



BNC 2025-272

Removing Barriers to Identifying and Accessing Programming

CCSA Submission

Final Submission- Building Better.

February 2, 2026

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

Dear Mr Morin:

Re: 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.

Summary

2. After reviewing the Notice of Consultation and submissions from other intervenors, the CCSA submits four key positions in its final submission in support of submissions made by other parties.
 - There is a broad consensus among BDUs that exempt BDUs must remain exempt from accessibility requirements.
 - If accessibility is a federal government priority, there should be federal support.
 - A lighter regulatory touch is required, particularly around the implementation date.
 - The Broadcasting Act and Policy Direction do not support regulatory imposition.
3. First, with respect to maintaining the current thresholds for exemption, the CCSA agrees with the positions Eastlink argued in its initial submission. The CCSA can attest that the impact of the proposed changes likely would be disproportionately burdensome on smaller exempt BDUs. Many of those BDUs operate in remote and rural areas, and this is also true for a majority of exempt BDUs owned by or serving Indigenous communities. As Eastlink emphasized, these BDUs are characterized by small customer bases that generate commensurately low revenues.¹ As such, the financial and administrative burden that would result from the proposed new requirement would threaten the viability of many exempt BDUs' ability to continue to operate.

¹ Eastlink submission to 2024-272, page 3.

4. We would ask the Commission to consider for exempt BDUs whether their customers benefit more from accessibility or service/access. If implemented as proposed in the NoC, the Commission will be sending a clear message to all small independent BDUs that priorities lie with (genuinely) good intentions, over market realities.
5. Channel Zero, in its submission, correctly points out that existing and legacy technology used in the industry is not always compatible with the modernizing goals of government.² The timelines proposed by the Commission are insufficient for smaller companies to effectively plan for the high costs that would be incurred if the Commission mandates these policies as is.
6. The CCSA does not believe that the Commission needs to view accessibility as an either-or proposition. We support Bell's argument in paragraph 23 of its submission that the Commission should strongly encourage all exempt BDUs at this time to adopt technologies that provide accessibility features. The position of continuing the existing exemption framework (excluding one BDU) was consistently agreed upon. We would ask the Commission to strongly listen to the industry on this point.
7. Cogeco in its submission at paragraphs 5 and 9, makes a very interesting argument that the CCSA supports.³ If the government wants to ensure full compliance with a costly initiative for small and large businesses, it should financially support the initiative. While CCSA would leave it to the Commission and the federal government to determine the most appropriate means of funding this initiative,⁴ the government is in the best place to eliminate the financial burden it is creating. This would be consistent with 8(a) of Policy Direction 2023/239.

“To support flexibility and adaptability in its regulatory framework, the Commission is directed to where appropriate, minimize the regulatory burden on the Canadian broadcasting system.”⁵

8. In reviewing the submissions of all intervenors, no one is opposed to the principle of removing barriers and increasing accessibility. There are only disagreements around how and when.
9. The CCSA agrees with other intervenors that the Commission took a strong approach or ambitious approach in its call for comments. While it is understandable that the Commission

² Channel Zero submission to 2025-272, paragraph 7.

³ Cogeco submission to 2025-272, paragraph 9

⁴ This could be in the form of tax refunds/rebates, a physical fund that BDUs and programmers could draw from each year, etc.

⁵ Policy Direction 2023/239 section 8(a) <https://laws-lois.justice.gc.ca/eng/regulations/SOR-2023-239/page-1.html>

and all intervenors want to provide more accessibility, we align with intervenors that have suggested the Commission has been too ambitious.

10 We would ask the Commission to take a measured approach to implementation and require implementation at the end of a five-year period as opposed to October 2026. As demonstrated by other intervenors in this process, the market is already transitioning to better support accessibility, and, as discussed above, regulatory intervention would not be universally beneficial.

11 Finally, the CCSA questions whether, by requiring exempt BDUs to invest in new technologies to make their services more accessible, the Commission is proposing to impose a new expenditure requirement on them pursuant to subsection 11.1(1) of the *Broadcasting Act* that would exceed its authority under that provision. None of the four purposes set out in paragraphs (a) to (d) authorize the Commission to order exempt BDUs to direct an undefined amount of expenditures on acquiring new accessible technologies. Such expenditures would not fit the wording of any of the paragraphs in subsection 11.1(1), including 11.1(1)(d). Ordering exempt BDUs to acquire expensive new technologies from third-party vendors would not qualify as “supporting the development of initiatives”. Our interpretation of the scope the Commission’s authority under section 11.1 is supported by section 12 of the *Order Issuing Directions to the CRTC (Sustainable and Equitable Broadcasting Regulatory Framework)*, which directs the Commission, in paragraph 12(c), to provide “flexibility for all broadcasting undertakings in meeting expenditure requirements” and in paragraph 12(e), to “prioritize the imposition of requirements to make expenditures directly on the creation, production and presentation of Canadian programming.” Neither of these provisions would support a Commission decision to impose new expenditure requirements on exempt BDUs that would threaten the viability of some operators and that would not involve direct expenditures on the creation, production and presentation of programming.

12 The CCSA agrees with every intervenor that the Commission should make reasonable efforts to encourage BDUs and programmers to reduce barriers to accessibility. However, the proposal in the NoC to impose new obligations that will require exempt BDUs to make massive new expenditures within a short period of time is simply unrealistic and unfeasible. The CCSA requests that the Commission apply a gentler approach until federal funding becomes available.

13 CCSA thanks the Commission for its consideration in this matter.

Sincerely,

John P. Roman

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