



Broadcasting Public Notice CRTC 2007-63

Ottawa, 12 June 2007

The Commission has received the following applications. The deadline for submission of interventions/comments is 17 July 2007.

[\[Broadcasting intervention/comments form\]](#)

Item Applicant and Locality

1. **Rogers Cable Communications Inc.**
Across Canada
Application No. 2007-0428-0
2. **The Haliburton Broadcasting Group Inc.**
Timmins, Ontario
Application No. 2007-0266-4
3. **The Haliburton Broadcasting Group Inc.**
Bancroft, Ontario
Application No. 2007-0268-0
4. **The Haliburton Broadcasting Group Inc.**
Kapuskasung and Hearst, Ontario
Application No. 2007-0270-6
5. **Standard Radio Inc.**
Calgary, Alberta
Application No. 2007-0254-9
6. **Encore Avenue Ltd.**
Edmonton, Alberta
Application No. 2007-0487-6

1. **Across Canada** **Application No. 2007-0428-0**

Application by **Rogers Cable Communications Inc.** (Rogers) to amend the licence of its video-on-demand programming undertaking known as Rogers on Demand (ROD).

Rogers proposes to replace the condition of licence relating to its current authorization to distribute programming that contains commercial messages where those messages are already included in a program previously broadcast by a Canadian programming undertaking and that program is subsequently offered on an on-demand basis at no charge to the subscriber which reads:

Canada

The licensee shall adhere to the *Pay Television Regulations, 1990* (Pay Television Regulations), with the exception of section 3(2)(d) (commercial messages) and section 4 (logs and records).

The licensee shall not include as part of its VOD offering any program containing a commercial message except where:

- a. the message was already included in a program previously broadcast by a Canadian programming service;
- b. the program's inclusion as part of the VOD offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and
- c. the program is offered to subscribers on an on-demand basis at no charge.

with the following condition:

The licensee shall not include as part of its VOD offering any program containing a commercial message except where the program is obtained from a:

- a. Canadian programming service;
- b. the program's inclusion as part of the VOD offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program.

Rogers states that this amendment would allow it to offer programs which include any commercial messages as opposed to only those messages which appeared within the linear broadcast of the program and to charge a fee to subscribers at the licensee's discretion.

Rogers is also seeking the authority to retain and enhance the commercial, sponsorship and credit messages, the nature of which is described in section 27 of the *Broadcasting Distribution Regulations* (the Regulations), that appear within the community programming offered on its linear service called Rogers Television when this programming is offered as part of ROD.

Finally, Rogers is seeking an amendment to its condition of licence which prohibits it from distributing programming, other than filler programming, produced by Rogers or a person related to Rogers. The proposed amendment would allow it to distribute up to 10% of the total programming made available on ROD programming produced by itself or a person related to Rogers.

Rogers states that this amendment would allow it to include programs created by other services operated by Rogers Broadcasting Limited, such as: OMNI.1, OMNI.2, Sportsnet, the Biography Channel, G4TechTV and Rogers Television, its community channels.

Licensee's address:

333 Bloor Street East, 9th Floor
Toronto, Ontario
M4W 1G9
Fax: (416) 935-4875
E-Mail: cable.regulatory@rci.rogers.com

Examination of application:

At the licensee's address

2. **Timmins, Ontario**
Application No. 2007-0266-4

Application by **The Haliburton Broadcasting Group Inc.** to renew the licence of the commercial radio programming undertaking CHMT-FM Timmins, expiring 31 August 2007.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to its Canadian talent development contributions for the years 2001, 2002 and 2003.

Licensee's address:

46 Nanton Avenue
Toronto, Ontario
M4W 2Y9
Fax: 416-925-6256
E-mail: cgrossman@hbgradio.com

Examination of application:

49 Cedar Street
Timmins, Ontario

3. **Bancroft, Ontario**
Application No. 2007-0268-0

Application by **The Haliburton Broadcasting Group Inc.** to renew the licence of the commercial radio programming undertaking CHMS-FM Bancroft, expiring 31 August 2007.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to its Canadian talent development contributions for the year 2001.

Licensee's address:

46 Nanton Avenue
 Toronto, Ontario
 M4W 2Y9
 Fax: 416-925-6256
 E-mail: cgrossman@hbgradio.com

Examination of application:

Highway 28
 Bancroft, Ontario

4. **Kapuskasing and Hearst, Ontario**
Application No. 2007-0270-6

Application by **The Haliburton Broadcasting Group Inc.** to renew the licence of the commercial radio programming undertaking CKAP-FM Kapuskasing and its transmitter CKHT-FM Hearst, expiring 31 August 2007.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to its Canadian talent development contributions for the years 2002, 2003, 2004 and 2005.

Licensee's address:

46 Nanton Avenue
 Toronto, Ontario
 M4W 2Y9
 Fax: 416-925-6256
 E-mail: cgrossman@hbgradio.com

Examination of application:

22 Queen Street
Kapuskasing, Ontario

5. **Calgary, Alberta**
Application No. 2007-0254-9

Application by **Standard Radio Inc.** to renew the licence of the commercial radio programming undertaking CIBK-FM Calgary, expiring 31 August 2007.

It appears to the Commission that the licensee may have failed to comply with its condition of licence relating to its Canadian talent development contributions for the years 2003 and 2004.

Licensee's address:

2 St. Clair Avenue West
11th Floor
Toronto, Ontario
M4V 1L6
Fax: 416-323-6828
E-Mail: gary.slaight@standardradio.com

Examination of application:

111 Centre Street North
Calgary, Alberta

6. **Edmonton, Alberta**
Application No. 2007-0487-6

Application by **Encore Avenue Ltd.** (Encore) to authorize the carriage of its service on Shaw's unencrypted discretionary tier.

Encore is the licensee of a regional English-language pay television service operating in western Canada.

In 2003 Encore filed an application requesting the Commission's authority to distribute its service as part of an unencrypted, analog discretionary tier.

In Broadcasting Decision CRTC 2005-30 the Commission identified a number of regulatory concerns in denying the application by Encore.

Encore believes that these concerns have now been fully addressed and does not consider that there are regulatory concerns as a result of the carriage of Encore on an unencrypted tier.

The applicant submits that a restriction regarding the carriage of its service on an unencrypted discretionary tier is no longer necessary nor appropriate.

Licensee's address:

Encore Avenue Ltd.
c/o Corus Entertainment Inc., BCE Place Bay-Wellington Tower
181 Bay Street, Suite 1630
Toronto, Ontario
M5J 2T3

Examination of application:

At the licensee's address

Public Participation

Deadline for Interventions/Comments

17 July 2007

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

[\[Broadcasting intervention/comments form\]](#)

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, 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.

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.

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.

Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the webpage of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

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
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Tel: 819-997-2429
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Toll-free TDD: 1-877-909-2782
Fax: 819-994-0218

Metropolitan Place
99 Wyse Road, Suite 1410
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Fax: 902-426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
Tel: 514-283-6607

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275 Portage Avenue, Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: 204-983-6306 – TDD: 204-983-8274
Fax: 204-983-6317

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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>