



CCSA Submission

BNC 2025- 272

**Broadcasting Notice of Consultation 2025-272: Removing
barriers to identifying and accessing programming**

Dec 15, 2025

Marc Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Gatineau, QC K1A 0N2

Dear Mr Morin:

Re: Telecommunications and Broadcasting Notice of Consultation 2025-272: Removing barriers to identifying and accessing programming.

- 1 The CCSA is a national organization representing more than 100 small independent broadcasting distribution companies and ISPs that provide TV, internet, and telecommunications services to more than half a million Canadian residents and businesses in urban and rural communities, from coast to coast to coast.
- 2 CCSA greatly appreciates the Commission's due consideration in paragraph 27 of the Notice of Consultation.
- 3 There are two points to unpack before addressing questions 8-11. The first is whether the current exemption threshold should change. Then, separately, if any new requirements are to be applied, how best should the Commission apply them.

Subscriber Exemption

- 4 CCSA does not believe consumers or the Commission benefit from reducing the exemption requirements thresholds from 20,000 subscribers to 2,000 subscribers. At the same time, CCSA notes that additional regulatory obligations imposed on smaller providers would be particularly impactful on independent small service providers.
- 5 Today, Independent Small Service Providers (ISSPs) represent a small fraction of the overall market and have been traditionally exempted from requirements through s9(4) of the Broadcasting Act.
- 6 Historically, the Commission has increased (through streamlining), expanded or broadened exemptions for BDUs below 20,000 subscribers. Examples of this can be seen in Commission decisions BPN 2008-100, paragraphs 193-195; BO 2009-544; and BRP 2015-543, paragraphs 7 and 8.

- 7 The Commission, in paragraph 27 of the Notice of Consultation, acknowledges that it seeks to “avoid imposing significant regulatory burden”¹. “Significant,” however, is a very strong word. The Commission was directed in the Policy Direction² to:
- “supervise the broadcasting system in a way that **supports programming being available without barriers to persons with disabilities.**”³ [Emphasis added for effect]
- 8 Supporting such an objective is something in principle that CCSA fundamentally agrees with. The policy question the Commission has to consider is: what is the correct amount of regulatory obligation the Commission can impose in pursuit of this valid objective without materially prejudicing ISSPs. Put another way, if a “significant” burden is too much by the Commission’s own admission, what is the correct amount of burden on smaller service providers?
- 9 CCSA suggests that the existing obligation is the correct amount. The Commission’s justification for change is argued in paragraph 14 of the Notice of Consultation. It further references BD 2025-271, a decision that makes no mention of, and has no consideration for, ISSPs. To this end, CCSA proposes that, while new obligations could potentially be appropriate to impose on some parties (like online undertakings) that were previously not considered, there has been no evidence or justification to explain or rationalize why smaller independent BDUs should be impacted by the 2025-272 process.

Apples and Oranges

- 10 It is worth noting that this process stems from a complaint against a VI-BDU⁴, despite that BDU already being in the process of making reasonable steps to remove barriers across the country. The Commission made its decision in BD 2025-171.
- 11 In decision 2025-271, paragraph 37, the Commission said:

“The Commission considers that it should be possible for most Canadian BDUs to meet this requirement. This may include certain exempt BDUs, **as a number of**

¹ CRTC Notice of Consultation 2025-272 “**Call for comments – Removing barriers to identifying and accessing programming**”. Paragraph 27. Found at: <https://www.crtc.gc.ca/eng/archive/2025/2025-272.htm>

² SOR 2023-239 “**Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)**”. Found at: <https://laws.justice.gc.ca/eng/regulations/SOR-2023-239/FullText.html>

³ Ibid section 7.

⁴ CRTC BD 2025-271 “**Complaint against Bell Canada and Bell Media Inc. – Barriers to accessibility when accessing programming via set-top boxes and other devices**”, paragraphs: 1, 14-15, 17, 22
Found at <https://www.crtc.gc.ca/eng/archive/2025/2025-271.htm>

licensed broadcasters also operate these exempt services.” [emphasis added for effect]

- 12 The Commission appears to delineate between exempted BDUs operated by licensed BDUs and true ISSPs. CCSA appreciates this distinction and recognizes it as appropriate given the financial realities different exempt services experience.
- 13 In other proceedings,⁵ the Commission has raised concerns about accessibility for online streamers as a result of Bill C-11.
- 14 Bell and Netflix are not ISSPs. We would ask the Commission not to lump the apples in with the oranges, as doing so would be arbitrary and inconsistent with past precedent. The Commission specifically addressed Accessibility in Decision 2009-544 paragraphs 43 and 44. The Commission concluded paragraph 44 with:
- “...As noted in that policy, while the Commission does not intend to impose further requirements on exempt BDUs at this time, it will monitor complaints to determine if future requirements may be appropriate.”⁶
- 15 While that decision is not recent, it is still applicable.
- 16 The impetus for this proceeding is based not on complaints against an exempted BDU, but on complaints against a non-exempt Vertically Integrated BDU. To CCSA’s knowledge, there have not been sufficient or notable complaints regarding Accessibility concerns for exempted BDUs. As such, the CCSA questions why any exemption thresholds impacting ISSPs should be re-determined. In its decision, if the Commission agrees with this interpretation, we would ask the Commission to confirm this distinction.
- 17 If, however, those “future requirements” are now being deemed to be appropriate, CCSA would ask the Commission to clarify its rationale, as this was not made clear in the Notice of Consultation.
- 18 ISSPs with fewer than 20,000 subscribers cannot aggregate costs, and lack the economies of scale necessary to meet the proposed requirements, without experiencing a significant impact. Given the dates proposed (discussed further below), for some CCSA members, this would result in massive unanticipated and unplanned expenditures.

⁵ CRTC Notices of Consultation 2024-137/138 – “**Call for comments – Development of a regulatory policy for closed captioning provided by online streaming undertakings**” found at <https://crtc.gc.ca/eng/archive/2024/2024-137.htm> & “**Call for comments – Development of a regulatory policy for the distribution of described video and audio description**” found at: <https://crtc.gc.ca/eng/archive/2024/2024-138.htm>

⁶ CRTC BO 2009-544 “**Exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers**” paragraph 44 <https://www.crtc.gc.ca/eng/archive/2009/2009-544.htm>

The threshold of 20,000 subscribers continues to be the correct exemption level for ISSPs.

Implementation date

- 19 In Appendix 3 of the Notice of Consultation, the Commission proposed an execution date of October 2026. For ISSPs impacted by any new regulatory obligations, this date would be untenable if the Commission required all equipment, software, or other technology to be updated for all customers by that date.
- 20 As previously stated, CCSA's position is that any new obligations arising out of this proceeding should not be imposed on BDUs with less than 20,000 subscribers. If the Commission disagrees with this view, CCSA has serious concerns about the proposed implementation date and recommends that the Commission select a new date.
- 21 The Commission should adjust the implementation date from October 2026 to October 2031, allowing service providers time to budget, source, implement, and incorporate these technologies into their existing operations.
- 22 While this technology is no longer new, it remains new to many ISSPs, and additional time for adoption would be necessary to properly integrate those technologies into their services. Some ISSPs may update all their technology infrastructure gradually, or choose to address accessibility needs on a consumer-by-consumer basis. Both options should be considered reasonable according to regulation.

Q8. What are the impacts, challenges or opportunities that may result from the proposed new requirement set out in Appendix 3 to this notice? What are the impacts, challenges or opportunities that may result from also applying this requirement to exempt terrestrial BDUs with 2,000 or fewer subscribers that are affiliated with an undertaking serving more than 2,000 subscribers? Please explain.

A8. CCSA opposes the proposed changes. Requiring new technologies to be on offer by ISSPs at or below the 2,000 subscriber threshold is arbitrary and unsupported in the Notice of Consultation. An ISSP with 1,998 subscribers is not in a materially different financial state from one that has 2,001 subscribers.

There are no opportunities or advantages that may result from the proposed requirement from the language of Appendix 3. The impacts and challenges (as it is worded) would be substantial.

The majority of CCSA's members are below the 2,000 subscriber threshold. Even making it to that threshold is a challenge, especially when a VI-BDU is in the same market. The 2,000 subscriber threshold is already significant as it is where some regulatory expectations (as far as carriage and copyright costs) start. The Commission, if it were to increase regulatory responsibilities at that level, would further entrench an artificial barrier to business growth.

Regarding the curtailing of growth, small exempt service providers (currently below 2,000 subscribers), whose technology is not compliant, would be induced not to grow because the cost implications would be significant.

Additionally, the proposed date for the implementation of any new regulatory regime is impractical. It would not allow service providers, now suddenly caught with new obligations, to prepare financially for any new significant burdens and to budget for, source, implement, and incorporate these technologies into their existing operation appropriately.

Q9. Should the Commission set different thresholds for which exempt terrestrial BDUs would have to adhere to the proposed new requirement? If so, what thresholds would be appropriate? Please explain.

A9. The current subscriber number exemption threshold of 20,000 should remain in place. The Commission should apply section 46(1) of the Accessibility Act to justify this, if justification is needed. There has been no rationale by the Commission for an alternative position to be taken.

If the Commission does not deem a full exemption to be reasonable, the Commission should allow the ISSPs to remain exempt below 20,000. Additionally, we would implore the Commission delay any implementation, as aforementioned.

Q10. Should the Commission make any changes to the proposed addition to the exemption order under which these services operate? Please explain.

A10. The Commission should not implement the proposed changes. If it does, the date should be amended. October 2026 is far too soon to reasonably implement such requirements.

Q11. Should any new requirement come into effect by 16 October 2026? Please explain.

A11. No. As previously mentioned, the proposed deadline is too brief for any service provider not already rolling out new technology or that has not already completed an accessibility transition.

Conclusion

- 23 CCSA opposes any new requirements on exempt services. Additionally, we do not support the Commission's proposal to lower the exemption threshold. Such changes would weaken ISSPs and further erode market share.
- 24 While we appreciate the Commission's intent to achieve the objectives of the Accessibility Act, CCSA does not believe that the intent and the objectives are aligned.
- 25 CCSA thanks the Commission for this opportunity to contribute to discussions about removing barriers to identifying and accessing programming.

Sincerely,

A handwritten signature in black ink that reads "John P. Roman". The signature is written in a cursive style with a large initial 'J' and a long, sweeping underline.

John P. Roman
Director, Legal & Regulatory Affairs
Canadian Communication Systems Alliance