



Broadcasting Notice of Consultation CRTC 2011-65

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Ottawa, 2 February 2011

Call for comments on a consolidated list of eligible satellite services

*The Commission calls for comments on a consolidated list of satellite services to be authorized for analog and digital distribution. The deadline for filing written comments is **4 March 2011**. Parties may file replies to any of the comments received by **21 March 2011**.*

Introduction

1. In Broadcasting Public Notice 2008-100, the Commission announced its intention to simplify and consolidate the lists of eligible satellite services (the lists) in a single list of services authorized for analog and digital distribution by all broadcasting distribution undertakings (BDUs).
2. Accordingly, in the appendix to this notice, the Commission has set out for comment a consolidated list. Specifically, the Commission proposes to combine the different sections, appendices and parts of the lists. This measure would result in one list of non-Canadian services authorized for distribution by all Canadian distributors, regardless of the size or the technology used by the distributors. The Commission notes that this will have the effect of eliminating the distinction between services that can be distributed on both an analog and digital basis and services that can only be distributed on a digital basis.
3. Further, as part of its revised approach, the Commission is proposing the following changes in the consolidated list:
 - the removal of references to Canadian services; and
 - the harmonization of the rights requirements for non-Canadian services.

Removal of references to Canadian services

4. The lists contain references to provincial educational television services (ACCESS, Saskatchewan Communications Network, Télé-Québec (STQ), The Ontario Educational Communications Authority (TVO), The Ontario French-Language Educational Communications Authority (TFO) and Knowledge), certain satellite-to-cable services (“A” Atlantic and the Aboriginal Peoples Television Network (APTN)), CFTU-TV Montréal and the English- and French-language television services of the Canadian Broadcasting Corporation, as well as licensed television and

pay audio programming undertakings. The Commission is proposing to remove these references in the consolidated list.

5. The inclusion of the above-noted services on the lists served as an authorization for their distribution by BDUs. It is the Commission's intention to authorize the distribution of the majority of these services within the revised *Broadcasting Distribution Regulations* (the revised Regulations) issued for public comment in Broadcasting Notice of Consultation 2010-931.¹ The revised Regulations, however, will not include an authorization for the distribution of certain satellite-to-cable services, such as "A" Atlantic and APTN. Therefore, to ensure that the distribution of satellite-to-cable services by terrestrial BDUs is allowed, the Commission is proposing to add the following authorization to the list of general authorizations for terrestrial and direct-to-home BDUs:

The licensee is authorized to distribute the signal of any satellite-to-cable service.

6. Since the Commission is proposing to remove the references to Canadian services in the consolidated list, it is also proposing to remove the following provisions concerning the distribution of Canadian services:
 - In the case of out-of-province educational services, there should be no objection on the part of the originating service (for the services on the *List of Part 3 Eligible Satellite Services*).
 - In the case of licensed television programming undertakings offering TVA or CTV programming, a licensee also distributing the signal of a local TVA or CTV affiliate shall delete the duplicate programming from the services offered pursuant to this List or substitute the local service(s) when the programming is identical (for the services on the *List of Part 3 Eligible Satellite Services*).

Harmonization of the rights requirements for non-Canadian services

7. The lists contain a provision stipulating that the authorization for the services eligible for digital distribution only is subject to the following:

¹ In the case of direct-to-home BDUs, the distribution of the services would be authorized under section 48(1)(a) of the revised Regulations, which authorizes the distribution of "any licensed programming undertaking." In the case of terrestrial BDUs, the distribution of the services would be authorized under different sections of the revised Regulations. Specifically, the distribution of educational television programming services would be authorized by section 20(1)(k), the distribution of distant television signals (CBC English- and French-language television services, CFTU-TV Montréal and the programming service of any licensed television programming undertaking) by sections 20(1)(a) and 20(1)(g) and the distribution of licensed pay audio programming undertakings by section 28(1)(a).

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.
 - Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.
8. The Commission proposes to apply these provisions to all the services authorized by the consolidated list.
 9. The Commission notes that the consolidated list will retain the provisions limiting the number of U.S. 4+1 signals² that a licensee may distribute pursuant to this list.

Other matters

10. In Broadcasting Public Notice 2008-100, the Commission announced that it would simplify its packaging rules for non-Canadian third-language services. It stated that a simple packaging requirement of one Canadian third-language service with up to three non-Canadian services would apply. Since there will no longer be a distinction between non-Canadian third-language services added before and after 16 December 2004, the Commission has deleted the note identifying the services added before that date.

Call for comments

11. The Commission calls for comments on the consolidated list appended to this notice. Parties are further encouraged to file information and data to support their views. The deadline for filing written comments is **4 March 2011**. Parties may file replies to any of the comments received by **21 March 2011**. The Commission will only accept submissions that it has received on or before the dates noted above. The Commission cannot be held responsible for postal delays and will not notify a party whose comment is received after the deadline dates. The comment will not be considered by the Commission and will not be part of the public file.
12. 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

13. Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

² “U.S. 4+1 signals” refers to signals that provide the programming of the four U.S. commercial networks (ABC, CBS, NBC and FOX) and the non-commercial PBS network.

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

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

14. Submissions longer than five pages should include a summary.
15. Each paragraph of the submission should be numbered. 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

16. 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, 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.
17. 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.
18. 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.
19. 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.
20. 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

21. A list of all comments will also be available on the Commission's website. An electronic version of all 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.
22. The public may examine public comments and related documents at the following Commission offices during normal business hours.

Location of Commission offices

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

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

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
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
Fax: 204-983-6317

2220 – 12th Avenue
Suite 620
Regina, Saskatchewan
S4P 0M8
Tel.: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta
T5J 3N4
Tel.: 780-495-3224

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Call for comments on amendments to the Broadcasting Distribution Regulations, Broadcasting Notice of Consultation CRTC 2010-931, 10 December 2010*
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*

Appendix to Broadcasting Notice of Consultation CRTC 2011-65

Proposed List of Eligible Satellite Services

WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/ WXYZ-TV Detroit/WJET-TV Erie/KSTP-TV Minneapolis/ KXLY-TV Spokane/KOMO-TV Seattle	ABC
WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/ WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/ KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit	CBS
WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/ WDIV Detroit/WICU-TV Erie/KARE Minneapolis/ KHQ-TV Spokane/KING-TV Seattle	NBC
WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/ WUHF Rochester/KAYU-TV Spokane/KCPQ Tacoma/ WFXT Boston	FOX
WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/ WTVS Detroit/WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle KSTW (IND) Tacoma/Seattle KTLA Los Angeles KWGN-TV Denver WGN-TV Chicago WPCH-TV Atlanta WPIX New York City WSBK-TV Boston WUAB-TV (IND) Cleveland WWOR-TV New York City Aaj Tak Channel Aastha Bhajan Al Arabiya News Channel Al Jazeera* Al Jazeera English American Movie Classics Ariana Television	PBS

ART America

ART Movies

The Arts and Entertainment Network (A&E)

ATV Home Channel (America)

Azteca 13 International

Baby TV

BabyFirstTV

BBC World

Beijing TV

Benfica TV

Big Ten Network

Black Entertainment Television (BET)

Bloomberg Television

Bridges TV

BVN-TV

Cable News Network (CNN)

Cable Satellite Public Affairs Network (C-Span)

Canal 52 MX

Canal de las Estrellas Latinoamérica

Canal SUR

Caracol Television International

CaribVision

CBS College Sports Network

CCTV-4

CCTV Entertainment Channel

Channel-i

Channel One Russia Worldwide TV

Channel [V] Taiwan
China Yellow River Television Station
CineLatino
CNN Headline News (CNN-2)
CNN International
Comedy Central
Consumer News and Business Channel (CNBC)
Court TV
Cubavision Internacional
Dandana TV
De Pelicula Channel
Deutsche Welle
Dragon TV
El Gourmet.com
ET-Global Channel
Eternal Word Television Network
ETV Bangla
Eurochannel
EuroNews
Eurosportnews
The Filipino Channel
Fox Business Network
Fox News
France 24 (English)
France 24 (French)
Future Television Channel
Game Show Network

GEO TV
German Kino Plus
German TV
GMA Life TV
GMA Pinoy TV
The Golf Channel
Grandes Documentales de TVE
HDNet
Headlines Today Channel
HTV
Horizon Channel
Hunan Satellite TV
Indus Music
Indus Vision
ITVN
Jewish Life Television
Jiangsu International TV Channel
KTO
LBC America
The Learning Channel
Lifetime Television
LUXE.TV
MBC Channel (America)
Mezzo
Military Channel
MSNBC
Muslim Television Ahmadiyya

MyZen.TV

NASA Television

NDTV GOOD TIMES

Network TEN (Australia)

NEW SAT

New Tang Dynasty Television (NTDTV)

NFL Network

NTV Bangla

Oxygen Network

Paris-Première

Phoenix InfoNews Channel

Phoenix North American Chinese Channel (PNACC)

Planète

Planète Thalassa

Playboy TV**

Polsat 2 International

Premiere Futebole Clube (PFC)

ProSiebenSat.1 Welt

PTV-Prime USA

Radio-France outre-mer (RFO1)

Radio Television Portugal International (RTPi)

RAI International 2

Ritmoson Latino Channel

Romanian Television International (RTVI)

RTR-Planeta TV

RTV

RTV Palma

Russia Today

Sahara One

The Satellite Channel of Southern Television Guandong

The Silent Network (Kaleidoscope)

Sony Entertainment Television Asia (SET Asia)

Sony Max

Southeast TV Station

Speed Channel

Spike TV

Star Chinese Channel

Star Chinese Movies 2

Star India Gold

Star India News Channel

Star India One Channel

Star India Plus

Sun TV

Supercanal Caribe

TELEFE Internacional

TL Novelas Channel

TRACE TV

TV Asia

TV Chile

TVColumbia

TV Globo Internacional

TV Japan

TV Land

TV Polonia

TVE Internacional

TV3 Republic of Ireland

TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Turner Classic Movies

Utilisima

Vijay Channel

The Weather Channel (TWC)

WMNB-TV: Russian-American Broadcasting Company

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of Playboy TV to subscribers that request it not be receivable in their home (in either unscrambled or scrambled analog form).

Authorization for the services comprised on this list is subject to the following:

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

- Licensees receiving any U.S. PBS signal(s) over the air at the local head end may distribute one additional PBS signal pursuant to this list. All other licensees may distribute a maximum of two PBS services pursuant to this list.

- Licensees receiving U.S. commercial network signals over the air at the local head end may not distribute additional U.S. commercial network signals from the same network pursuant to this list. Other licensees may not distribute the signal of more than one affiliate of the same commercial U.S. network pursuant to this list.