



## Broadcasting Decision CRTC 2015-121

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Reference: Part 1 applications posted on 3 March 2015

Ottawa, 31 March 2015

**Bell Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership Across Canada**

*Applications 2015-0189-1, 2015-0190-9, 2015-0191-6 and 2015-0192-4*

### **Video-on-demand service serving Eastern Canada and terrestrial broadcasting distribution undertakings serving locations in Ontario, Quebec and the Atlantic Provinces – Extension of deadline for the distribution of emergency alert messages**

*The Commission **approves, with conditions**, the applications by Bell Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) for an extension of the deadline, from 31 March 2015 to 30 June 2015, to comply with the requirements relating to the mandatory distribution of emergency alert messages on its video-on-demand service serving Eastern Canada and on its terrestrial broadcasting distribution undertakings (BDUs) serving locations in Ontario, Quebec and the Atlantic Provinces.*

*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 BDUs 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 this large, Eastern Canada service provider's delay. Despite the fact that Bell Aliant has had the opportunity to participate in the National Public Alerting System since 2010, the Commission, faced with applications filed as late as February 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 June 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 Aliant 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 Aliant Regional Communications Inc. (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) filed applications relating to its regional VOD service serving Eastern Canada and to its terrestrial BDUs serving the following areas:
  - Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia;
  - Greater Sudbury and Sault Ste. Marie, Ontario; and
  - Chicoutimi and Jonquière, Quebec.
4. Specifically, the licensee requested an extension of the deadline, from 31 March 2015 to 30 June 2015, to comply with the requirements relating to the mandatory distribution of emergency alert messages. The Commission did not receive any interventions in connection with these applications.
5. Bell Aliant stated that it has been working with Bell Canada to incorporate its NPAS solution into its VOD and BDU services. The licensee further stated that it had expected to be able to implement the necessary modifications and conduct the necessary testing approximately six to eight months after Bell Canada launched its NPAS solution, but that Bell Canada encountered several software issues while testing its terrestrial emergency alerting solution, which caused a delay.
6. Bell Aliant confirmed, however, that the emergency alerting software solution is now finalized and that the necessary testing has now begun. It also provided a testing schedule for coming into compliance, with a start date of 16 February 2015 and an

end date of 1 June 2015. It noted, however, that this timeline assumes that no issues will be discovered in the software release or other stages of testing. Consequently, it requested an extension of the deadline to implement a public alerting system until 30 June 2015.

### **Commission's decisions**

7. 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.
8. In regard to the present application, all Bell Aliant Internet Protocol Television (IPTV) subscribers will be affected by the licensee's inability to implement emergency alerting on the above-noted VOD service and BDUs 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. The Commission also notes, however, that Bell Aliant's solution is now finalized, and that testing has already begun.
9. Faced with applications filed as late as February 2015, the Commission has very few options at its disposal. The Commission will therefore grant, with certain conditions, Bell Aliant's request for a three-month extension of the deadline to comply with the requirements relating to the mandatory distribution of emergency alert messages on its VOD service serving Eastern Canada and its terrestrial BDUs serving the above-noted locations in Ontario, Quebec and the Atlantic Provinces. Accordingly, the Commission **approves, with conditions**, Bell Aliant's applications. The licensee will therefore be required to fully implement emergency alerting on those undertakings by no later than **30 June 2015**. In addition, the Commission considers it appropriate to require Bell Aliant, 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.
10. For its terrestrial BDUs serving the above-noted locations in Ontario, Quebec and the Atlantic Provinces, 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 June 2015.

The licensee shall, up until the sooner of 30 June 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 terrestrial broadcasting distribution undertakings serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; Halifax, Dartmouth, Bedford and Sackville, Nova Scotia; Greater Sudbury and Sault Ste. Marie, Ontario; and Chicoutimi and Jonquière, Quebec.

11. For its VOD undertaking serving Eastern Canada, 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 June 2015.

The licensee shall, up until the sooner of 30 June 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 chosen solution for the distribution of emergency alerts; and
- the remaining number of affected customers for its video-on-demand undertaking serving Eastern Canada.

12. Further, Bell Aliant 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 Aliant 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 set-top box); and
  - a list of other licensed BDU offerings in the affected geographic area that may currently offer emergency alerting.
13. The licensee must submit a copy of this letter to the Commission with its 30 April 2015 implementation report.<sup>1</sup>
14. 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 in certain circumstances.

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.*

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<sup>1</sup> 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.