



## Broadcasting Regulatory Policy CRTC 2010-786-1

PDF version

Additional references: 2010-786 and 2009-430

Ottawa, 18 July 2011

### Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2

1. In Broadcasting and Telecom Regulatory Policy 2009-430, the Commission set out various conditions of licence, expectations and encouragements relating to accessibility of telecommunications and broadcasting services. Included in that regulatory policy is the expectation that, when closed captioning is available, television broadcasters provide viewers with a closed captioned version of all programming aired during the overnight period.
2. Appendices 1 and 2 to Broadcasting Regulatory Policy 2010-786 set out the standard conditions of licence, expectations and encouragements for Category B specialty and pay services, respectively, and include accessibility conditions of licence, expectations and encouragements set out in Broadcasting and Telecom Regulatory Policy 2009-430. An administrative error resulted in the omission of the above-noted expectation from Appendices 1 and 2 of Broadcasting Regulatory Policy 2010-786. Accordingly, the following expectation from Broadcasting and Telecom Regulatory Policy 2009-430 should have been included in those appendices:

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.
3. In the interest of clarity, the Commission has reproduced the appendices to Broadcasting Regulatory Policy 2010-786, with the above-noted expectation, as Appendices 1 and 2 to the present regulatory policy. Any newly approved Category B specialty or pay service, as well as all Category B specialty or pay services that have been approved since the issuance of Broadcasting Regulatory Policy 2010-786 and that are subject to that regulatory policy, will be subject to the **conditions of licence**, expectations and encouragements set out in Appendices 1 and 2 to the present regulatory policy.

Secretary General

#### Related documents

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

# Appendix 1 to Broadcasting Regulatory Policy CRTC 2010-786-1

## Corrected Appendix 1 to Broadcasting Regulatory Policy CRTC 2010-786

### Standard conditions of licence, expectations and encouragements for Category B specialty services

#### General

The following terms and conditions of licence are applicable to all Category B specialty services, except where an authorization which represents a change from or addition to these terms and conditions is included in the decision granting a particular licence.

Category B specialty services are also subject to the *Specialty Services Regulations, 1990*.

The distribution of Category B specialty services is subject to the applicable distribution rules set out in *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008.

#### Conditions of licence

1. The licensee shall adhere to the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
2. The licensee shall adhere to the *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
3. The licensee shall adhere to the *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.

5. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as subsequently amended by the Commission,<sup>[1]</sup> the licensee shall:
- ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned by no later than the fourth year of the licence term;
  - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
6. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.
7. In regard to the broadcast of advertising material:
- a) Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour.
  - b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.

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<sup>[1]</sup> See *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010; *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.

- c) In addition to the twelve (12) minutes of advertising material referred to in subparagraph a), the licensee may broadcast partisan political advertising during an election period.
  - d) The licensee shall not broadcast any paid advertising material other than national paid advertising.
8. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that not less than 95% of the video and audio components of the high definition and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
  9. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, within 30 days of its execution, for the Commission's review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.
  10. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.
  11. If the licensee broadcasts adult programming, the licensee shall adhere to section D.3 of the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003.

**For English- or French-language (or both) services only**

12. In regard to the broadcast of Canadian programs:
  - a) In the first year of operation, the licensee shall devote not less than 15% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.
  - b) In the second year of operation, the licensee shall devote not less than 25% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.
  - c) In the third year of operation, and in each broadcast year thereafter, the licensee shall devote not less than 35% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.

**For ethnic/third-language services only**

13. In each broadcast year or portion thereof, the licensee shall devote not less than 15% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.

**For music video services only**

14. In addition to the minimum levels of Canadian content set out in conditions of licence 12 and 13 above, the licensee shall devote not less than:

- a) In the first year of operation, the licensee shall devote not less than 20% of the total number of music videos broadcast during each broadcast week to Canadian music videos.
- b) In the second year of operation, the licensee shall devote not less than 25% of the total number of music videos broadcast during each broadcast week to Canadian music videos.
- c) In the third year of operation, and in each broadcast year thereafter, the licensee shall devote not less than 30% of the total number of music videos broadcast during each broadcast week to Canadian music videos.

For the purposes of these conditions of licence, all time periods shall be calculated according to Eastern Standard Time. Further,

- “Broadcast year,” “broadcast month,” “evening broadcast period” and “clock hour” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.
- “Broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*.
- “First year of operation” and “Year 1” shall mean the period in which the licensee is first in operation for a period exceeding 90 days, excluding any free trial period, and ending on 31 August of that calendar year.
- “Second year of operation” and “Year 2” and corresponding terms referring to subsequent years of operation shall mean the broadcast year or years following the first year of operation.
- “Paid national advertising” shall mean advertising material as defined under the *Specialty Services Regulations, 1990* and that is purchased at a national rate and receives national distribution on the service.

## **Expectations**

### **Accessibility**

The Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the licensee is expected to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program;
- make information available regarding the described programs that it will broadcast; and
- provide viewers with a closed captioned version of all programming aired during the overnight period, when captions are available.

### **On-screen portrayal of ethnocultural minorities, Aboriginal peoples, and persons with disabilities**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

### **Employment equity**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992 (Public Notice 1992-59), licensees with 100 or more employees are subject to the *1996 Employment Equity Act*. If the licensee has between 25 and 99 employees, the Commission expects the licensee to have in place an employment equity plan that addresses the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities), as set out in Public Notice 1992-59 and in *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC 1997-34, 2 April 1997.

In implementing its employment equity plan, the Commission further expects the licensee to:

- ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
- assign a senior level person to be responsible for tracking progress and monitoring results; and
- dedicate financial resources to the promotion of employment equity in the workplace.

**Broadcast of adult programming**

If the licensee broadcasts adult programming, the Commission expects the licensee to provide its proposed internal policy on adult programming at least one month prior to the implementation of the service, as required by the Commission in *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.

The Commission expects the licensee to adhere to its internal policy on adult programming once reviewed and approved by the Commission.

**Encouragements**

The Commission encourages the licensee to repeat the standard described video logo and audio announcement indicating the presence of described video following each commercial break.

If the licensee has fewer than 25 employees, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

# Appendix 2 to Broadcasting Regulatory Policy CRTC 2010-786-1

## Corrected Appendix 2 to Broadcasting Regulatory Policy CRTC 2010-786

### Standard conditions of licence, expectations and encouragements for Category B pay services

#### General

The following terms and conditions of licence are applicable to all Category B pay services, except where an authorization which represents a change from or addition to these terms and conditions is included in the decision granting a particular licence.

Category B pay services are also subject to the *Pay Television Regulations, 1990*.

The distribution of Category B pay services is subject to the applicable distribution rules set out in *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008.

#### Conditions of licence

1. The licensee shall adhere to the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
2. The licensee shall adhere to the *Pay television and pay-per-view programming code regarding violence*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
3. The licensee shall adhere to the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.



5. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, as subsequently amended by the Commission,<sup>[2]</sup> the licensee shall:
- ensure that sponsorship messages and promos in the English and French languages are closed captioned by no later than the fourth year of the licence term;
  - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
  - implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. “Original form” means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.
6. The licensee shall provide audio description for all the key elements of Canadian information programs, including news programming. For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the key textual and graphic information that is displayed on the screen during information programs.
7. The licensee is authorized to make available for distribution both a standard definition and a high definition version of its service, provided that not less than 95% of the video and audio components of the high definition and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in high definition.
8. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, within 30 days of its execution, for the Commission’s review, a copy of the programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.

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<sup>[2]</sup> See *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010; *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.

9. If the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

For the purposes of these conditions of licence, all time periods shall be calculated according to Eastern Standard Time. Further,

- “Broadcast year,” “broadcast month,” “evening broadcast period” and “clock hour” shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.
- “Broadcast week” shall have the same meaning as that set out in the *Radio Regulations, 1986*.
- “First year of operation” and “Year 1” shall mean the period in which the licensee is first in operation for a period exceeding 90 days, excluding any free trial period, and ending on 31 August of that calendar year.
- “Second year of operation” and “Year 2” and corresponding terms referring to subsequent years of operation shall mean the broadcast year or years following the first year of operation.

## **Expectations**

### **Accessibility**

The Commission expects the licensee to acquire and make available described versions of programming whenever possible.

Further, the licensee is expected to:

- display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program;
- make information available regarding the described programs that it will broadcast; and
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### **On-screen portrayal of ethnocultural minorities, Aboriginal peoples, and persons with disabilities**

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### **Employment equity**

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992 (Public Notice 1992-59), licensees with 100 or more employees are subject to the *1996 Employment Equity Act*. If the licensee has between 25 and 99 employees, the Commission expects the licensee to have in place an employment equity plan that addresses the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities), as set out in Public Notice 1992-59 and in *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC 1997-34, 2 April 1997.

In implementing its employment equity plan, the Commission further expects the licensee to:

- ensure that the details of the licensee's employment equity policies are communicated to managers and staff;
- assign a senior level person to be responsible for tracking progress and monitoring results; and
- dedicate financial resources to the promotion of employment equity in the workplace.

### **Broadcast of adult programming**

If the licensee broadcasts adult programming, the Commission expects the licensee to provide its proposed internal policy on adult programming at least one month prior to the implementation of the service, as required by the Commission in *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.

The Commission expects the licensee to adhere to its internal policy on adult programming once reviewed and approved by the Commission.

### **Encouragements**

The Commission encourages the licensee to repeat the standard described video logo and audio announcement indicating the presence of described video following each commercial break.

If the licensee has fewer than 25 employees, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.