



## Broadcasting Notice of Consultation CRTC 2016-427

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Ottawa, 26 October 2016

### Call for comments on proposed amendments to exemption orders for various types of radio programming undertakings

*The Commission calls for comments on amendments to exemption orders for various types of radio programming undertakings. These amendments relate to registering certain such undertakings with the Commission prior to their launch, and to the eligibility to operate under certain exemption orders for persons found to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption.*

*The deadline for the submission of comments is **25 November 2016**.*

#### Background

1. The Commission is responsible for regulating and supervising the Canadian broadcasting system, including regulating radio programming undertakings in Canada and ensuring that they broadcast in compliance with their licences or with an exemption issued by the Commission.
2. Section 9(4) of the *Broadcasting Act* (the Act) sets out the power of the Commission to exempt any class of undertakings from the requirements of any regulations “where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in section 3(1).”
3. Broadcasting exemption orders set out all of the terms and conditions under which such undertakings must operate in order to be eligible to broadcast without obtaining a licence. Their purpose is to alleviate the regulatory burden on broadcasters and use fewer Commission resources for small, temporary or specific/niche radio services that will have little impact on licensed broadcasters.
4. Exempt broadcasting undertakings must comply at all times with the criteria set out in the applicable exemption order, and must meet certain technical requirements with the Department of Industry (the Department) when broadcasting over the air. Failure to do so could mean that they are not broadcasting in accordance with an exemption order and, therefore, may be broadcasting, in whole or in part in Canada, without a broadcasting licence, contrary to the Act.
5. In Broadcasting Decisions 2016-414 and 2016-419, the Commission issued mandatory orders for Surrey Myfm inc. and Ravinder Singh Pannu, and for 89.3 Surrey City FM Ltd. and Gurpal Singh Garcha, respectively, as they were purportedly operating exempt low-power tourist information related radio programming undertakings but were not

operating those undertakings in accordance with the conditions of the exemption order for such undertakings<sup>1</sup> and had not been granted broadcasting licences by the Commission. As set out in that exemption order, the purpose of these undertakings is to “provide the public with live or pre-recorded messages with tourist related information that may include information about local traffic, weather and marine conditions, road and boating conditions, highway construction and closures, airport arrival and departure information, ferry and train schedules, current border crossing regulations and wait times, marine traffic information, conditions on bridges and in mountain passes, advisories of approaching large vehicles (example: logging trucks and large construction and road maintenance vehicles) and any other locally relevant information relating to attractions and events of interest to tourists or the public.”

6. Further, in Broadcasting Decision 2016-421, the Commission issued mandatory orders for Sur Sagar Radio Inc. and Ravinder Singh Pannu, who were purportedly operating an exempt low-power radio programming undertaking providing programming that is derived solely from houses of worship but were not operating that undertaking in accordance with the conditions of the exemption order for such undertakings<sup>2</sup> and had not been granted a broadcasting licence by the Commission. As set out in that exemption order, the purpose of these undertakings is to “provide live local broadcasts of religious services, weddings, funerals, and other such religious celebrations and ceremonies.”
7. Based on its experiences with the above-noted undertakings, the Commission is concerned that some broadcasters may seek to use an exemption order to circumvent the licensing process and launch radio programming undertakings that would otherwise require a licence, which could have a negative impact on licensed services. This concern relates in particular to the exemption order for low-power tourist information related radio programming undertakings, from which the prohibition on advertising was recently deleted.<sup>3</sup>
8. In light of the above, the Commission considers it appropriate to make certain amendments to various exemption orders for radio programming undertakings.

### **Proposed amendments**

9. To prevent broadcasters from misusing the Exemption order for low-power tourist information related radio programming undertakings, the Commission proposes to amend that exemption order to require that any person seeking to operate such an undertaking register with the Commission prior to the commencement of operations. Although this requirement will be interpreted to mean that the registration must be filed upon receipt of the broadcasting certificate from the Department, it is recommended that it be filed at the same time as the undertaking submits its application to the Department. This registration is strictly for information purposes. Among other things, it will allow the Commission to identify and contact the undertakings if necessary as well as to know the number of such undertakings

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<sup>1</sup> See Broadcasting Order 2014-447.

<sup>2</sup> See Broadcasting Order 2013-621.

<sup>3</sup> See Broadcasting Order 2013-620.

operating under the exemption order. Completion of the registration form does not constitute a Commission determination that the undertaking in question meets the exemption criteria.

10. The Commission also considers that persons found not to be operating in accordance with an exemption and, therefore, to have been carrying on a broadcasting undertaking without a licence, should be prevented from operating an exempt radio programming undertaking in the future. This would serve as an incentive to encourage compliance. Accordingly, the Commission proposes to amend the following exemption orders such that any person who has been found to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption order, contrary to the Act, will not be permitted to operate such an exempt radio programming undertaking without a licence or permission from the Commission:

- Exemption order for low-power tourist information related radio programming undertakings (see Broadcasting Order 2014-447);
- Exemption order for low-power radio stations that provide programming from houses of worship (see Broadcasting Order 2013-621);
- Exemption order respecting certain native radio undertakings (see Broadcasting Order 2014-448);
- Exemption order respecting radio and television temporary network special event type 1 undertakings (see Broadcasting Order 2009-182);
- Exemption order respecting low-power radio: Limited duration special event facilitating undertakings (see Public Notice 2000-10);
- Exemption order respecting low-power radio: Ultra low power announcement service (LPAS) undertakings (see Public Notice 2000-10);
- Exemption order respecting carrier current undertakings whose services are not carried on distribution undertakings (see Public Notice 2000-10).

### Call for comments

11. The Commission invites comments on proposed amendments to the above-noted exemption orders, which are set out in bold in the appropriate appendices to this notice.<sup>4</sup> The Commission will accept interventions that it receives on or before **25 November 2016**.

### Procedure

12. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions,

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<sup>4</sup> Housekeeping amendments have also been made to certain exemption orders to address out of date information in certain provisions. Specifically, the Commission has replaced the Canadian Association of Broadcasters' former *Sex-Role Portrayal Code* with its *Equitable Portrayal Code* (Appendices 3, 5 and 7), and has deleted the 31 March 2015/2016 deadlines for the implementation of a public alerting system (Appendices 1 and 3). In addition, subheadings have been added to facilitate the reading of the exemption orders. They do not add any substantive elements.

answers, replies and requests for information; the procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

13. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
14. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line **\*\*\*End of document\*\*\*** should follow the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.
15. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
16. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

**by completing the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

17. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
18. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be

notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.

19. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

### **Important notice**

20. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
21. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
22. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
23. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

### **Availability of documents**

24. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
25. Documents are also available from Commission offices, upon request, during normal business hours.

## **Location of Commission offices**

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Secretary General

## **Related documents**

- *Sur Sagar Radio Inc. and Ravinder Singh Pannu – Issuance of mandatory orders*, Broadcasting Decision CRTC 2016-421 and Broadcasting Orders CRTC 2016-422, 2016-423 and 2016-424, 20 October 2016
- *89.3 Surrey City FM Ltd. and Gurpal Singh Garcha – Issuance of mandatory order*, Broadcasting Decision CRTC 2016-419 and Broadcasting Order CRTC 2016-420, 20 October 2016
- *Surrey Myfm inc. and Ravinder Singh Pannu – Issuance of a mandatory orders*, Broadcasting Decision CRTC 2016-414 and Broadcasting Orders CRTC 2016-415, 2016-416, 2016-417 and 2016-418, 20 October 2016
- *Filing submissions for Commission proceedings in accessible formats*, Broadcasting and Telecom Information Bulletin CRTC 2015-242, 8 June 2015
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy

CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014

- *Exemption order for low-power radio stations that provide programming from houses of worship*, Broadcasting Order CRTC 2013-621, 21 November 2013
- *Exemption order for low-power radio stations that provide tourist information*, Broadcasting Order CRTC 2013-620, 21 November 2013
- *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC 2010-959, 23 December 2010
- *Amendment to Exemption order respecting radio and television temporary network special event type 1 undertakings*, Broadcasting Order CRTC 2009-182, 7 April 2009
- *Final revisions to certain exemption orders*, Public Notice CRTC 2000-10, 24 January 2000



# Appendix 1 to Broadcasting Notice of Consultation CRTC 2016-427

## Proposed amendments to the Exemption order for low-power tourist information related radio programming undertakings

### Exemption order for low-power tourist information related radio programming undertakings

Pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), the Commission by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

#### Purpose

The purpose of these radio programming undertakings is to provide the public with live or pre-recorded messages with tourist related information that may include information about local traffic, weather and marine conditions, road and boating conditions, highway construction and closures, airport arrival and departure information, ferry and train schedules, current border crossing regulations and wait times, marine traffic information, conditions on bridges and in mountain passes, advisories of approaching large vehicles (example: logging trucks and large construction and road maintenance vehicles) and any other locally relevant information relating to attractions and events of interest to tourists or the public.

#### Description

##### General

1. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by that Department.
2. The low-power undertaking operates between 525 kHz and 1705 kHz in the AM frequency band or between 88 MHz and 107.5 MHz in the FM frequency band. The undertaking broadcasts with a transmitter power of less than 100 watts in the AM band, and with a maximum effective radiated power of 50 watts with a maximum transmitting antenna height of 60 metres in the FM band as defined by the Department of Industry in Parts II and III of its *Broadcasting Procedures and Rules*.
3. The Commission would not be prohibited from licensing the undertaking by virtue of the *Direction to the CRTC (Ineligibility of Non-Canadians)*.

##### Programming

4. The programming provided by the undertaking consists of live or pre-recorded messages which provide the public with information about local traffic, weather and marine conditions, road and boating conditions, highway construction and closures, airport arrival and departure information, ferry and train schedules, current border crossing regulations and wait times, conditions on bridges and in mountain passes, advisories of approaching large vehicles

(example: logging, construction, road maintenance and other large vehicles) and any other locally relevant information relating to attractions and events of interest to tourists.

5. The undertaking does not rebroadcast the programming service of any licensed or exempted radio or television undertaking.
6. The programming provided by the undertaking contains no musical selections, except as incidental background music.
7. The undertaking does not broadcast programming that is religious or political in nature.
8. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.
9. The undertaking adheres to the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

#### **Public Alerting System**

10. The undertaking
  - a) has implemented a public alerting system on all its stations that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System, that
    - (i) announces an imminent or unfolding danger to life; and
    - (ii) is designated by the applicable issuing authority for immediate broadcast in the station's AM 5 mV/m contour or FM 0.5 mV/m contour, as the case may be.
  - b) shall implement the public alerting system for each of its transmitters.
  - c) shall broadcast the alert on transmitters that serve the area that is targeted by the alert.
  - d) shall take all reasonable measures to ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada, Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purposes of this provision, the terms "issuing authority" and "National Alert Aggregation and Dissemination System" shall have the same meaning as that set out in the *Radio Regulations, 1986*.

**Registration**

- 11. The undertaking registers with the Commission prior to commencement of operations (i.e., upon receipt of the broadcasting certificate from the Department of Industry) using the form prescribed by the Commission for registration of low-power tourist information related radio programming undertakings. The undertaking is required to update the registration within 30 days of any change of information.**

**Compliance with the *Broadcasting Act***

- 12. Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## **Appendix 2 to Broadcasting Notice of Consultation CRTC 2016-427**

### **Proposed amendments to the Exemption order for low-power radio programming undertakings providing programming that is derived solely from houses of worship**

#### **Exemption order for low-power radio programming undertakings providing programming that is derived solely from houses of worship**

By this order, pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), the Commission exempts from the requirements of Part II of the Act and any regulations made thereunder those persons carrying on broadcasting undertakings of the class defined by the criteria set out below.

#### **Purpose**

The purpose of these radio programming undertakings is to provide live local broadcasts of religious services, weddings, funerals, and other such religious celebrations and ceremonies.

#### **Description**

##### **General**

1. The undertaking meets all technical requirements of the Department of Industry (the Department) and has acquired all authorizations or certificates prescribed by that Department.
2. The low-power undertaking operates between 525 kHz and 1705 kHz in the AM frequency band or between 88 MHz and 107.5 MHz in the FM frequency band. The undertaking broadcasts with a transmitter power of less than 100 watts in the AM band, and with a maximum effective radiated power of 50 watts with a maximum transmitting antenna height of 60 metres in the FM band as defined by the Department in Parts II and III of its *Broadcasting Procedures and Rules*.
3. The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament or any direction to the Commission by the Governor in Council.

##### **Programming**

4. The programming provided by the undertaking consists solely of live local broadcasts of religious services, weddings, funerals, and other such religious celebrations and ceremonies.
5. The programming provided by the undertaking contains no advertising material.
6. The undertaking does not broadcast the programming of any other programming undertaking.
7. The undertaking does not broadcast any musical selections unless they form an integral part of the religious ceremony being broadcast.

8. The undertaking's programming complies with the guidelines on ethics for religious programming set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, regarding tolerance, integrity, social responsibility and the solicitation of funds.
9. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code*, as amended from time to time and approved by the Commission.

**Compliance with the *Broadcasting Act***

- 10. Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## Appendix 3 to Broadcasting Notice of Consultation CRTC 2016-427

### Proposed amendments to the Exemption order respecting certain native radio undertakings

#### Exemption order respecting certain native radio undertakings

The Commission, by this order made pursuant to section 9(4) of the *Broadcasting Act* (the Act), exempts those persons carrying on radio programming undertakings of the class defined below from the requirements of Part II of the Act, with the exception of the requirements set out in sections 32 and 34. Such persons shall also be subject to the requirements of sections 3, 3.1, 4 and 5 (broadcasting content) of the *Radio Regulations, 1986*, with the necessary modifications.

#### Purpose

The purpose of these radio programming undertakings is to provide radio programming that reflects the interests and needs of, and is specifically oriented to, the native communities they serve. These undertakings have a distinct role in fostering the development of aboriginal cultures and, where possible, the preservation of ancestral languages. These undertakings broadcast programming in any native Canadian language or in either or both of the two official languages, and make the greatest practicable use of Canadian creative and other resources in the creation and presentation of programming.

#### Description

##### General

1. The undertaking is owned and controlled by a not-for-profit organization whose structure provides for board membership by the native population of the region served.
2. The primary purpose of the undertaking is not to provide a religious programming service.
3. No commercial AM, FM or digital radio programming undertaking or terrestrial radiocommunication distribution undertaking that distributes the programming of a commercial radio undertaking is licensed to operate in all or in any part of the undertaking's geographical area enclosed within: (a) in the case of a native AM station, the 5 millivolt-per-metre daytime official contour; or (b) in the case of a native FM station, the 500 microvolt-per-metre official contour. For greater clarity, the official contour includes the service contour marked for each transmitter on the map that pertains to that station and that is most recently published under the *Department of Industry Act* by the Minister of Industry.
4. The Commission would not be prohibited from licensing the undertaking by virtue of any Act of Parliament, of the *Direction to the CRTC (Ineligibility of Non-Canadians)*, the *Direction to the CRTC (Ineligibility to Hold Broadcasting Licences)* or of any other direction to the Commission by the Governor in Council.

5. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code* and the provisions of the CAB's *Broadcast Code for Advertising to Children* as may be amended from time to time and approved by the Commission.
6. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.

#### **Public Alerting System**

7. The undertaking
  - a) has implemented a public alerting system on all its stations that broadcasts without delay, on a given station, any audio alert that it receives from the National Alert Aggregation and Dissemination System, that
    - (i) announces an imminent or unfolding danger to life; and
    - (ii) is designated by the applicable issuing authority for immediate broadcast in the station's AM 5 mV/m contour or FM 0.5 mV/m contour, as the case may be.
  - b) shall implement the public alerting system for each of its transmitters.
  - c) shall broadcast the alert on transmitters that serve the area that is targeted by the alert.
  - d) shall ensure that the alerts that it broadcasts are in conformity with the specifications and recommended practices set out in the document entitled *National Public Alerting System: Common Look and Feel Guidance*, produced at the request of the Federal/Provincial/Territorial Public Alerting Working Group of Senior Officials Responsible for Emergency Management with the support of Defence Research and Development Canada – Centre for Security Science, Canadian Safety and Security Program, and in consultation with the public-private Common Look and Feel Working Group, as that document is amended from time to time.

For the purposes of this provision, the terms “issuing authority” and “National Alert Aggregation and Dissemination System” shall have the same meanings as those set out in the *Radio Regulations, 1986*.

#### **Compliance with the *Broadcasting Act***

8. **Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## **Appendix 4 to Broadcasting Notice of Consultation CRTC 2016-427**

### **Proposed amendments to the Exemption order respecting radio and television temporary network special event type 1 undertakings**

#### **Exemption order respecting radio and television temporary network special event type 1 undertakings**

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria.

#### **Purpose**

The purpose of these radio and/or television network undertakings is to supply radio and/or television stations licensed or exempted by the Commission with coverage of unexpected, non-recurring events, such as special concerts and commemorative programs, recurring annual special events such as awards shows and fund-raising telethons, or of public emergencies such as natural disasters and major accidents.

#### **Description**

##### **General**

1. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
2. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.

##### **Programming**

3. The undertaking is a network operation and, in Canada, distributes programming to licensed or exempted radio or television undertakings only.
4. The undertaking
  - a) distributes its programming for a period of less than 24 consecutive hours, where the broadcast is either a one-time, non-recurring event, or a recurring annual special event, or
  - b) distributes its programming over a period of not more than seven consecutive days, where the broadcast is of a public emergency.
5. The programming is live or pre-recorded and, if the latter, is broadcast within 24 hours of the original recording.
6. The undertaking does not broadcast programming that is religious or political in nature.
7. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code* and the



provisions of the CAB's *Broadcast Code for Advertising to Children* as may be amended from time to time and approved by the Commission.

**Compliance with the *Broadcasting Act***

- 8. Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## **Appendix 5 to Broadcasting Notice of Consultation CRTC 2016-427**

### **Proposed amendments to the Exemption order respecting low-power radio: Limited duration special event facilitating undertakings**

#### **Exemption order respecting low-power radio: Limited duration special event facilitating undertakings**

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

#### **Purpose**

The purpose of these radio programming undertakings is to allow those attending special, generally recognized events a fuller appreciation of those events through the provision of locally originated informational programming related directly to these events.

#### **Description**

##### **General**

1. The undertaking operates between 525 and 1705 kHz in the AM frequency band, or between 88 and 108 MHz in the FM frequency band.
2. The undertaking broadcasts at a power of less than 100 watts transmitter power for AM, or with an effective radiated power (ERP) of 50 watts or less for FM.
3. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
4. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.

##### **Programming**

5. The undertaking originates all of its programming from the property upon which the event takes place.
6. The undertaking does not rebroadcast the programming of any other undertaking.
7. The undertaking operates as ancillary to and for the purpose of facilitating a special event.
8. The undertaking restricts its programming to the specific recognized (sports, cultural or touristic) event and does not duplicate the programming service of any licensed or exempted radio undertaking or the audio portion of a licensed or exempted television undertaking.
9. The undertaking does not broadcast programming that is religious or political in nature.

10. The undertaking is operated for a single period, in respect of any special event, consisting of no more than 28 consecutive days in any calendar year.
11. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code* and the provisions of the CAB's *Broadcast Code for Advertising to Children* as may be amended from time to time and approved by the Commission.
12. In this section:

“commercial message” means an advertisement intended to sell or promote goods, services, natural resources or activities and includes an advertisement that mentions or displays in a list of prizes the names of the person selling or promoting those goods, services, natural resources or activities;

“sponsor identification” means the identification of a sponsor of a program or program segment other than a commercial message or a promotion with sponsor mention; and

“promotion with sponsor mention” means verbal or musical material promoting increased listening to the station or to specific announcers, programs or programming elements, when accompanied by the identification of a sponsor.

The undertaking limits on-air commercial activity to sponsor identification or promotion with sponsor mention.

#### **Compliance with the *Broadcasting Act***

13. **Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## **Appendix 6 to Broadcasting Notice of Consultation CRTC 2016-427**

### **Proposed amendments to the Exemption order respecting low-power radio: Ultra low power announcement service (LPAS) undertakings**

#### **Exemption order respecting low-power radio: Ultra low power announcement service (LPAS) undertakings**

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

#### **Purpose**

The purpose of these radio programming undertakings is to allow those such as real estate agents, store owners and local authorities to communicate to the public messages of an informative, sometimes commercial nature, regarding their activities by means of ultra low-power transmitters, e.g., “talking signs.”

#### **Description**

##### **General**

1. The undertaking operates between 525 and 1705 kHz in the AM frequency band, or between 88 and 107.5 MHz in the FM frequency band.
2. In the case of an undertaking using the AM broadcasting band, the maximum power output of the transmitter into its antenna, without modulation, does not produce a field strength, as measured at a distance of 30 metres, of more than 0.25 millivolts per metre (mV/m) and, in the case of an undertaking using the FM broadcasting band, the maximum power output of the transmitter into its antenna, without modulation, does not produce a field strength, as measured at a distance of 30 metres, of more than 0.1 mV/m.
3. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
4. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certifications prescribed by the Department.

##### **Programming**

5. The undertaking originates all of its programming.
6. The undertaking does not rebroadcast the programming of another undertaking.
7. The undertaking does not broadcast programming that is religious or political in nature.
8. The undertaking, if it promotes commercial activity, e.g., “talking signs,” or is commercially oriented, does not broadcast the same message on more than one transmitter.

**Compliance with the *Broadcasting Act***

- 9. Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**

## Appendix 7 to Broadcasting Notice of Consultation CRTC 2016-427

### Proposed amendments to the Exemption order respecting carrier current undertakings whose services are not carried on distribution undertakings

#### Exemption order respecting carrier current undertakings whose services are not carried on distribution undertakings

The Commission, pursuant to subsection 9(4) of the *Broadcasting Act*, by this order, exempts from the requirements of Part II of the Act and any regulations, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

#### Purpose

The purpose of these carrier current undertakings is to provide a locally originated programming service for the benefit of residents of such institutions as colleges and universities.

#### Description

##### General

1. The undertaking operates between 525 and 1705 kHz in the AM frequency band, using a transmitter that radiates a signal solely through the electrical system of a building or adjacent buildings.
2. The undertaking operates so that the maximum power output of the transmitter into the electrical system of the building(s) does not produce a field strength exceeding 15 microvolts-per-metre ( $\mu\text{V/m}$ ) at a distance from the property served given by the equation:

$$d = \frac{48,000}{f}$$

where  $d$  is the distance in metres, and  $f$  is the frequency in kHz.

3. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
4. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.

##### Programming

5. The programming of the undertaking is not distributed by any distribution undertaking.
6. The undertaking's programming complies with the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Equitable Portrayal Code* and the provisions of the CAB's *Broadcast Code for Advertising to Children* as may be amended from time to time and approved by the Commission.

**Compliance with the *Broadcasting Act***

- 7. Neither the undertaking nor any person involved with the undertaking, including but not limited to involvement with the ownership, operation, management and financing of the undertaking, has been found by the Commission to have been carrying on a broadcasting undertaking in whole or in part in Canada without a licence or without authorization pursuant to an exemption, contrary to the *Broadcasting Act*, after [date of coming into force of this provision]. Or, if such a finding has been made by the Commission, the undertaking or person involved with the undertaking has obtained prior written permission from the Commission to operate under this exemption order.**