



Broadcasting and Telecom Regulatory Policy CRTC 2015-190

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Reference: 2014-661

Ottawa, 13 May 2015

Amendments to certain regulations made under the *Telecommunications Act* and the *Broadcasting Act* relating to dispute resolution

The Commission announces that it has made amendments to the Broadcasting Distribution Regulations, the Pay Television Regulations, 1990, the Specialty Services Regulations, 1990, and the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure. The regulations have been amended to reference the most recent version of the information bulletin relating to alternative dispute resolution.

These amendments will be published in the Canada Gazette, Part II, and will come into force on the date of their registration.

Amendments

1. The Commission announces that it has made amendments to the *Broadcasting Distribution Regulations*, the *Pay Television Regulations, 1990*, the *Specialty Services Regulations, 1990*, and the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure).
2. The Commission did not receive any interventions in response to the call for comments on the proposed amendments (Broadcasting and Telecom Notice of Consultation 2014-661).
3. The regulations have been amended to reference Broadcasting and Telecom Information Bulletin 2013-637, the most recent version of the information bulletin relating to alternative dispute resolution. The latter is a revised version of Broadcasting and Telecom Information Bulletins 2009-38 and 2009-38-1.
4. The purpose of the revisions was to:
 - reflect decisions relating to vertical integration set out in Broadcasting Regulatory Policy 2011-601;
 - reflect changes made to the Rules of Procedure as they relate to the filing of confidential information;

- better reflect the Commission's general practice with respect to mediation; and
 - reflect certain organizational changes within the Commission.
5. The amended regulations will come into effect on the date of their registration. A copy of the amendments is provided in the appendices to this regulatory policy and will be published in the *Canada Gazette*, Part II.

Related documents

- *Call for comments on proposed amendments to certain regulations made under the Broadcasting Act and the Telecommunications Act relating to dispute resolution*, Broadcasting and Telecom Notice of Consultation CRTC 2014-661, 18 December 2014
- *Practices and procedures for staff-assisted mediation, final offer arbitration, and expedited hearings*, Broadcasting and Telecom Information Bulletin CRTC 2013-637, 28 November 2013
- *Regulatory framework relating to vertical integration*, Broadcasting Regulatory Policy CRTC 2011-601, 21 September 2011
- *Practices and procedures for staff-assisted mediation, final offer arbitration, and expedited hearings*, Broadcasting and Telecom Information Bulletin CRTC 2009-38, 29 January 2009, as amended by Broadcasting and Telecom Information Bulletin CRTC 2009-38-1, 26 April 2010

Appendix 1 to Broadcasting and Telecom Regulatory Policy CRTC 2015-190

Regulations Amending Certain Regulations Made Under the Broadcasting Act

PAY TELEVISION REGULATIONS, 1990

1. Subsection 6.4(4) of the *Pay Television Regulations, 1990*¹ is replaced by the following:

(4) If a licensed distribution undertaking or an exempt distribution undertaking distributes the programming service of the licensee in the absence of a commercial agreement and the matter proceeds before the Commission for dispute resolution, the licensee shall submit to having the dispute resolved in accordance with the procedural requirements established by the Commission in Broadcasting and Telecom Information Bulletin CRTC 2013-637, dated November 28, 2013, and the rates, terms and conditions established by the Commission will apply as of the day on which the programming service was first made available to the distributor in the absence of a commercial agreement.

SPECIALTY SERVICES REGULATIONS, 1990

2. Subsection 10.4(4) of the *Specialty Services Regulations, 1990*² is replaced by the following:

(4) If a licensed distribution undertaking or an exempt distribution undertaking distributes the programming service of the licensee in the absence of a commercial agreement and the matter proceeds before the Commission for dispute resolution, the licensee shall submit to having the dispute resolved in accordance with the procedural requirements established by the Commission in Broadcasting and Telecom Information Bulletin CRTC 2013-637, dated November 28, 2013, and the rates, terms and conditions established by the Commission will apply as of the day on which the programming service was first made available to the distributor in the absence of a commercial agreement.

BROADCASTING DISTRIBUTION REGULATIONS

3. Subsection 12(9) of the *Broadcasting Distribution Regulations*³ is replaced by the following:

(9) If the dispute relates to the rates, terms or conditions, or any combination of them, surrounding a programming service that is being distributed in the absence of a commercial agreement and the matter proceeds before the Commission for dispute

¹ SOR/90-105

² SOR/90-106

³ SOR/97-555

resolution, the licensee shall submit to having the dispute resolved in accordance with the procedural requirements established by the Commission in Broadcasting and Telecom Information Bulletin CRTC 2013-637, dated November 28, 2013, and the rates, terms and conditions established by the Commission will apply as of the day on which the programming service was first made available to the distributor in the absence of a commercial agreement.

COMING INTO FORCE

- 4. These Regulations come into force on the day on which they are registered.**

Appendix 2 to Broadcasting and Telecom Regulatory Policy CRTC 2015-190

Rules Amending the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure

AMENDMENT

- 1. Section 52 of the Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure⁴ is replaced by the following:**

Requirements to be followed

52. An application for the resolution of a matter under an alternative dispute resolution process must be made in accordance with the procedural requirements established by the Commission in Broadcasting and Telecom Information Bulletin CRTC 2013-637, dated November 28, 2013.

COMING INTO FORCE

- 2. These Rules come into force on the day on which they are registered.**

⁴ SOR/2010-277