



## **Broadcasting Decision CRTC 2006-692**

Ottawa, 21 December 2006

**Canadian Cable Systems Alliance Inc., on behalf of  
the following licensees:**

**Access Communications Co-operative Limited**  
Regina, Saskatchewan

**Aurora Cable TV Limited**  
Aurora, Ontario

**Bragg Communications Incorporated**  
Bridgewater, Nova Scotia

**Campbell River TV Association**  
Campbell River, British Columbia

**Halifax Cablevision Limited**  
Halifax, Nova Scotia

**K-Right Communications Limited**  
New Glasgow, Sydney and Truro, Nova Scotia  
and Charlottetown, Prince Edward Island

**Mountain Cablevision Limited**  
Hamilton, Ontario

**Northern Cablevision Ltd.**  
Grande Prairie, Alberta

**Persona Communications Corp.**  
Sudbury and Timmins, Ontario

**Source Cable and Wireless Limited**  
Hamilton, Ontario

**Westman Media Cooperative Ltd.**  
Brandon, Manitoba

*Applications 2006-1374-6, 2006-1376-2, 2006-1460-4,  
2006-1378-8, 2006-1382-9, 2006-1459-6, 2006-1377-0,  
2006-1379-6, 2006-1380-4, 2006-1384-5, 2006-1385-3*

## **Suspension of the provision set out in the decisions listed in the appendix to the present decision relating to the requirements for non-simultaneous program deletion**

1. The Commission received applications by the Canadian Cable Systems Alliance Inc. (CCSA), on behalf of the above-noted licensees of cable broadcasting distribution undertakings (BDUs), to suspend the provision set out in previous decisions relating to the requirements for non-simultaneous program deletion. The previous decisions are listed in the appendix to the present decision.
2. In the decisions listed in the appendix, the Commission approved requests from the above-noted licensees to carry, on a discretionary digital basis, a second set of U.S. 4+1 signals and all distant Canadian signals contained in the *List of Part 3 eligible satellite services*, as set out in the *Revised lists of eligible satellite services*, so long as the licensees adhered to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations).
3. Specifically, the decisions included the following provision designed to protect the program rights acquired by local broadcasters:

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals (that is, a set of U.S. 4+1 signals in addition to the set of such signals already carried by the system) and Canadian distant signals is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations*. The Commission may suspend the application of this provision upon its approval of an executed agreement between the licensee and broadcasters. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a second set of U.S. 4+1 signals and Canadian distant signals solely on the licensee's digital service, as approved in this decision.

4. In support of the applications, the CCSA indicated that it had reached a comprehensive agreement with the Canadian Association of Broadcasters (CAB) and provided a copy of the agreement to the Commission.
5. The Commission notes that the CCSA's agreement with the CAB is currently on a month-to-month basis until such time as a new agreement is concluded subsequent to publication of the Commission's determinations in the proceeding initiated by *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006.

6. In light of the agreement between the two parties, the Commission **suspends** the application of the provision set out in the decisions listed in the appendix to the present decision requiring the licensees to adhere to the requirements for non-simultaneous program deletion with respect to the signals that are the subject of the CCSA's agreement with the CAB.
7. The Commission notes that, in the event that the agreement between the CCSA and the CAB is terminated at any time, the provision will no longer be suspended, and the licensees will once again be required, in accordance with this provision, to adhere to the requirements regarding non-simultaneous program deletion as set out in section 43 of the Regulations. Should the agreement be terminated, the Commission is to be advised forthwith.
8. The Commission also notes that, since the issuance of the decisions listed in the appendix to the present decision, the BDUs serving Amherst, Antigonish, Kingston, Liverpool, Yarmouth, and Windsor, Nova Scotia; Summerside, Prince Edward Island; Elliot Lake, Sturgeon Falls, New Liskeard, Kapuskasing, Kirkland Lake/Chaput Hughes, Verner, King Kirkland and Jocko Point, Ontario; Dauphin, Manitoba; Estevan, Weyburn and Yorkton, Saskatchewan; and Cold Lake/Grand Centre and Wetaskiwin, Alberta, have been exempted pursuant to the *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers; and Amendment to the Broadcasting Distribution Regulations, Broadcasting Public Notice CRTC 2004-39, 14 June 2004*. The licences for these undertakings were revoked in *Revocation of licences – Exempted cable broadcasting distribution undertakings that serve up to 6,000 subscribers, Broadcasting Decision CRTC 2004-382, 30 August 2004*.
9. The applications by CCSA and the agreement executed between the CCSA and the CAB will be placed on the public file.

Secretary General

*This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Decision CRTC 2006-692

<b>Licensees</b>	<b>Broadcasting Decisions</b>
Access Communications Co-operative Limited	2001-229
Aurora Cable TV Limited	2002-280
Bragg Communications Incorporated	2003-573; 2006-454
Campbell River TV Association	2002-374
Halifax Cablevision Limited	2003-573; 2006-452
K-Right Communications Limited	2003-573; 2006-445; 2006-444; 2006-441; 2006-442
Mountain Cablevision Limited	2002-279
Northern Cablevision Ltd.	2002-285
Persona Communications Corp.	2001-398
Source Cable and Wireless Limited	2002-281
Westman Media Cooperative Ltd.	2002-310