



## Broadcasting Notice of Consultation CRTC 2016-191

PDF version

Ottawa, 18 May 2016

### Notice of application received

#### Across Canada

**Deadline for submission of interventions/comments/answers: 22 June 2016**

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following application:

#### Applicant/Licensee and Locality

**Canadian Broadcasting Corporation**

Across Canada

Application 2016-0257-4

Application by the **Canadian Broadcasting Corporation (CBC)** to amend the broadcasting licences for the ICI Musique (formerly “Espace Musique”) and CBC Radio 2 networks and stations to allow these radio services to continue to broadcast paid national advertising until 31 August 2018.

The authorization to broadcast national advertising is found in conditions of licence 11, 12 and 13, set out in *Canadian Broadcasting Corporation – Licence renewals*, Broadcasting Decision CRTC 2013-263, 28 May 2013 (Broadcasting Decision 2013-263), as amended by *Espace Musique and Radio 2 networks and stations – Licence amendment*, Broadcasting Decision CRTC 2013-658, 5 December 2013 and by *Espace Musique and Radio 2 networks and stations – Licence amendment*, Broadcasting Decision CRTC 2014-135, 25 March 2014.

The conditions of licence in question read as follows:

11. The licensee shall not broadcast any advertising (category 5) except:
  - a) paid national advertising;
  - b) during programs that are available only on a sponsored basis; or
  - c) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.

For the purposes of this condition, the licensee may not broadcast more than four minutes of paid national advertising in any clock hour.

Music programming may not be interrupted more than twice during any clock hour for paid national advertising. For the purposes of this condition, the mention of a sponsor's name or the inclusion of a promotion that includes the name of a sponsor shall not qualify as an interruption of the music programming.

12. In each broadcast month, the licensee shall broadcast no less than 3,000 distinct musical selections on Espace Musique and no less than 2,800 distinct musical selections on Radio 2.

For the purposes of this condition, "broadcast month" means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast days in a month.

In order to facilitate the verification of compliance with this condition, the licensee must provide the music lists requested by the Commission pursuant to section 9(3) of the *Radio Regulations, 1986*, in a popular spreadsheet format.

13. Conditions of licence 11 and 12 expire on 31 August 2016. Effective 1 September 2016, the licensee shall not broadcast any advertising (category 5) except:

- a) during programs available only on a sponsored basis; or
- b) as required to fulfill the requirements of the legislation of the Parliament of Canada pertaining to elections.

The licensee proposes to delete condition of licence 13 to extend the authorization to broadcast national advertising on its ICI Musique and Radio 2 networks to coincide with the licence renewal of CBC's radio and television services, which are set to expire on 31 August 2018.

In Broadcasting Decision 2013-263, the Commission noted that the CBC's proposal to introduce advertising on ICI Musique and Radio 2 was met with considerable opposition from listeners and broadcasting industry representatives. As a result, the Commission authorized the introduction of a limited amount of national advertising. Moreover, given that the introduction of advertising was a significant change with effects that were difficult to predict, the Commission limited this authorization to three years, expiring on 31 August 2016.

The Commission stated that if the CBC wished to continue to broadcast advertising after that period, it would need to file an application and provide evidence that advertising has not had an undue negative impact on the advertising markets, that advertising has not been unduly disruptive to listeners, that the CBC's level of investment in radio has been maintained and that the variety and diversity of the service that ICI Musique and Radio 2 provide has not been diminished. Such evidence would provide the Commission, the CBC and Canadians with an opportunity to evaluate the impact of advertising on the programming of ICI Musique and Radio 2 and on the Canadian broadcasting system.

*Licensee's address:*

181 Queen Street  
P.O. Box 3220  
Station C  
Ottawa, Ontario  
K1Y 1E4

Fax: 613-288-6257

Email: [RegulatoryAffairs@cbc.ca](mailto:RegulatoryAffairs@cbc.ca)

Website to view application: <http://www.cbc.radio-canada.ca/en/reporting-to-canadians/reports/submissions/>

Email to request electronic version of application: [RegulatoryAffairs@cbc.ca](mailto:RegulatoryAffairs@cbc.ca)

## **Procedure**

### **Deadline for interventions, comments or answers**

**22 June 2016**

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010, provides information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

Pursuant to *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.

Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.

In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

Electronic versions of the application is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by selecting the application number within this notice. It is also available from the applicant, either on its website or upon request by contacting the applicant at its email address, provided above.

Electronic versions of the interventions and answers, as well as of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.

Documents are also available from Commission offices, upon request, during normal business hours.

**Location of Commission offices**

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Secretary General