



## Broadcasting Notice of Consultation CRTC 2017-404

PDF version

Ottawa, 10 November 2017

### Call for comments on amendments to the *Broadcasting Distribution Regulations*

*The Commission calls for comments on amendments to the Broadcasting Distribution Regulations. The deadline for the receipt of comments is **11 December 2017**.*

#### Introduction

1. The Commission proposes to amend the *Broadcasting Distribution Regulations* (the Regulations). The proposed amendments are set out in the appendix to this document.
2. The amendments address concerns raised by Parliament's Standing Joint Committee for the Scrutiny of Regulations and include the following:
  - the addition of a definition of “religious programming service” and an associated amendment to section 26(1) to ensure consistency with this definition;
  - the addition of a definition of “adult programming service”; and
  - various amendments to the French version of the Regulations in order to provide greater clarity and harmonize it with the English version.

#### Call for comments

3. The Commission invites comments on the wording of the proposed amendments, which are appended to this notice. The Commission will accept interventions that it receives by **11 December 2017**.

#### Procedure

4. 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](#).” The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information

to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

5. 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.
6. 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.
7. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, 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.
8. 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

9. 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.
10. 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.

11. 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**

12. 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.
13. 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.
14. 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.
15. 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**

16. Electronic versions of the interventions and 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.
17. Documents are also available at the following address, upon request, during normal business hours.

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
J8X 4B1

Tel.: 819-997-2429

Fax: 819-994-0218

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Secretary General

### **Related documents**

- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010

# Appendix to Broadcasting Notice of Consultation CRTC 2017-404

## Regulations Amending the Broadcasting Distribution Regulations

### Amendments

1 (1) The definition *câblage intérieur* in section 1 of the French version of the *Broadcasting Distribution Regulations*<sup>1</sup> is amended by replacing “immeuble à logements multiples” with “immeuble comportant de multiples unités.”

(2) The definition *point de démarcation* in section 1 of the French version of the Regulations is replaced by the following:

*point de démarcation* Relativement au câblage utilisé par une entreprise de distribution pour distribuer des services de programmation à un abonné :

- a) lorsque la résidence ou les autres locaux de l’abonné sont un immeuble comportant une seule unité :
  - (i) soit un point situé à 30 cm à l’extérieur du mur extérieur des locaux de l’abonné,
  - (ii) soit le point convenu entre le titulaire et le client ou l’abonné;
- b) lorsque la résidence ou les autres locaux de l’abonné sont situés dans un immeuble comportant de multiples unités :
  - (i) soit le point où le câblage est réacheminé pour l’usage et l’avantage exclusifs de l’abonné,
  - (ii) soit le point convenu entre le titulaire et le client ou l’abonné. (*demarcation point*)

(3) Section 1 of the Regulations is amended by adding the following in alphabetical order:

*adult programming service* means a programming service that provides programming devoted to depicting explicit sexual activity. (*service de programmation pour adultes*)

*religious programming service* means a programming service that provides programming in which the dominant themes are religion, religious teachings or the human spiritual condition. (*service de programmation à caractère religieux*)

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<sup>1</sup> SOR/97-555

**2 Subsection 26(1) of the Regulations is replaced by the following:**

**26 (1)** Except as otherwise provided under a condition of its licence, a licensee may only distribute the following religious programming services on a discretionary basis:

- (a) a limited point-of-view discretionary service;
- (b) an exempt discretionary service;
- (c) an authorized non-Canadian programming service.

**3 Subsection 49(1) of the French version of the Regulations is replaced by the following:**

**49 (1)** Sous réserve de toute condition de sa licence prenant effet le 1<sup>er</sup> septembre 2011 ou après cette date, le titulaire est tenu d'obtenir le consentement de l'exploitant d'une station de télévision éloignée pour distribuer son signal avant de le rendre disponible à ses abonnés.

**Coming into Force**

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