



CCSA

**Canadian Communication
Systems Alliance**

100-560 Main Street, Building A, Saint John, NB E2K 1J5
T: 506 849 1334 | info@ccsaonline.ca | ccsaonline.ca

REGULATORY

Broadcasting Consultation CRTC 2024-138
Development of a regulatory policy for the distribution of
described video and audio description

August 26, 2024



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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 There is a clear policy overlap in policy goals between BNOC 2024-138 and another consultation, BNOC 2024-137, that the Commission launched on the same day. That consultation concerns closed captioning and is narrowly focused on Online Undertakings (OUs), while this consultation concerns described video and audio description and applies more broadly to Broadcasting Undertakings (being both OUs and Distribution Undertakings (BDUs)).

3 Given the overlap of policy goals and impacted parties, the concerns from parties including the CCSA should not come as much of a surprise to the Commission for this hearing: the ability to provide accessible content on past programming if new requirements are retroactively applied, and the associated costs of described video – particularly on smaller streamers/VOD suppliers, and on community elements.

Streaming Services

4 With the shared and related issues between the two consultations, the policy outcomes of these two proceedings should be consistent with each other. As such, the CCSA’s position in hearing BNOC 2024-137¹ regarding the exemption of streaming services below 500,000 viewer size is also our view with respect to BNOC 2024-138. Obviously, if during either proceeding, the Commission rules that the \$10m threshold is the only metric that should be used, then both submissions should be assumed to be adjusted accordingly.

5 For non-exempted streaming services, the CCSA is of the view that traditional requirements of four hours per week from a selection of content in ‘prime time’ is not particularly suited to the streaming

¹ Broadcasting Notice of Consultation CRTC 2024-137, *Call for comments – Development of a regulatory policy for closed captioning provided by online streaming undertakings*, 25 June 2024 [BNOC 2024-137]. Found at <https://crtc.gc.ca/eng/archive/2024/2024-137.htm>



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business². Any backlog catalog of purchased content should not be required to have described video unless it could be easily retroactively acquired from the content producer. For instances of new production by the streamer themselves (in-house) the number of hours might be more relevant than the percentage as audiences do not have a ‘percentage’ of time to dedicate to content. The status quo of four hours seems a place to start the discussion if streamers choose to do content released each week, or alternatively 208 hours of content per year if the streamer prefers releasing full series on specific dates.

VOD

6 For VOD, the issue for CCSA members is one of cost. If previously purchased content does not come with described video it must be exempted from the requirement on display. It would obviously be prohibitively expensive for smaller broadcasters to create described video for content for which they have acquired distribution rights, or worse, to have to retroactively negotiate to have it made by the content producer.

7 The CCSA represents many small broadcasters who produce varying amounts of community programming. That content is not going to be of value to national audiences, so advertising is necessarily limited. While our members see cultural and community importance in doing such content, its financial requirements are not insignificant. Requiring described video for VOD content for community programming would increase the costs dramatically and put some community programming in smaller communities at risk.

The Regulation

8 The CCSA appreciates and is committed to advancing the objectives of the *Broadcasting Act*,³ in particular section 3(1)(p.1):

“It is hereby declared as the broadcasting policy for Canada that... programming that is accessible without barriers to persons with disabilities should be provided within the Canadian broadcasting system, including without limitation, closed captioning services and described video services available to assist persons living with a visual or auditory impairment.”⁴

9 As worded, the policy requires that ‘programming’ that is accessible should be provided. As the Commission has implied through past reviews of policy, there is not a requirement in the legislation for all content to be so accessible.⁵ For large and small broadcasters alike, financial constraints are an issue, though they are more keenly felt with smaller broadcasters. When it comes to allocation of fixed resources, the Commission’s policy proposals may have an impact on what services smaller broadcasters can continue to offer.

² Broadcasting Regulatory Policy CRTC 2016-436, *Standard requirements for television stations, discretionary services, and on-demand services* 02, November 2016, paragraph 44b. Found at <https://crtc.gc.ca/eng/archive/2016/2016-436.htm>

³ *Broadcasting Act*, SC 1991, c 11, <https://laws-lois.justice.gc.ca/eng/acts/b-9.01/FullText.html>.

⁴ *Broadcasting Act* at s. 3(1)(p.1).

⁵ Broadcasting Regulatory Policy CRTC 2015-104, *Navigating the Road Ahead - Making informed choices about television providers and improving accessibility to television programming* 25 March 2015, paragraph 31. Found at <https://crtc.gc.ca/eng/archive/2015/2015-104.htm>



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10 The CCSA would ask the Commission to be mindful of smaller broadcasters that create original community content that is released on VOD or streaming platforms and not increase the burden on their capabilities to serve the needs of their communities.

11 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)