



Broadcasting Regulatory Policy CRTC 2019-199

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Reference: 2019-51

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General authorizations for broadcasting distribution undertakings

1. In Broadcasting Decision 2017-149, the Commission announced that it would issue a notice of consultation calling for comments on amendments to the general authorizations applicable to terrestrial and direct-to-home (DTH) broadcasting distribution undertakings (BDUs) in order to permit BDUs to include CTV Two Alberta as part of the basic service in Alberta.
2. Sections 16.1 and 45.1 of the *Broadcasting Distribution Regulations* (the Regulations) specify which services BDUs can distribute as part of their basic service. The specified services do not include satellite-to-cable services such as CTV Two Alberta. As a result, BDUs require an exception to the Regulations to distribute the service as part of their basic service in Alberta.
3. In Broadcasting Notice of Consultation 2019-51 (the Notice), the Commission called for comments on an amendment to the general authorizations applicable to terrestrial and DTH BDUs to allow CTV Two Alberta to be included as part of the basic service in Alberta, as an exception to sections 16.1 and 45.1 of the Regulations.
4. The Commission received comments from Shaw Communications Inc. supporting the proposed authorization and the wording of the proposed amendment. As well, an individual commented on the programming offered by CTV Two Alberta, which falls outside of the scope of the proceeding initiated by the Notice.
5. The Commission considers that the proposed amendment to the general authorizations would allow Albertans to continue to receive the service and its regionally relevant programming and thus fulfill part of the objective set out in section 3(1)(i)(ii) of the *Broadcasting Act*, which states that the programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources.
6. Accordingly, the Commission amends the list of general authorizations for BDUs to authorize the distribution of CTV Two Alberta as part of the basic service in Alberta.
7. The full updated list of general authorizations for BDUs is set out in the appendix to this regulatory policy.

Secretary General

Related documents

- *Call for comments on a proposed amendment to the General authorizations for broadcasting distribution undertakings to authorize the distribution of CTV Two Alberta as part of the basic service in Alberta*, Broadcasting Notice of Consultation CRTC 2019-51, 21 February 2019
- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2018-271, 2 August 2018
- *Bell Media Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-149, 15 May 2017

Appendix to Broadcasting Regulatory Policy CRTC 2019-199

General authorizations for broadcasting distribution undertakings

Terrestrial and direct-to-home satellite broadcasting distribution undertakings

The terms “Atlantic provinces,” “authorized non-Canadian programming service,” “basic service,” “Canadian programming service,” “high definition,” “non-Canadian programming service” and “standard definition” have the same meanings as those set out in the *Broadcasting Distribution Regulations*, as amended from time to time.

The general authorizations below are effective 6 June 2019.

Use of local availabilities

1. The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of authorized non-Canadian programming services. At least 75% of local availabilities must be made available in each broadcast day for use by licensed Canadian programming services, in an equitable manner and on a cost-recovery basis, to promote first-run, original Canadian programs. A maximum of 25% of the local availabilities may be used to provide subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services. The licensee may insert unpaid Canadian public service announcements within any unused inventory of local availabilities.

Distribution of satellite subscription radio services

2. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
 - (a) The licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(1) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
 - (b) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(1) of the Regulations.

Distribution of down-converted programming services

3. Subject to section 42 of the *Broadcasting Distribution Regulations* (the Regulations), where a standard definition (SD) or analog version of a programming service is not

provided by the broadcaster, the licensee is authorized to down-convert a high definition (HD) or SD version of any programming service authorized by the Regulations, by the *List of non-Canadian programming services and stations authorized for distribution*, or by condition of licence into either SD or analog format, and to distribute that version of the programming service to its subscribers. The above is subject to the following terms and conditions:

- (a) The terms and conditions otherwise applicable to the distribution of the television signals in question apply, *mutatis mutandis*, to the distribution of down-converted versions of those signals.
- (b) In the case of a Canadian programming service, the licensee obtains the consent of the Canadian programming undertaking.
- (c) If the licensee distributes an authorized HD or SD programming service on a down-converted basis, it must distribute down-converted versions of other comparable HD or SD Canadian programming services in a similar fashion, without undue discrimination or undue preference.

Distribution of up-converted programming services

4. The licensee is authorized to distribute, with the consent of the Canadian programming undertaking, an up-converted version of any analog-only Canadian programming services in standard definition. Where the licensee distributes an analog programming service on an up-converted basis, it must distribute other Canadian programming services in a similar fashion, without undue discrimination or undue preference.

Distribution of a local package

5. The licensee is authorized to distribute, at its option, a local package without having to provide users of that local package with the full basic service. The distribution of a local package is subject to the following provisions:
 - (a) Only local and regional television stations that were available to the subscribers on an over-the-air basis as of 10 November 2010 are to be included in the local package. Stations must provide their signals to broadcasting distribution undertaking (BDU) head-ends or up-link centres, by any means.
 - (b) Users cannot receive video-on-demand or any other broadcasting services in conjunction with the local package.
 - (c) BDUs may offer telecommunications services to local package users, but may not offer a local package as part of a bundle or otherwise make receiving this package contingent on purchasing other services.

- (d) No fee shall be charged for the local package, but users may be required to purchase or rent equipment, or pay for service/support calls. In addition, users may choose to pay for the use of an electronic programming guide.

Distribution of satellite-to-cable services

- 6. The licensee is authorized to distribute the signal of any satellite-to-cable service.
- 7. As an exception to sections 16.1 and 45.1 of the *Broadcasting Distribution Regulations*, the licensee may distribute CTV Two Atlantic as part of the basic service offered to subscribers located in the Atlantic provinces.
- 8. As an exception to sections 16.1 and 45.1 of the *Broadcasting Distribution Regulations*, the licensee may distribute CTV Two Alberta as part of the basic service offered to subscribers located in Alberta.