



## Broadcasting Public Notice CRTC 2006-17

Ottawa, 10 February 2006

*The Commission has received the following application. The deadline for submission of interventions/comments is 17 March 2006.*

### **Bragg Communications Incorporated**

Bridgewater, Nova Scotia

### **Access Communications Incorporated**

Dartmouth, Nova Scotia

### **Bay Communications Incorporated**

St. Margaret's Bay and Kentville,  
Nova Scotia

### **Halifax Cablevision Limited**

Halifax, Nova Scotia

### **K-Right Communications Limited**

Bedford, Debert, Great Village, Masstown, Mount Uniacke, New Glasgow, Sydney and Truro, Nova Scotia; and Charlottetown, Prince Edward Island

### **Application No. 2005-1585-1**

Application by **Bragg Communications Incorporated**, on behalf of itself and its wholly owned subsidiaries mentioned above, all carrying on business as Eastlink (Eastlink), to amend the licences of its cable distribution undertakings serving the above-mentioned locations.

The licensee proposes to amend its condition of licence relating to the use of local availabilities, which reads:

The licensee may, at its option, insert certain promotional material as a substitute for the "local availabilities" (i.e. non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the commercial availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.

Eastlink requests that this condition of licence be amended so as to authorize it to use the local availabilities in non-Canadian satellite services to promote non-programming services, including its telephone and Internet services, and “bundles” that include these non-programming services.

Eastlink submitted that this proposed change to its conditions of licence will improve its ability to compete in the current communications market.

The Commission notes that the cable distribution undertakings serving Bedford and Mount Uniacke, Nova Scotia, do not currently have any condition of licence relating to the use of local availabilities. The Commission will consider the present application, as it relates to those systems, as an application for such a condition of licence, with the amendments requested.

The Commission also notes that it recently issued Broadcasting Public Notice CRTC 2005-88 in which it rejected a request by the Canadian Cable Telecommunications Association (CCTA) to permit the use of local availabilities for commercial advertising. In addition, the CCTA had also requested that broadcasting distribution undertakings be permitted to use local availabilities to promote non-programming services in a manner similar to that proposed by the licensee in this application. The Commission rejected the CCTA proposal in that context and considered that the CCTA had failed "to make a compelling case under the Act to justify the use by cable BDUs of local availabilities ... for the promotion of telephony or other non-programming services." Parties may wish to refer to Broadcasting Public Notice CRTC 2005-88 in formulating their comments in this proceeding.

*Licensee's address:*

Bragg Communications Incorporated  
6080 Young Street  
8th floor  
Halifax, Nova Scotia  
B3K 5M3  
Fax: (902) 431-9561

*Examination of application:*

At the licensee's address.

[Broadcasting intervention/comments form]

## **Public Participation**

### **Deadline for Interventions/Comments**

**17 March 2006**

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

**by using the**

***Broadcasting Intervention/Comments Form***

located below the description of each application within this public notice

or

**by mail to**

CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**

(819) 994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

### **Important notice**

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

### **Examination of Documents**

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

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Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: (819) 997-2429 – TDD: 994-0423  
FAX: (819) 994-0218

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5

Tel: (902) 426-7997 – TDD: 426-6997  
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205 Viger Avenue West  
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Tel: (514) 283-6607

55 St. Clair Avenue East, Suite 624  
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Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
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FAX: (204) 983-6317

Cornwall Professional Building  
2125 – 11<sup>th</sup> Avenue, Room 103  
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Tel: (780) 495-3224

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Vancouver, British Columbia V6C 3B6  
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FAX: (604) 666-8322

Secretary General

*This document 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>