



## Broadcasting Decision CRTC 2017-155

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Reference: 2016-225

Ottawa, 15 May 2017

### **Shaw Cablesystems (VCI) Limited**

Across Canada

*Application 2016-0018-0, received 11 January 2016*

*Public hearing in the National Capital Region*

*28 November 2016*

### **Shaw On Demand – Licence renewal and licence amendment**

1. The Commission **approves** the application by Shaw Communications Inc. (Shaw), on behalf of Shaw Cablesystems (VCI) Limited, to renew the broadcasting licence for the national video-on-demand (VOD) service Shaw On Demand. The Commission did not receive any interventions in regard to the request to renew the licence for the service. The terms and **conditions of licence** are set out in the appendix to this decision.

#### **Exception to the requirement to provide closed captioning for 3D programming**

2. As set out in condition of licence 21 in the appendix to *Standard requirements for on-demand services*, Broadcasting Regulatory Policy CRTC 2017-138, 10 May 2017, the licensee of a VOD service is required to caption 100% of the English- and French-language programs in the inventory for the service. In its application, Shaw requested an exception from the requirement to close caption the 3D versions of programming available on Shaw On Demand. The Commission did not receive any interventions in regard to this request.
3. Shaw indicated that it is currently unable to provide closed captioning for 3D versions of programming available on its VOD service given the technical limitations of the set-top boxes that it uses. It stated that it is committed to continuing to explore potential technical solutions to enable the provision of 3D programming and requested that the exception remain in effect only until a technical solution has been found. Shaw added that only a very low percentage (i.e., 0.19%) of its inventory would be affected by the proposed exception.
4. Although closed captioning of 3D content should be feasible, the consumer equipment required to display 3D (such as television sets, glasses and set-top boxes) seems to be limited and is gradually being phased out of the North American market. Further, there seems to be a limited availability of and demand for 3D content as there are limited

dedicated 3D television channels available from major distributors in both Canada and the United States.

5. In light of the above, the Commission **approves** Shaw's request and amends the broadcasting licence for Shaw On Demand accordingly. However, to ensure that the content of any 3D programming is made accessible, Shaw must provide a closed captioned 2D version of any 3D programming broadcast on the service. A **condition of licence** to that effect is set out in the appendix to this decision.

### **Employment equity**

6. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, their employment equity practices are not examined by the Commission.

Secretary General

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

## **Appendix to Broadcasting Decision 2017-155**

### **Terms, conditions of licence, expectations and encouragements for the national video-on-demand service Shaw On Demand**

#### **Terms**

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

#### **Conditions of licence, expectations and encouragements**

1. The licensee shall adhere to the conditions set out in the broadcasting licence for the undertaking, as well as 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, with the exception of condition of licence **21**, which is replaced by the following:

The licensee shall caption 100% of the English- and French-language programs in its inventory, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007, with the exception of community access television programming, and with the exception of 3D versions of programming available on the service, provided that a 2D version of that programming is closed captioned and made available.