



Broadcasting Information Bulletin CRTC 2021-155

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Monitoring linear community channels and on-demand community programming services

The Commission adopts a standardized approach that it will use to monitor linear community channels and on-demand community programming services. This approach, which will serve as general guidance going forward, is set out in the appendix to this document and will come into effect on **1 September 2021**.

Introduction

1. In Broadcasting Regulatory Policy 2016-224 (the Community Television Policy), the Commission stated that the community television sector would benefit from a more systematic and standardized evaluation of compliance by licensees of broadcasting distribution undertakings (BDUs) with requirements relating to their community programming. To that end, the Commission announced that it would periodically require BDU licensees to submit logs and audiovisual recordings, and would choose a sample of logs and annual returns to analyze.
2. In Broadcasting Decision 2018-263, the Commission stated that the monitoring format used in the proceeding leading to that decision may serve as an appropriate starting point for the monitoring of linear community channels going forward. The Commission further stated, however, that the approach for monitoring linear community channels may not necessarily apply to the monitoring of community programming distributed on an on-demand basis. Consequently, the Commission determined that a different approach may need to be adopted for monitoring on-demand community programming.
3. In Broadcasting Notice of Consultation 2020-227 (the Notice), the Commission initiated a public proceeding to solicit input on proposed standardized approaches to monitoring linear community channels and on-demand community programming services.
4. In response to the Notice, the Commission received 10 comments from BCE Inc. (Bell), Rogers Communications Canada Inc., Cogeco Communications Inc. (Cogeco), Saskatchewan Telecommunications, TELUS Communications Inc. (TELUS), Csur la télé (Csur), the Community Media Advocacy Centre (CMAC), the Canadian Association of Community Television Users and Stations (CACTUS), the Conseil

provincial du secteur des communications du Syndicat canadien de la fonction publique (CPSC-SCFP), and an individual. Views expressed in the comments are set out in the following sections of this document.

5. After considering the comments, the Commission considers that it is appropriate to address the following issues:
 - calculating the percentage of local and access programming for on-demand community programming services;
 - identification of local programming
 - calculation of local and access programming
 - searching for local programming
 - symmetry between the grids for linear community channels and on-demand community programming services;
 - public availability of programming grids;
 - provision of community programming on a second outlet for local expression;
 - matters that fall outside the scope of the current proceeding; and
 - implementation of the approach.
6. In the following sections of this document, the Commission sets out its determinations on the key issues. The final approach adopted by the Commission is set out in the appendix to this document, which repeats the proposed information bulletin set out in the Notice while incorporating the Commission's determinations set out below.

Calculating the percentage of local and access programming for on-demand community programming services

7. The paragraphs on calculating the percentage of local and access programming for on-demand community programming services were set out in paragraphs 5 to 7 of the proposed information bulletin and read as follows:

Calculating the percentage of local and access programming for on-demand community programming services

5. In order for the Commission to consider only the programs produced in or relevant to a particular service area when assessing compliance regarding the operation of their on-demand community programming services, BDUs should adopt either of the following practices:

- make it possible for the BDU subscriber to select community programs by location from the search menu; or
 - identify the location in or next to the program tile presented to subscribers on the on-demand platform.
6. In instances where a BDU has made no effort to adopt these practices, the Commission will generally consider the overall number of community programming titles available on the on-demand server for the purpose of assessing compliance with exhibition requirements.
7. In addition, BDUs are encouraged to adopt the following practices, which would also improve the discoverability of local and access community programming for viewers:
- make it possible to find the program produced in each location using the search option (i.e., by keyword); and
 - give pride of place to local programs when viewed in the location where they were produced.

Identification of local programming

Positions of parties

8. TELUS supported the Commission's proposal that BDUs with an on-demand outlet adopt either of the two practices regarding location identification. However, TELUS proposed the following amendment to paragraph 6 of the proposed information bulletin set out above in *italics* to make it as clear as possible that only one, and not both methods, are to be adopted by BDUs (proposed change is in **bold**):
6. In instances where a BDU has made no effort to adopt **any of** these practices, the Commission will generally consider the overall number of community programming titles available on the on-demand server for the purpose of assessing compliance with exhibition requirements.

Commission's analysis and decisions

9. The Commission agrees that the language in the proposed information bulletin on calculating the percentage of local and access programming for on-demand community programming services should be harmonized. However, the Commission considers that the language proposed by TELUS would not accurately reflect the Commission's intent, which is for BDUs to adopt at least one, or ideally, both practices.

10. Accordingly, the Commission will revise paragraph 6 to clarify that BDUs should adopt at least one of the two practices while giving them the flexibility to adopt both practices, if they so choose. The revised text is set out in the appendix to this document.

Calculation of the level of local and access programming

Positions of Parties

11. TELUS submitted that the words “and access” should be removed from the subheading so that it is clear that only the amount of local programming available will be calculated based on the number of titles while access programming exhibition will continue to be measured on a per-minute or hourly basis.

Commission’s analysis and decisions

12. The Commission wishes to clarify that its intent is to calculate both local and access programming in the same manner, that is, as a percentage of time (on a per-minute or hourly basis), not on the basis of the overall number of titles available. The Commission is therefore of the view that there is no need to change the title of the subheading as TELUS suggests.
13. To ensure that this clarification is properly communicated, the Commission is further amending paragraph 6 of the proposed information bulletin set out above in *italics* to indicate that, in instances where a BDU has made no effort to adopt at least one of the practices set out in paragraph 5, the Commission will generally consider the *entire library* of community programming titles available on the on-demand server for the purpose of assessing compliance with exhibition requirements.
14. The Commission will also add a footnote to paragraph 6 that will read: Compliance with exhibition requirements for local and access programming will generally be assessed as a percentage of time (on a per-minute or hourly basis).
15. The revised text is set out in the appendix to this document.

Searching for local programming

Positions of parties

16. CPSC-SCFP proposed that the “encouragements” set out in paragraph 7 of the proposed information bulletin set out above in *italics* be changed to “requirements.” These refer to the practices to make it possible to find the program produced in each location using the search option (i.e., by keyword) and to give pride of place to local programs when viewed in the location where they were produced. CPSC-SCFP noted that the discoverability of Canadian content was one of the central issues in the mandate of the 2018 Broadcasting Legislative Review Panel (BTLR). It referred to the BTLR’s report, which recommended that the Commission impose discoverability obligations on all audio or audiovisual entertainment media content undertakings.

17. Finally, CPSC-SCFP noted that the first “encouragement” set out in paragraph 7 of the proposed information bulletin set out above in *italics* appeared to be similar to one of the obligations set out in the paragraph 5 (i.e., “search menu” v. “search option”) and should be clarified to avoid potential disputes in determining BDU compliance.

Commission’s analysis and decisions

18. With respect to CPSC-SCFP’s proposal to change the “encouragements” set out in paragraph 7 of the proposed information bulletin set out above in *italics* to “requirements,” the Commission notes that these are in addition to the two practices set out in the first paragraph of the proposed information bulletin cited above, of which at least one should be adopted. The Commission considers that these encouraged practices, while potentially useful, would not be strictly necessary to assess BDU compliance with the exhibition requirements. In light of the above, the Commission does not consider it appropriate or necessary to change the “encouragements” to “requirements.”
19. As for CPSC-SCFP’s suggestion to clarify the wording regarding the “search menu” and the “search option,” the Commission considers that the use of the word “search” in both practices could cause some confusion. Given that the practice described in paragraph 5 of the proposed information bulletin cited above in *italics* can be understood without this word, the Commission will delete the word “search” so that it reads as follows: “make it possible for the BDU subscriber to select community programs by location from the menu”; and will not change the text in paragraph 7 of the proposed information bulletin, which reads: “make it possible to find the program produced in each location using the search option (i.e., by keyword).”
20. The revised text is set out in the appendix to this document.

Symmetry between the grids for linear community channels and on-demand community programming services

21. The proposed information bulletin set out the information that BDUs should provide on the programming grids for their community channels and on-demand programming services.

Positions of parties

22. CPSC-SCFP noted that some information required of linear community channels (i.e., the broadcast date, the start and end times for the program, and original or repeat programming) was not being required of on-demand community programming services. It considered that BDUs offering community programming on an on-demand basis as their main outlet for local expression should provide similar information to that provided for linear community channels.
23. CPSC-SCFP therefore argued that, in addition to the information set out in the proposed information bulletin, BDUs should provide the year of production of the program; whether the program is an original, first-run program; and the period during

which the program was available. CPSC-SCFP was of the view that including that information would assist in ensuring that on-demand community programming services offer new programming, as is the case for linear community channels. It further submitted that this information would be consistent with the Commission's regulatory requirements and would allow for a symmetrical assessment of compliance despite the fundamental differences between linear community channels and on-demand community programming services.

Commission's analysis and decisions

24. The proposed information bulletin already specifies that on-demand community programming services are to provide the year of production of a program.
25. With respect to CPSC-SCFP's proposal for such services to specify the period during which a program was available and whether it is an original, first-run program, the Commission is of the view that, while not essential for assessing compliance with exhibition requirements, requesting this information for on-demand community programming services would offer a more complete picture of their commitment to providing citizen access to the Canadian broadcasting system and to community reflection. It would also be consistent with the requirements set out in the standard conditions of licence for on-demand undertakings,¹ and therefore would not be overly burdensome as on-demand services should already be compiling and maintaining such information.
26. Accordingly, the appendix to this document will be amended to reflect such an approach. In particular, when selected to participate in a monitoring exercise, on-demand community programming services are to submit the following information as part of the program grids: 1) the period during which a program was available to subscribers; and 2) whether a program is an original, first-run program that has not previously been broadcast on another community channel or programming service.
27. This change is reflected in the approach set out in the appendix to this document.

Public availability of programming grids on the CRTC website

Positions of parties

28. Some parties, including Csur, CACTUS, and one individual, stressed the importance of making the programming grids publicly available. Both Csur and CACTUS requested that the data be made public on the Commission's website. Csur considered that it should be a requirement for the grids to be submitted annually by all BDUs, community television corporations (TVCs) and access producers,² and that these grids should be easily accessible on the Commission's website.

¹ These standard conditions are set out in the appendix to Broadcasting Regulatory Policy 2017-138.

² Access producers create community access programming, which by definition, is produced by someone other than the BDU distributing it, though the community producer may make extensive use of a BDU's facilities.

29. CACTUS echoed Csur's view that the monitoring process should be as transparent as possible given that community channels are meant to serve the public and also emphasized that where the data can be found should be publicized.

Commission's analysis and decisions

30. The Commission agrees that the grids collected as part of the monitoring exercise should be published on the Commission's website periodically, instead of only at licence renewal. This practice would ensure greater transparency and be consistent with the publishing requirements for other corporate reports received by the Commission.
31. The Commission notes, however, that Csur's proposal to require all BDUs to submit programming grids annually is inconsistent with the Commission's determinations set out in Broadcasting Decision 2018-263. In that decision, the Commission established that the regular monitoring exercise would focus on particular channels and/or programming services at specific times, given that it would be unduly burdensome to continuously monitor all community channels and services.
32. Regarding Csur's request that a separate grid be required from access producers and TVCs, the Commission notes that, unlike BDUs, TVCs and access producers are not generally subject to direct regulation by the Commission and are therefore not required to submit information. Additionally, the Commission considers that requiring separate grids from producers and TVCs would not be necessary or appropriate because information pertaining to them is already included within the program grids provided by the BDUs.
33. Accordingly, the Commission will generally publish on its website those grids submitted by the BDUs selected to participate in the monitoring exercise periodically.

Provision of community programming on a second outlet for local expression

Positions of parties

34. Cogeco stated that it provides community programming to its subscribers primarily through a linear community channel. In doing so, Cogeco considered that it fulfils all applicable provisions of the Community Television Policy. As a value-added offer for its viewers, Cogeco also uploads some community programming to its on-demand platform so they may view the programming selected through its on-demand catalogue.
35. Cogeco submitted that BDUs that fulfill their community programming obligations primarily through a linear community channel should not also have compliance with their exhibition requirements assessed based on their on-demand community programming service.

Commission's analysis and decisions

36. The standard conditions of licence, expectations and encouragements set out in the appendix to Broadcasting Regulatory Policy 2017-138³ apply to all licensees of on-demand services that elect to offer an outlet for local expression through that service. As a result, those requirements apply whether the licensee uses the on-demand platform as a primary outlet for community programming or as a complementary outlet to showcase a limited number of community programs also aired on the linear community channel.
37. Cogeco's on-demand licence, issued pursuant to Broadcasting Decision 2018-209, incorporates the standard conditions of licence set out in the appendix to Broadcasting Regulatory Policy 2017-138 and is therefore subject to the community programming requirements contained therein. While the Commission generally encourages the use of innovative methods by licensees to broadcast Canadian programming, it would not be appropriate for the Commission to amend a licensee's conditions of licence as part of the current proceeding. A potential change in the requirements of a licensee that offers community programming on-demand as a complement to a BDU's linear community channel would be more appropriately examined in the context of an application to amend the on-demand licence in question.

Matters that fall outside the scope of this proceeding

Position of parties

38. CMAC argued that the Commission should directly regulate the employment equity obligations of community channels and services. It requested that the proposed grids be amended to include an "employment equity" section that would list information on specific groups of employees, thereby acknowledging their rights to access, reflection, and employment within the community television sector. It also recommended that a "diversity of voices" section be added to the form to indicate the reflection of protected groups.
39. In addition to its above-mentioned proposal that the "encouragements" in the information bulletin regarding discoverability be changed to "requirements," CPSC-SCFP recommended that these encouragements also be imposed on any future technologies used by BDUs as their main outlets for local expression.

Commission's analysis and decisions

40. The Notice stated that comments seeking substantive changes to the Community Television Policy, such as requests regarding the submission of additional information not currently required under the *Broadcasting Distribution Regulations* or under Broadcasting Order 2017-320, are beyond the scope of this proceeding.

³ These requirements establish, among other things, the minimum percentage of programming offered as local expression that these licensees must devote to local (60%) and access (50%) programming.

Insofar as CMAC's submissions would involve the imposition of new substantive requirements, they would fall outside the scope of the current proceeding.

41. With respect to CPSC-SCFP's request, the Commission notes that any future broadcasting distribution technologies used to provide community programming that would fall within the scope of the Commission's jurisdiction would be subject to existing reporting requirements, unless explicitly exempt.
42. Parties may address these matters further at the next review of the Community Television Policy.

Implementation

Position of parties

43. TELUS argued that distributors may experience delays in their ability to complete the implementation of changes relating to their on-demand platforms in light of events surrounding COVID-19. TELUS therefore requested a grace period of four months for BDUs to complete the required changes.

Commission's analysis and decisions

44. The Commission agrees that BDUs will require time to implement the changes to community programming monitoring procedures set out in this information bulletin. The Commission considers TELUS's suggestion that there be a four-month grace period is reasonable and appropriate. The approach set out in the appendix to this information bulletin will therefore be effective on **1 September 2021**.

Secretary General

Related documents

- *Call for comments on a standardized approach to monitoring linear community channels and on-demand community programming services*, Broadcasting Notice of Consultation CRTC 2020-227, 16 July 2020
- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision CRTC 2018-263, 2 August 2018
- *Cogeco On Demand – Licence renewal*, Broadcasting Decision CRTC 2018-209, 19 June 2018
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017
- *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

Appendix to Broadcasting Information Bulletin 2021-155

Standardized approach for monitoring linear community channels and on-demand community programming services

The Commission intends, beginning **1 September 2021**, to use the standardized approaches to monitoring linear community channels and on-demand community programming services that are set out in this document.

Introduction

Monitoring of community programming

1. In Broadcasting Regulatory Policy 2016-224 (the Community Television Policy), the Commission announced that it would periodically require broadcasting distribution undertakings (BDUs) to submit logs and audiovisual recordings for a sample of the community programming they broadcast. This measure was first implemented as part of the 2018 BDU licence renewal proceeding (which led to the issuance of Broadcasting Decision 2018-263 and the licence renewals specified therein), where compliance of certain BDUs regarding the operation of their linear community channels was assessed.
2. In Broadcasting Decision 2018-263, the Commission considered that the tools used during that proceeding could serve as a starting point for monitoring linear community channels going forward. However, the Commission stated that it may need to adopt a different approach for monitoring on-demand community programming services.
3. Consistent with the intention of Broadcasting Decision 2018-263, potential monitoring approaches were discussed with licensed and exempt BDUs, and the Commission subsequently initiated a public proceeding to solicit broader input on proposed standardized approaches to monitoring linear community channels and on-demand community programming services. Accordingly, in the present document, the Commission sets out general guidance regarding these standardized monitoring approaches.

Exhibition requirements

4. As indicated in the Community Television Policy, exhibition requirements for licensees operating linear community channels are set out in section 31 of the *Broadcasting Distribution Regulations*. For BDUs exempt from the requirement to hold a licence, these requirements are set out in Broadcasting Order 2017-320. For BDUs distributing community programming on an on-demand basis, the exhibition requirements are imposed as conditions of licence on their related on-demand services and set out in the appendix to Broadcasting Regulatory Policy 2017-138.

Calculating the percentage of local and access programming for on-demand community programming services

5. In order for the Commission to consider only the programs produced in or relevant to a particular service area when assessing compliance regarding the operation of their on-demand community programming services, BDUs should adopt at least one of the following practices:¹
 - make it possible for the BDU subscriber to select community programs by location² from the menu; and/or
 - identify the location in or next to the program tile³ presented to subscribers on the on-demand platform.⁴
6. In instances where a BDU has made no effort to adopt at least one of these practices, the Commission will generally consider the entire library of community programming titles available on the on-demand server for the purpose of assessing compliance with exhibition requirements.⁵
7. In addition, BDUs are encouraged to adopt the following practices, which would also improve the discoverability of local and access community programming for viewers:
 - make it possible to find the program produced in each location using the search option (i.e., by keyword); and
 - give pride of place to local programs when viewed in the location where they were produced.

Program grids for community channels and on-demand community programming services

8. When a BDU operating a community channel or an on-demand community programming service is selected⁶ by the Commission to participate in its monitoring exercise, it is to submit the calculations of the total amount of time devoted to each

¹ When participating in a monitoring exercise, BDUs may be required to submit evidence that they have adopted the practices in question (e.g., screen captures).

² The location is the area that is served by either a licensed or exempt BDU and in which the program in question was produced or to which it is relevant.

³ A program tile is a visual display of the program and is generally comprised of an image and of the title of the program. Tiles are grouped and presented on the on-demand interface to allow the viewer to be informed of the various programs available, and can be selected in order to access the associated program.

⁴ Subscribers should not be required to actively search for content that is local to their community. Such information should be provided when the program tile is first displayed. It would be insufficient, for example, to include the location within a description in a separate window.

⁵ Compliance with exhibition requirements for local and access programming will generally be assessed as a percentage of time (on a per-minute or hourly basis).

⁶ BDUs may, for example, be selected at random, or based on previous non-compliance or on any potential non-compliance issues brought to the Commission's attention.

program category (as defined below) and the percentage of the overall total, as well as the following information:

General information

- the licensee or operator of the exempt undertaking;
- the undertaking number (optional);
- the main community served by the community channel, corresponding to the service area of the licensed or exempt BDU;
- whether the location is part of a zone-based community channel; and
- the time period covered by the program grid.

Program information

- the program title;
- the program description;
- the type of program (program category):
 - (A) local community television programming (BDU-produced);
 - (B) access programming produced by a member of the public with the assistance of a BDU (community-produced programs, assisted by the BDU);
 - (C) access programming produced by local not-for-profit community television corporations and community-produced programs, unassisted by the BDU;
 - (D) other community programming (programs produced by other BDUs);
 - (E) announcement promoting broadcasting services, or government and public service announcements; and
 - (F) bulletin board.
- how the program meets the program category definition;
- the language(s) in which the program was broadcast. If the program includes more than one language, the portion (i.e., percentage) of the program broadcast in each language; and
- the length of the program.

Access programming

- the name of the access requester;
- the location of production;
- a confirmation that the access requester resides in the service area; and
- the access requester's role in the program.

Accessibility

- whether the program includes:
 - closed captioning (not applicable to exempt undertakings);
 - audio description (not applicable to exempt undertakings); and/or
 - described video (not applicable to exempt undertakings).

Broadcast information to be submitted by linear community channels only

- the broadcast date;
- the start and end times for the program;
- original or repeat programming (one of the following to be selected):
 - (1) original exhibition of a program that has been distributed by another licensed or exempt BDU; or
 - (2) original, first-run program (original exhibition of a program that has not been distributed by another licensed or exempt BDU); or
 - (3) repeat exhibition of a program.

Broadcast information to be submitted by on-demand community programming services only

- the year of production of the program;
- whether the program is an original first-run program (i.e., not previously broadcast on another community channel or programming service); and
- the period of time the program was offered.