



## Broadcasting Decision CRTC 2006-572

Ottawa, 3 October 2006

**Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership**  
Across Canada

*Application 2006-1010-7*  
*Broadcasting Public Notice CRTC 2006-108*  
*24 August 2006*

### **Bell ExpressVu direct-to-home satellite distribution undertaking – Licence amendment**

1. The Commission **approves** the application by Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership (ExpressVu), to amend the licence of its direct-to-home satellite distribution undertaking by extending the suspension of the requirement for it to perform program deletion under sections 42(1)(b) and 43(1) of the *Broadcasting Distribution Regulations*, pursuant to the terms set out in its conditions of licence.
2. ExpressVu indicated that it is currently negotiating an agreement with Canadian programming services, represented by the Canadian Association of Broadcasters (CAB), with respect to the appropriate terms for future distribution of distant Canadian signals and the suspension of program deletion requirements. In the licensee's view, the proposed extension would permit it and the CAB to take into account the Commission's determinations in the proceeding initiated by *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006, in negotiating the above-mentioned agreement.
3. The Commission did not receive any interventions in connection with this application.
4. The existing condition of licence relating to relief from program deletion requirements reads as follows:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until 12 August 2006, so long as the licensee:

- (a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence.

- (b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:
  - i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year; and
  - (ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006.

5. The Commission hereby replaces the condition set out above with the following **condition of licence**:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, so long as the licensee:

- (a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence.
- (b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:
  - i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year; and
  - (ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006.

- (iii) in the period ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 13 August 2006 and ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5.

Secretary General

*This decision is to be appended to the 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>*