



## Broadcasting Notice of Consultation CRTC 2009-83

Ottawa, 20 February 2009

### **Call for comments on proposed revisions to the *Exemption order respecting terrestrial relay distribution network undertakings***

*The Commission calls for written comments on a revised exemption order respecting terrestrial relay distribution network undertakings, as set out in the appendix to this notice. The deadline for submitting comments is 23 March 2009.*

#### **Introduction**

1. In Broadcasting Public Notice 2008-100, the Commission proposed to amend its *Exemption order respecting terrestrial relay distribution network undertakings*<sup>1</sup> in order to eliminate the requirements that undertakings operating under the order be local or regional and that they be affiliated with the broadcasting distribution undertakings (BDUs) to which they transport programming services. The Commission expressed the view that the removal of these restrictions would encourage greater competition in the signal transport sector. The Commission also stated that terrestrial relay distribution undertakings (TRDUs) would be subject to the Commission's dispute resolution processes. Finally, for clarification purposes, the Commission noted that BDUs or other parties may transport programming services to other BDUs under the TRDU exemption order.
2. Consistent with Broadcasting Public Notice 2008-100, the Commission calls for comments on a revised exemption order, as set out in the appendix to this notice. With respect to dispute resolution, the Commission has included a provision based on a condition of licence applicable to licensed satellite relay distribution undertakings (SRDUs). However, in its proposed exemption order, the Commission has expanded this provision to make it applicable to disputes between exempt TRDUs and Canadian programming services, as well as to disputes between exempt TRDUs and distribution undertakings.
3. In Broadcasting Public Notice 2008-100, the Commission stated that it would continue to license SRDUs, but that it would be prepared at the time of the next licence renewal to review evidence as to whether such undertakings should be exempted. Should the Commission ultimately find its proposed TRDU dispute resolution provision appropriate, it may at that time consider expanding the dispute resolution requirement applicable to SRDUs, either by way of a revised condition of licence or through the terms of an exemption order, as the case may be.

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<sup>1</sup> See *Final revisions to certain exemption orders*, Public Notice CRTC 2000-10, 24 January 2000, as corrected by *Correction to Public Notice CRTC 2000-10*; *Final revisions to certain exemption orders*, Public Notice CRTC 2000-10-1, 27 March 2001.

4. Finally, in Broadcasting Public Notice 2008-100, the Commission stated that it would remove the requirement that licensed BDUs receive certain services from a licensed SRDU, currently imposed by way of conditions on the authorizations granted under the lists of eligible satellite services (the lists).<sup>2</sup> In Broadcasting Notice of Consultation 2009-84, also published today, the Commission has called for comments on proposed revisions to the lists to remove this requirement.

### **Call for comments**

5. The Commission invites written comments on the proposed TRDU exemption order set out in the appendix to this notice. The Commission will accept comments that it receives on or before **23 March 2009**.
6. The Commission will not formally acknowledge written 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.

### **Procedure for filing comments**

7. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**  
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**  
819-994-0218

8. Submissions longer than five pages should include a summary.
9. Please number each paragraph of your submission. In addition, please enter the line \*\*\*End of document\*\*\* following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

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<sup>2</sup> The services include the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network.

### **Important notice**

10. 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 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 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.
11. 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.
12. Documents received electronically or otherwise will be put on the Commission's website 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.
13. 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 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 which was provided as part of this public process.
14. 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 public comments and related documents at the following Commission offices during normal business hours**

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

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

**Related documents**

- *Call for comments on proposed revisions to the requirements set out in the lists of eligible satellite services*, Broadcasting Notice of Consultation CRTC 2009-84, 20 February 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>.*

# Appendix to Broadcasting Notice of Consultation CRTC 2009-83

## Exemption order respecting terrestrial relay distribution network undertakings

Pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), the Commission exempts from the requirements of Part II of the Act and any regulations made thereunder those persons carrying on broadcasting undertakings of the class defined by the following criteria:

### Purpose

The purpose of these terrestrial relay distribution network undertakings is to receive the programming services of programming undertakings, Canadian or non-Canadian, and distribute those programming services, unaltered, to distribution undertakings, with or without a fee.

### Description

1. The Commission would not be prohibited from licensing the undertaking by virtue of any direction to the Commission by the Governor in Council.
2. The undertaking meets all technical requirements of the Department of Industry and has acquired all authorizations or certificates prescribed by the Department.
3. The undertaking makes use of any technology other than satellite to distribute programming to distribution undertakings licensed or exempted from licensing by the Commission.
4. The undertaking neither originates any programming nor curtails any programming that it receives and distributes.
5. If a dispute concerning the terms and conditions under which programming services are or may be provided or distributed arises between the undertaking and a distribution undertaking or a programming undertaking, whether operating by licence or by exemption order, the undertaking submits to such dispute resolution process or processes as may be required by the Commission and to any decision resulting therefrom.