

APPENDIX F:
PROPOSED COMMUNITY TELEVISION POLICY

General

This policy replaces Broadcasting Regulatory Policy CRTC 2010-622, *Community television policy*. Adherence to this policy shall be made a condition of licence or exemption order for Canadian broadcasting distribution undertakings (BDUs) and Licensees (as defined below) and to the extent possible, the terms of the Community Media Policy shall be included in the regulations applicable to Canadian BDUs and Licensees.

Objectives

The Policy has been created to satisfy the following objectives for community media policy:

- *Equitable and more transparent funding for community media*
- *Greater community ownership and involvement in community television production specifically*
- *Offer training and equipment to produce radio, TV, Internet, and new media/digital content from multimedia facilities maximally accessible to Canadians*
- *Distribute that content*
 - *over the air, free of charge*
 - *on the cable basic tier,*
 - *on satellite to the extent that there is available bandwidth for the carriage of local channels*
 - *via new media, including the Internet, (live and on-demand), wireless devices, podcasts*

Community-Access Channels

Communities that want community access TV channels will be required to apply for a community-access television licence. In order to obtain a community-access television undertaking licence, applicants will have to:

- be not-for-profit organizations, the structure of which provides for membership, management; operation and programming primarily by members of the community to be served, on a non-discriminatory basis;
- provide a detailed description of the nature of the proposed service;
- provide the geographic area to be served over the air (if applicable) and/or via terrestrial BDUs; and
- demonstrate that the proposed undertaking would be operated in accordance with this policy;

The Commission will issue licences for a specific geographic community, as described in the licence application.

For the balance of this policy, the term “Licensee” shall include licensed community-access TV channels.

Licensees will be expected to fulfil all the applicable provisions of the policy set out below. The performance of Licensees in this regard will be examined at the time of licence renewal and/or through the Commission’s complaint process.

Role and Objectives

The role of the Licensee channel should be primarily of a public service nature, facilitating self-expression through free and open access by members of the community. The Licensee channel should (the “Community Television Goals”) :

- engender a high level of citizen participation and community involvement in community programming on all digital media and by all distribution platforms;
- actively promote citizen access to the community channel and provide and promote the availability of related training programs;
- provide feedback mechanisms, such as advisory boards, to encourage viewer response to the range and types of content aired;
- seek out innovative ideas and alternative views;
- provide a reasonable, balanced opportunity for the expression of differing views on matters of public concern;
- reflect the official languages, ethnic and Aboriginal composition of the community;
- provide coverage of local events; and
- publicize the program schedule.

Funding of Community Channels/Community-Access Media Fund

2% of subscriber revenue of all Canadian BDUs (licensed and exempt) is to be paid to a newly created Community-Access Media Fund (CAMF).¹ The CAMF will be the primary source for the operational and programming funding requirements of Licensees.

The CAMF is to be a national fund that will be administered by a Canadian not-for-profit corporation. This corporation will be run by a board of directors that will be comprised of a majority of members that are independent of Canadian BDUs and the Licensees that they will fund, and including 1 seat each for CACTUS and the Fedetvc.

The CAMF will be responsible for allocating funding to Licensees for operating and programming expenses, as well as capital funding where necessary. Licensees will be required to request funding through an application process.

In addition to funding community-access video/TV production and distribution, funding from CAMF may be used to fund new media and radio production, provided that:

- All funded media are offered as part of a coherent local community media access strategy administered by a single not-for-profit board of directors from either a single or multiple access points within the geographic area specified in the application
- Video production and distribution is part of the service offering, and the goal of the community media organization as a whole is to make available multimedia training, production support, and distribution to the community at large, so that community event coverage, cultural and public affairs content has maximal reach and visibility on all media and platforms.

¹ The mandatory 2% BDU payment will be included as part of the requirement of Canadian BDUs to spend 5% or more of their subscriber revenue for programming of local expression. Canadian BDUs would no longer be able to claim the cost to operate their community channels in fulfilment of the expenditure requirement for programming of local expression. All BDUs (licenced and exempt) will be required to pay this contribution regardless of size and whether the BDU distributes any Licensee.

Note that a separate licence for radio would still be necessary that meets the Commission's distinct expectations for community and campus radio stations under its Campus and Community Radio Policy (CRTC).

The CAMF shall base funding awards on a combination of (i) the geographic/audience reach of the Licensee (i.e. community size) (ii) how well the proposal satisfies the Community Media Goals (iii) the strength of the Licensee's proposed board of director structure and the degree to which it reflects the whole community, including community institutions such as municipal, educational, community-service and cultural organizations, minority and underrepresented groups and alternative voices, and viewers. While CAMF funding awards are envisioned as the primary source of operational and program funding, they will nonetheless “top-up” funding available from other sources, with the goals of:

- Enabling communities of different sizes to meet a minimum budget deemed necessary to effectively offer skills training and digital media access for the geographic/audience reach, including funding from other sources (e.g. municipal contributions, project or foundation funding, direct fund-raising, sponsorships).
- Addressing current regional disparities in the availability of funding, particularly in rural and remote areas

Payment Schedule

Payments to CAMF will be phased in as follows:

- Starting in September of 2016, half of terrestrial BDU revenues for local origination (either 1% in markets having over 20,000 subscribers, and where the current expenditure or local origination is 2%, or 2.5% in markets having fewer than 20,000 subscribers and the current expenditure on local origination is 5%) shall be payable from the local expenditure portion of a BDU's community channel budget. The 1% of revenues currently expended on access production will be retained by BDUs currently operating community channels during the transitional period, in order that they can continue to meet their access exhibition and expenditure requirements.
- Starting in September of 2016, satellite BDUs will contribute 1% of their broadcasting revenues to CAMF.
- Starting in September of 2018, all BDUs will contribute 2% of their revenues to CAMF.

This phased in approach will:

- Make available funding for existing not-for-profit organizations that are ready to 'launch' as multimedia access centres immediately
- Enable time for CAMF to conduct educational and outreach activities about the goals and existence of the fund during the 2016-2017 broadcasting year
- Enable sufficient time and resources for interested communities to develop licence applications, acquire or lease facilities, and hire staff, prior to a full country-wide launch of the fund and new not-for-profit community media sector in September of 2018.

Annual CAMF Report

The CAMF will be required to publish an annual report, which will be made public, that will provide detailed financial information regarding funding received and funding paid out over the prior annual period. CAMF will also include detailed nation-wide community channel and new media performance statistics as part of the annual report, including community impact measurements.

Distribution Requirements

Terrestrial BDUs (licensed and exempt) are required to distribute the linear service of any Licensee as part of their basic service at a minimum throughout the area reached by the over-the-air signals or the service area for the Licensee authorized by the Commission, whichever is greater.

In addition, BDUs that offer VOD services are required to distribute the programming of any Licensee at a minimum throughout the area reached by the over-the-air signal or the service area for the Licensee authorized by the Commission, whichever is greater.

DTH BDUs are required to distribute any Licensee as part of their basic service up to a maximum of 10% of their transponder space for community-access licensees as a group, throughout the service area for the Licensee authorized by the Commission. In the case of Licensees exceeding 10% of DTH BDU transponder space, priority will be given to Licensees producing the greatest average quantity of original Canadian production per week.

Programming Requirements

Local community television programming

Licensees shall devote not less than **80%** of the programming aired during each broadcast week to the broadcast of local community television programming.

For the purpose of this policy, the Commission considers local community television programming to consist of programs, as defined in the *Broadcasting Act* (the Act), that are reflective of the community and produced by the Licensee in the licensed area or by members of the community from the licensed area. Programs produced in another licensed area within the same municipality will also be considered local community television programming.

Community programming

Licensees shall not distribute on the community channel any programming other than those set out in section 27(1) and 27(2) of the *BDU Regulations*.

Licensees are not permitted to distribute commercial messages on the community channel.

Licensees are not permitted to distribute foreign programs on the community channel.

Licensees are expected to adhere to the principle that local community television programs be given scheduling priority.

Professional major league sports programming

The broadcast of programs featuring professional major league sports, produced by companies generally engaged in the production of such programs, does not fulfil the objectives of this policy and will generally not be allowed on the community channel.

Access programming

For the purpose of this policy, access content is content produced by members of the community served by the Licensee, either assisted or unassisted by the Licensee.

Criteria for access content

The key criterion for defining access content is that creative control is in the hands of a community member, i.e. an individual or group residing within the licensed area of the community channel, and that this individual or group is not compensated for their involvement in the production. That is, the production is an act of personal or communal expression; it cannot be commissioned. Creative control consists of three elements:

- The idea for an access program must originate from a community member or group who is not compensated for their role in the production; and
- The community member must be involved in the production team either:
 - in an on-camera role (e.g., a personality or actor that appears in a predominant portion of the production); and/or as a creative member of the production crew (e.g., directing, producing, writing).

When a project meets these criteria, the Commission will consider that creative control is in the hands of a community member and consequently that the project qualifies as access programming.

The Licensee may assist in training and supporting community members in the production and distribution of access programming.

Exhibition

Licensees shall devote a minimum of 75% of the programming aired during each broadcast week to the broadcasting of access programs.

Access programming should be scheduled in a reasonable manner throughout the broadcast day, including the peak viewing period (7 p.m. to 11p.m.), and the ratio of original to repeat programs should generally be the same for access programs as it is for other community programming.

Expenditures

At least 75% of all programming-related expenditures, as reported under the reporting requirements set out below, shall be directed to access programming.

The expenditure requirement on access programming will take effect under the following conditions:

- During the licence term, the Licensee shall expend on access programming, at a minimum, an amount equal to 75% of community programming--related expenditures.
- The 75% access expenditure requirement will apply to the programming portion of community expenditures only. As such, technical, sales and promotion and administration and general expenses will not be included.
- Expenditures for volunteer training and development and community outreach to generate access programming will be considered as eligible access programming expenditures.

Accountability and Reporting***Annual returns***

All Licensees shall report the following information as part of their annual returns to be filed with the Commission and such information shall be made public:

Exhibition

Total hours broadcast and original hours produced

- By community members (access programming)
- By other community-access licensees (access programming)
- Produced by other non-community channel licensees (non-access)
- Alphanumeric messages
- Other (to be specified)

Expenditures

1. Programming expenses (direct and indirect)
 - Produced by community members (access programming)
 - Produced by other community access licensees (access programming)
 - Produced by other non-community channel licensees (non-access)
 - Alphanumeric messages
 - Other (to be specified)
2. Technical expenses
3. Sales and promotion expenses
4. Administration and general expenses
5. Depreciation

Furthermore, the Commission maintains the requirement of a preponderance of direct expenses over indirect expenses.

Volunteer participation and development and community outreach

Expenditures related to the training and development of volunteers, as well as those related to community outreach for the purpose of promoting and generating access programming, should be included within eligible access programming expenditures. For this reason, Licensees shall report on the following aspects related to volunteer participation and community outreach initiatives:

Volunteer participation and development

- Total volunteers in reporting year (# of individual volunteers)
- Total volunteer hours (hours worked by volunteers)
- Total volunteer training hours (received by volunteer participants)
- Total volunteer training expenses (can be included in applicable access programming expenditures)

Community outreach

- Total expenditures on community outreach (can be included in applicable access programming expenditures)

Access programming

Licensees shall file as part of the annual report the following, based on a reporting year:

- Community outreach initiatives
 - Number of meetings with the public
 - Communication tools used to promote access opportunities (e.g. website, on-air announcements, participation at community events, visits to schools/colleges/universities, social media)
 - Number of training sessions offered to volunteers
- Access programming initiatives
 - Number of hours of access programming broadcast during broadcast day and peak hours
 - Percentage of access programming broadcast
 - Number of requests for access programs by individuals and groups representing official language minority communities
- Access programming available on other platforms
 - Number of hours of access programming available on -demand (VOD), website, etc.
- Composition of Board of Directors
 - Names of members
 - How often board met

Making Programming Logs Available

Licensees shall also make available on their web sites on an on-going basis for public scrutiny the programming logs the Commission expects them to keep showing categories of programming, including local and non-local programming, and access and non-access programming.

Video-on-Demand and New Media

Licensees are required to report the following as part of the annual report as it relates to the use of VOD and new media as additional platforms for their programming:

Video-on-demand

- Program hours made available through VOD during the reporting year
- Expenditures related to community programs broadcast through video-on-demand (can be included in applicable programming expenditures)

New media

- Program hours broadcast on new media during the reporting year.
- Video games produced.
- Number of web pages produced.
- Expenditures related to community programs broadcast on new media (can be included in applicable programming expenditures)

Advertising and Sponsorship

Licensees will continue to be limited to sponsorship advertising as prescribed under section 27 of the *BDU Regulations*.

Licensees must not deny, restrict or reduce access opportunities if a member of the community is unable or unwilling to attract a sponsor.

Under no circumstances should a Licensee charge a fee for providing access programs, or insist that access programs have sponsorship.

All revenues generated by sponsorship advertising must be reinvested in the operation of the community channel. Licensees must identify these revenues and associated expenditures separately when reporting their community programming expenses to the Commission.

Revenues associated with the rental of production facilities for external commercial and industrial productions should also be reinvested in the community channel, thus avoiding the requirement for cost separation procedures.

Promotional messages

A Licensee must limit the broadcast of promotional messages on the community channel to two minutes per hour.

Community-based Television Programming Undertakings: Over-the-Air and Digital Services

The licensing framework for community-based television programming undertakings includes two sub-categories:

- community-based over-the-air television undertakings and
- community-based digital services.

Objectives

Community-based television programming undertakings will provide a high level of locally-produced, locally-reflective programming that complements the programming provided by conventional television and community-access channels. Such services should enrich the variety of local and community programming available to the public, as well as provide opportunities for new voices to participate in the Canadian broadcasting system.

Community-based television programming undertakings should not replicate the programming offered by existing television services of Licensees.

Licensing criteria

In its assessment of applications for community-based television programming undertakings, the Commission will take into consideration the number of community-based and community-access services already licensed in the proposed service area, the availability of over-the-air channels and/or the available capacity of the affected BDUs and the impact on local radio and television licensees operating in small markets.

Ownership

The Commission will consider applications by not-for-profit applicants to operate community-based television programming undertakings. Any existing for-profit community-based television programming undertakings will be grandfathered.

Canadian content

Licensees of community-based television programming undertakings shall devote not less than 80% of the broadcast year to the broadcast of Canadian programs.

Local programming

Licensees of community-based television programming undertakings shall devote not less than 60% of the broadcast year to the broadcast of local programming.

For the purpose of this policy, local programming means station productions or programming produced by community-based independent producers that reflects the particular needs and interests of residents of the area that the community-based television programming undertaking is licensed to serve.

In the case of a community-based low-power television programming undertaking, this area will be defined by the Grade B contour of the antenna. In the case of a community--based digital service, the Commission will require a detailed description of the geographic area to be served, which will form part of a condition of licence on the nature of service.

Service to persons with disabilities***Closed captioning***

The Commission encourages independent community services to caption and to provide audio descriptions for as much programming as possible.

Citizen participation

Licensees of community-based television programming undertakings are encouraged to:

- facilitate citizen access to the production of programming; and
- provide training to those within the community wishing to participate in the production of programming.

Advertising and financing

Licensees of community-based television programming undertakings shall not broadcast more than 12 minutes of local advertising material in any clock hour in a broadcast day.

Policies specific to community-based over-the-air television undertakings

Definition of low-power television

Community over-the-air television undertakings may be of any power appropriate to serve the community. The Department of Industry (the Department) defines low-power analog television stations in Part IV of its *Broadcasting Procedures and Rules* as those stations operating with a transmitter power of 50 watts or less on the VHF band or 500 watts or less on the UHF band, the Department of Industry does not define a lower limit for regular class television stations. Due to their limited effective radiated power, their Grade B service contour does not exceed 12 kilometres in any direction from the antenna site. The coverage that they provide is therefore much more limited than that of regular class television stations.

The Department defines low-power digital television stations in Part X of its *Broadcasting Procedures and Rules* as those stations with service not extending beyond a distance of 20 kilometres in any direction from the antenna site.

The Department considers low-power television stations as secondary assignments and establishes them on an unprotected basis with respect to the frequency band that they occupy. This means that they have no protection from interference by primary assignments (e.g. regular class stations). However, in the event that a secondary assignment causes interference to a primary assignment, the secondary assignment station could be required to change its assigned channel or to cease operation if no replacement channel can be found. Secondary assignment stations are, however, entitled to protection from other secondary assignment stations that are established at a later date.

The Department does not, however, define a lower limit for a regular class of television station. Due to the democratic role played by community television channels and the high proportion of Canadian content they produce and broadcast, community over-the-air television undertakings (as well as community-access television undertakings that seek over-the-air transmission) will be considered to be regular class television stations; that is primary assignments with protected status.

Carriage by broadcasting distribution undertakings

BDUs are required to carry licensed community-based television programming undertakings on the digital band throughout the area reached by the over-the-air signals or the service area authorized by the Commission.

Under the *BDU Regulations*, local television stations must be distributed on an analog channel as part of the basic service. However, where capacity is limited, the Commission considers that the mandatory analog distribution of community-based over-the-air television stations by terrestrial BDUs may not be appropriate. Accordingly, in such circumstances, the Commission will be prepared to allow relief from these carriage requirements upon application for a condition of licence by terrestrial BDUs.

However, terrestrial BDUs that are granted relief from this requirement and distribute digital services will be required to distribute community-based low-power television undertakings on a digital basis within the area served by the over-the-air signals of those stations.

Policy for remote stations

The provisions of this policy apply to both urban and remote community-based over-the-air television undertakings.

However, the Commission will be prepared to allow relief from the logging requirements set out in section 10 of the *Television Broadcasting Regulations, 1987*, the Canadian content and local programming requirements set out in this policy and the requirement to operate at a low power upon application from licensees of community-based television undertakings serving remote areas, to the extent that their operation is consistent with the Commission's policies regarding the transition to digital television.

The Commission will expect terrestrial BDUs operating in remote areas to carry any remote community-based television programming undertaking licensed to serve that area on their analog basic service.

For the purpose of this policy, a remote community-based television station is defined as a community-based television programming undertaking serving a community that has no competing regional or local television service or local community channel operating on a regular basis.

Policies specific to community-based digital services

Carriage by broadcast distribution undertakings

Community-based digital services will not be accorded mandatory analog distribution by terrestrial BDUs.

A terrestrial BDU that distributes services on a digital basis will be required to distribute community-based digital services on the digital band throughout the service area authorized by the Commission.

Nature of service and proposed service area

In order to clearly define the proposed community or communities to be served, applications for a community-based digital service licence must include a detailed description of the nature of the proposed service and the geographic area to be served.