



**CCSA**

**Canadian Communication  
Systems Alliance**

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REGULATORY

Broadcasting Consultation CRTC 2024-137  
**Development of a regulatory policy for closed captioning  
provided by online streaming undertakings**

August 16, 2024

Mr. Marc Morin, Secretary General  
Canadian Radio-television and  
Telecommunications Commission  
Ottawa, Ontario  
K1A 0N2

Dear Mr. Morin,

1 The Canadian Communication Systems Alliance (“CCSA”) speaks for independent communications distributors – smaller broadcasting distribution companies, telephone companies, and ISP’s – across Canada. The CCSA represents more than 100 companies from sea to sea to sea, including the North.

2 The CCSA is pleased to be part of a conversation about Closed Captioning (CC) in the streaming space. The CCSA believes closed captioning and the NER guidelines<sup>1</sup> for Online Undertakings should mirror those of conventional broadcasts for scripted content. To this end, the CCSA proposes that the Commission adopt a long-term approach for implementing CC for scripted content, with review points at five and ten years.

### Phase I

3 For the first five-year period, all reporting should be annual, voluntary, and apply only to streamers who regularly achieve 1,000,000 viewers (or more) per day<sup>2</sup>. Complaints should be noted by the streamer in reporting (sent annually to the Commission) and should include any investigations into errors or lapses in coverage, and any remedies taken by the streamer - such as retroactive modification of the CC after an issue is brought to the streamer’s attention. Finally, it would also be useful to track the total number of errors per year, measured as episodes or programs with errors, rather than counting each individual mistake.

4 At the five-year mark, the Commission should conduct a review, for the purposes of a hearing, to access general trends and ongoing issues regarding CC in large streaming services. If the review indicates significant progress or full compliance, the Commission can re-evaluate whether further action or additional remedies are required. If further action is required, a second phase of implementation can be applied.

### Phase II

5 From years 6 to 10, the Commission can include streamers of 500,000 viewers (or more) per day. Those streamers should initially follow the Phase I model with voluntary annual reporting. For larger streamers, if satisfactory improvements are not demonstrated, the Commission should mandate a policy

<sup>1</sup> <https://crtc.gc.ca/eng/archive/2019/2019-308.htm> Appendix 2

<sup>2</sup> Since some streaming services are free or do not require subscription or ‘login’ access, subscription metrics would be a sub-optimal measure.



addressing ongoing CC issues, along with quarterly reporting. This approach will allow for closer monitoring and better support toward meeting the Commission's objectives.

6 At year 10, the Commission can review the data on both the large streamers and the relatively smaller streamers. If results are positive with the large streamers, the Commission can then apply a similar policy requirement on any smaller streamers as needed.

7 For live content, the CCSA proposes a slightly lower threshold. While speech for the English market may have some basic inconveniences, such as confusion between similar-sounding words (e.g., there/they're/their, bare/bear, weak/week), CCSA believes that conveying the intent of expression should temporarily take precedence over strict numerical accuracy. However, the Commission should impose a deadline for reviewing and correcting CC for all live-streamed content. For traditional broadcast, this could be done before the next re-broadcast, but streaming services may need a different approach to reflect the nature of streaming.

8 Additionally, there are accent variations which are much more noticeable in global content streaming, including news. For instance, Northern Scottish English differs significantly from Hong Kong English and from English spoken in Saint John, NB. If these variations are accounted for, the Commission might reasonably expect 100% accuracy. However, for live content on platforms like UFC stream, CBC's Gem App, or smaller regional streamers, the language might be closed captioned as 'English' but could sound and be interpreted rather differently. For example, a Newfoundland 'b'y' might not convey material context to someone in Regina, Saskatchewan or London Ontario, if they can't hear the accent to understand the local idioms. While the requirement of 95% accuracy rate<sup>3</sup> is set for conventional live broadcasting, the CCSA suggests implementing this standard five years AFTER the review, with an operational target of 90% during the initial five-year period.

## Exemptions

9 Finally, the CCSA would propose that any<sup>4</sup> streaming services started by currently exempted broadcasters and/or streaming services with consistently fewer than 500,000 distinct viewers per day should be exempted from any decision the Commission makes on this or similar matters. While the Commission's decision regarding exemptions set the threshold at \$10m<sup>5</sup> in hearing 2023-329, it only briefly touched on issues as per CRTC hearings 2024-137/138 in paragraph 182 of that decision. The CCSA feels that the financial threshold is still a valid one to keep for registration, however, it would suggest that audience numbers (as opposed to subscriber numbers) might also be relevant for the purposes of meeting some specific broadcasting policy objectives.

10 The Commission's decision to base the exemption solely on revenue appears to conflict with the exemption criteria for exempted conventional broadcasters. Also, exempting streamers based on accountants<sup>6</sup>, as compared to demographically significant needs, might not be ideal in this situation. To this

<sup>3</sup> <https://crtc.gc.ca/eng/archive/2016/2016-435.htm> para 28

<sup>4</sup> Not including social media, videogames, etc.

<sup>5</sup> <https://crtc.gc.ca/eng/archive/2023/2023-329.htm> para 114

<sup>6</sup> This is not to be critical of the vital work accountants do!



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end, the CCSA believes this proposal to be in keeping with the objectives of the broadcasting act as per 3(1)(p.1)<sup>7</sup>.

11 From a business standpoint, if part of the goal is to grow streaming services, then companies will be inclined not to underreport, as it would go against their own self interest. Further, if audience numbers consistently reach approximately 500,000, it is statistically reasonable to assume that audience numbers should include individuals who require closed captioning or described video.<sup>8</sup>

12 While the CCSA appreciates that the Commission wants to keep a flexible approach as it “better understands the online broadcasting landscape more generally”<sup>9</sup>, the CCSA believes that this addition should not materially impact the Commission’s ability to do so. Instead, it should provide positive benefits to Canadians who might need it.

### Conclusion

13 The CCSA believes that the streaming industry should align with the conventional broadcasting system but recognizes that the unique nature and possibilities offer some flexibility for the Commission to consider. The CCSA looks forward to this hearing as part of the broader process to understand the direction the Commission is moving towards.

The CCSA thanks the Commission for its consideration of our input on this matter.

Sincerely,

John P. Roman  
Director, Legal & Regulatory  
Canadian Communications Systems Alliance (CCSA)

<sup>7</sup> <https://laws-lois.justice.gc.ca/eng/acts/b-9.01/FullText.html>

<sup>8</sup> <https://crtc.gc.ca/eng/archive/2023/2023-329.htm> para 182

<sup>9</sup> Ibid. para 183