



Broadcasting Decision CRTC 2015-118

PDF version

Reference: Part 1 application posted on 7 November 2014

Ottawa, 31 March 2015

MTS Inc.

Winnipeg and surrounding areas, Manitoba

Application 2014-1114-9

Terrestrial broadcasting distribution undertaking serving Winnipeg and surrounding areas – Extension of deadline for the distribution of emergency alert messages

*The Commission **denies** the application by MTS Inc. (MTS) for a one-year extension to the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its terrestrial broadcasting distribution undertaking (BDU) serving Winnipeg and surrounding areas, Manitoba.*

The vast majority of broadcasters and BDUs have taken the initiative and have implemented emergency alerting measures that will make Canadians' lives safer. The Commission is concerned and disappointed that certain undertakings are not ready to make use of the National Alert Aggregation and Dissemination System, which has been operational since 2010. In the Commission's view, an extension to the 31 March 2015 deadline by which a BDU must implement a public alerting system will affect the ability of Canadians to receive emergency alert messages informing them of imminent dangers to life, and thus affect their safety. In regard to the present case, approximately 10,000 subscribers in Canadian households will be affected by MTS's delay. Given that MTS has had the opportunity to participate in the Natural Public Alerting System since 2010, and given the importance that all Canadians be warned of imminent perils, the Commission considers that the requested one-year extension would not be appropriate in the circumstances.

*Instead, MTS will be granted a six-month extension to the original implementation deadline. Accordingly, MTS shall now be required to fully implement emergency alerting on its Classic TV platform by no later than **30 September 2015**. In addition, it shall be required to ensure that all affected customers are made aware of the delay since the life and safety of Canadians may be affected. MTS will also be required to periodically report to the Commission to ensure steps are being taken to solve the problem.*

Background

1. Emergency alert messages are issued by public officials (such as emergency management officials, or EMOs) for immediate distribution to the public to warn of

dangers to life and property. These messages contain information relating to the nature of the threat, the area affected, and actions the public should take. The provision of emergency alert messages is achieved through Canada's National Public Alerting System (NPAS).

2. In Broadcasting Regulatory Policy 2014-444, the Commission announced that it had made amendments to, among other things, the *Broadcasting Distribution Regulations* (the Regulations) to make participation in the NPAS mandatory for broadcasting distribution undertakings (BDUs). As now set out in subsection 7.2(2) of those regulations, BDUs are required to implement a public alerting system that distributes alerts announcing an imminent or unfolding danger to life, by no later than 31 March 2015.

Application

3. MTS Inc. (MTS) filed an application relating to its terrestrial BDU serving Winnipeg and surrounding areas, Manitoba. Specifically, it requested an extension of the deadline, from 31 March 2015 to 31 March 2016, to comply with the requirements relating to the mandatory distribution of emergency alert messages on its Classic TV platform.¹ The Commission did not receive any interventions in connection with this application.
4. MTS stated that although most of its subscribers are on its newer Ultimate IPTV platform, just over 10,000 subscribers in Winnipeg remain on the older, Classic TV platform, for which a technical solution for emergency alerting is not available for implementation. It also noted that the Classic TV platform was discontinued by the manufacturer (Motorola/Next Level) in 2009 and that the product is at the end of its life.
5. The licensee stated that it has made several attempts at finding a solution (for example, existing solutions built for that platform, third-party solutions, and developing a solution that is unique to MTS's platform and configuration). It indicated that all attempts have been met with either compatibility issues or a lack of expertise available for support related to the obsolete platform.
6. Given that no other solutions exist, MTS proposed to migrate its customers from the older platform and terminate that platform. The licensee stated that until now, it has been reluctant to force customers off the Classic TV platform since that platform allows cost-conscious subscribers to choose the programming services they want to watch while minimizing their expenditures. It also noted that a marketing campaign encouraging subscribers to switch platforms has not had the intended effect.

¹ In Broadcasting Regulatory Policy 2014-444, the Commission also denied a request by MTS to exempt its Classic TV platform from this requirement. At that time, the Commission found that MTS did not make a compelling case for relief. It further found that to ensure that the distribution of emergency alert messages was uniform and as widespread as possible, and to facilitate public awareness and mitigate potential public confusion, the requested exemption was not in the public interest at that time.

7. MTS stated that the requested extension would give it adequate time to migrate its Classic TV subscribers to the new, Ultimate IPTV platform. Further, it would minimize the disruption to those subscribers, who could switch services in a more orderly fashion, would allow MTS to organize the migration within its resource capabilities, and would minimize the financial impact on itself.

Commission's decisions

8. The vast majority of broadcasters and BDUs have taken the initiative and have implemented emergency alerting measures that will make Canadians' lives safer. The Commission is concerned and disappointed that certain undertakings are not ready to make use of the National Alert Aggregation and Dissemination (NAAD) System, which has been operational since 2010 (see Broadcasting Decision 2011-438). The purpose of the emergency alerting framework set out in Broadcasting Regulatory Policy 2014-444 is to ensure that alerts are available to as many Canadians as possible. In that policy, the Commission stated that the full participation of the broadcasting industry is important in order for the NPAS to be effective in safeguarding and warning Canadians. As such, it considers that any request to delay the implementation of emergency alerting should be accompanied by compelling rationale and a plan to meet any modified deadline.
9. In regard to the present application, over 10,000 Canadians will be affected by MTS's inability to implement emergency alerting on the Classic TV platform by the 31 March 2015 deadline. In the Commission's view, an extension of the deadline by which a BDU must implement a public alerting system will affect the ability of Canadians to receive emergency alert messages informing them of imminent dangers to life, and thus affect their safety.
10. However, the Commission acknowledges that the set-top boxes used for the Classic TV platform are obsolete and that there are no other known deployments of this specific platform in Canada. It considers that MTS has made efforts to find a solution to the present problem; while unsuccessful, these attempts included technical solutions specific to the Classic TV platform as well as third party solutions to plug into the Classic TV platform. Furthermore, the Commission recognizes that MTS has identified a solution (i.e., migrating all affected customers to a platform that supports emergency alerting), but that it will need time to implement it.
11. The Commission will therefore grant MTS an extension of the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its Classic TV platform, which uses the Motorola/Next Level platform.
12. However, given that MTS has had the opportunity to participate in the NPAS since 2010 (when the NAAD System became operational), and given the importance that all Canadians be warned of imminent perils, the Commission considers that a one-year extension would not be appropriate in the circumstances. Accordingly, the Commission **denies** the licensee's request in this regard. Instead, the Commission considers it appropriate to grant MTS only a six-month extension to implement

emergency alerting. The licensee will therefore be required to fully implement emergency alerting on its terrestrial BDU service branded “MTS Classic TV” by no later than **30 September 2015**. In addition, the Commission considers it appropriate to require MTS, during this time, to ensure that all the affected customers are made aware of the delay, and to periodically report to the Commission to ensure steps are being taken to solve the problem.

13. The licensee shall adhere to the following **conditions of licence**:

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, the licensee shall implement a public alerting system on its service branded “MTS Classic TV”, which uses the “Motorola/Next Level” platform, by no later than 30 September 2015.

The licensee shall report orally to the Commission on a bi-weekly basis, and in writing on a monthly basis, as to the number of affected customers remaining on the Classic TV platform, up until the sooner of 30 September 2015 or the date on which the solution for the distribution of emergency alerts is fully implemented.

14. Further, MTS must notify all affected customers by way of a dedicated letter in a timely manner that they will not be able to receive alerts on the effective date of 31 March 2015. In this regard, the licensee must include the following in the notification letter:

- a statement that it has had the opportunity to voluntarily participate in the NAAD System since 2010;
- a clear explanation for the incapability to provide emergency alerts, the expected time to a resolution, and any action the customer can take to receive alerts with its existing service (for example, procuring a new set-top box); and
- a list of other licensed BDU offerings in the affected geographic area that may currently offer emergency alerting.

15. The licensee must submit a copy of this letter to the Commission with its 30 April 2015 implementation report.²

16. Finally, if technology permits, the Commission considers that the built-in capabilities of the affected set-top boxes should also be used to deliver on-screen messages informing the affected customers of the fact that they are unable to receive emergency alert messages.

Secretary General

² In Broadcasting Regulatory Policy 2014-444, the Commission directed each broadcaster and BDU to file an implementation report on 30 April 2015, or 30 April 2016 for broadcasters required to implement alerting by 31 March 2016, outlining the steps they have taken to comply with the emergency alerting requirements.

Related documents

- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *The Weather Network/Météomédia – Licence renewal and extension of the mandatory distribution of the service*, Broadcasting Decision CRTC 2011-438, 22 July 2011

**This decision is to be appended to the licence.*