



Broadcasting Decision CRTC 2015-119

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Reference: Part 1 applications posted on 28 January 2015

Ottawa, 31 March 2015

Sogetel inc.

Various locations in Quebec

Applications 2015-0083-5, 2015-0084-3 and 2015-0085-1

Terrestrial broadcasting distribution undertakings serving Saint-Paulin and Saint-Liboire, Quebec, video-on-demand service serving the Province of Quebec, and exempt broadcasting distribution undertakings in Quebec – Extension of deadline for the distribution of emergency alert messages

*The Commission **denies** the applications by Sogetel inc. (Sogetel) for a one-year extension to the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its licensed terrestrial broadcasting distribution undertakings (BDUs) serving Saint-Paulin and Saint-Liboire, Quebec, its video-on-demand (VOD) service serving the Province of Quebec, and its exempt BDUs in Quebec.*

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, all Canadian households served by the above-noted undertakings will be affected by Sogetel's delay. Given that Sogetel has had the opportunity to participate in the National 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. However, faced with applications filed as late as January 2015, the Commission has very few options at its disposal.

*Consequently, Sogetel will be granted a six-month extension to the original implementation deadline. Accordingly, Sogetel shall now be required to fully implement emergency alerting on the above-noted BDUs and VOD service 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.*

Sogetel 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), the standard conditions of licence for video-on-demand (VOD) services, and the exemption order for terrestrial broadcasting distribution undertakings (BDUs) serving fewer than 20,000 subscribers, to make participation in the NPAS mandatory for BDUs and VOD services. BDUs and VOD services are now 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.

Applications

3. Sogetel inc. (Sogetel) filed applications relating to its licensed terrestrial BDUs serving Saint-Paulin and Saint-Liboire, Quebec, its VOD service serving the Province of Quebec, and its exempt BDUs in Quebec. 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.
4. The applicant stated that it currently operates its services using four models of digital set-top boxes (STBs), only two of which are manufacturer supported. It further stated that it operates all STBs using one software platform provided by Espial, and that its STBs cannot be quickly upgraded to support emergency alerts.
5. Sogetel stated that it is investigating two solutions that would not only permit the distribution of emergency alerts, but would also modernize its platform. The first would be to replace its STBs, which it argued would be expensive and disruptive. The second would be a custom-built solution to support emergency alerts using the existing STBs. The applicant indicated that this second option is less expensive, but would require 31 weeks to implement. It further indicated that all of its STBs are nearing end of life and that they would not be further supported even with these changes. Sogetel noted that it is currently reviewing these two options and that a solution will be chosen by the end of March 2015, in order to participate in the NPAS by no later than 31 March 2016.

Intervention and reply

6. The Commission received an intervention in opposition to the applications from the Public Interest Advocacy Centre, the Council of Senior Citizens' Organizations of British Columbia and the National Pensioners Federation (collectively, the interveners), to which the licensee replied. The public record for these applications can be found on the Commission's website at www.crtc.gc.ca or by using the application numbers provided above.
7. The interveners argued that Sogetel only started looking at a solution to the NPAS issue soon after the publication of Broadcasting Regulatory Policy 2014-444, even though there were multiple instances where the Commission had stated that it would require the participation of broadcasters and BDUs in the NPAS. They submitted that Sogetel should have begun exploring solutions long before the publication of that regulatory policy, and that they have serious concerns about the request for a one-year extension. They further noted that if Sogetel had started sooner, it could have found solutions from different suppliers of NPAS solutions. The interveners recommended that the Commission deny the request and impose certain sanctions on Sogetel, including the suspension of its terrestrial distribution and regional VOD licences in furtherance of section 3(1)(b) of the *Broadcasting Act*, should Sogetel fail to implement the NPAS solution in a timely manner.
8. Sogetel rejected the interveners' assertion that it did not act promptly to adopt a solution. It stated that it had earlier contacted Espial to seek assurances that its Media Service Platform (MSP) would support the NPAS, and noted that Espial was developing a solution for the U.S. version of the NPAS, known as the Emergency Alert System (EAS). It further stated, however, that Espial had no clients for the EAS in North America and stopped development of emergency alerting related work, which in turn negatively affected Sogetel. The licensee also noted that since the MSP platform forms the basis of its broadcasting distribution network, it cannot simply adopt a solution from another supplier.
9. Sogetel submitted that given that work had stopped on an NPAS solution for the MSP, the solution offered by Espial would be more costly and would take more time to produce. The other solution would be to replace the MSP with another platform. Given these two choices, Sogetel stated that it believes it requires a one-year extension.

Commission's decisions

10. 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 any request to delay the implementation of emergency alerting should be accompanied by compelling rationale and a plan to meet the modified deadline.

11. In regard to the present applications, all of Sogetel's subscribers will be affected by its inability to implement emergency alerting on the above-noted BDUs and VOD service 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.
12. However, the Commission notes that Sogetel began searching for a solution to ensure compliance when it learned of the Commission's decision to mandate participation in the NPAS, but ran into technical issues with implementation. The Commission acknowledges that Sogetel is currently working with a third-party vendor to implement hardware and software solutions for its various technical issues. Further, the applicant has not set out specific interim measures since its public alerting system will be functional after the new solution is in place. The Commission therefore considers that Sogetel has made efforts at finding a solution to the present problem. Furthermore, the Commission recognizes that Sogetel will need time to implement its chosen solution.
13. Faced with applications filed as late as January 2015, the Commission has very few options at its disposal. The Commission will therefore grant Sogetel an extension to the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its licensed terrestrial BDUs serving Saint-Paulin and Saint-Liboire, Quebec, its VOD service serving the Province of Quebec, and its exempt BDUs in Quebec.
14. However, given that Sogetel has had the opportunity to participate in the NPAS since 2010 (when the NAAD System became operational), that the applicant considers the work to implement a solution will take approximately 31 weeks to complete, and 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 applicant's request in this regard. Instead, the Commission considers it appropriate to grant the applicant only a six-month extension to implement emergency alerting, and expects Sogetel to work expeditiously to implement its chosen solution. Sogetel will therefore be required to fully implement emergency alerting on its licensed terrestrial BDUs serving Saint-Paulin and Saint-Liboire, Quebec, its VOD service serving the Province of Quebec, and its exempt BDUs in Quebec, by no later than **30 September 2015**. In addition, the Commission considers it appropriate to require Sogetel, during this time, to ensure that all the affected customers will be made aware of the delay, and to periodically report to the Commission to ensure steps are being taken to solve the problem.

15. For its licensed terrestrial BDUs serving Saint-Paulin and Saint-Liboire, Quebec, the licensee shall adhere to the following **conditions of licence**:

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be distributed to subscribers located in an area targeted by the alert until 30 September 2015.

The licensee shall report to the Commission on the chosen solution for the distribution of emergency alerts.

The licensee shall, up until the sooner of 30 September 2015 or the date on which the solution for the distribution of emergency alerts is fully implemented, report orally to the Commission on a bi-weekly basis, and in writing on a monthly basis, as to the following:

- progress on the implementation of the chosen solution for the distribution of emergency alerts; and
- the remaining number of affected customers for its terrestrial broadcasting distribution undertakings serving Saint-Paulin and Saint-Liboire, Quebec, once the chosen solution for the distribution of emergency alerts is implemented.

16. For its VOD undertaking serving the Province of Quebec, the licensee shall adhere to the following **conditions of licence**:

As an exception to the date in condition of licence 24(a) set out in Appendix 6 to *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 licensee shall implement the public alerting system referred to in that condition of licence by no later than 30 September 2015.

The licensee shall report to the Commission on the chosen solution for the distribution of emergency alerts.

The licensee shall, up until the sooner of 30 September 2015 or the date on which the solution for the distribution of emergency alerts is fully implemented, report orally to the Commission on a bi-weekly basis, and in writing on a monthly basis, as to the following:

- progress on the implementation of the chosen solution for the distribution of emergency alerts; and

- the remaining number of affected customers for its video-on-demand undertaking serving the Province of Quebec, once the chosen solution for the distribution of emergency alerts is implemented.
17. The Commission notes that exempt BDUs operating under the terms and conditions of the exemption order for terrestrial BDUs serving fewer than 20,000 subscribers¹ are required to implement a public alerting system by 31 March 2015. In light of the above efforts being taken by Sogetel to implement such a system by no later than 31 March 2016, the Commission considers that no regulatory measures are warranted at this time provided Sogetel follows its plan and satisfies the additional terms set out in this decision.
18. Further, Sogetel 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, Sogetel 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 STB); and
 - a list of other licensed BDU offerings in the affected geographic area that may currently offer emergency alerting.
19. Sogetel must submit a copy of this letter to the Commission with its 30 April 2015 implementation report.²
20. In its application, Sogetel indicated it would choose a solution by the end of March 2015. Accordingly, the Commission **directs** Sogetel to confirm, in writing, by no later than **30 April 2015**, the technical solution chosen and the associated implementation plan for that solution. This information can be included in Sogetel's compliance report that is due on the same day.
21. Finally, if technology permits, the Commission considers that the built-in capabilities of the affected STBs should also be used to deliver on-screen messages informing the affected customers of the fact that they are incapable of receiving emergency alert messages.

¹ See Broadcasting Order 2014-445, Appendix 2 to Broadcasting Regulatory Policy 2014-444.

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.

Secretary General

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 each licence.*