



Broadcasting Decision CRTC 2005-529

Ottawa, 25 October 2005

Bell Canada

Toronto, Hamilton/Niagara, Oshawa, Kitchener, London,
Windsor, Ottawa and surrounding area at each location in Ontario;
and Montréal, Gatineau, Sherbrooke, Québec and surrounding
area at each location in Quebec

Application 2005-0183-4

Broadcasting Public Notice CRTC 2005-55

7 June 2005

Insertion of promotional material in the local availabilities of U.S. satellite services

*The Commission **approves** the application by Bell Canada to amend the broadcasting licences for its terrestrial broadcasting distribution undertakings serving the communities noted above, in order to add a condition of licence that would allow it to insert certain promotional material as a substitute for the local availabilities of non-Canadian satellite services.*

The application

1. The Commission has received an application by Bell Canada to amend the broadcasting licences for its terrestrial broadcasting distribution undertakings serving the communities noted above, in order to add the following condition of licence:

The licensee is authorized, by condition of licence, to insert, at its option, certain promotional material as a substitute for the “local availabilities” (i.e. non-Canadian advertising material) of non-Canadian satellite services, subject to the requirement that at least 75% of these local availabilities be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of any future community channel that the licensee might operate, and for unpaid Canadian public service announcements. A maximum of 25% of the commercial availabilities may be made available for the promotion of discretionary programming services and packages, cable subscriber service information, channel realignments, cable FM service and additional cable outlets.

Interventions

2. The Commission received one intervention from Rogers Cable Communications Inc. (Rogers) in connection with this application. Rogers argued that the proposed wording of the condition of licence requested by Bell Canada was different from the wording of similar conditions that appear in the distribution licences held by Rogers. Specifically, Rogers noted that the second sentence of the proposed condition of licence refers to “commercial availabilities” rather than “local availabilities”. Rogers was concerned that this difference in wording could be interpreted as giving Bell Canada greater flexibility in complying with the 75%/25% thresholds.

Applicant’s reply

3. Bell Canada submitted that Rogers’ concern is unfounded and that it understands the limit of its entitlement with respect to the broadcasting of promotions. Bell Canada added that it would have no objection to its proposed condition of licence being revised such that the term “commercial availabilities” is changed to “local availabilities”.

Commission’s analysis and determination

4. The Commission notes that the wording of the condition of licence, as proposed by Rogers and accepted by Bell Canada, is consistent with its longstanding approach with respect to the use of local availabilities.
5. In light of the above, the Commission **approves** the application by Bell Canada to amend the broadcasting licences for its terrestrial broadcasting distribution undertakings serving the communities noted above. The following **condition** is added to its licences:

The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, the promotion of any future community channel that the licensee might operate, and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.

6. As set out in *Tools to promote and improve the visibility of services whose national distribution is required pursuant to section 9(1)(h) of the Broadcasting Act*, Broadcasting Public Notice CRTC 2005-89, 9 September 2005, the Commission encourages the licensee to use the local availabilities to promote and improve the visibility of services whose national distribution is required pursuant to section 9(1)(h) of the *Broadcasting Act*.

Secretary General

This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>