the previous broadcast year less any allowable contribution to local expression made by the licensee in the current broadcast year to a maximum of an amount equal to 1.5% of its gross revenues derived from broadcasting activities in the previous broadcast year.

(3) Except as otherwise provided under a condition of its licence, if a licensee does not make an allowable contribution to local expression in the current broadcast year and a community programming undertaking is licensed in the licensed area, a licensee shall, for each broadcast year, contribute

(a) an amount equal to 3.2% of its gross revenues derived from broadcasting activities in the previous broadcast year to Canadian programming; and

(b) an amount equal to 1.5% of its gross revenues derived from broadcasting activities in the previous broadcast year to the community programming undertaking.

11 Section 36 of the Regulations is replaced by the following:

35 Except as otherwise provided under a condition of its licence, a licensee shall, for each broadcast year, contribute an amount equal to 0.3% of its gross revenues derived from broadcasting activities in the previous broadcast year to the Independent Local News Fund.

36 (1) Each contribution that is required under section 34 or 35 shall be made separately by the licensee in 12 equal monthly instalments during the broadcast year, with an instalment being made on or before the last day of each month.

(2) The licensee may estimate the required monthly contribution for September, October and November.

(3) If a monthly contribution for September, October or November of a broadcast year is based on an estimate that is greater than the amount required, the licensee may deduct the excess from the amount of the contribution that is required for December of that broadcast year; however, if the contribution made by the licensee is less than the amount required, the licensee shall contribute the balance by December 31 of that broadcast year.

12 Section 37 of the Regulations is repealed.**13 Section 39 of the Regulations is replaced by the following:**

39 Except as otherwise provided under a condition of licence, this Part and sections 19, 23 to 26, 28 and 30 to 36 apply to terrestrial distribution undertakings that elect to distribute programming services on an analog basis.

14 Section 44 of the French version of the Regulations is replaced by the following:

44 Il est interdit au titulaire de cesser la distribution par voie analogique d'un service de programmation à moins qu'il n'envoie, au moins soixante jours avant la date prévue de cessation, un avis écrit précisant la date en question à l'exploitant de l'entreprise de programmation dont le service de programmation fait l'objet de la cessation.

15 Sections 52 to 54 of the Regulations are replaced by the following:

52 (1) Except as otherwise provided under a condition of its licence, a licensee shall, for each broadcast year, contribute to Canadian programming an amount equal to 4.7% of its gross revenues derived from broadcasting activities in the previous broadcast year less any contribution to locally reflective news programming made in the current broadcast year to a maximum of an amount equal to 0.6% of gross revenues derived from broadcasting activities in the previous broadcast year.

(2) The licensee shall make the contribution as follows:

(a) not more than an amount equal to 0.5% of its gross revenues derived from broadcasting activities in the previous broadcast year is to be contributed to any number of independent production funds; and

(b) the remainder of the total required contribution is to be made to the Canadian production fund.

53 Except as otherwise provided under a condition of its licence, a licensee shall, for each broadcast year, contribute an amount equal to 0.3% of its gross revenues derived from broadcasting activities in the previous broadcast year to the Independent Local News Fund.

54 (1) Each contribution that is required under section 52 or 53 shall be made separately by the licensee in 12 equal monthly instalments during the broadcast year, with an instalment being made on or before the last day of each month.

(2) The licensee may estimate the required monthly contribution for September, October and November.

(3) If a monthly contribution for September, October or November of a broadcast year is based on an estimate that is greater than the amount required, the licensee may deduct the excess from the amount of the contribution that is required for December of that broadcast year; however, if the contribution made by the licensee is less than the amount required, the licensee shall contribute the balance by December 31 of that broadcast year.

16 Item 1 of the schedule to the Regulations is replaced by the following:

Item	Group
1	Corus Entertainment Inc.

Television Broadcasting Regulations, 1987

17(1) The definition *Canadian program* in section 2 of the *Television Broadcasting Regulations, 1987*² is replaced by the following:

Canadian program means a program

(a) in respect of which a *Canadian film or video production certificate*, as defined in subsection 125.4(1) of the *Income Tax Act*, has been issued; or

(b) that qualifies as a Canadian program in accordance with the criteria established by the Commission in

² SOR/87-49

(i) Appendix II to Public Notice CRTC [2000-42](#) entitled *Certification for Canadian Programs — A revised approach*,

(ii) the Appendix to Broadcasting Regulatory Policy CRTC [2010-905](#) entitled *Revision of the definition of a Canadian program to include Canadian programs that have been dubbed in Canada and outside Canada*, or

(iii) paragraphs 128 to 130 of Broadcasting Regulatory Policy CRTC [2015-86](#) entitled *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming. (émission canadienne)*

(2) Section 2 of the Regulations is amended by adding the following in alphabetical order:

locally relevant means of interest to the community or market served. (*pertinence locale*)

18 Subsection 4(6) of the Regulations is repealed.

19 Subparagraph 10(1)(c)(v) of the Regulations is amended by deleting “and” at the end of clause D, and by replacing clause (E) with the following:

(E) where applicable, the code set out in Schedule II indicating an accessible program, and

(F) where applicable, the code set out in Schedule II indicating programming that is locally relevant.

20 Schedules I and II to the Regulations are replaced by the Schedules I and II set out in the schedule to these Regulations.

Coming into Force

21 (1) These Regulations, except section 20, come into force on September 1, 2017.

(2) Section 20 comes into force on September 1, 2018.

SCHEDULE

(Section 20)

SCHEDULE I

(Sections 2 and 10)

Key Figures

Column 1		Column 2							
Item	Program Description	Alphanumeric Characters							
		1 st	2 nd	3 rd	4 th	5 th	6 th	7 th	8 th
1	<u>Origin</u>								
	Canada (other than Quebec)	1							
	United States	2							
	Other	7							
	Quebec	8							
2	<u>Time Credits</u>								
	A program for which 150 % credit is given under a condition of licence		4						
	A program for which 150 % credit is not given under a condition of licence		5						
3	<u>Exhibition</u>								
	Original exhibition of a program that has been broadcast or distributed by another licensed broadcasting undertaking			1					
	Original first-run program (original exhibition of a program that has not been broadcast or distributed by another licensed broadcasting undertaking)			2					
	Repeat exhibition of a program			3					
	Live broadcast			4					
4	<u>Production Source</u>								
	TVstation (licensee)				1				

(9) Variety						0	9	0
(10) Game shows						1	0	0
(11) (a) General entertainment and human interest						1	1	A
(b) Reality television						1	1	B
Other:								
(12) Interstitials						1	2	0
(13) Public service announcements						1	3	0
(14) Infomercials, promotional and corporate videos						1	4	0

SCHEDULE II

(Sections 2 and 10)

Codes

PART 1

Code Indicating Program Language

Column 1		Column 2
Item	Code	Description
1	[Abbreviated name of language]	Language of the original production
2	[Abbreviated name of language]	Language of the program (for all programs of an ethnic station or for programs of a station if the language of the programs differs from the official language for which the station is principally licensed)

PART 2**Code Indicating Accessible Program**

Column 1		Column 2
Item	Code	Description
1	CC [to be inserted following key figure]	Program contains closed captioning for viewers who are deaf and hard of hearing, which has been exhibited during the complete length of the program
2	DV [to be inserted following key figure]	Program contains described video for viewers who are blind or have visual impairments, which has been exhibited during the complete length of the program
3	AD [to be inserted following key figure]	Program contains audio description for viewers who are blind or have visual impairments
4	CD [to be inserted following key figure]	Program contains both closed captioning and described video, which have been exhibited during the complete length of the program
5	CA [to be inserted following key figure]	Program contains both closed captioning, which has been exhibited during the complete length of the program and audio description

PART 3**Code Indicating Type**

Column 1		Column 2
Item	Code	Description
1	Type A	A program in a language other than English, French or a language of the Indigenous peoples of Canada
2	Type B	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is English or French or in whose country of origin a common language is English or French

3	Type C	A program in English or in French that is directed toward a distinct ethnic group whose mother tongue is included in Type A
4	Type D	A bilingual program in English or in French as well as in a language other than English, French or in a language of the Indigenous peoples of Canada that is directed toward a distinct ethnic group
5	Type E	A program in English or in French that is directed toward ethnic groups or toward the general public and that depicts Canada's cultural diversity through services that are multicultural, educational, informational or inter-cultural
6	Type X	Where the licensee is not required by a condition of licence to broadcast prescribed levels of Type A, B, C, D or E programming, an ethnic program

PART 4**Code Indicating Group**

Column 1		Column 2
Item	Code	Description
1	[Abbreviated name of ethnic group]	The distinct ethnic group toward which an ethnic program is directed

PART 5**Code Indicating Local Programming**

Column 1		Column 2
Item	Code	Description
1	RL	Programming that is locally relevant