



## Broadcasting Decision CRTC 2011-534

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Route reference: 2011-188

Ottawa, 26 August 2011

**Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership Eastern Canada**

*Application 2010-0836-8, received 14 May 2010*

*Public hearing in the National Capital Region*

*17 May 2011*

### Video-on-demand service

*The Commission **approves** an application for a broadcasting licence to operate a regional video-on-demand service.*

### The application

1. Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership (Bell), filed an application for a broadcasting licence to operate a regional video-on-demand (VOD) programming undertaking to serve Eastern Canada.
2. Bell is ultimately controlled by BCE Inc., a public corporation controlled by its board of directors.
3. The applicant indicated that the new VOD service would consist primarily of feature films, but could also include other types of programming, such as non-live events, children's programming, archival television programming, community programming and adult programming.
4. Bell confirmed that it would make its VOD program offering available to customers in both official languages. While the programming would be predominantly in the English language, the applicant made a commitment to offer approximately 10% of all programming in French. The applicant also stated that it may offer third-language feature films, based on audience demand.
5. The applicant indicated that it would abide by the standard requirements for VOD services set out in Broadcasting Regulatory Policy 2011-59.

6. The Commission received an intervention in opposition to this application from the Canadian Association of Community Television Users and Stations (CACTUS), to which the licensee did not reply. The public record for this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and determinations**

7. After examining the application in light of applicable regulations and policies, and taking into consideration the intervention received, the Commission considers that the issues to be addressed in its determinations relate to the following:
  - contributions to the production of community programming; and
  - use of Canadian resources in the creation and presentation of programming.

### **Contributions to the production of community programming**

8. CACTUS submitted that if the applicant allocates a portion of Bell's broadcasting distribution undertaking (BDU) contributions to Canadian programming to the cost of the production of community programs to be offered on its proposed VOD service, it would support this application only if:
  - the contribution to community programming is directed toward not-for-profit, non-branded, independent community media centres that are licensed within the service area; and
  - the community programming is distributed on a non-exclusive basis and is adequately promoted alongside other program offerings
9. The Commission notes that the applicant did not request to allocate a portion of Bell's BDU contributions to Canadian programming to the production of community programs to be offered on its proposed VOD service. It further notes that CACTUS's proposal is an attempt to amend the community television policy as these requirements have not been placed on BDUs that operate linear community channels. Consequently, the Commission considers that this aspect of CACTUS's intervention does not raise any substantive issues in regard to the present application.

### **Use of Canadian resources in the creation and presentation of programming**

10. CACTUS also submitted that the Canadian content requirements for VOD undertakings are inconsistent with the *Broadcasting Act*, which states that each broadcasting undertaking shall make maximum use, and in no case less than predominant use, of Canadian creative and other resources in the creation and presentation of programming.
11. In this regard, the Commission notes that it has recently reaffirmed these requirements in Broadcasting Regulatory Policy 2011-59. Therefore, no changes are to be expected in the near future. Consequently, the Commission considers that this aspect of CACTUS's intervention does not raise any substantive issues in regard to the present application.

## Conclusion

12. The Commission is satisfied that the application complies with the licensing framework for VOD services set out in Broadcasting Regulatory Policy 2010-190 and with all applicable requirements set out in Broadcasting Regulatory Policy 2011-59. Accordingly, the Commission **approves** the application by Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership for a broadcasting licence to operate a regional video-on-demand programming undertaking to serve Eastern Canada. The licence will take effect 1 September 2011 and will expire 31 August 2018, and will be subject to the standard **conditions of licence**, expectations and encouragement set out in the appendix to Broadcasting Regulatory Policy 2011-59.
13. The licence for this undertaking will be issued once the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 26 August 2013. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before this date.

Secretary General

### Related documents

- *Standard requirements for video-on-demand undertakings*, Broadcasting Regulatory Policy CRTC 2011-59, 31 January 2011
- *Regulatory framework for video-on-demand undertakings*, Broadcasting Regulatory Policy CRTC 2010-190, 29 March 2010

*\*This decision is to be appended to the licence.*