



Broadcasting Decision CRTC 2009-663

Ottawa, 22 October 2009

Route reference: 2009-581

Mountain Cablevision Limited

Hamilton and surrounding areas, Ontario

Application 2009-1015-0, received 13 July 2009

Change of effective control

*The Commission **approves** the application by Shaw Communications Inc. (Shaw), on behalf of Mountain Cablevision Limited (Mountain), to change the ownership and control of Mountain to 1474888 Alberta Ltd., a wholly owned subsidiary of Shaw.*

The application

1. The Commission received an application by Shaw Communications Inc. (Shaw), on behalf of Mountain Cablevision Limited (Mountain), to change the ownership and control of Mountain to 1474888 Alberta Ltd. (1474888), a wholly owned subsidiary of Shaw.

Parties to the transaction

2. Mountain, a corporation controlled by Mr. Owen Boris, is the licensee of a Class 1 terrestrial broadcasting distribution undertaking serving Hamilton and surrounding areas and of a regional English-language video-on-demand programming undertaking serving Byng, Caledonia, Cayuga, Dunnville, Hagersville, Jarvis, Mount Hope, Townsend and parts of Hamilton, Ontario.
3. Shaw is a corporation controlled by J.R. Shaw.

The proposed transaction

4. The proposed transaction will be effected through the transfer of all of the issued and outstanding shares of Mountain to 1474888. As a result, effective control of Mountain will be exercised by Shaw through its wholly owned subsidiary 1474888.
5. Following approval by the Commission, Shaw committed to operate the Mountain broadcasting undertakings under the same terms and conditions as those in effect under the current licences.

6. In support of its application, the applicant submitted that Shaw's ownership of Mountain would bring tremendous advantages to Mountain's customers. Shaw has the financial resources necessary to maintain and expand the range of modern broadband communication services. Through further investments in the system, Shaw would expand the range of broadcast services available and increase the speed, range and quality of Internet and telephony services. Further, through its affiliate, Shaw would continue to operate and provide services to all areas currently served by Mountain. The applicant further indicated that it planned to expand the cable plant into smaller areas not currently served within Mountain's serving territories.
7. The Commission received an intervention in support of this application.

Commission's analysis and determinations

8. In section VII (Transfers of Ownership and Control) of *Call for comments on a proposed approach for the regulation of broadcasting distribution undertakings*, Public Notice CRTC 1996-69, 17 May 1996, the Commission announced that, in assessing applications for authority to transfer the ownership or effective control of a broadcasting distribution undertaking, it would no longer require prospective purchasers to identify the significant and unequivocal benefits that would result if the transaction is approved. However, the Commission stated that it would continue to assess such applications to ensure that the prospective purchaser is qualified and that approval is in the public interest.
9. The Commission has considered the application and is satisfied that the proposed transaction is in the public interest.
10. Accordingly, the Commission **approves** the application by Shaw Communications Inc., on behalf of Mountain Cablevision Limited, to change the ownership and control of Mountain Cablevision Limited to 1474888 Alberta Ltd., a wholly owned subsidiary of Shaw Communications Inc.

Secretary General

This decision is to be appended to each licence. It 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>.