



## Broadcasting Notice of Consultation CRTC 2009-577

Ottawa, 14 September 2009

### **Call for comments on a proposed change to the policy regarding the distribution of small-market independent television stations by direct-to-home broadcasting distribution undertakings**

**Deadline for submission of interventions/comments: 13 October 2009**

**Deadline for submission of replies: 27 October 2009**

1. In Broadcasting Public Notice 2008-100, the Commission set out its determinations regarding the television stations that direct-to-home (DTH) broadcasting distribution undertakings will be required to distribute as part of the basic service. The Commission indicated that DTH licensees will be required, among other things, to distribute at least one independently-owned local television station<sup>1</sup> from each province where such stations have been licensed. This requirement will be set out in the new *Broadcasting Distribution Regulations* (the Regulations), which will come into force as of 31 August 2011, and will replace the current obligation to distribute 13 small-market independently-owned stations found in the conditions of licence for each DTH licensee.
2. The Commission has received a joint submission by seven licensees of small-market independently-owned television stations (SMITS): Astral Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Astral Media Radio G.P.; Corus Entertainment Inc.; Jim Pattison Broadcast Group Ltd. (the general partner) and Jim Pattison Industries Ltd. (the limited partner), carrying on business as Jim Pattison Broadcast Group Limited Partnership; Newcap Inc.; RNC MEDIA Inc.; Télé Inter-Rives ltée; and Thunder Bay Electronics Limited. Collectively, these licensees operate 20 television stations in 14 communities throughout Alberta, British Columbia, Ontario and Quebec.
3. In their submission, the licensees requested that the Commission initiate a process to amend the Regulations in order to require DTH licensees to distribute, at their own expense, 14 specific SMITS identified in the submission to DTH subscribers within the Grade B contours of those SMITS. The proposed amendment would also require DTH licensees to distribute high definition versions of these stations should they become available.
4. In Broadcasting Notice of Consultation 2009-411-1, the Commission had previously announced that this request would be addressed following the release of its determinations in the proceeding initiated by Broadcasting Notice of Consultation

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<sup>1</sup> An "independently-owned local television station" means a licensed over-the-air local television station that is not owned by one of the major ownership groups identified in paragraph 58 of Broadcasting Public Notice 2008-100 and that provides, in one of the official languages, local programming, including local news, to the community it is licensed to serve.

2009-411. In light of the postponement of the hearing portion of that proceeding from September to November 2009, the Commission has decided to publish the request for comment so that the public record can be completed prior to the November hearing.

5. The Commission notes that it is open to parties to make comments and raise similar concerns with respect to other small-market television stations aside from those identified by the parties that made the request described above. Any such comments will be considered in the Commission's determinations in this matter.

### **Call for comments**

6. The Commission calls for comments on the request described above and similar concerns relating to other small-market television stations. Comments must be received by the Commission no later than **13 October 2009**.
7. Interested parties that wish to submit a reply to any comments received must do so by no later than **27 October 2009**.
8. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

### **Procedures for filing comments**

9. Interested parties can file their comments 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

10. The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.
11. Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.
12. Submissions longer than five pages should include a summary.

13. Please number each paragraph of your submission. In addition, where the comment 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.

#### **Important notice**

14. 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.
15. 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.
16. 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.
17. 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 the Commission's website with the help of either its 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.
18. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

#### **Examination of documents**

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 two working days, at any other Commission offices and documentation centres.

**Location of Commission offices**

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Secretary General

#### **Related documents**

- *Policy proceeding on a group-based approach to the licensing of television services and on certain issues relating to conventional television* – Notice of hearing, Broadcasting Notice of Consultation CRTC 2009-411, 6 July 2009, as amended by Broadcasting Notice of Consultation CRTC 2009-411-1, 30 July 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

*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>.*