



Broadcasting Public Notice CRTC 2005-74

Ottawa, 25 July 2005

Call for comments on a request by the Canadian Cable Telecommunications Association to repeal section 22 of the *Broadcasting Distribution Regulations*

1. The Commission has received a request from the Canadian Cable Telecommunications Association (CCTA) to repeal section 22 of the *Broadcasting Distribution Regulations* (the Regulations). Section 22 states:
 22. (1) Except as otherwise provided under a condition of its licence, a Class 1 licensee, and any Class 2 licensee that elects to distribute an audio programming service in a licensed area, shall distribute in the licensed area
 - (a) the programming services of all local radio stations; and
 - (b) if they are not distributed under paragraph (a),
 - (i) the programming services of at least one radio station that broadcasts in English and at least one that broadcasts in French that are owned and operated by the Corporation, and
 - (ii) the educational radio programming service of an educational authority designated by the province in which the licensed area of the undertaking is located.
 - (2) Despite subsection (1), a licensee is not required to distribute the programming service of a local digital radio station that is licensed on a transitional basis.
2. The CCTA estimated that only 4% of subscribers to Class 1 or Class 2 broadcasting distribution undertakings (BDUs) make use of the audio services distributed under this requirement. It based this estimate on a report prepared by the Strategic Council which had been commissioned by Rogers Cable Inc. and was filed by the CCTA with its request.¹

¹ The CCTA's request, including the report prepared by the Strategic Council, may be examined on the Commission's Internet site: <http://www.crtc.ca>

3. Further, according to the CCTA, certain cable BDUs operating in larger markets must distribute as many as 45 radio stations under the section 22 requirement. It argued that repealing this requirement would provide significant capacity savings for BDUs, permitting the distribution of as many as 30 additional standard definition or six high definition digital television services. The CCTA noted that the additional capacity could also be used to offer new audio services on a digital basis to currently unserved or underserved audiences.
4. The CCTA also noted that direct-to-home satellite BDUs and multipoint distribution system BDUs compete with cable BDUs, but are not required to distribute audio programming services. It added that, were the requirements of section 22 of the Regulations removed, Class 1 and Class 2 distribution undertakings would nonetheless continue to offer “a variety of local and distant audio programming services” in order to compete with other distributors. The Commission notes in this regard that certain distributors other than cable BDUs provide audio services to their subscribers in the absence of a regulatory requirement to do so.

Call for comments

5. The Commission invites comments with respect to the issues raised by the request set out in this notice. The Commission will accept comments that it receives on or before 25 August 2005.
6. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

7. Interested parties can file their comments to the Secretary General of the Commission:
 - **by using the**
[Broadcasting Intervention/Comments Form](#)
 - OR
 - **by mail to**
CRTC, Ottawa, Ontario K1A 0N2
 - OR
 - **by fax at**
(819) 994-0218

8. Submissions longer than five pages should include a summary.
9. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

10. All information submitted, including email address, name and any other personal information, will be placed on the public examination file and can be examined on the Commission's web site at www.crtc.gc.ca.
11. Comments filed in electronic form or on paper will be available in the *Public Proceedings* section of the Commission's web site in the official language and format in which they are submitted. Paper versions will be converted to electronic versions by the Commission for this purpose. All comments will be placed on the public examination file.
12. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room G-5
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 - TDD: 994-0423
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Kensington Building
275 Portage Avenue
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Secretary General

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