Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Broadcasting Decision CRTC 2017-149

PDF version

References: 2016-225, 2016-225-1, 2016-225-2, 2016-225-3 and 2016-225-5

Ottawa, 15 May 2017

Bell Media Inc.
Various locations and across Canada

Application 2016-0012-2, received 11 January 2016
Public hearing in the National Capital Region
28 November 2016

Bell Media Inc. – Licence renewals for English-language television stations and services

*The Commission **renews** the broadcasting licences for the various English-language television stations and services that will form the Bell Media Group in the next licence term, from 1 September 2017 to 31 August 2022.*

*In addition, the Commission **renews** the broadcasting licences for various television services that are not included in the Bell Media Group in the next licence term, from 1 September 2017 to 31 August 2022.*

*For Bell TV On Demand (terrestrial pay-per-view service) and Bell TV On Demand (direct-to-home pay-per-view service), the Commission **revokes** the current broadcasting licences, effective 31 August 2017. New broadcasting licences will be issued for the services, which will take effect 1 September 2017 and expire 31 August 2022.*

Application

1. Bell Media Inc. (Bell Media), on behalf of itself and the licensees listed in Appendices 1 and 2 to this decision, filed an application to renew the broadcasting licences for the English-language television stations, discretionary services and other services set out in the appendices.

2. Specifically, Bell Media is seeking the renewal of the broadcasting licences for the CTV and CTV Two television stations across the country, the satellite-to-cable services CTV Two Alberta and CTV Two Atlantic, several discretionary services and the on-demand services. This list includes CJDC-TV Dawson Creek, CFTK-TV Terrace, TMN and TMN Encore, which Bell Media acquired from Astral Media.

3. The Commission received various interventions and comments in regard to this proceeding. The public record for this proceeding can be found on the Commission’s website at www.crtc.gc.ca or by using the application number provided above.

Commission’s analysis and decisions

4. The Commission’s determinations relating to issues common to all of the English-language ownership groups are set out in Broadcasting Decision 2017-148 (the Introductory Decision), also issued today, which should be read in conjunction with this decision.

5. In the Introductory Decision, the Commission set out its determinations on various issues, including setting a standard minimum requirement for Canadian programming expenditures (CPE) and expenditures on programs of national interest (PNI), as well as setting standard requirements for local programming and local reflection. These determinations are reflected below and in the conditions of licence for the services.

6. After examining the record for this application in light of the Introductory Decision as well as applicable regulations and policies, the Commission considers that the issues it must address in this decision are the following:

    - removal of CTV Two Alberta’s status as the provincial educational station;
    - local programming exceptions for various stations;
    - requests regarding TMN and TMN Encore;
    - requested amendment to the standard conditions of licence for mainstream sports services relating to exhibition requirements;
    - averaging of advertising time for TSN;
    - removal of 40 transmitters from the licences;
    - compliance with requirements and regulations for the on-demand services; and
    - deletion of various requirements.

CTV Two Alberta

Bell Media’s request

7. In its application, Bell Media requested the removal of the conditions of licence relating to CTV Two Alberta’s status as the provincial educational station of Alberta.

8. As the provincial educational station, the service has neither a CPE nor a PNI obligation. Bell Media stated that, should its request be approved, it would accept CPE and PNI requirements for the service.

9. Bell Media stated that it understands that should the Commission approve the proposed licence amendments, the service would no longer be automatically entitled to mandatory carriage under the *Broadcasting Distribution Regulations*. In this respect, Bell Media requested that CTV Two Alberta be treated in the same manner as CTV Two Atlantic, including treating the service like a local television station for the purposes of simultaneous substitution and allowing it to continue to form part of the basic service for the province of Alberta.

10. Bell Media stated that viewers in Alberta and throughout the Canadian broadcasting system would be better served by two separate services (i.e., a private service and a dedicated educational service), each focusing on their own specific mandate.

Positions of parties

11. Knowledge Network, British Columbia's educational broadcaster, was in support of Bell Media's request. It stated that it has been involved in ongoing discussions with the Government of Alberta regarding relaunching a publicly owned and operated educational broadcast service in the province.

12. The Canadian Ethnocultural Council, the Consumers' Association of Canada, the Council of Senior Citizens' Organizations of B.C., the National Pensioners Federation and the Public Interest Advocacy Centre (collectively, PIAC et al.) argued that the Commission should reject Bell Media's proposal stating that Bell Media provided no evidence to support its claims.

13. PIAC et al. also argued that there is value in the educational service and that Bell Media should not be allowed to abandon its commitment to the province to simply align the Alberta service with CTV Two Atlantic. It further stated that if the Commission were to approve this request, CTV Two Alberta should be treated as a discretionary service and not be afforded the privilege of being on the basic service.

14. The Ontario Educational Communications Authority (TVO) intervened in the proceeding to state that it does not agree with Bell Media's assertion that viewers no longer look to television for educational programming in the same way. According to TVO, 10.7 million Ontarians watch TVO on linear television each year, including 82% of children aged 2 to 10 years. It submitted that the fact that Bell Media is seeking to withdraw from CTV Two's role as the designated educational broadcaster demonstrated that the "hybrid privatization" route of designating educational broadcasters without the benefit of public funding, is not sustainable.

Commission's analysis and decisions

15. Designation of an educational service is the purview of the provinces and territories. In this regard, the Government of Alberta did not intervene in the proceeding but did send a letter to Bell Media in which it did not object to the changes proposed for CTV Two Alberta. Further, Knowledge Network stated that it is in talks with the Government of Alberta regarding relaunching a publicly owned and operated educational broadcast service in the province. In light of the above, the Commission removes the conditions of licence relating to the educational aspects of the CTV Two service.

16. With respect to Bell Media's request for the service to be treated in the same fashion as CTV Two Atlantic—both CTV Two Alberta and Atlantic are licensed as satellite-to-cable services.[1] CTV Two Atlantic has been offered on the basic service in a similar manner as an

[1] Satellite-to-cable was a class of licence that pre-dated specialty services. This class of licence is no longer issued.

over-the-air station since its original licensing in the 1980s and CTV Two Alberta has always been the educational station in Alberta. While CTV Two Atlantic has never been designated as a provincial educational broadcaster, distribution of the services has been similar, in that both have been available to their respective viewers on the basic service and can avail themselves of simultaneous substitution.

17. The Commission considers that it would be appropriate to continue to authorize the inclusion of CTV Two Alberta on the basic service. This would allow Albertans to continue to receive the service and its regionally relevant programming and thus would fulfill part of the objective set out in section 3(1)(i)(ii) of the Act, which states that the programming provided by the Canadian broadcasting system should be drawn from local, regional, national and international sources.

18. However, the Commission considers that CTV Two Alberta should have exhibition and expenditure requirements for regional programming (i.e. programming for Albertans) similar to the local programming requirements for other Bell Media stations, including CTV Two Atlantic. **Conditions of licence** to this effect are set out in Appendix 3 to this decision.

19. Further, the Commission considers that the six hours of regionally reflective programming on CTV Two Alberta should be unique to the service. Since Bell Media operates two other Alberta-based CTV stations that could share programming with CTV Two Alberta, the Commission imposes a **condition of licence** requiring that those six hours be unique to CTV Two Alberta. CTV Two Alberta should be able to meet this requirement through the original regional programming that it currently broadcasts.

20. Accordingly, the Commission **approves** Bell Media's request to continue to allow CTV Two Alberta to be offered on the basic service in Alberta. The Commission will issue notices of consultation calling for comments on amendments to the general authorizations applicable to terrestrial and direct-to-home broadcasting distribution undertakings (BDUs) and to the *Simultaneous Programming Service Deletion and Substitution Regulations* to permit BDUs to include CTV Two Alberta as part of the basic service and to allow CTV Two Alberta to request simultaneous substitution.

Local programming exceptions for various stations

Bell Media's request

Regional stations

21. Bell Media owns some originating television stations that operate as regional stations. These stations' local programming requirements have historically been calculated on a regional basis rather than station by station. The two groupings of regional stations are:

- CHBX-TV Sault Ste. Marie, CICI-TV Sudbury, CITO-TV Timmins and CKNY-TV North Bay; and
- CJCB-TV Sydney, CJCH-DT Halifax, CKCW-DT Moncton and CKLT-DT Saint John.

22. Collectively, the total amount of programming offered by each of these groups of associated stations generally averages out to the standard local programming requirement of seven hours or more of local programming per week.

23. Bell Media proposed to maintain the current levels of local programming for these regional stations instead of requiring each station to broadcast seven hours per week of local programming.

24. Bell Media also requested that the exhibition requirement for locally reflective news and information programming take into account the regional mandate and structure of the stations and be calculated based on grouping of stations rather than station by station.

Small market stations

25. Bell Media proposed to maintain the lower local programming requirements for some smaller market stations (CICC-TV Yorkton, CIPA-TV Prince Albert, CFCN-DT-5 Lethbridge and CFRN-TV-6 Red Deer), which are currently set at 2.5 hours per week. Bell Media argued that it would not be financially feasible to increase the number of hours of local programming for these stations.

26. In addition, Bell Media requested an exception to the locally reflective news and information exhibition requirement of at least three hours per week for non-metropolitan markets. Instead, it proposed that the above stations be required to broadcast a minimum of one hour per week of locally reflective news and information programming.

Commission’s analysis and decisions

27. In Broadcasting Regulatory Policy 2016-224 (the Local TV Policy), the Commission adopted measures to ensure continued local reflection, including requiring that local television stations maintain historical exhibition levels for locally reflective news and information as well as maintaining the current overall exhibition levels for local programming.

28. Maintaining existing local programming exhibition requirements for the regional and small market stations, albeit lower than the standard seven hours of local programming required for non-metropolitan markets, would maintain the level of local programming received by these communities and would be consistent with the Local TV Policy. The Commission therefore **approves** Bell Media’s request for an exception to the standard exhibition requirements for local programming for the stations listed above. **Conditions of licence** to this effect are set out in Appendix 3 to this decision.

29. In addition, the Commission considers it appropriate to allow for a similarly reduced requirement with respect to the amount of locally reflective news and information programming that Bell Media’s regional and small market stations are required to offer. The Commission **approves** Bell Media’s request for an exception to the standard exhibition requirement for locally reflective news and information programming for some stations. **Conditions of licence** to this effect are set out in Appendix 3 to this decision.

30. The Commission is imposing these requirements by condition of licence to reinforce the importance of local programming and locally reflective news and information programming and to better ensure that viewers receive this programming.

TMN and TMN Encore

31. In regard to TMN and TMN Encore, Bell Media requested the following:

- an exception to the standard Canadian programming exhibition requirement for discretionary services by reducing the level from 35% to 30% over the broadcast day; and

- that the licences for the two services be merged into a single licence.

Exhibition requirement

32. Currently, TMN must abide by a condition of licence requiring that the service devote no less than 30% of the period from 6 p.m. to 11 p.m. and 25% of the remainder of the broadcast day to the broadcast of Canadian programming. For its part, TMN Encore must devote 20% from 6 p.m. to 11 p.m. and 20% for the remainder of the broadcast day to the broadcast of Canadian programming.

33. In Broadcasting Regulatory Policy 2015-86, the Commission stated that it would apply at licence renewal a standardized Canadian programming exhibition requirement of 35% for discretionary services.

34. Bell Media requested an exception to the standardized requirement. It argued that, unlike the majority of the former Category A services, the new standard exhibition requirement of 35% Canadian content would be an increase for TMN and TMN Encore. Bell Media stated that requiring both services to abide by that requirement would result in more repetition, which is of little value to the services and goes against what the Commission was trying to accomplish in Broadcasting Regulatory Policy 2015-86.

35. To compensate for the proposed reduced Canadian programming exhibition requirement, Bell Media proposed to abide by a nature of service condition of licence restricting the services to the broadcast of drama and comedy series, documentaries, films, sports and events.

36. One of the objectives of Broadcasting Regulatory Policy 2015-86 was to standardize the requirements for discretionary services. In the Commission’s view, Bell Media did not provide sufficient justification to warrant an exception to the standardized Canadian programming exhibition requirements for discretionary services. Accordingly, the Commission **denies** the request.

37. As part of the above condition of licence, TMN was also eligible to claim a 150% time credit for broadcasting a new Canadian production at certain peak viewing times. This credit would also be inconsistent with the Commission’s determinations in Broadcasting Regulatory Policy 2015-86 in regard to both the standardization of the requirements for discretionary

services and the elimination of genre protection. Accordingly, the Commission removes this credit from TMN’s conditions of licence.

Merging of the licences

38. Bell Media requested that the licences for TMN and TMN Encore be merged into a single licence, which would allow it to offer the TMN Encore multiplexes under TMN’s licence.

39. Bell Media argued that the services were licensed separately only because of genre protection—one for new productions, the other for older productions. It stated that TMN and TMN Encore are often packaged together.

40. Bell Media further stated that, at present, BDUs sell TMN’s six feeds together and TMN Encore’s two feeds together. A subscriber can choose to take the six TMN feeds, the two TMN Encore feeds or all eight feeds together. Bell Media stated that, should the licences be merged, nothing would change in this regard. Specifically, eight feeds would be available, and could be purchased as six, two or all eight. Bell further stated that it would not permit consumers to buy each multiplexed feed individually on a pick-and-pay basis.

41. In Broadcasting Regulatory Policy 2015-96, the Commission stated that it was concerned that further multiplexing of services may place limits on the ability of Canadians to pick and pay for individual services. In that policy, the Commission stated that it will require services that wish to offer multiplex channels to apply for explicit authorization to add new multiplexes and to demonstrate why it would not be more appropriate to licence a new service (or register an exempt service) rather than authorize a multiplex.

42. The Commission considers that merging the two licences would be inconsistent with the determinations set out in Broadcasting Regulatory Policy 2015-96 regarding multiplexing as it would combine the two set of multiplexes into one service, thereby creating incentives to package the multiplexes. This could potentially further inhibit consumer choice by reducing consumers’ ability to purchase the feeds on a pick-and-pay basis.

43. Accordingly, the Commission **denies** the request to merge the two licences.

Exhibition requirements for mainstream sports services

44. Bell Media requested an amendment to standard condition of licence 2 for mainstream sports services set out in Broadcasting Regulatory Policy 2009-562-2. Currently, licensees must devote not less than 60% of the broadcast day and not less than 50% of the evening broadcast period to the broadcast of Canadian programming. Bell Media requested that the broadcast day requirements be reduced to 50% and that the evening period requirement be eliminated.

45. Bell Media submitted that, as with other discretionary services, Category C services should have reduced requirements for Canadian content. Bell Media argued that easing the requirements would not affect the nature and purpose of sports services like TSN, but would increase the variety and diversity of sports programming broadcast.

46. The Commission examined exhibition requirements in the Let’s Talk TV proceeding and chose to maintain the exhibition requirements for mainstream sports services. Bell Media has not adequately justified an exception to standard condition of licence 2. Accordingly, Commission **denies** Bell Media’s request. TSN will therefore be required to continue to abide by standard condition of licence 2 for mainstream sports services set out in Broadcasting Regulatory Policy 2009-562-2.

Averaging of advertising time over the broadcast day for TSN

47. Bell Media requested an exception to standard condition of licence 4 for mainstream sports services set out in Broadcasting Regulatory Policy 2009-562-2. It requested that TSN be allowed to average advertising time over the entire broadcast day, rather than over the course of each clock hour. This exception would mirror the flexibility granted to national news services in Broadcasting Regulatory Policy 2015-436.

48. Bell Media argued that this additional flexibility would improve the viewing experience of Canadian consumers. It stated that, with the ability to include advertising spots at other parts of the same day, sports services would not feel the pressure to shoehorn advertising inside of a live event program, especially one whose running time or advertising availabilities are affected by the game itself.

49. The Commission is mindful of the nature of live sports and the unpredictability of its scheduling. Advertising flexibility may make for a better viewing experience for the consumer and would be of benefit to TSN. Accordingly, the Commission **approves** the request for an exception to standard condition of licence 4 set out in Broadcasting Regulatory Policy 2009-562-2 to allow TSN to average advertising time over the entire broadcast day. A **condition of licence** to this effect is set out in Appendix 5 to this decision.

Removal of transmitters from the licences

50. Bell Media requested that the 40 rebroadcasting transmitters listed below be removed from the licences for the television stations to which they are associated:

Province	Transmitter call sign and location
Nova Scotia	CJCB-TV-5 Bay St. Lawrence CJCH-TV-2 Truro CJCH-TV-8 Marinette
New Brunswick	CKAM-TV-1 Newcastle CKAM-TV-2 Chatham CKCD-TV Campbellton
Prince Edward Island	CKCW-TV-2 St. Edward/St. Louis

Ontario	CKNX-TV Wingham CHBX-TV-1 Wawa CJOH-TV-8 Cornwall CICI-TV-1 Elliot Lake CITO-TV-3 Hearst CITO-TV-4 Chapleau CKVR-TV-1 Parry Sound
Manitoba	CKYS-TV Snow Lake
Saskatchewan	CICC-TV-2 Norquay CICC-TV-3 Hudson Bay CIEW-TV Warmley CIWH-TV Wynyard CIPA-TV-1 Spiritwood CIPA-TV-2 Big River CKBQ-TV Melfort CKBQ-TV-1 Nipawin CKCK-TV-1 Colgate CKCK-TV-2 Willow Bunch CKCK-TV-7 Fort Qu’Appelle CKMC-TV-1 Golden Prairie
Alberta	CFCN-TV-1 Drumheller CFCN-TV-6 Drumheller CFCN-TV-16 Oyen CFCN-TV-3 Brooks CFCN-TV-4 Burmis CFCN-TV-17 Waterton Park CFCN-TV-18 Coleman CFRN-TV-2 Peace River CFRN-TV- 8 Grouard Mission CFRN-TV-10 Rocky Mountain House
British Columbia	CFWL-TV-1 Invermere CFCN-TV-12 Moyie CFCN-TV-11 Sparwood

51. Bell Media argued that it is too costly to maintain these transmitters and that they generate no incremental revenue and attract little to no viewership given the growth of BDU subscriptions. None of the 40 transmitters offer any local or other original programming that differs from its other stations. Bell Media also stated that it is aware of the loss of certain regulatory privileges (distribution on the basic service, the ability to request simultaneous substitution) that would result from the shutdown of these transmitters.

52. According to Bell Media's figures, a total of 726,000 Canadians live within the contours of the transmitters to be shut down. Bell Media stated at the hearing that 38 of the affected 40 communities are served by terrestrial BDUs and the other two communities are served by satellite. Customers of these terrestrial and satellite BDUs would not be affected by the removal of these transmitters. In addition, in 12 of the 40 affected communities, there are other over-the-air transmitters that serve the same areas.

53. In Broadcasting Regulatory Policy 2015-24, the Commission stated that it will continue to require licensees of television stations to maintain an over-the-air presence to retain certain regulatory privileges. Broadcasters electing to shut down their over-the-air transmitters will not be permitted to retain the privilege to be distributed on the basic service, nor will they be able to make requests for simultaneous substitution in the manner described in the *Simultaneous Programming Service Deletion and Substitution Regulations*.

54. In the Introductory Decision, the Commission determined that a public process would be required in the event of the closure of the local television station. In this instance, since no originating stations are being shut down, there would be no loss of local or other original programming in the broadcasting system. As set out in Appendix 1 to this decision, the transmitters listed above have been deleted from the licences.

Deletion of various requirements

55. Bell Media requested the deletion of various conditions of licence and expectations for certain services. Given that the proposed changes are consistent with Commission policies, the Commission **approves** the following:

- for all television stations and discretionary services, to delete the condition of licence requiring adherence to a terms of trade agreement with the Canadian Media Producers Association;
- for Book Television, Fashion Television Channel and MTV2, to delete the condition of licence requiring that no less than 25% of all Canadian programs broadcast by the licensee, other than news, sports and current affairs programming, be produced by independent production companies;
- for Bravo!, to delete the condition of licence requiring the licensee to contribute to BravoFACT;
- for Much and Gusto (formerly M3), to delete the condition of licence requiring the licensee to contribute to MuchFACT;
- for TMN Encore, to delete the condition of licence requiring the licensee, as part of its expenditures on Canadian programming, to devote a maximum of $500,000 to the preservation and restoration of Canadian films;
- for The Comedy Network (TCN), to delete the expectation that the licensee direct 75% of expenditures on original Canadian production to independent production companies;

- for Space, to delete the expectation that the licensee acquire a minimum of 75% of all original, first-run Canadian programming other than news and current affairs broadcast on the service from independent production companies; and
- for MTV, to delete the expectation that the licensee acquire programming from independent production companies and that it allocate $50,000, in each broadcast year, to independent production companies for concept and script development.

56. Consistent with the application of a standardized approach for discretionary services, the Commission **denies** the request by Bell Media that the following condition of licence be maintained for Book Television, Bravo!, The Comedy Network, E!, ESPN Classic, Fashion Television, Gusto and Space:

    In addition to the 12 minutes of advertising material during any clock hour in a broadcast day permitted by condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time.

On-demand services

Northwestel video-on-demand service

57. Video-on-demand (VOD) services are required to contribute 5% of gross annual revenues to Canadian programming in each broadcast year. If the VOD service is "related" to a BDU, gross revenues are deemed to be 50% of total revenues received from customers. For the Northwestel Inc. (Northwestel) VOD service, this requirement is found in condition of licence 5 as set out in the appendix to Broadcasting Decision 2008-362.
58. The Commission reviewed Northwestel's annual returns and found that the licensee did not make any of the required contributions to Canadian programming during the current licence term. The total shortfall for the period reviewed, the 2008-2009 to 2015-2016 broadcast years, is $93,777.
59. Northwestel stated that it had wrongly understood that investing a percentage of total VOD revenues in community television operations would satisfy the requirements of that condition of licence. It agreed to make a payment for the shortfall amount for the 2015-2016 broadcast year but stated that assessing contributions back to the 2008-2009 broadcast year would not be appropriate.
60. In light of the above, the Commission finds Northwestel in non-compliance with the condition of licence relating to contributions to Canadian programming. The Commission considers that any shortfall incurred over the licence term must be paid. The Commission therefore **directs** Northwestel to make a payment of $80,523 to the Canada Media Fund for the shortfall covering the 2008-2009 to 2014-2015 broadcast years by **14 August 2017**. The Commission **directs** Northwestel to make a payment of $13,254 to the Bell Fund for the 2015-2016 shortfall by **14 August 2017**. Lastly, the Commission **directs** Northwestel to provide proof of payment for both payments by **12 September 2017**. A **condition of licence** to this effect is set out in Appendix 7 to this decision.

61. The annual return for the 2016-2017 broadcast year is not due until 30 November 2017. The Commission **expects** the licensee to file proof of payment demonstrating that the required payments for the 2016-2017 broadcast year have been made with the 2016-2017 annual return.

Bell TV on-demand services

62. In regard to the three national Bell TV on-demand services, the Commission finds the licensee to be in compliance with the current requirements and all applicable regulations.

Conclusion

63. Given that the licences for Bell TV On Demand (terrestrial pay-per-view service) and Bell TV On Demand (direct-to-home pay-per-view service) do not expire until 2019, the Commission **revokes** the current broadcasting licences effective 31 August 2017. New broadcasting licences will be issued for the services, which will take effect 1 September 2017 and expire 31 August 2022.

64. The Commission **renews** the broadcasting licences for the television services that form part of the Bell Media Group as set out in Appendix 1 to this decision, from 1 September 2017 to 31 August 2022.

65. The Commission also **renews** the broadcasting licences for the television services that are not included in the Bell Media Group as set out in Appendix 2 to this decision, with the exception of the two Bell TV On Demand services above, from 1 September 2017 to 31 august 2022.

66. The licensees shall adhere to the applicable **conditions of licence** set out in Appendices 3 to 7 to this decision.

Reminders

67. The licensee must pay any remaining tangible and intangible benefits that were required by the Commission in previous decisions.

68. The licensee must also submit any annual reports required by the Commission in previous decisions by no later than 30 November following the end of each broadcast year.

Secretary General

Related documents

- *Renewal of licences for the television services of large English-language ownership groups – Introductory decision*, Broadcasting Decision CRTC 2017-148, 15 May 2017
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016

- *Revised standard conditions of licence for Canadian discretionary services operating as national news services*, Broadcasting Regulatory Policy CRTC 2015-436, 23 September 2015
- *Let's Talk TV: A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015
- *Let's Talk TV: Over-the-air transmission of television signals and local programming*, Broadcasting Regulatory Policy CRTC 2015-24, 29 January 2015
- *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of "broadcast day" for mainstream sports services*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012

This decision and the appropriate appendices are to be appended to each licence.

Appendix 1 to Broadcasting Decision CRTC 2017-149

Services for which the broadcasting licences have been renewed in this decision and that form part of the Bell Media Group for the purposes of group-based licensing

Bell Media Inc. is the licensee, unless otherwise specified.

Television stations

Province	Call sign / Location
Nova Scotia	CJCB-TV Sydney and its transmitters CJCB-TV-1 Inverness CJCB-TV-2 Antigonish CJCB-TV-3 Dingwall CJCB-TV-6 Port Hawkesbury
	CJCH-DT Halifax and its transmitters CJCH-TV-1 Canning CJCH-TV-3 Valley Colchester County CJCH-TV-4 Bridgetown CJCH-TV-5 Sheet Harbour CJCH-TV-6 Caledonia CJCH-TV-7 Yarmouth
New Brunswick	CKCW-DT Moncton and its transmitters CKAM-TV-3 Blackville CKAM-TV-4 Doaktown CKCW-DT-1 Charlottetown, Prince Edward Island
	CKLT-DT Saint John and its transmitters CKLT-TV-1 Florenceville CKLT-TV-2 Boiestown
Quebec	CFCF-DT Montréal
Ontario	CFPL-DT London
	CFTO-DT Toronto and its transmitters CFTO-TV-21 Orillia CFTO-DT-54 Peterborough
	CHBX-TV Sault Ste. Marie
	CHRO-TV Pembroke

	CHRO-DT-43 Ottawa
	CJOH-DT Ottawa and its transmitters CJOH-TV-6 Deseronto CJOH-TV-47 Pembroke
	CHWI-DT Wheatley and its transmitter CHWI-DT-60 Windsor
	CICI-TV Sudbury and its transmitter CKNY-TV-11 Huntsville
	CITO-TV Timmins and its transmitters CITO-TV-1 Kapuskasing CITO-TV-2 Kearns
	CKCO-DT Kitchener and its transmitter CKCO-TV-3 Oil Springs
	CKNY-TV North Bay
	CKVR-DT Barrie and its transmitters CHJC-DT Burlington CKVP-DT Welland
Manitoba	CKY-DT Winnipeg and its transmitters CKYA-TV Fisher Branch CKYB-TV Brandon CKYD-TV Dauphin CKYF-TV Flin Flon CKYP-TV The Pas CKYT-TV Thompson
Saskatchewan	CFQC-DT Saskatoon and its transmitters CFQC-TV-1 Stranraer CFQC-TV-2 North Battleford
	CICC-TV Yorkton
	CIPA-TV Prince Albert
	CKCK-DT Regina and its transmitters CKMC-TV Swift Current CKMJ-TV Marquis

Alberta	CFCN-DT Calgary and its transmitters CFCN-TV-2 Banff CFCN-TV-13 Pigeon Mountain CFCN-TV-14 Harvie Heights CFCN-TV-15 Invermere, British Columbia
	CFCN-DT-5 Lethbridge and its transmitters CFCN-TV-8 Medicine Hat CFCN-TV-9 Cranbrook, British Columbia CFCN-TV-10 Fernie, British Columbia
	CFRN-DT Edmonton and its transmitters CFRN-TV-1 Grande Prairie CFRN-TV-3 Whitecourt CFRN-TV-4 Ashmont CFRN-TV-5 Lac La Biche CFRN-TV-7 Lougheed CFRN-TV-9 Slave Lake CFRN-TV-11 Jasper CFRN-TV-12 Athabasca
	CFRN-TV-6 Red Deer
British Columbia	CIVT-DT Vancouver
	CIVI-DT Victoria and its transmitter CIVI-DT-2 Vancouver
	CFTK-TV Terrace and its transmitter CFTK-TV-1 Prince Rupert (Licensee: Bell Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Bell Media Radio G.P.)
	CJDC-TV Dawson Creek and its transmitter CJDC-TV-2 Bullhead Mountain (Licensee: Bell Media Radio (Toronto) Inc. and 4382072 Canada Inc., partners in a general partnership carrying on business as Bell Media Radio G.P.)

Satellite-to-cable programming undertaking

Province	Call sign / Location
Maritimes	CTV 2 Atlantic

Alberta	CTV 2 Alberta (Licensee: Learning Skills and Television Alberta)

Discretionary services

Name of service	Licensee
Book Television	Bell Media Inc.
Bravo!	
Business News Network (BNN)	
CablePulse 24	
Comedy Gold	
E!	
Fashion Television Channel	
Gusto	
Investigation Discovery	
MTV (Canada)	
MTV2	
Much	
Space	
The Comedy Network (TCN)	
The Movie Network (TMN)	
The Movie Network Encore (TMN Encore)	
Animal Planet	Animal Planet Canada Company
Discovery Channel	2953285 Canada Inc.
Discovery Science	Discovery Science Canada Company
Discovery Velocity	2953285 Canada Inc.
ESPN Classic	The Sports Network Inc.

Appendix 2 to Broadcasting Decision CRTC 2017-149

Services for which the broadcasting licences have been renewed in this decision and that are not included in the Bell Media Group for the purposes of group-based licensing

Type of service	Name of service	Licensee
National news	CTV News Channel	Bell Media Inc.
Mainstream sports	The Sports Network (TSN)	The Sports Network Inc.

On-demand services

Name of service	Licensee
Bell TV On Demand (video-on-demand service) Bell TV On Demand (terrestrial pay-per-view service) Bell TV On Demand (direct-to-home pay-per-view service)	Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership
On Demand	Northwestel Inc.

Appendix 3 to Broadcasting Decision CRTC 2017-149

Terms, conditions of licence, expectations and encouragements applicable to the television stations and the satellite-to-cable undertakings of the Bell Media Group

Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

Conditions of licence, expectations and encouragements applicable to all television stations and satellite-to-cable undertakings in the Bell Media Group

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for television stations set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exceptions noted below, and the exception of condition 14, which is replaced by the following:

   The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

Canadian programming expenditures

2. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 30% of the previous year's gross revenues of the undertaking.

3. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more television stations from the Bell Media Group in the same broadcast year towards fulfilling the requirement set out in condition **2** as long as these expenditures are not used by those television stations towards fulfilling their own Canadian programming expenditure requirement.

4. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more discretionary services from the Bell Media Group in the same broadcast year towards fulfilling a combined maximum of 25% of the requirement set out in condition **2**, as long as these expenditures are not used by those discretionary services towards fulfilling their own Canadian programming expenditure requirement.

5. Subject to condition **6**, the licensee may claim, in addition to its expenditures on Canadian programming:

   a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;

   b) a 25% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if:

      (i). the programing is produced in the province of Quebec and the original language of production is English; or

      (ii). the programming is produced outside the province of Quebec and the original language of production is French.

6. The licensee may claim the credits calculated in accordance with condition **5** until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a maximum of 10% of the Canadian programming expenditure requirement for the Bell Media Group.

Programs of national interest

7. In accordance with *A group-based approach to the licensing of private television service*s, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of that regulatory policy, a minimum of 5% of the previous year's gross revenues of the undertaking.

8. The licensee may count expenditures made for the acquisition of or investment in programs of national interest by one or more undertakings from the Bell Media Group in the same broadcast year towards fulfilling the requirement set out in condition **7** as long as these expenditures are not used by those undertakings towards fulfilling their own programs of national interest expenditure requirement.

9. At least 75% of the expenditures in condition **7** must be made to an independent production company.

10. The licensee shall, by 30 November of each year, provide for the previous broadcast year a report in a form acceptable to the Commission that contains information on the programs that were broadcast by all undertakings from the Bell Media Group in regard to:

    - programs of national interest;

    - the use of Indigenous and official language minority community producers, specifying notably for each: the number of producers they meet with each year; the projects commissioned, including projects in development, in production and completed; the budgets and the total Canadian programming expenditures devoted to such projects; and any other information the Commission requires to this effect; and

- access that women have to key leadership positions, by providing information regarding the employment of women in key creative leadership positions in the productions broadcast, as well as any other information the Commission requires to this effect.

Over- and under-expenditures

11. Subject to condition **12**, the licensee shall, for each broadcast year, make sufficient expenditures such that the undertakings that form the Bell Media Group collectively devote:

    a) 30% of the previous year's gross revenues of the undertakings that form the Bell Media Group to the acquisition of or investment in Canadian programming; and

    b) 5% of the previous year's gross revenues of the undertakings that form the Bell Media Group to the acquisition of or investment in programs of national interest.

12. In each broadcast year of the licence term, excluding the final year,

    a) the licensee, in concert with the other undertakings that form the Bell Media Group, may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions **11a)** and **11b)** respectively; in such case, the licensee shall ensure that the undertakings that form the Bell Media Group expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;

    b) where the licensee, in concert with the other undertakings that form the Bell Media Group, expends an amount for that year on Canadian programming or programs of national interest that is greater than the minimum required expenditure calculated in accordance with conditions **11a)** and **11b)** respectively, the licensee or another undertaking from the Bell Media Group may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.

    c) Notwithstanding conditions **12a)** and **12b)**, during the licence term, the licensee shall ensure that the undertakings that form the Bell Media Group expend on Canadian programming and programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions **11a)** and **11b)**.

Locally reflective news

13. In accordance with *Renewal of licences for the television services of large English-language ownership groups – Introductory decision,* Broadcasting Decision CRTC 2017-148,

15 May 2017, and consistent with the definition of "locally reflective news" set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016:

a) if the licensee operates a station in a metropolitan market, it shall broadcast on that station at least 6 hours of locally reflective news each broadcast week;

b) if the licensee operates a station in a non-metropolitan market, it shall broadcast on that station at least 3 hours of locally reflective news each broadcast week.

14. The licensee shall, in each broadcast year, devote to the acquisition of or investment in locally reflective news 11% of the previous broadcast year's gross revenues of the undertaking.

15. The licensee may count expenditures made for the acquisition of or investment in locally reflective news by one or more television stations from the Bell Media Group in the same broadcast year towards fulfilling the requirement set out in condition **14** as long as these expenditures are not used by those television stations towards fulfilling their own locally reflective news expenditure requirement.

16. Subject to condition **17**, the licensee shall, for each broadcast year, make sufficient expenditures such that the television stations from the Bell Media Group collectively devote to the acquisition of or investment in locally reflective news 11% of the previous year's gross revenues of those television stations.

17. In each broadcast year of the licence term, excluding the final year,

a) the licensee, in concert with the other television stations from the Bell Media Group, may expend an amount on locally reflective news that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition **16**; in such case, the licensee shall ensure that the television stations from the Bell Media Group expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;

b) where the licensee, in concert with the other television stations from the Bell Media Group, expends an amount for that year on locally reflective news that is greater than the minimum required expenditure calculated in accordance with condition **16**, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.

c) Notwithstanding conditions **17a)** and **17b)**, during the licence term, the licensee shall ensure that the television stations from the Bell Media Group expend on locally reflective news the total of the minimum required expenditures calculated in accordance with condition **16**.

Licensee's obligations with respect to the Bell Media Group

18. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Bell Media Group for that term.

19. The licensee shall be responsible for any failure to comply with requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

20. In regard to the operation of the undertakings that form the Bell Media Group:

    a) Subject to conditions **20b)** and **20c)**, the licensee shall operate the television station and that station shall remain part of the Bell Media Group, for the duration of the licence term.

    b) Should the licensee wish to operate the television station outside the Bell Media Group or cease its operations, the licensee shall apply to the Commission for that station to be removed from the Bell Media Group no later than 120 days prior to operating the station outside the Bell Media Group or ceasing its operation.

    c) The licensee shall ensure that the list of undertakings that form Bell Media Group is accurate at all times.

21. In accordance with paragraph 90 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016, the television station is hereby designated a "designated local television station." The station shall maintain this designation for the licence term so long as all the television stations from the Bell Media Group remain in operation.

Repurposing of the 600 MHz frequency band

22. In regard to the repurposing of the 600 MHz frequency band in Canada:

    a) The licensee is authorized to operate the television station and transmitters according to contours and technical parameters that differ from those approved in its most recent application and/or listed on its licence, to the extent that these new contours and technical parameters have been approved by the Department of Industry (the Department) as a result of the Department's repurposing initiative of the 600 MHz frequency band as described in *Decision on Repurposing the 600 MHz Band*, SLPB-004-15, 14 August 2015 and its April 2017 *Digital Television (DTV) Allotment Plan*, *Digital Television (DTV) Transition Schedule* and the *Broadcasting Procedures and Rules* entitled *BPR-11 – Broadcasting Television Application Procedures During the 600 MHz Transition*.

b) For the purpose of the *Broadcasting Distribution Regulations*, the licensee is deemed to be operating the television station and transmitters under the contours and technical parameters approved by the Commission and in effect on **15 May 2017**.

c) The above authorizations are valid only if the Commission receives confirmation from the Department that the revised contours and technical parameters resulting from the Department's repurposing initiative of the 600 MHz frequency band satisfy the requirements of the *Radiocommunication Act* and the regulations made thereunder, and that a broadcasting certificate has been or will be issued to the licensee in respect of the revised parameters.

Competitive safeguards

23. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent, or is designed to create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.

24. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.

25. The licensee shall not:

    a) require an unreasonable rate (e.g., not based on fair market value);
    b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;
    c) require an excessive activation fee or minimum subscription guarantee;
    d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

26. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:

    a) historical rates;
    b) penetration levels and volume discounts;
    c) the packaging of the service;

d) rates paid by unaffiliated broadcasting distributors for a programming service;

e) rates paid for programming services of similar value to consumers;

f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;

g) the retail rate charged for the service on a stand-alone basis;

h) the retail rate for any packages in which the service is included.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

27. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

28. The licensee shall not:

    a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service's theme or price point;

    b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);

    c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

29. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

30. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

    For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

31. The licensee shall file with the Commission all affiliation agreements to which it is a party with a television programming undertaking or broadcasting distribution undertaking within five days following the execution of the agreement by the parties.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

Condition of licence specific to the satellite-to-cable programming undertaking CTV Two Atlantic

32. The licensee shall not solicit local advertising in the Halifax-Dartmouth area.

33. The licensee shall adhere to the *Television Broadcasting Regulations, 1987*.

Conditions of licence specific to the satellite-to-cable programming undertaking CTV Two Alberta

34. As an exception to condition of licence **5** set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the licensee shall broadcast at least 14 hours of regional programming in each broadcast week.

35. As an exception to condition of licence **13,** the required 6 hours of local news broadcast by CTV Two Alberta may consist of regional news but shall be unique to the service.

36. The licensee shall adhere to the *Television Broadcasting Regulations, 1987*.

Condition of licence specific to CHBX-TV Sault Ste. Marie, CICI-TV Sudbury, CITO-TV Timmins and CKNY-TV North Bay

37. As an exception to condition of licence **6** set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the licensee shall broadcast at least 7 hours of local programming per week among all four stations, averaged over the broadcast year, to the communities served by these stations.

38. As an exception to condition of licence **13(b)**, the licensee shall broadcast at least 3 hours of locally reflective news among all four stations to the communities served by these stations each broadcast week.

Condition of licence specific to CKCO-DT Kitchener and its transmitter CKCO-TV-3 Oil Springs

39. The licensee may broadcast no more than 6.5% of the commercial availabilities on CKCO-TV-3 Oil Springs separately from those broadcast on CKCO-DT Kitchener for each hour of station-produced programming broadcast exclusively on CKCO-TV-3 Oil Springs each week.

Condition of licence specific to CICI-TV Sudbury and its transmitter CKNY-TV-11 Huntsville

40. The licensee may broadcast no more than 6.5% of the commercial availabilities on CKNY-TV-11 Huntsville separately from those broadcast on CICI-TV Sudbury for each hour of station-produced programming broadcast exclusively on CKNY-TV-11 Huntsville each week.

Conditions of licence specific to CFRN-TV-6 Red Deer

41. The licensee may substitute on CFRN-TV-6 Red Deer for each hour of original station-produced programing broadcast exclusively on the undertaking each week, separate commercial messages in that hour, for those broadcast by CFRN-DT Edmonton, up to a maximum of 6.5% of the commercial availabilities.

42. As an exception to condition of licence **6** set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the licensee shall broadcast at least 1 hour of local programming per week, averaged over the broadcast year.

43. As an exception to condition of licence **13(b)**, the licensee shall broadcast at least 1 hour of locally reflective news to the community served by the station each broadcast week.

Conditions of licence specific to CIVT-DT Vancouver

44. The licensee shall alter, at its own expense, the signal of CIVT-DT Vancouver that it provides to the licensees of the cable distribution undertakings serving Terrace, Kamloops, Kelowna, Prince George and Dawson Creek, or their successors, by covering over those

commercials that are not carried on all television stations owned or controlled by Bell Media Inc. with program promotions and/or public service announcements.

45. The licensee shall permit the licensees of television stations CFJC-TV Kamloops, CKPG-TV Prince George, CJDC-TV Dawson Creek and CFTK-TV Terrace to cover over, at their expense, the above-noted program promotions and public service announcements with commercials sold by these four local television stations, provided that the licensees of the cable distribution undertakings serving the four communities concerned have received the necessary regulatory permission to alter the CIVT-DT signal.

Condition of licence specific to CJCB-TV Sydney, CJCH-DT Halifax, CKCW-DT Moncton and CKLT-DT Saint John

46. As an exception to condition of licence **6** set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the licensee shall broadcast at least 7 hours of local programming per week among all four stations, averaged over the broadcast year, to the communities served by these stations.

47. As an exception to condition of licence **13(b)**, the licensee shall broadcast at least 3 hours of locally reflective news news among all four stations to the communities served by these stations each broadcast week.

Conditions of licence specific to CICC-TV Yorkton, CIPA-TV Prince Albert and CFCN-DT-5 Lethbridge

48. As an exception to condition of licence **6** set out in Appendix 1 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the licensee shall broadcast at least 2.5 hours of local programming per week, averaged over the broadcast year, on each station.

49. As an exception to condition of licence **13(b)**, the licensee shall broadcast at least 1 hour of locally reflective news on each of these stations each broadcast week.

Definitions

“Bell Media Group” means the group of undertakings set out in Appendix 1 to *Bell Media Inc. – Licence renewals for English-language television stations and service*s, Broadcasting Decision CRTC 2017-149, 15 May 2017.

“Independent production company” means a Canadian company (i.e., a company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians) whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of "independent production company," "Canadian" includes a person who self-identifies as Indigenous and resides in Canada, whereas "Canadian company" includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

"Locally reflective news" means programming that meets the criteria set out in paragraphs 56 to 58 of *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016.

"Official language minority community producer" means a company that meets the definition of "independent production company" and that:

a) if operating in the province of Quebec, produces original English-language programming, or

b) if operating outside of the province of Quebec, produces original French-language programming.

Appendix 4 to Broadcasting Decision CRTC 2017-149

Terms, conditions of licence, expectations and encouragements applicable to the discretionary services in the Bell Media Group

Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

Conditions of licence, expectations and encouragements applicable to all discretionary services in the Bell Media Group

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for discretionary services as set out in Appendix 2 to *Standard requirements for television stations, discretionary services, and on-demand services,* Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, with the exception noted below, and the exception of condition **17**, which is replaced by the following:

   The licensee shall, by 1 September 2019, provide described video for all English- and French-language programming that is broadcast during prime time (i.e., from 7 p.m. to 11 p.m.) and that is drawn from program categories 2(b) Long-form documentary, 7 Drama and comedy, 9 Variety, 11(a) General entertainment and human interest and 11(b) Reality television, and/or is programming targeting preschool children (0-5 years of age) and children (6-12 years of age).

2. In each broadcast year, the licensee shall devote no less than 35% of the broadcast day to the exhibition of Canadian programs.

Canadian programming expenditures

3. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in Canadian programming a minimum of 30% of the previous year's gross revenues of the undertaking.

4. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more undertakings from the Bell Media Group in the same broadcast year towards fulfilling the requirement set out in condition **3** as long as these expenditures are not used by those undertakings towards fulfilling their own Canadian programming expenditure requirement.

5. Subject to condition **6**, the licensee may claim, in addition to its expenditures on Canadian programming:

a) a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;

b) a 25% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if:

   (i) the programing is produced in the province of Quebec and the original language of production is English; or

   (ii) the programming is produced outside the province of Quebec and the original language of production is French.

6. The licensee may claim the credits calculated in accordance with condition **5** until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the Bell Media Group.

Programs of national interest

7. In accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall in each broadcast year devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of that regulatory policy, a minimum of 5% of the previous year's gross revenues of the undertaking.

8. The licensee may count expenditures made for the acquisition of or investment in programs of national interest by one or more undertakings from the Bell Media Group in the same broadcast year towards fulfilling the requirement set out in condition **7** as long as these expenditures are not used by those undertakings towards fulfilling their own programs of national interest expenditure requirement.

9. At least 75% of the expenditures in condition **7** must be made to an independent production company.

10. The licensee shall, by 30 November of each year, provide for the previous broadcast year a report in a form acceptable to the Commission that contains information on the programs that were broadcast by all undertakings from the Bell Media Group in regard to:

   - programs of national interest;

   - the use of Indigenous and official language minority community producers, specifying notably for each: the number of producers they meet with each year; the projects commissioned (including projects in development, in production and completed); the budgets and the total Canadian programming expenditures devoted to such projects; and any other information the Commission requires to this effect; and

- access that women have to key leadership positions, by providing information regarding the employment of women in key creative leadership positions in the productions broadcast, as well as any other information the Commission requires to this effect.

Over- and under-expenditures

11. Subject to condition **12**, the licensee shall, for each broadcast year, make sufficient expenditures such that the undertakings that form the Bell Media Group collectively devote:

    a) 30% of the previous year's gross revenues of the undertakings that form the Bell Media Group to the acquisition of or investment in Canadian programming; and

    b) 5% of the previous year's gross revenues of the undertakings that form the Bell Media Group to the acquisition of or investment in programs of national interest.

12. In each broadcast year of the licence term, excluding the final year,

    a) the licensee, in concert with the other undertakings that form the Bell Media Group, may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions **11a)** and **11b)**, respectively; in such case, the licensee shall ensure that the undertakings that form the Bell Media Group expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;

    b) where the licensee, in concert with the other undertakings that form the Bell Media Group, expends an amount for that year on Canadian programming or programs of national interest that is greater than the minimum required expenditure calculated in accordance with conditions **11a)** and **11b)** respectively, the licensee, or another undertaking from the Bell Media Group, may deduct that amount from the total minimum required expenditure in one or more of the remaining years of the licence term.

    c) Notwithstanding conditions **12a)** and **12b)**, during the licence term, the licensee shall ensure that the undertakings that form the Bell Media Group expend on Canadian programming and programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions **11a)** and **11b)**.

Licensee's obligations with respect to the Bell Media Group

13. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Bell Media Group for that term.

14. The licensee shall be responsible for any failure to comply with the requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

15. In regard to the operation of the undertakings that form the Bell Media Group:

    a) Subject to condition **15b),** the licensee shall remain part of the Bell Media Group for the duration of the licence term.

    b) Should the licensee wish to operate the undertaking outside the Bell Media Group, the licensee shall apply to the Commission for that undertaking to be removed from the Bell Media Group no later than 120 days prior to operating the undertaking outside the Bell Media Group.

    c) The licensee shall ensure that the list of undertakings that form the Bell Media Group is accurate at all times.

Competitive safeguards

16. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent, or is designed to create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.

17. The licensee shall provide a minimum of 90 days’ written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.

18. The licensee shall not:

    a) require an unreasonable rate (e.g., not based on fair market value);

    b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;

    c) require an excessive activation fee or minimum subscription guarantee;

    d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

19. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:

    a) historical rates;
    b) penetration levels and volume discounts;
    c) the packaging of the service;
    d) rates paid by unaffiliated broadcasting distributors for a programming service;
    e) rates paid for programming services of similar value to consumers;
    f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
    g) the retail rate charged for the service on a stand-alone basis;
    h) the retail rate for any packages in which the service is included.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

20. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

21. The licensee shall not:

    a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service’s theme or price point;

    b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);

    c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

22. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

23. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

    For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

24. The licensee shall file with the Commission all affiliation agreements to which it is a party with a television programming undertaking or broadcasting distribution undertaking within five days following the execution of the agreement by the parties.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

Condition of licence specific to TMN and TMN Encore

25. The service is authorized to offer the number of multiplexed channels it operated as of 2 November 2016. The licensee shall adhere to the Canadian programming exhibition requirement set out in condition **2** with respect to each multiplexed channel. The licensee may not offer new multiplex channels.

Definitions

"Bell Media Group" means the group of undertakings set out in Appendix 1 to *Bell Media Inc. – Licence renewals for English-language television stations and services*, Broadcasting Decision CRTC 2017-149, 15 May 2017.

"Broadcast day"

- For ESPN Classic, as an exception to the definition set out in Appendix 2 to the *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the term “broadcast day” refers to the 24-hour period beginning each day at 12 am Eastern time.

- For TMN and TMN Encore, as an exception to the definition set out in Appendix 2 to the *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, the term “broadcast day” refers to the 24-hour period beginning each day at 6 am Eastern time.

“Independent production company” means a Canadian company (i.e., a company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians) whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

“Official language minority community producer” means a company that meets the definition of “independent production company” and that:

a) if operating in the province of Quebec, produces original English-language programming, or

b) if operating outside of the province of Quebec, produces original French-language programming.

Appendix 5 to Broadcasting Decision CRTC 2017-149

Terms, conditions of licence, expectations and encouragement for the mainstream sports service The Sports Network (TSN)

Terms

The licence will take effect 1 September 2017 and expire 31 August 2022.

Conditions of licence, expectations and encouragement

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragement set out in Appendix 1 to *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Definition of "broadcast day" for mainstream sports services*, Broadcasting Regulatory Policy CRTC 2009-562-2, 25 May 2012, with the exception of conditions of licence 4 and 7, which are replaced by the following:

    4. The licensee:

    (a) shall not distribute, subject to paragraph (b), a daily average of more than 12 minutes of advertising material in each clock hour;

    (b) may broadcast partisan political advertising during an election period, in addition to the 12 minutes of advertising material referred to in paragraph (a); and

    (c) shall not broadcast any advertising material other than national paid advertising.

    7. Consistent with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:

    (a) ensure that advertising, sponsorship messages and promos in the English and French languages are closed captioned;

    (b) in regard to the quality of closed captioning, the licensee shall adhere to the requirements set out in the appendix to *English-language closed captioning quality standard related to the accuracy rate for live programming*, Broadcasting Regulatory Policy CRTC 2016-435, 2 November 2016; and

    (c) implement a monitoring system to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal and this captioning reaches the distributor of that signal in its original form. "Original form" means, at a minimum, that the captioning provided by the licensee reaches the distributor unaltered, whether it is passed through in analog or in digital, including in high definition.

2. To ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file for the Commission's review a copy of any programming supply agreement or licence or trademark agreement it has entered into with a non-Canadian party within 30 days of its execution. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.

3. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Bell Media Group for that term.

4. The licensee shall be responsible for any failure to comply with the requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

Competitive safeguards

5. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

6. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent, or is designed to create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.

7. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.

8. The licensee shall not:

    a) require an unreasonable rate (e.g., not based on fair market value);

    b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;

    c) require an excessive activation fee or minimum subscription guarantee;

    d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

9. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:

   a) historical rates;
   b) penetration levels and volume discounts;
   c) the packaging of the service;
   d) rates paid by unaffiliated broadcasting distributors for a programming service;
   e) rates paid for programming services of similar value to consumers;
   f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;
   g) the retail rate charged for the service on a stand-alone basis;
   h) the retail rate for any packages in which the service is included.

   The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

10. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

11. The licensee shall not:

    a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service’s theme or price point;

    b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);

    c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

12. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

13. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

    For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

14. The licensee shall file with the Commission all affiliation agreements to which it is a party with a television programming undertaking or broadcasting distribution undertaking within five days following the execution of the agreement by the parties.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

Appendix 6 to Broadcasting Decision CRTC 2017-149

Terms, conditions of licence, expectations and encouragement for the national news service CTV News Channel

Terms

The licence will take effect 1 September 2017 and expire 31 August 2022.

Conditions of licence, expectations and encouragement

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragement set out in the appendix to *Revised standard conditions of licence for Canadian discretionary services operating as national news services*, Broadcasting Regulatory Policy 2015-436, 23 September 2015.

2. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Bell Media Group for that term.

3. The licensee shall be responsible for any failure to comply with the requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

Competitive safeguards

4. The licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

5. The licensee shall not include or enforce any provision in or in connection with an affiliation agreement that is designed to prevent, or is designed to create incentives that would effectively prevent another programming undertaking or broadcasting distribution undertaking from launching or distributing another licensed programming service.

6. The licensee shall provide a minimum of 90 days' written notice of the impending launch of a new programming service to all broadcasting distribution undertakings. Such notice shall be accompanied by an offer that sets out the general terms of carriage of the programming service to be launched.

7. The licensee shall not:

a) require an unreasonable rate (e.g., not based on fair market value);

b) require a party with which it is contracting to accept terms or conditions for the distribution of programming on a traditional or ancillary platform that are commercially unreasonable;

c) require an excessive activation fee or minimum subscription guarantee;

d) impose, on an independent party, a most favoured nation (MFN) clause or any other condition that imposes obligations on that independent party by virtue of a vertically integrated entity or an affiliate thereof entering into an agreement with any vertically integrated entity or any affiliate thereof, including its own.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

8. When negotiating a wholesale rate for a programming service based on fair market value, the licensee shall take into consideration the following factors:

   a) historical rates;

   b) penetration levels and volume discounts;

   c) the packaging of the service;

   d) rates paid by unaffiliated broadcasting distributors for a programming service;

   e) rates paid for programming services of similar value to consumers;

   f) the number of subscribers that subscribe to a package in part or in whole due to the inclusion of the programming service in that package;

   g) the retail rate charged for the service on a stand-alone basis;

   h) the retail rate for any packages in which the service is included.

   The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

9. If the licensee has not renewed an affiliation agreement that it signed with a licensed or exempted Canadian television programming undertaking or a broadcasting distribution undertaking within 120 days preceding the expiry of the agreement and if the other party has confirmed its intention to renew the agreement, the licensee shall submit the matter to the Commission for dispute resolution pursuant to sections 12 to 15 of the *Broadcasting Distribution Regulations*.

   The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

10. The licensee shall not:

a) require minimum penetration or revenue levels that force distribution of a service on the basic tier or in a package that is inconsistent with the service's theme or price point;

b) refuse to make programming services available on a stand-alone basis (i.e., requiring the acquisition of a program or service in order to obtain another program or service);

c) impose terms that prevent an unrelated distributor from providing a differentiated offer to consumers.

The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

11. The licensee shall not refuse to make available or condition the availability of or carriage terms for any of its licensed programming services to any broadcasting distribution undertaking (BDU) on whether that BDU agrees to carry any other separately licensed programming service, provided that this condition does not prevent or limit the right or ability of the licensee to offer BDUs multiservice or other discounts, promotions, rebates or similar programs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

12. The licensee shall negotiate with broadcasting distribution undertakings (BDUs) for non-linear multiplatform rights to the content broadcast on the licensee's programming service at the same time as linear rights for its programming service and provide those rights to BDUs on a timely basis and on commercially reasonable terms.

    For certainty, nothing in this condition of licence shall prevent or otherwise restrict the licensee from requesting compensation in exchange for making such non-linear rights available to BDUs.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

13. The licensee shall file with the Commission all affiliation agreements to which it is a party with a television programming undertaking or broadcasting distribution undertaking within five days following the execution of the agreement by the parties.

    The application of the foregoing condition of licence is suspended so long as the Wholesale Code, set out in the appendix to Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, is in effect.

Appendix 7 to Broadcasting Decision CRTC 2017-149

Terms, conditions of licence, expectations and encouragements for on-demand services

Terms

The licences will take effect 1 September 2017 and expire 31 August 2022.

Conditions of licence, expectations and encouragements

1. The licensee shall adhere to the standard conditions of licence, expectations and encouragements for on-demand services set out in the appendix to *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017.

2. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to expenditures on Canadian programming, including programs of national interest, made by the licensee and by the Bell Media Group for that term.

3. The licensee shall be responsible for any failure to comply with the requirements relating to expenditures on Canadian programming, including programs of national interest, that occurred during the previous licence term.

Additional condition of licence for On Demand (video-on-demand service licensed to Northwestel Inc.)

4. By 12 September 2017, the licensee is required to file proof with the Commission that it has contributed by 14 August 2017:

   - $80,523 to the Canada Media Fund; and

   - $13,254 to the Bell Fund.