The Commission approves, with conditions, the application by Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership, for an extension of the deadline, from 31 March 2015 to 30 September 2015, to comply with the requirements relating to the mandatory distribution of emergency alert messages on its national direct-to-home (DTH) broadcasting distribution undertaking (BDU) and its related video-on-demand (VOD) service.

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 of Bell ExpressVu’s subscribers in Canadian households with personal video recorders (PVRs) that are capable of receiving VOD programming, and approximately 2,300 Canadian households with PVR Model 5200, will be affected by the licensee’s delay. Despite the fact that Bell ExpressVu has had the opportunity to participate in the National Public Alerting System since 2010, the Commission, faced with applications filed as late as March 2015, has very few options at its disposal.

Accordingly, the licensee shall now be required to fully implement emergency alerting on the above-noted undertakings 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. Bell ExpressVu 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) and the standard conditions of licence for video-on-demand (VOD) services, to make participation in the NPAS mandatory for broadcasting distribution undertakings (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.

Application

3. Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership (Bell ExpressVu), filed applications relating to its national direct-to-home (DTH) BDU and to its related VOD service. Specifically, the licensee requested an extension of the deadline, from 31 March 2015 to 30 September 2015, to comply with the requirements relating to the mandatory distribution of emergency alert messages.

4. In regard to its overall system, the licensee stated it will be able to meet the 31 March deadline to implement emergency alerting to subscribers watching broadcast channels on its DTH BDU service, but that further testing revealed that it is unable to deliver alerts to subscribers using its VOD service. It proposed to implement a software solution to permit the reception of alerts when viewing VOD content. It noted that the solution will be delivered by a third-party vendor to Bell Canada by the end of June 2015, but that testing and implementation will push the compliance date to September 2015.

5. In addition to the complications arising from the VOD service, the licensee also stated that approximately 2,300 customers have a personal video recorder (PVR), specifically, the PVR Model 5200, that is incapable of receiving emergency alerts and that cannot be upgraded to permit the reception of those alerts. It proposed to contact those customers to offer an upgrade (at a cost to the customers) to newer units that can process alerts. It noted, however, that given its current stock of newer models of set-top boxes (STBs), this upgrade can be completed by 30 September 2015. Bell ExpressVu stated that it will inform subscribers with the PVR Model 5200 that this model does not have the ability to receive emergency alerts, and that they should call for an upgrade. It further stated that communications will be accomplished by direct mail and through a recurring auto-tune message.
**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 opposed a full six-month extension for implementing the NPAS on Bell ExpressVu’s VOD service. Although they acknowledged that the licensee will require some form of extension for its VOD service, they argued that it has not adequately explained why it requires the six-month extension. They further argued that Bell ExpressVu has not sufficiently justified why 13 weeks are required to test for its “production stage.”

8. The interveners also expressed concern that Bell ExpressVu customers will bear the cost for the upgrade to the new PVRs that are capable of receiving emergency alerts, and stated that it is inappropriate for those customers to assume the cost of the licensee’s regulatory obligations. The interveners further proposed that Bell ExpressVu should provide, at no cost to all its affected customers, new PVRs capable of receiving alerts.

9. Finally, the interveners submitted that bill statements should be included in all DTH customer and electronic monthly invoices until the NPAS is successfully implemented and operational. They also suggested that messages be sent to STBs where possible or displayed on-screen on the VOD service guide. In regard to the PVR Model 5200, the interveners proposed that Bell ExpressVu, in addition to the auto-tune message and direct mail, should send short message service (SMS) text messages, post a notice on an account holder’s “MyBell” webpage, and send a message to the customer’s STB where possible.

10. In reply, Bell ExpressVu submitted that the interveners do not understand the complexities and analytics involved in testing the software. The licensee stated that any software received needs to be tested in order to ensure that PVR functionality is not affected. It noted that 13 weeks are required to fully test seven PVR models, given that each of the models will be subject to 90 different tests.

11. In regard to replacing the PVR Model 5200, Bell ExpressVu stated that it will offer subscribers the option of upgrading to a PVR that is capable of receiving emergency alerts, at no cost to them.

12. In regard to the communications plan, Bell ExpressVu indicated that it will provide bill statement messages to its VOD subscribers, but not to those that have the PVR Model 5200. In that case, it will correspond by direct mail because it is a more practical way to reach this smaller subset of subscribers. The licensee further indicated that it will communicate with VOD subscribers via SMS text messages.
and/or Automatic Dialing-Announcing Devices (ADAD) every two months, as well as through a notice on the Bell satellite TV webpage. Bell ExpressVu stated that these will continue until the end of the extension period. In addition, the licensee confirmed that it is not technologically feasible to use the STBs to deliver on-screen messages informing the affected customers of the inability to receive emergency alert messages. However, in response to the interveners’ suggestion, Bell ExpressVu stated that it will include the use of SMS text messages and ADAD to communicate with subscribers with PVR Model 5200.

**Commission’s decisions**

13. 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.

14. In regard to the present applications, subscribers viewing VOD content and the approximately 2,300 subscribers with PVR Model 5200 will be affected by the licensee’s inability to implement emergency alerts by the 31 March 2015 deadline. In the Commission’s view, an extension of the deadline by which an undertaking 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.

15. The Commission considers, however, that Bell ExpressVu has made efforts to find a solution to the present problem. Further, it notes that Bell ExpressVu’s solution for VOD is under development under a strict development schedule, and that a full implementation plan was submitted with its application. In addition, the Commission considers that Bell ExpressVu’s plan for addressing the approximately 2,300 subscribers with the PVR Model 5200 is also reasonable.

16. Faced with applications filed as late as March 2015, the Commission has very few options at its disposal. The Commission will therefore grant, with certain conditions, Bell ExpressVu’s request for a six-month extension of the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its national DTH BDU and its related VOD service. Accordingly, the Commission approves, with conditions, Bell ExpressVu’s applications. The licensee will therefore be required to fully implement emergency alerting on those undertakings by no later than 30 September 2015. In addition, the Commission considers it
appropriate to require Bell ExpressVu, 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.

17. For its national DTH BDU, 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 who, as of date of the decision, possess non-National Public Alerting System capable receivers identified as “PVR Model 5200”, until 30 September 2015.

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 remaining number of affected customers using its PVR Model 5200.

18. For its VOD undertaking, 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, 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:

- the testing of its solution for the distribution of emergency alerts;
- progress on the implementation of the solution for the distribution of emergency alerts; and
- the remaining number of affected customers for its video-on-demand undertaking.
19. Further, Bell ExpressVu 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, Bell ExpressVu 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, if applicable, 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.

20. The licensee must submit a copy of this letter to the Commission with its 30 April 2015 implementation report.1

21. Finally, as offered by the licensee in its reply comments, the Commission notes Bell ExpressVu’s commitment to make use of communication tools such as SMS text message and ADAD options to further ensure customers are made aware of the fact that they are unable to receive emergency alert messages.

Secretary General

Related documents

- 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.

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1 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.