



## Broadcasting Public Notice CRTC 2008-36

Ottawa, 25 April 2008

### Notice of consultation

#### Applications received

#### Various locations

**Deadline for submission of interventions/comments: 30 May 2008**

The Commission has received the following applications:

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

#### Item Applicant and Locality

1. **Rogers Cable Communications Inc.**  
Various locations in New Brunswick, Newfoundland and Labrador and Ontario  
Application No. 2008-0420-5
2. **Sun TV Company**  
Ottawa, Ontario  
Application No. 2008-0478-3
3. **Encore Avenue Ltd.**  
British Columbia, Alberta, Saskatchewan, Manitoba, Nunavut, Yukon Territory  
and the Northwest Territories  
Application No. 2008-0400-9

1. **Various locations in New Brunswick, Newfoundland and Labrador and Ontario  
Application No. 2008-0420-5**

Application by **Rogers Cable Communications Inc.** (Rogers) to amend the regional licences of all of its cable broadcasting distribution undertakings serving various locations in New Brunswick, Newfoundland and Labrador and Ontario.

Rogers proposes to amend its current condition of licence authorizing the distribution, on a digital discretionary basis, of any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services* and a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals) so that it reads as follows:

The licensee is authorized to distribute the following signals on a digital discretionary basis:

any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services\**; and

a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals and distant Canadian 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, with respect to the signals to be distributed, 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 distant Canadian signals solely on the licensee's digital service.

Rogers also requests the suspension of the application of section 43 of the *Broadcasting Distribution Regulations* relating to the requirements regarding non-simultaneous program deletion since it has now negotiated an Agreement with the Canadian Association of Broadcasters pertaining to the protection of program rights arising in connection with the carriage of a second set of U.S. 4+1 signals and distant Canadian signals on a digital discretionary basis.

\*Not applicable for its Class 3 undertakings

*Licensee's address:*

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

*Examination of application:*

At the licensee's address  
 Attention: Cable Regulatory Department

## 2. **Ottawa, Ontario**

**Application No. 2008-0478-3**

Application by **Sun TV Company** to amend the licence of the English-language transitional digital television programming undertaking CKXT-DT Toronto, Ontario.

The licensee proposes to amend the licence by changing the channel of its transmitter at Ottawa, Ontario from 62C to 20C.

The licensee also proposes to change the authorized contours of its transmitter at Ottawa by increasing the average effective radiated power from 4,600 watts to 5,100 watts (maximum effective radiated power 9,300 watts/effective antenna height of 332.9 metres).

The licensee advises that the proposed changes are the result of it sharing TV Ontario's antenna instead of installing a separate new antenna system.

*Licensee's address:*

c/o Quebecor Media Inc.  
Regulatory Affairs  
465 McGill Street  
5<sup>th</sup> Floor  
Montréal, Quebec  
H2Y 4A6  
Fax: 514-380-4664  
E-Mail: [tabet.peggy@quebecor.com](mailto:tabet.peggy@quebecor.com)

*Examination of application:*

6 Antares Drive  
Phase 3  
Ottawa, Ontario

3. **British Columbia, Alberta, Saskatchewan, Manitoba, Nunavut, Yukon Territory and the Northwest Territories**  
**Application No. 2008-0400-9**

Application by **Encore Avenue Ltd.** to amend the licence of the regional pay programming undertaking known as Encore Avenue.

The licensee proposes to amend the condition of licence relating to program categories with the following:

1(b) The service shall consist of:

theatrical feature films aired on television (subcategory 7d) copyrighted at least three years prior to the year in which they are distributed by the service.

and by adding the following :

1(b) The service shall consist of:

(...)

ongoing dramatic series (subcategory 7a), copyrighted at least five years prior to the year in which they are distributed by the service.

ongoing comedic series (sitcom) (subcategory 7b), copyrighted at least five years prior to the year in which they are distributed by the service.

The licensee indicates that given the competitive environment in which it operates, it needs more flexibility with respect to particular programming categories it can broadcast and that it also needs a modification to its obligation to broadcast only movies with five years old copyrights to broaden the scope of the movies it can broadcast.

*Licensee's address:*

181 Bay Street  
Suite 1630  
Toronto, Ontario  
M5J 2T3  
Fax: 416-642-3779  
E-Mail: [sylvie.courtemanche@corusent.com](mailto:sylvie.courtemanche@corusent.com)

*Examination of application:*

At the licensee's address

## **Public Participation**

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

**30 May 2008**

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](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.

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.

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: 819-997-2429  
Toll free Telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782  
Fax: 819-994-0218

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: 902-426-7997  
Fax: 902-426-2721

205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2

Tel: 514-283-6607

55 St. Clair Avenue East, Suite 624  
Toronto, Ontario M4T 1M2  
Tel: 416-952-9096

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

Cornwall Professional Building  
2125 – 11<sup>th</sup> Avenue, Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: 306-780-3422

10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: 780-495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: 604-666-2111 – TDD: 604-666-0778  
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>