

“Let’s Talk TV” – CRTC Broadcasting Notice of Consultation 2014-190

The CRTC’s current frameworks for broadcast distribution and television programming, its proposals for change and the CRTC’s questions

In late April the CRTC issued a notice inviting public comment on the future of Canada’s television system by asking 80 questions about a series of proposals.

Broadcasting Notice of Consultation 2014-190 <available at: <http://www.crtc.gc.ca/eng/archive/2014/2014-190.htm>> is roughly thirty pages long. It refers to ‘BDUs’ – the abbreviation for Broadcasting Distribution Undertakings, the companies that distribute television signals by cable or satellite. The notice asks 80 questions, grouped in three parts and several subsections.

The Forum for Research and Policy in Communications (FRPC) has summarized the current regulatory approach to Canadian television, the CRTC’s proposals for change, and the CRTC’s questions in the following chart. The summary chart does not reflect our views on the CRTC’s proposals; those will be set out in our 25 June 2014 submission.

Comments about the CRTC’s proposals can be submitted to the CRTC up to and including 8 pm EST on 25 June 2014, by clicking on the ‘submit’ link at the end of Broadcasting Notice of Consultation 2014-190.

A Current framework for television distribution	CRTC proposals and/or questions
How TV services are obtained, and the composition of basic cable or satellite service	
<ul style="list-style-type: none"> Local TV stations are required under the CRTC’s <i>Television Regulations</i> to broadcast their programs over the air using transmitters This allows TV sets in the vicinity to receive TV signals, without cable or satellite subscriptions Subscribing to cable and satellite from cable and satellite services (known as broadcasting distribution undertakings, or BDUs) offers people the chance to obtain a wider range of programming services TV stations were compelled to convert their analog transmitters to digital in 2011 [¶21] 	<p>Eliminate requirement for local TV stations to broadcast their programs using transmitters</p> <p>All television services would be delivered by BDUs</p>
<p>CRTC believes over 700 Canadian and non-Canadian television services are being offered [¶12]</p>	<p>Maximize choice and flexibility</p>
<p>BDUs offer television services basic and discretionary packages</p> <p>Basic service with no exclusions that at least includes For both cable and DTH [¶41]</p> <ul style="list-style-type: none"> provincial educational mandatory national services (9(1)(h) services) provincial legislature of the licensed area, if licensee chooses 	<p>Paragraphs 40-48:</p> <p>Mandate well-promoted small all-Canadian basic service, consisting solely of “important elements of the broadcasting system, such as”:</p> <ul style="list-style-type: none"> local Canadian conventional television stations community channels provincial educational and legislature services mandatory national services (9(1)(h) services)
<p>For cable only</p>	<p>Current 9(1)(h) services are:</p>

Notes: references in square brackets are to CRTC policies, to paragraph numbers in Broadcast Notice of Consultation CRTC 2014-190 – [¶#], or to CRTC Response to Order in Council P.C. 2013-1167 – [OIC]

A Current framework for television distribution	CRTC proposals and/or questions
<ul style="list-style-type: none"> • all local CBC television stations • all other local television stations • any regional CBC television station if there are no local CBC television stations in the same language • if no CBC stations are being distributed, a CBC owned or affiliated station in English and in French • community channel if licensee chooses, or community undertaking licensed for the area • all other regional TV stations unless an affiliated or commonly owned station is being distributed <p>For DTH only</p> <ul style="list-style-type: none"> • CBC English-language and French language network stations, for each province • Stations from two TV groups not owned by major ownership groups <p>Exclusions from cable and DTH basic, such as US TV stations – none</p>	<ul style="list-style-type: none"> • Aboriginal Peoples Television Network (APTN): \$0.25 • Réseau de l'information in anglophone markets: \$0.10 • CBC News Network in francophone markets: \$0.15 • TVA (outside of Quebec): no wholesale rate • The Weather Network/Météomedia: \$0.23 • Cable Public Affairs Channel (CPAC): \$0.11 • AMI-audio, in anglophone markets: \$0.04 • AMI-tv: \$0.20 in anglophone markets and \$0.00 in francophone markets • Canal M, in francophone markets: \$0.02 • Avis de recherche (in Quebec): \$0.06 <p>Exclusions from basic:</p> <ul style="list-style-type: none"> • non-local over-the-air stations (ie, distant signals) – these would become discretionary services • US TV stations [¶143] • All discretionary services [¶143] • All services exempt from licensing requirements [¶143]
<p>Optional packaging approaches for discretionary services</p> <ul style="list-style-type: none"> • Pick and pay • Pre-assembled packages • Build-your-own packages (Quebec – 5, 10, 15 or 20 channels) <p>Discretionary services typically negotiate the rate charged for their services based on the number of subscribers to whom the service will be made available – in theory, the higher the number, the lower the rate – this is known as penetration-based pricing</p>	<p>Mandatory packaging options [¶144]</p> <ul style="list-style-type: none"> • stand-alone pick-and-pay [OIC] • build-your-own package [OIC] • current pre-assembled packages • other pre-assembled packages
<p>Viewers' costs to access Canadian television: BDUs deliver local and other TV signals for a monthly fee; on average Canadian households pay \$52/month for BDU service, and \$185/month for BDU, telephone, internet and wireless service [¶127]</p> <p>“overall growth in BDU subscriptions has been slowing year by year and, according to the Commission's preliminary data, declined for the first time in 2013 as some Canadians choose to opt out of the traditional system entirely” [¶129]</p> <p>Some BDUs do not need to hold licences (they are exempted from licensing), but must still meet the CRTC's carriage and distribution rules:</p> <ul style="list-style-type: none"> • radiocommunication distribution undertakings, when they serve small, rural and/or remote communities • BDUs, when they serve up to 20,000 subscribers outside of areas served by other licensed BDUs 	<p>BNoC 2014-190 does not discuss BDU pricing except to suggest a need for more “dynamic” licensing for BDUs [see ¶115]</p>

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A Current framework for television distribution**CRTC proposals and/or questions**CRTC questions:

Q1. What are the potential effects, both positive and negative, of the proposed approach set out in paragraphs 40 to 48 above on different elements of the broadcasting system, including consumers, discretionary services, BDUs, the production sector, OLMCs and ethnic broadcasters?

Q2. Should this approach apply differently to different types of BDUs (e.g., exempt BDUs and DTH BDUs)?

Q3. Which local television stations should be included in the small basic service offered by DTH BDUs?

Q4. What effect would this approach have on the affordability of television services? Is there a particular impact on the affordability of sports services, for example?

Q5. What effect would this approach have on the cost of program acquisition?

Q6. Should the Commission establish any requirements regarding the size of the various packages that consumers may choose to build (build-your-own-package options)?

Q7. What role, if any, should the Commission or others play in ensuring that a small basic service and packaging options are available and well-promoted to all consumers?

Q8. What role, if any, should the Commission play regarding penetration-based pricing agreements?

Q9. What customer-care system upgrades would be required? How long would they take to implement? What would be the cost?

Q10. Are there barriers to implementing the Commission's proposed approach? What is the earliest feasible timeframe to implement this approach, in light of all the possible implications?

Q12. How should the Commission and Canadians measure the success of the Commission's approach with respect to ensuring choice and flexibility in the selection of programming services?

Access for independent programming services

in 2012/13, BDUs that own specialty, pay, pay-per-view and VOD services

- Served 80% of all BDU subscribers in Canada [¶91]
- owned 49% of all of these services [¶91]
- receive 84% of the services' subscriber revenues [¶91]
- receive 92% of the services' advertising revenues [¶91]

To reduce impact of vertical integration CRTC requires

- BDUs to offer Category A specialty services [¶93]
- BDUs to carry 3 Category B specialty services they do not own, for each Cat B service they own [¶94]
- *Code of conduct for commercial arrangements and interactions* [the VI Code]

Promote competition within locations: remove licensing requirement from BDUs when they serve up to 20,000 subscribers, *in same market as existing BDUs* [¶130]

Add distribution requirements or undue preference provisions? [¶96]

CRTC questions:

Q74. Are any measures needed to promote a more dynamic market for BDUs?

Q75. Would measures such as broadening the BDU exemption order be effective in fostering a more dynamic marketplace? What are the challenges associated with these measures and how can they be overcome?

Q76. How should the Commission and Canadians measure success with respect to enabling a more dynamic market for BDUs?

Canadian and non-Canadian services

Current requirements

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A Current framework for television distribution	CRTC proposals and/or questions
<ul style="list-style-type: none"> Canadian services must predominate [2008-100, at ¶102] Canadian Category A specialty services must be carried as part of package before offered stand alone [2008-100, at ¶128] BDUs must offer French-language markets a discretionary package with all French-language Category A specialty services (unless carried on basic) [2008-100 at ¶128] Cable BDUs must distribute one minority-language Cat A or Cat B service for every 10 majority-language services [¶85] DTH BDUs must distribute all Cat A services [¶85] Non-Canadian packages allowed [2008-100, at ¶111] At least one Canadian third-language or Canadian ethnic service must be carried for every three non-Canadian third-language services [see 2014-93] Preponderance of Canadian services [2008-100, at ¶102] Single point-of-view religious services and adult services must be carried on their own and not in packages [OIC] Canadian national news services must be in ‘best’ discretionary package possible [2013-734] 	<p>Preponderance, or no preponderance? [¶49]</p> <p>Require carriage of services for OLMCs? [¶86]</p> <p>Authorize all non-Canadian services for distribution in Canada unless a particular service “would have an undue negative impact on the Canadian television system” – ie program rights/acquisition issues [¶52]</p> <p>Impact of stand-alone packaging on</p> <ul style="list-style-type: none"> program services? [OIC] program rights? [OIC] 60,000 jobs in Canadian film and production industries [OIC] TV sector employment? [OIC] size of pre-assembled packages? [OIC] programming of specialty services? [OIC] level of specialty services’ original programming? [OIC] Canadian programming expenditures? Program funds? [OIC]

Q11. How can BDUs continue to give priority to the carriage of Canadian programming services? Is there a need to maintain the requirement that each subscriber receives a preponderance of Canadian services?

Information for and about consumers

Current requirements to inform consumers: none (CRTC encouraged notification in Broadcasting Public Notice CRTC 2005-35, but did not issue a regulation requiring information)

CRTC received 1,159 complaints about billing issues in 2013 [¶133]

Inform consumers about [¶132]

- service programming
- service packaging
- service pricing

Establish guidelines for contract clarity and termination of service [¶134]

Industry ombudsman similar to Commissioner for Complaints for Telecommunications Services (CCTS) [¶136]

CRTC questions:

Q7. What role, if any, should the Commission or others play in ensuring that a small basic service and packaging options are available and well-promoted to all consumers?

Q67. How can Canadians best be informed of changes to the programming of services to which they subscribe and the ways in which they are packaged?

Q68. Does the Commission need to intervene to ensure Canadians are better informed?

Q69. How should the Commission measure success with respect to ensuring that Canadians are adequately informed of changes to programming and how services are packaged?

Set-top box [STB] data collection [¶98]

- to measure viewing levels of program more accurately
- to provide viewers with the programming they want to watch
- to provide viewers with the information needed to make

Implement STB measurement system in Canada? [¶103]

Governance to oversee STB measurement system? [¶103]

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A Current framework for television distribution	CRTC proposals and/or questions
informed choices <ul style="list-style-type: none"> large BDUs may share STB data with their television programming services [¶101] 	Impact on viewers' privacy rights [¶99]

CRTC questions:

Q49. Should an STB-based audience measurement system be implemented in Canada?

Q50. The Commission invites parties to propose a concrete model for the establishment of an STB-based audience measurement system that maintains the privacy of individual Canadians.

Q51. What role, if any, should the Commission play in enabling a STB-based audience measurement system?

Q52. What data points can and should be collected?

Q53. What methodology should be used to collect data?

Q54. If the Commission were to enable the collection and use of such data, what privacy protection methods should be established?

Q55. What technical matters must be resolved to establish an STB-based audience measurement system?

Q56. What governance model should oversee the operation of such a system?

Q57. Does the establishment of an STB-based audience measurement system have implications for resources, funding and cost recovery? If so, what are those implications?

BDU subscribers

Subscribers complain about [¶119]

- overbilling
- billing errors
- disconnection fees
- rates increasing while subscription remains same, or while on contract
- unawareness of contract termination fees

Create ombudsman, as some believed that "at times, complaining to the Commission did not produce satisfactory results" [¶135]

Mandate BDU code of conduct [¶135]

- clarity of contract [¶134]
- relation between BDUs and subscribers [¶134]
- termination of service guidelines [¶134]

CRTC questions:

Q77. Do Canadians who wish to change service providers face challenges in making that change? If so, what are these challenges? What should be the Commission's role, if any, in addressing these issues?

Q78. Should guidelines or a code of conduct addressing issues, such as early termination fees, similar to what was established in the Wireless Code[25] be applicable to the BDU market? If so, what specifically should be included?

Q79. Is an industry ombudsman with, for example, a mandate similar in principle to that of the Commissioner for Complaints for Telecommunications Services (CCTS) necessary or desirable? If so, what are the costs associated with creating and maintaining an industry ombudsman?

Q80. How should the Commission and Canadians measure success with respect to empowering Canadians and enabling better BDU-subscriber relationships?

Carriage of non-Canadian services

Non-Canadian services can be distributed by cable/satellite companies if the services do not compete in whole or in part with Canadian pay or specialty services

Must carry one Canadian third-language/ethnic service for up to 3 non-Canadian third-language services distributed in the same principal language (2014-93)

Allow all non-Canadian services to be distributed unless "it can be demonstrated that distributing a particular non-Canadian service would have an undue negative impact on the Canadian television system", [¶52] such as

- If foreign service holds exclusive program rights otherwise available in Canada
- If foreign service is important source of Canadian

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A Current framework for television distribution	CRTC proposals and/or questions
	service's programming

CRTC questions:

Q13. Is there a way to remove barriers to the entry of more non-Canadian programming services into Canada without an undue negative impact on the Canadian television system?

Q14. What are the possible approaches to authorizing non-Canadian services for distribution in Canada, particularly in the absence of genre requirements for Canadian services?

Q15. Should the Commission choose to adopt a test such as that proposed in paragraph 52 above, what evidence should parties be required to provide? Paragraph 52:

52. One possible approach would be to authorize all non-Canadian services for distribution in Canada, except where it can be demonstrated that distributing a particular non-Canadian service would have an undue negative impact on the Canadian television system. For example, a non-Canadian programming service would be approved for distribution in Canada unless it holds exclusive program rights that would otherwise be available in Canada or if the non-Canadian service is an important source of programming for a Canadian service. As with the current approach, the Commission would continue to consider these applications on a case-by-case basis and would rely on evidence filed to demonstrate that authorizing a particular non-Canadian service for distribution in Canada would have an undue negative impact on the Canadian television system.

Q16. How should the Commission and Canadians measure success and determine whether the Commission's approach is providing access to non-Canadian programming services without any undue negative impact on the Canadian television system?

Simultaneous substitution

Temporary replacement of one TV signal with another [¶54]
Should not be disruptive to viewers [¶57]
Previously estimated as being worth approx. \$200 million/year to Canadian TV stations [¶59]
In 2013 458 complaints about simultaneous substitution [¶57]
Ties schedules of Canadian stations to US stations [¶58]

Replace with non-simultaneous substitution or other alternatives [¶61]?

If simultaneous substitution replaced, when?

CRTC questions

Q17. Should simultaneous substitution be maintained? If so, why is it still beneficial and necessary, and why do its benefits outweigh its costs and other drawbacks?

Q18. What is the current and prospective value of simultaneous substitution to broadcasters?

Q19. Are there alternatives to simultaneous substitution, such as non-simultaneous substitution (the replacement of the same program regardless of when it is broadcast), that could fulfill the public policy objectives that simultaneous substitution was implemented to fulfill? If so, what would these alternatives be, why are they necessary, and how could they be implemented?

Q20. If the Commission were to decide to eliminate simultaneous substitution, how, and in what timeframe, should this change be implemented?

Q21. Would the elimination of simultaneous substitution have unintended consequences for French-language television services?

Q22. How should the Commission and Canadians measure success and determine whether the Commission's new approach is achieving its objectives?

B Current framework for television content

CRTC proposal

Licensing of television services

Programming services are now licensed depending on their

Issue licences categorized by type of distribution

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B Current framework for television content

content, technology, element and function [1991-63]:

(Television) Programming Undertaking -

- television - originating programs (includes mother stations and their rebroadcasting undertakings when owned by a single licensee)

(Television) Network -

- television programs

(Community Programs) Network -

- cable community programs

(Satellite to Cable) Programming Undertaking -

- Satellite programs

(Specialty) Programming Undertaking

- Specialty programs

(Pay-TV) Programming Undertaking -

- Pay-television programs

(Radiocommunication) Distribution Undertaking-

- television - rebroadcasting only
- Multi-channel - rebroadcasting only a number of TV and/or radio signals
- Subscription Television (STV) where acting as a rebroadcaster

Distribution (BDU) -

- Includes multipoint distribution systems

(Relay) Distribution Undertaking -

- Cable microwave – retransmitting
- Satellite - retransmitting

CRTC proposal

by cable/satellite companies [¶114]:

Basic services - the current television stations and provincial educational services

Discretionary services -

- the current specialty and pay Category A, B and C services
- services granted a 9(1)(h) order requiring their distribution on basic would continue to be offered on basic, but since these orders are limited to particular periods of time after which they expire, such services would generally be licensed as discretionary services

On-demand services - the current VOD and pay-per-view services

TV services exempted from licensing -

- third-language programming services
- Category B services that serve fewer than 200,000 subscribers
- VOD services operated by exempt BDUs

If genre and mandatory distribution requirements dropped for Category A services [¶115], exempt

- all third-language discretionary services and
- all other discretionary services with a lower number of subscribers

CRTC questions:

Q28. How will programs be delivered in the future (i.e. in five years and 10 years from now) and who will be the future aggregators and curators of programming?

Q62. Should the current types of licences be consolidated to simplify the licensing process? Are there other ways than the approach set out in paragraph 114 above of simplifying this process?

Q63. What licensing criteria would be appropriate for the consolidated types of programming services?

Q65. Should the Commission revise and/or simplify existing exemption orders to take into account a new approach to licensing and, if so, in what way?

Q66. How should the Commission and Canadians measure success with respect to a streamlined Commission approach to licensing and exemption?

Program content

People are concerned about violence and sexuality depicted on

Informed choice = enhanced safeguards and

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B Current framework for television content	CRTC proposal
television [¶126] Canadians with disabilities lack simple way to access programming [¶89]	controls [¶127] Make electronic program guides [127] <ul style="list-style-type: none"> • More informative and user-friendly • More accessible [¶90]
<p><u>CRTC questions:</u></p> <p>Q43. What further actions can broadcasters take to improve the accessibility of programming for persons with disabilities, including, but not limited to the accessibility of program guides, regardless of the platform on which programming is broadcast?</p> <p>Q44. What are the technical issues and costs of increasing the amount and quality of accessible programming, more specifically described video programming, in the system?</p> <p>Q45. What are the technological barriers to improving the accessibility of features—like described video—to persons with disabilities?</p>	
Local television programming	
<ul style="list-style-type: none"> • Offer broad, general interest programming and local programming including news [¶64] • Available free and via BDUs [¶64] • Revenues weakened because of audience fragmentation, decreased ad revenues and competition [¶29] • Weakened revenues impair some stations’ ability to provide local news and to produce compelling Canadian programming [¶66] • Costs include over-the-air transmitters [¶67] – OTA TV technical costs = \$80M in 2012/13 • Few Canadians receive TV over-the-air [¶67] • Local Programming Improvement Fund ends Aug 2014, removing \$40 M from most OTA TV stations [CRTC TV financial summaries] • “overall growth in BDU subscriptions has been slowing year by year and, according to the Commission’s preliminary data, declined for the first time in 2013 as some Canadians choose to opt out of the traditional system entirely” [¶29] 	<p>How to ensure presence of local programming? [¶69]</p> <p>Drop over-the-air transmission requirement? [¶69]</p> <ul style="list-style-type: none"> • Would this add resources to programming? • When should over-the-air transmission be dropped?
<p><u>CRTC questions:</u></p> <p>Q23. Are there alternative ways of fostering local programming? What role, if any, should the Commission play to ensure the presence of local programming? What measures could be put in place?</p> <p>Q24. Is regulatory intervention necessary to maintain access to local television stations and, if so, how could this best be achieved? Given that the vast majority of Canadians receive television services through a cable or satellite subscription, are there compelling reasons to maintain and support OTA transmission? Would the discontinuation of OTA transmission allow local television stations to devote more resources to programming? If the Commission determines that OTA transmission should no longer be required, under what timeframe should this be implemented?</p> <p>Q25. What role, if any, should the Commission play to preserve the diversity of local television stations in the French-language market? Should measures be adopted specifically for this linguistic market?</p> <p>Q26. Is a different approach needed for independent local television stations? What measures, if any, could be put in place?</p> <p>Q27. How should the Commission and Canadians measure success in fostering local programming and allowing</p>	

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B Current framework for television content**CRTC proposal**

broadcasters to revitalize their business models?

Canadian specialty services - genres

Category A services [¶104]

- By condition of licence must provide specific types (genres) of programming, about specific subjects [¶106]
- “In many genres, very little new programming is actually being produced.” [¶107]
- Restricted entry
 - they do not compete directly against each other
 - new services in same genre generally not licensed (exception: Canadian national news; sports)
- wandering outside their genres risks regulatory sanctions
- BDU-owned Cat A services may be profitable thanks to packaging, not programming [¶109]
- BDUs must offer Category A services to subscribers

Category B specialty services

- Open entry
- Program genre set by condition of licence
- May compete with each other
- Not allowed to compete with Category A services
- BDUs need not offer

Category C specialty

- Mainstream news and sports
- Program genre set by condition of licence
- May compete with each other
- Not allowed to compete with Category A services
- BDUs need not offer, but if offered, must be available on best discretionary tier

Drop genre requirements for Canadian services, to enable services to increase self-promotion, program for mass audiences, and/or increase original programming? [¶53, ¶110, Q14; OIC]

Drop mandatory distribution rules for Category A services to create ‘level playing field’ and force them to produce compelling programming so as to attract subscribers [¶¶110-111]

Complete open entry to all services [¶111]

“... some discretionary services currently in operation might not survive in a pure pick-and-pay world. [CRTC] wishes to ensure that a wide range of programming continues to be available to consumers and will also explore how the proposed approach might best be implemented, taking into account the impact it may have on discretionary services.” [¶46]

Loss of discretionary programming services “could have an impact on production” [OIC]

“A requirement to offer all discretionary services on a stand-alone basis would compel most services to negotiate affiliation agreements permitting such distribution. The existing business model for programming services relies on maintaining minimum levels of subscribers. If the number of subscribers decreases, the rate charged by the programming service to the BDU could increase. This practice is known as penetration-based pricing agreements [and] could result in an increase to the retail rate paid by the subscriber. Given this possibility, the Commission intends to closely examine the effect that its proposed approach could have on the cost of individual programming services, for example sports services.” [¶47]

CRTC questions:

Q47. Are measures, such as imposing distribution requirements, undue preference provisions or other measures such as those set out in the VI Code, needed to ensure the availability of non-vertically integrated programming sources and BDUs in the future?

Q48. How should the Commission and Canadians measure success with respect to promoting fair access for non-vertically integrated programming sources?

Q58. Are regulatory measures necessary to promote programming diversity? If so, what measures can best achieve

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B Current framework for television content**CRTC proposal**

this objective?

Q59. What are the implications, both positive and negative, of eliminating the genre exclusivity policy? What would be the earliest feasible timeframe to implement this approach, in light of all the possible implications?

Q60. Even in the absence of genre exclusivity, should programming services be required to identify the broad genres of programming they offer to ensure that consumers get the type of programming they expect from those services? What should these broad genres be?

Q61. How should the Commission and Canadians measure success with respect to ensuring a diversity of programming?

Review Category C national news specialty licensing criteria

When Sun TV news licensed, parties had proposed minimum thresholds for

- category 1 News programming,
- adherence to a journalistic code of ethics,
- the placement of reporters and news bureaus in a number of provinces and
- establishing an enhanced complaints process [¶117]

What criteria would be appropriate in licensing new Canadian national news specialty services? [¶117]

CRTC questions:

Q64. What licensing criteria would be appropriate for Category C national news specialty services?

Canadian programming services - exhibition**Exhibition requirements**

- % of schedule that must be Canadian during broadcast year and prime time is set by regulation for over-the-air TV and is now 55% (down from 60% in 2009)
- Hours of local programming set by condition of licence for over-the-air TV [¶72]
- Time credits for certain programs [¶72]
- Cable companies with large systems must offer a community television channel

- Retain exhibition requirement for local TV? [¶77]
- Otherwise reduce or eliminate for all other Canadian content, or for most types of programs (ie, keep for children's TV) [¶¶77, 80]
- Would elimination of exhibition requirements "be an effective and appropriate incentive for producing Canadian programming or programming of certain types"? [¶80]
- Encourage promotion of Canadian programs in Canada and abroad [¶¶78, 80]

CRTC questions:

Q28. How will programs be delivered in the future (i.e. in five years and 10 years from now) and who will be the future aggregators and curators of programming?

Q34. If exhibition requirements are generally reduced or eliminated, would there still be a need for specific exhibition requirements for particular types of programming, e.g. local or children's programming?

Q35. Should the Commission encourage the promotion of Canadian programs, here and abroad? If so, how?

Q38. How should the Commission and Canadians measure success with respect to encouraging the production of compelling Canadian programming?

Canadian programming services – expenditure requirements and funding sources**Canadian Program Expenditure (CPE) requirements**

- % of program revenues to be allocated to broadcast Canadian programming now set by condition of licence

Proposals

- calculated based on all revenues, including online and on-demand [¶¶77, 79]

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B Current framework for television content	CRTC proposal
<p>[¶72]</p> <ul style="list-style-type: none"> • % of broadcast revenues to be allocated to Canadian program funds and/or community channels also set by regulation [¶75] 	<ul style="list-style-type: none"> • Expand “broadcast revenues” to include all broadcasting activities? [¶80] • CPE applied to local/specialty/pay TV [¶77] • can be used for broadcast and online Canadian programs •
<p>Canada Media Fund, independent production funds, community channels [¶24] based on a percentage of BDU subscriber revenues</p> <p>“The decline in the growth of BDU subscriptions ... has an impact on programming producers. Programming services and BDUs also finance the production of Canadian programming through the revenues they generate. If revenues stagnate or decline, so will the funds available for Canadian programming.” [¶30]</p>	<ul style="list-style-type: none"> • Is current model for funding community channels appropriate? [¶80] • Re-allocate BDU support between community channels, the CMF and independent production funds [¶77] • Impact on purchase of program rights [¶80]? • Impact on independent producer licence fees [¶80]?

CRTC questions:

Q29. Do funding mechanisms for Canadian programming need to be modified to take into account changes in the way Canadian programming is watched?

Q30. Are any regulatory measures required to encourage the production, promotion or presentation of new, compelling and innovative Canadian programming? If so, what would those measures look like?

Q31. Would these measures affect the purchase of program rights and licence fees paid to independent producers?

Q32. Should the Commission encourage the production of certain types of programs as it has done in the past? If so, which types of programs should be supported?

Q33. What form should incentives take? Would eliminating certain requirements, for example, exhibition requirements, be an effective and appropriate incentive for producing Canadian programming or programming of certain types?

Q36. Is the current way to calculate contributions to Canadian programming still appropriate? For example, should the Commission update its definition of broadcasting revenues to reflect all broadcasting activities by licensees?

Q37. Does the current funding model for community channels continue to be appropriate?

Minority communities

Current concerns

- Access to local, community and national programming in official language of official language minority communities (OLMCs) [¶82]
- Lack of coverage and reflection of OLMCs in national broadcasts [¶82]
- Since 2009 CRTC has made distribution mandatory of French-language and English-language services in OLMCs and imposed requirements on CBC [¶84]
- Few services provide programming to Indigenous peoples [¶87]
- Mainstream broadcasters carry little programming from Indigenous producers [¶87]
- Inadequate presence on-screen and portrayal of ethnic communities [¶88]

If genre and mandatory distribution requirements dropped for Category A services [¶115], exempt

- all third-language discretionary services and
- all other discretionary services with a lower number of subscribers

CRTC questions:

Notes: references in square brackets are to CRTC policies, to paragraph numbers in Broadcast Notice of Consultation CRTC 2014-190 – [¶#], or to CRTC Response to Order in Council P.C. 2013-1167 – [OIC]

B Current framework for television content**CRTC proposal**

Q39. Do OLMCs have appropriate access to a diversity of programming services in their language? If not, are regulatory measures needed to achieve this objective?

Q40. Are OLMCs adequately reflected on television? If not, are regulatory measures needed to achieve this objective?

Q41. Is there appropriate access to a diversity of programming by and for Aboriginal peoples? If not, are regulatory measures needed to achieve this objective?

Q42. Is there appropriate access to a diversity of programming by and for third-language communities? If not, are regulatory measures needed to achieve this objective?

Q46. How should the Commission and Canadians measure success with respect to ensuring that television services are made available and well promoted to underserved audiences?

Notes: references in square brackets are to CRTC policies, to paragraph numbers in Broadcast Notice of Consultation CRTC 2014-190 – [¶#], or to CRTC Response to Order in Council P.C. 2013-1167 – [OIC]