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Broadcasting Circular

Evaluation and Certification Procedures for Broadcasting Receiving Undertakings (Cable Television)

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Canada

Notice

Broadcasting circulars are issued for the guidance of departmental staff and are complementary to the **Broadcasting Procedures and Rules**.

Foreword

As part of its Broadcasting Standards and Regulations Program, the Department has put in place an evaluation and certification procedure for broadcasting receiving undertakings (cable television).

Purpose

The purpose of this document is to explain the evaluation and certification procedures which the Department must follow in the processing of applications for new Broadcasting Certificates or for proposals to amend existing certificates.

Procedure

The details of the procedures are provided on the following pages.

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1. General

- 1.1 This broadcasting circular is intended to be used as a guide for Departmental staff involved in the processing of applications for new Broadcasting Certificates or proposals to amend existing Broadcasting Certificates for cable TV systems.
- 1.2 Where operational requirements dictate, systems in close proximity may be merged into one Broadcasting Certificate or larger systems may be subdivided and issued more than one Broadcasting Certificate.
- 1.3 In general, an application requires Departmental evaluation and approval if it involves the issuance of a new Broadcasting Certificate or the modification of an existing Broadcasting Certificate. A formal application on the part of the licensee may or may not be required (see Section 1.4 below). These proposals are divided into four categories:
- (i) new systems (those which require a separate Broadcasting Certificate);
 - (ii) modifications to existing systems (those which require an amendment to an existing Broadcasting Certificate);
 - (iii) renewals;
 - (iv) changes in ownership.
- Note:** Administrative changes to the Broadcasting Certificate, such as a change of company name or address, do not require an application or technical evaluation. Simply advise HQ of the change.
- 1.4 The Departmental requirements and procedures which cable TV operators must follow when submitting applications, such as Form IC-2363, *Application for a Broadcasting Certificate for a New Broadcasting Receiving Undertaking (Cable Television System) or for Changes to the Facilities* are described in Part 6 of Broadcasting Procedure 23.
- 1.5 Requests from the CRTC for technical comments on proposals which do not require an application or Departmental approval should be returned to the CRTC with a statement to that effect.
- 1.6 Submissions from licensees for changes which do not require an application or approval from the Department should be returned to the licensee with a statement to that effect.
- 1.7 The division of Departmental responsibilities for the processing of cable TV proposals may vary from region to region, but in general, Headquarters will conduct all official liaison with the CRTC regarding applications, while the evaluation of the proposals and generation of Technical Comments will be conducted in the regions, either by regional office or district office staff. Headquarters will be responsible for the generation of Broadcasting Certificates.

2. Reference Documents

- Broadcasting Procedure 23 *Technical Standards and Procedures for Broadcasting Receiving Undertakings (Cable Television)*
- Broadcasting Circular 4 - *Environmental Assessment Procedure*
- Broadcasting Circular 6 - *Procedure for Municipal/Land-Use Authority Consultation*
- Broadcasting Circular 7 - *Site Evaluation*
- Broadcasting Circular 12 - *Procedures for Qualification and Verification: Use of Aeronautical and Emergency Frequencies by Broadcasting Receiving Undertakings (Cable Systems)*
- Broadcasting Circular 13 - *Procedure for Aeronautical Clearance of Antenna Structures*
- Broadcasting Circular 17 - *Structural Adequacy of Antenna Supporting Structures*
- Broadcasting Circular 18 - *Broadcast Database Systems (BDS)*
- Broadcasting Circular 22 - *Broadcasting Certificates (Cable)*

3. New Systems

3.1 General

A new Broadcasting Certificate is required if the proposal involves:

- (i) a new stand-alone cable TV system;
- (ii) introduction or addition of channels and signals in the 108-137 MHz and 328.6-335.4 MHz bands for distribution to an existing or a new service area;
- (iii) the installation of antenna(s) and antenna supporting structure(s) or the modification of an installation.

Note: Where operational requirements dictate, cable TV systems can be merged or subdivided for the purpose of issuing Broadcasting Certificates.

3.2 Required Documentation

Applications for new systems must contain the following documentation:

- (i) Form IC-2363, *Application for a Broadcasting Certificate for a New Broadcasting Receiving Undertaking (Cable Television System) or for Changes to the Facilities* or equivalent.
- (ii) Topographical map (1:50,000 scale preferred) of the proposed service area with the headend(s) clearly indicated.

- (iii) Cleared copy of Transport Canada Form 26-0427, *Standards Obstruction Markings - Aeronautical Obstruction Clearance Form* or a statement from the applicant that aeronautical clearance is not required. See Broadcasting Circular 13 for more information.

Note: If the uncleared form is included in the submitted documentation, forward the form to the Regional Transport Canada office and request confirmation of clearance.

- (iv) For signals in aeronautical bands 108-137 MHz and/or 328.6-335.4 MHz, the application must include detailed information on the frequencies, maximum power levels, and types of signals in question. Refer to Broadcasting Circular 12 for more information.
- (v) Confirmation of municipal notification.
- (vi) Completion of the environmental attestation form reproduced in Appendix B of Broadcasting Procedure 23.
- (vii) an environmental impact study for any potential adverse environmental effects such as the aesthetics of the installations and the proximity to designated areas (wildlife reserves, recreational areas, historic sites, cemeteries, etc.).

3.3 Evaluation and Certification Procedures

- 3.3.1 Upon receipt of the application at the appropriate Departmental office, a new record will be opened in the cable TV database and the available information entered. An application control number (CRTC application number, if available) will be assigned and entered into the database. A nine-digit control number is assigned as follows:

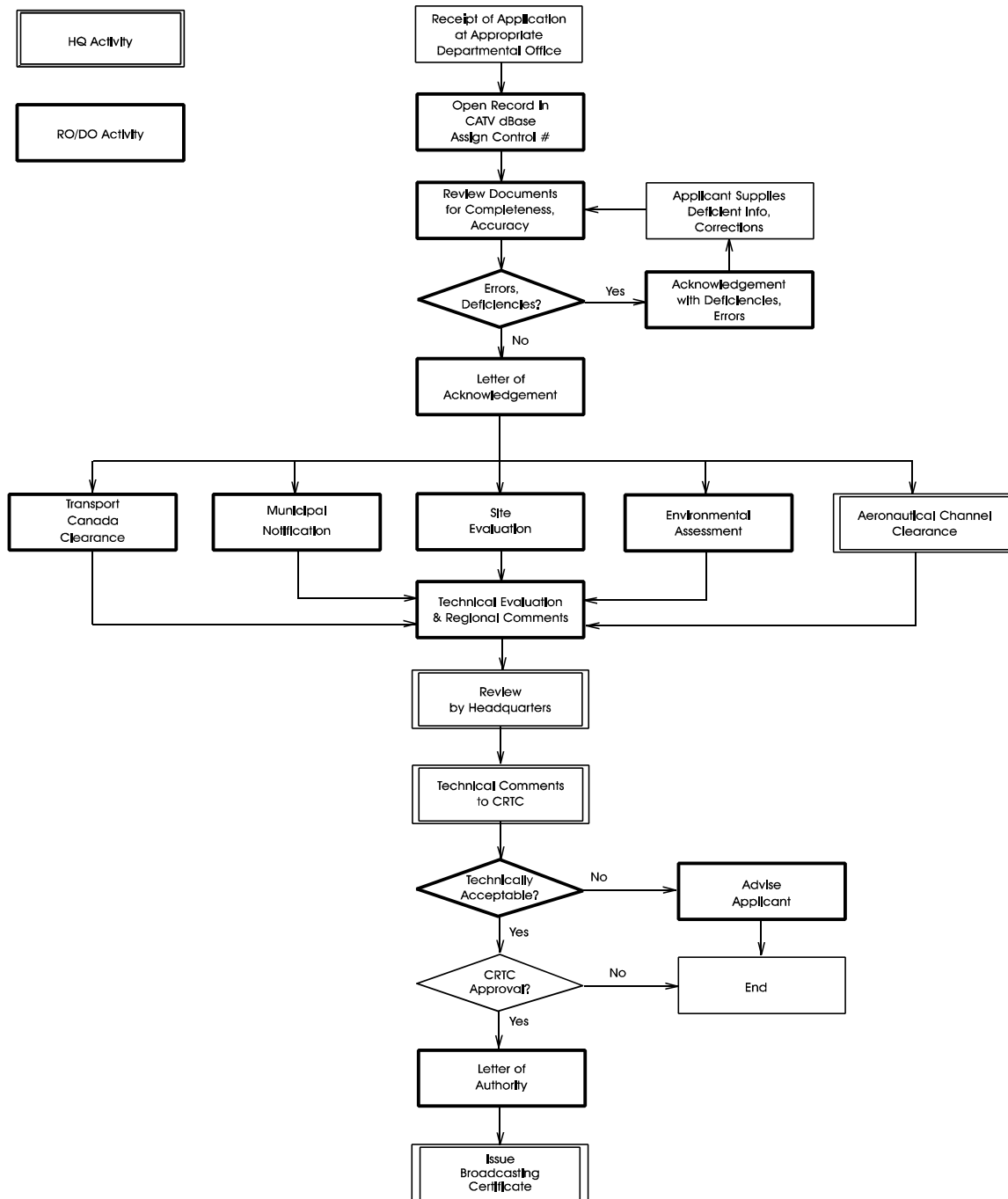
9YYRDDXXX
where YY = year (e.g., 01 for 2001)
R = regional identifier, i.e.,
1 - Pacific
2 - Prairie & Northern Region
4 - Ontario
5 - Quebec
6 - Atlantic
7 - Headquarters
DD = district identifier
XXX = number assigned in numerical order as applications are received.

- 3.3.2 The documentation will be reviewed for completeness and accuracy, noting any deficiencies or inaccuracies, such as incorrect headend coordinates.

- 3.3.3 A letter of acknowledgement with a list of deficiencies or corrections, if any, will be sent to the applicant. A deficient application will be held until the required information is received or until a reasonable time has elapsed, after which the documentation may be returned to the applicant.
- 3.3.4 A copy of the letter of acknowledgement, along with a copy of the complete application, shall be forwarded to Headquarters, the district office/regional office, and the CRTC.
- 3.3.5 If applicable, Transport Canada Form 26-0427 and a copy of the service area map shall be forwarded to the regional Transport Canada office.
- 3.3.6 The district office shall conduct a site evaluation of the proposed headend according to Broadcasting Circular 7. Exceptions to this requirement, such as optical fibre transition sites with no off-air reception, may not require site evaluations.
- 3.3.7 If the application includes a request to use aeronautical channels, an analysis shall be conducted according to Broadcasting Circular 12.
- 3.3.8 An environmental assessment shall be conducted according to Broadcasting Circular 4.
- 3.3.9 A complete analysis of a new application shall consist of the following elements:
- (i) Transport Canada clearance, if applicable;
 - (ii) municipal notification;
 - (iii) site evaluation;
 - (iv) aeronautical channel clearance, if applicable;
 - (v) environmental assessment;
 - (vi) conformity to operational requirements and technical standards of BP23.
- 3.3.10 The regional/district office shall prepare Technical Comments addressing the above-mentioned items and forward them to Headquarters.
- 3.3.11 If some part of the proposal is found not to meet Departmental requirements, the applicant shall be contacted and given the opportunity to amend or remove that part of the proposal. A reasonable time limit may be given to the applicant to respond; after which, the documentation may be returned. If the necessary changes are not made to the proposal, the Technical Comments shall indicate that the proposal is technically unacceptable and the application returned to the applicant.
- 3.3.12 Headquarters shall review the Technical Comments and forward them to the CRTC, if there are no disagreements. Matters of disagreement, or those requiring clarification, will be discussed between Headquarters and the regional/district office and the necessary adjustments made.

3.3.13 Following a favourable CRTC decision, the regional/district office shall send a Letter of Authority to the applicant, with a copy to Headquarters and the CRTC. Headquarters will prepare the Broadcasting Certificate and send it to the applicant, with a copy to the regional office, district office, and the CRTC.

3.4 Flowchart - Evaluation and Certification Procedures for New Systems



4. Modifications to Existing Facilities

4.1 General

Modifications to an existing cable TV system which require an application to the Department (i.e., the submission of Form 16-8; refer to BP23, Issue 4, Part 6) can be divided into the following categories:

- (i) introduction or addition of channels and signals in the 108-137 MHz and 328.6-335.4 MHz bands;
- (ii) the installation of antenna(s) and antenna supporting structure(s) at an existing headend site which may impact on Transport Canada's aeronautical clearance requirements.

4.2 Required Documentation

4.2.1 Applications for modifications to existing cable TV systems must contain the following documentation:

- (i) Form IC-2363, *Application for a Broadcasting Certificate for a New Broadcasting Receiving Undertaking (Cable Television System) or for Changes to the Facilities* or equivalent.
- (ii) For headend changes, a cleared copy of Transport Canada Form 26-0427, *Standards Obstruction Markings - Aeronautical Obstruction Clearance Form* and a map of the headend location(s).

Note: If an uncleared form is included in the submitted documentation, forward the form to the regional Transport Canada office and request confirmation of clearance. Refer to Broadcasting Circular 13 for more information.

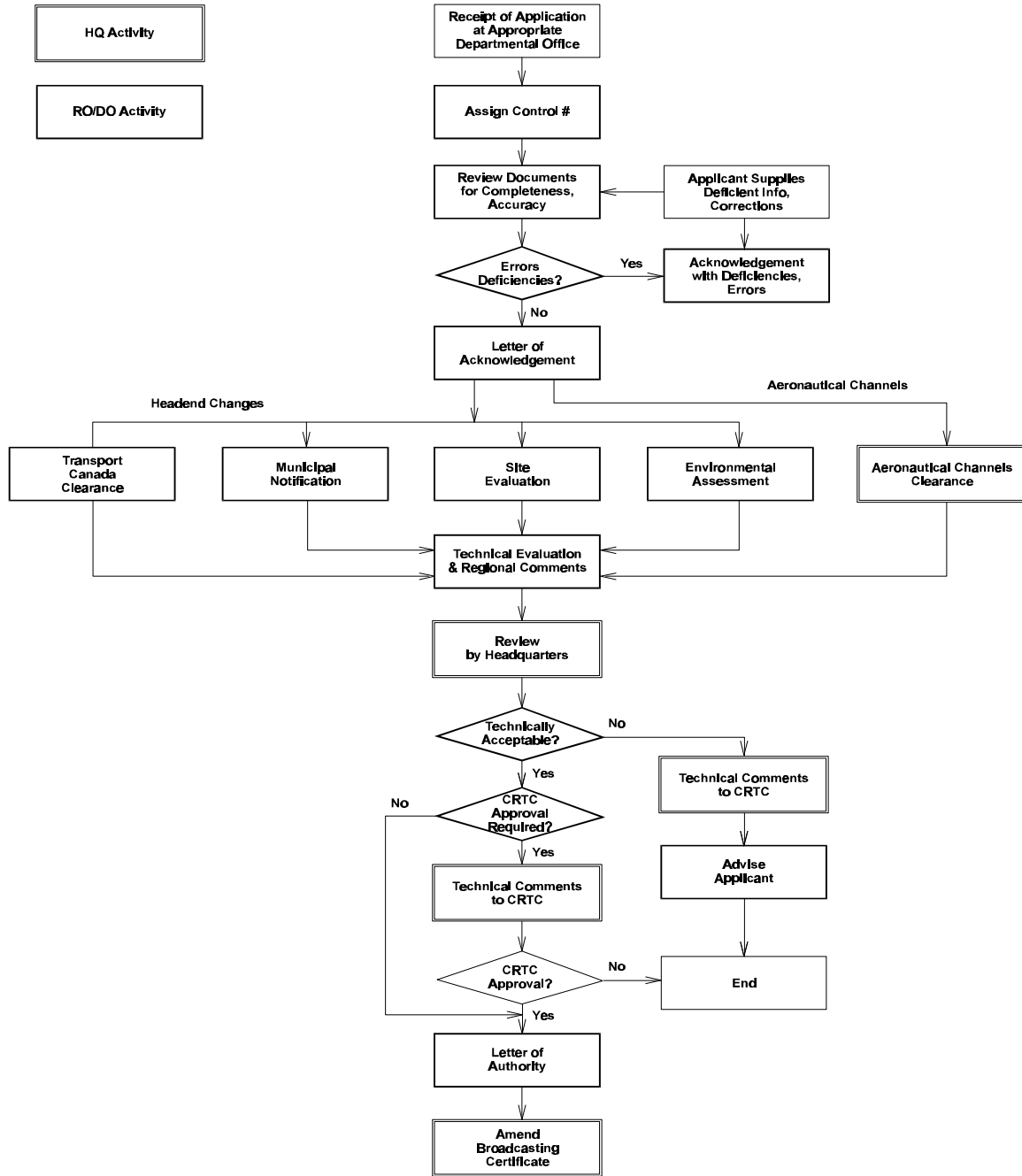
- (iii) For signals in aeronautical bands 108-137 MHz and/or 328.6-335.4 MHz, the application must include detailed information on the frequencies, maximum power levels, and types of signals in question. Refer to Broadcasting Circular 12 for more information.

4.2.2 Although changes to the service area involving the existing cable plant do not require an application to the Department, this information is valuable to Departmental staff in conducting inspections, investigations, and responding to complaints. Therefore, an up-to-date map of the service area should be obtained from the licensee or the CRTC when changes to the existing cabled area are proposed.

4.3 Evaluation and Certification Procedures

- 4.3.1 Upon receipt of the submission at the appropriate Departmental office, a control number (CRTC application number, if available) will be assigned and entered into the database.
- 4.3.2 The documentation will be reviewed for completeness and accuracy, noting any deficiencies or inaccuracies, such as incorrect headend co-ordinates.
- 4.3.3 A letter of acknowledgement with a list of deficiencies or corrections, if any, will be sent to the applicant. A deficient submission will be held until the required information is received or until a reasonable time has elapsed, after which the documentation may be returned to the applicant.
- 4.3.4 A copy of the letter of acknowledgement, along with a copy of the complete submission, shall be forwarded to Headquarters, the regional/district office, and the CRTC.
- 4.3.5 If applicable, Transport Canada Form 26-0427 and a copy of the map showing the headend(s) shall be forwarded to the regional Transport Canada office.
- 4.3.6 If the submission includes a proposed new or modified headend, the District Office shall conduct a site evaluation according to Broadcasting Circular 7. An environmental impact assessment will be conducted according to Broadcasting Circular 4. Proof of municipal consultation is required according to Broadcasting Circular 6.
- 4.3.7 If the submission includes a request to use aeronautical channels, an analysis shall be conducted according to Broadcasting Circular 12.
- 4.3.8 The regional/district office shall prepare Technical Comments addressing the above-mentioned items, as well as conformity to the operational requirements and technical standards of BP-23, and forward them to Headquarters.
- 4.3.9 If the proposal requires CRTC approval, Headquarters shall review the Technical Comments and forward them to the CRTC if there are no disagreements. Matters of disagreement, or those requiring clarification, will be discussed between Headquarters and the regional/district office and the necessary adjustments made.
- 4.3.10 If the proposal does not require CRTC approval, the regional/district office shall send a Letter of Authority to the licensee with a copy to Headquarters and the CRTC. Headquarters will amend the Broadcasting Certificate and send it to the licensee, with a copy to the regional office, district office, and the CRTC.
- 4.3.11 For "Option 3" type applications, such as fees, addition of cable services, etc., where the CRTC has requested Departmental comments, a statement to the effect that the Department has no objections may be added to the CRTC covering letter (in the block reserved for Industry Canada comments) and returned to the CRTC with a copy to Headquarters and the regional/district office.

4.4 Flowchart - Evaluation and Certification Procedures for Modifications to Existing Systems



5. Broadcasting Certificate Renewal

5.1 General

- 5.1.1 The expiry of the Broadcasting Certificate is normally tied to the renewal of the CRTC licence, and both generally have a seven-year duration, although shorter terms may be given for a number of reasons.
- 5.1.2 The renewal process provides an opportunity for the Department to review the operation of the cable TV system over the closing licence period and to advise the CRTC of any serious technical problems.
- 5.1.3 Although no specific application to the Department is required from the licensee in order to renew the Broadcasting Certificate, an unconditional full-term renewal is not automatic.
- 5.1.4 For cable TV systems which have a history of subscriber complaints, poor inspection results, and failure to meet Departmental requirements, the Department may decide to renew the Broadcasting Certificate for less than the full term (short-term renewal), and require that the licensee commit to remedying the problems by the end of the shortened term.

5.2 Required Documentation

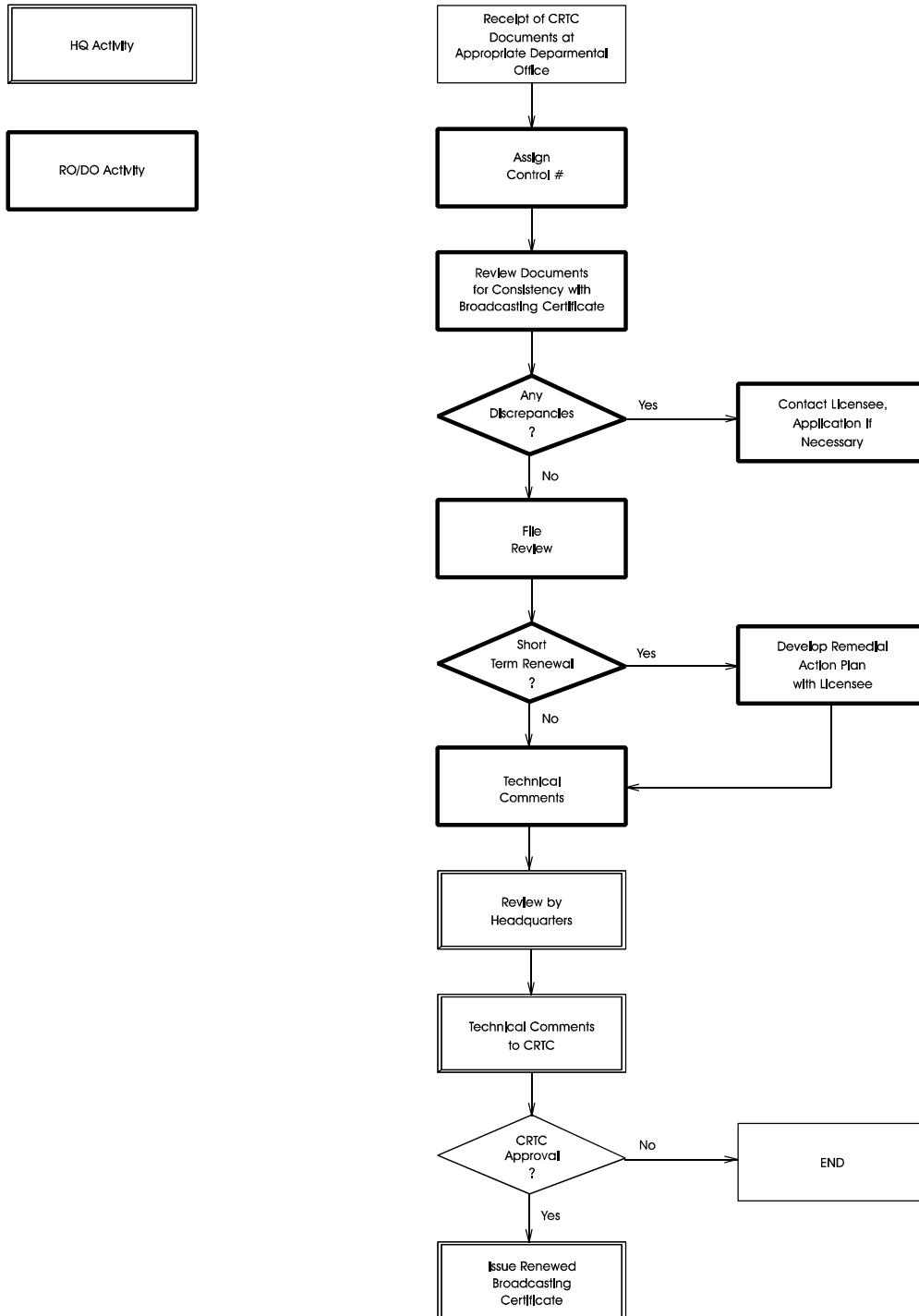
- 5.2.1 The licensee is not required to file documentation with the Department for the renewal of the Broadcasting Certificate. Rather, the Department conducts an internal review of the operation of the cable TV system over the past licence period before deciding to renew the Certificate.
- 5.2.2 The CRTC licence renewal application is normally supplied to the Department when the CRTC requests comments on the Broadcasting Certificate renewal.
- 5.2.3 There should be adequate documentation on file, such as inspection results, complaints, etc. to support the Department's recommendation should a short-term Certificate renewal be considered.

5.3 Evaluation and Certification Procedures

- 5.3.1 The renewal review process usually begins the year prior to the Certificate expiry date.
- 5.3.2 At the beginning of the renewal review process, an application control number is entered into the database. The CRTC application control number can be used if available, for easier cross-reference, or a regional control number can be generated following the procedure in paragraph 3.3.1.

- 5.3.3 If available, the CRTC licence renewal documents should be reviewed and compared to the technical information on the Broadcasting Certificate. Any discrepancies should be noted and the licensee contacted for clarification. If the discrepancy(ies) require(s) that the Broadcasting Certificate be amended, the licensee should be so advised and the necessary application information forwarded.
- Note:** If there is sufficient information contained in the CRTC documents, this could serve as the application for a change of facilities and be processed according to Section 4 of this circular.
- 5.3.4 If a change of facilities is involved, technical comments should encompass the change of facilities as well as the renewal.
- 5.3.5 The regional and district offices shall conduct a file review to determine if the cable system has been operating to Departmental standards during the licence period. Inspection results, subscriber complaints, and other documented information should be taken into account.
- 5.3.6 The regional/district office shall prepare recommendations regarding Certificate renewal and forward them to Headquarters who will certify the application to the CRTC.
- 5.3.7 Short-term renewals, other than those which are administrative in nature (e.g. to conform to CRTC licensing period), should be considered when there is a clear history of chronic technical problems and subscriber complaints. The licensee should be advised of the Department's intention to renew the Certificate for a short-term and a remedial action plan should be developed in order to correct the problems by the end of the short-term renewal period.
- 5.3.8 Headquarters shall review the Technical Comments and forward them to the CRTC if there are no disagreements. Matters of disagreement, or those requiring clarification, will be discussed between Headquarters and the regional/district office and the necessary adjustments made.
- 5.3.9 Following a favourable CRTC decision, Headquarters will prepare the Broadcasting Certificate and forward it to the licensee, with a copy to the regional and district offices and the CRTC.

5.4 Flowchart - Evaluation and Certification Procedures for Renewal of Broadcasting Certificate



6. Change of Ownership

6.1 General

- 6.1.1 Changes in ownership approved by the CRTC require that the Broadcasting Certificate be amended and issued to the new system operator.
- 6.1.2 Changes in ownership can vary from a simple change in company name to a full transfer of assets with a different owner and/or management group.
- 6.1.3 A review of the proposed change of ownership provides the Department with an opportunity to review the past operation of the cable TV system and to advise the CRTC of any serious technical problems.
- 6.1.4 For cable TV systems which have a chronic history of subscriber complaints, poor inspection results, and a failure to meet Departmental requirements, the Department may decide to issue a Broadcasting Certificate to the new owners for a short-term and to solicit a commitment from the prospective owners to remedy the problems if the application were to be approved by the CRTC.

6.2 Required Documentation

- 6.2.1 The licensee is not required to file documentation with the Department for a transfer of ownership of a cable TV system for which a Broadcasting Certificate has been issued.
- 6.2.2 The CRTC normally supplies the Department with information regarding the prospective owners and requests comments regarding the issuance of an amended Broadcasting Certificate.
- 6.2.3 There should be adequate documentation on file to support the Department's recommendation regarding the issuance of a short-term Broadcasting Certificate to the new owners.

6.3 Evaluation and Certification Procedures

- 6.3.1 Upon receipt of a copy of the CRTC change of ownership application at the appropriate Departmental office, the CRTC application number (or other control number) shall be entered into the database.
- 6.3.2 The regional and district offices shall conduct a file review to determine if the cable system has been operating to Departmental standards. Inspection results, subscriber complaints, and other documented information should be taken into account.
- 6.3.3 The regional/district office shall prepare Technical Comments with a recommendation regarding the issuance of a Broadcasting Certificate to the prospective owners.

- 6.3.4 If a cable system has a clear history of chronic technical problems and subscriber complaints, the Department may decide to issue a Broadcasting Certificate for a short-term. The prospective owner should be advised of the Department's intentions and a remedial action plan should be developed in order to correct the problems by the end of the short-term period.
- 6.3.5 Headquarters shall review the Technical Comments and forward them to the CRTC if there are no disagreements. Matters of disagreement, or those requiring clarification, will be discussed between Headquarters and the regional/district office and the necessary adjustments made.
- 6.3.6 Following a favourable CRTC decision, Headquarters will prepare the amended Certificate and forward it to the licensee, with a copy to the regional and district offices and the CRTC.

6.4 Flowchart - Evaluation and Certification Procedures for Change of Ownership

