



## Broadcasting Notice of Consultation CRTC 2009-378

Ottawa, 23 June 2009

### Notice of applications received

#### Various locations

**Deadline for submission of interventions/comments: 28 July 2009**

The Commission has received the following applications:

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

#### Item Applicant and Locality

1. **TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company**

Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta

Application No. 2008-1640-8

2. **TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company**

Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland, Fraser Valley and Whistler and surrounding areas), Vernon and Victoria, British Columbia

Application No. 2008-1641-5

1. **Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta**

**Application No. 2008-1640-8**

Application by **TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TELUS)** to renew the Class 1 regional licence for its terrestrial broadcasting distribution undertakings (BDUs) serving the above-noted locations, expiring 31 August 2009.

TELUS is also requesting:

a) To add the following condition of licence:

The licensee may distribute, at its option, and on a discretionary basis, any of the non-Canadian-originated services specified in Part 2, Section B of the *List of eligible satellite services* in a package with a Canadian pay and/or Canadian specialty service. The licensee may link up to five of these services to a Canadian pay television service or may link one of these services to a Canadian specialty service.

TELUS notes that the Commission has determined that the applicable “must link with a Canadian pay television service” rule will be eliminated in 2011 with the implementation of the amended *Broadcasting Distribution Regulations*. TELUS is requesting that the Commission approve the above condition of licence in advance of this date.

b) To suspend its condition of licence requiring the maintenance of an independent programming committee.

Considering that TELUS is not in a position to ensure that TELUS Corporation’s non-Canadian ownership will not at any given time exceed the 20% limit, and to ensure that it remains in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)* at all times, TELUS accepted to replace its current condition of licence with the following:

At any given time that less than 80% of the voting shares and voting rights in TELUS Corporation are held by Canadians, the licensee shall establish an independent programming committee for a one-year period, to be implemented within 30 days of the date that the licensee becomes aware of the non-compliance situation. Furthermore, the licensee shall file within 30 days of the implementation of the said committee, and to the satisfaction of the Commission, the composition of the new independent programming committee and all the documents demonstrating its implementation.

c) To amend its condition of licence authorizing it to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals. The current condition of licence states that the licensee is not authorized to use any facilities other than its own for the reception of these signals and that the condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking. The amended condition of licence would read as follows:

The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking.

d) To amend its condition of licence authorizing it to distribute the U.S. 4+1 services offered as part of the basic service, as follows:

The licensee is authorized to distribute, at its option, and as part of the basic service, the signals of KOMO-TV (ABC), KIRO-TV (CBS), KING-TV (NBC) Seattle, KCPQ (FOX) Tacoma and KSPS-TV (PBS) Spokane, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *Lists of eligible satellite services*, as amended from time to time.

*Licensee's address:*

3777 Kingsway  
 Burnaby, British Columbia  
 V5H 3Z7  
 Fax: 613-597-8374  
 E-Mail: [ann.mainville-neeson@telus.com](mailto:ann.mainville-neeson@telus.com)

*Examination of application:*

Plaza South Tower  
 10020-100 Street North West  
 Edmonton, Alberta

TELUS  
 411 1<sup>st</sup> Street, SE  
 Calgary, Alberta

215 Slater Street  
 8<sup>th</sup> Floor  
 Ottawa, Ontario

2. **Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland, Fraser Valley and Whistler and surrounding areas), Vernon and Victoria, British Columbia**  
**Application No. 2008-1641-5**

Application by **TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TELUS)** to renew the Class 1 regional licence for its terrestrial broadcasting distribution undertakings (BDUs) serving the above-noted locations, expiring 31 August 2009.

TELUS is also requesting:

a) To add the following condition of licence:

The licensee is authorized to distribute, at its option, and as part of the basic service in Kelowna and Vernon, the signals of CKVU-TV (CityTV) Vancouver, CIVI-TV (A-Channel) Victoria, CHNM-TV (Channel M) Vancouver and CHNU-TV (Omni 10) Fraser Valley.

b) To add the following condition of licence:

The licensee may distribute, at its option, and on a discretionary basis, any of the non-Canadian-originated services specified in Part 2, Section B of the *List of eligible satellite services* in a package with a Canadian pay and/or Canadian specialty service. The licensee may link up to five of these services to a Canadian pay television service or may link one of these services to a Canadian specialty service.

TELUS notes that the Commission has determined that the applicable “must link with a Canadian pay television service” rule will be eliminated in 2011 with the implementation of the amended *Broadcasting Distribution Regulations*. TELUS is requesting that the Commission approve the above condition of licence in advance of this date.

c) To suspend its condition of licence requiring the maintenance of an independent programming committee.

Considering that TELUS is not in a position to ensure that TELUS Corporation’s non-Canadian ownership will not at any given time exceed the 20% limit, and to ensure that it remains in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)* at all times, TELUS accepted to replace its current condition of licence with the following:

At any given time that less than 80% of the voting shares and voting rights in TELUS Corporation are held by Canadians, the licensee shall establish an independent programming committee for a one-year period, to be implemented within 30 days of the date that the licensee becomes aware of the non-compliance situation. Furthermore, the licensee shall file within 30 days of the implementation of the said committee, and to the satisfaction of the Commission, the composition of the new independent programming committee and all the documents demonstrating its implementation.

d) To amend its condition of licence authorizing it to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals. The current condition of licence states that the licensee is not authorized to use any facilities other than its own for the reception of these signals and that the condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking. The amended condition of licence would read as follows:

The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking.

e) To amend one of its conditions of licence in order to be authorized to distribute KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington in Vernon and Kelowna. The amended condition of licence would read as follows:

The licensee is authorized to distribute, at its option, CIVT-TV (CTV) Vancouver as part of its basic service in Kelowna, and to distribute, at its option, KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of its basic service in Vancouver, Victoria, Vernon and Kelowna. The licensee is also authorized to receive KSTW (IND) from a Canadian source that is not a licensed Canadian satellite relay distribution undertaking.

*Licensee's address:*

3777 Kingsway  
Burnaby, British Columbia  
V5H 3Z7  
Fax: 613-597-8374  
E-Mail: [ann.mainville-neeson@telus.com](mailto:ann.mainville-neeson@telus.com)

*Examination of application:*

At the licensee's address, and

555 Robson Street  
Vancouver, British Columbia

215 Slater Street  
8<sup>th</sup> Floor  
Ottawa, Ontario

## **Public Participation**

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

**28 July 2009**

The intervention must be received by the Commission and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays and will not notify a party whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

Interventions will be considered by the Commission and will form part of the public record of the proceeding without further notification to intervening parties, provided the procedure set out below has been followed. Parties will be contacted only if their submissions raise procedural questions.

Written interventions should be submitted to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[\[Broadcasting interventions/comments form\]](#)

**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.

Parties must ensure, before initiating service through electronic mode, that they 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.

Interventions should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

#### **Important notice**

Note that all information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website 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 website. This information

includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties 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 website in their entirety exactly as received, 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 that parties 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 web page 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 that was provided as part of this public process.

### **Examination of documents**

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

A list of all interventions/comments will also be available on the Commission's website. 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 website.

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 Commission offices and documentation centres.

### **Location of Commission offices**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
K1A 0N2  
Tel.: 819-997-2429  
Fax: 819-994-0218

**Regional offices**

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  
2220 – 12<sup>th</sup> Avenue, Room 620  
Regina, Saskatchewan  
S4P 0M8  
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>.*