



## Broadcasting Decision CRTC 2006-667

Ottawa, 8 December 2006

**Rogers Cable Communications Inc.**  
Across Canada

*Application 2006-0987-8  
Broadcasting Public Notice CRTC 2006-104  
18 August 2006*

### **Licence amendments**

*In this decision, the Commission **approves** an application to amend the broadcasting licences for the national, English-language direct-to-home pay-per-view (PPV) programming undertaking and for the national, English-language terrestrial PPV programming undertaking, in order to authorize the licensee, by conditions of licence, to distribute programming that contains commercial messages where those messages are already included in a program previously aired by a Canadian programming undertaking and that program is subsequently offered at no charge to the subscriber.*

### **The application**

1. The Commission received an application by Rogers Cable Communications Inc. (Rogers) to amend the broadcasting licences for the national, English-language direct-to-home (DTH) pay-per-view (PPV) programming undertaking and for the national, English-language terrestrial PPV programming undertaking in order to add a condition of licence authorizing it to distribute programming that contains commercial messages where those messages are already included in a program previously aired by a Canadian programming undertaking and that program is subsequently offered at no charge to the subscriber.
2. Rogers proposed to add the following conditions of licence:

The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of section 3(2)(d) (commercial messages).

The licensee shall not include as part of its direct-to-home (DTH) pay-per-view (PPV)/terrestrial PPV offering any program containing a commercial message except where:

- a) the message was already included in a program previously broadcast by a Canadian programming service;

b) the program's inclusion as part of the DTH PPV/terrestrial PPV offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and

c) the program is offered to subscribers at no charge.

3. Rogers was of the view that the addition of this programming to its PPV services would result in an increase in the use of its PPV services by its subscribers and in return would benefit the Canadian programming services offering the programs.
4. The Commission received one intervention that was not specifically relevant to this application.

### **Commission's analysis and determination**

5. In *Illico sur demande – Licence amendments*, Broadcasting Decision CRTC 2005-498, 18 October 2005 and in *Rogers on Demand – Licence amendments*, Broadcasting Decision CRTC 2005-497, 18 October 2005, the Commission approved applications for amendments to the broadcasting licences for these video-on-demand (VOD) programming undertakings to permit them to offer programming that includes commercial messages. The commercial messages are restricted to those contained in programs previously broadcast by other Canadian programming undertakings. The programs must be obtained by these licensees under the terms of written agreements with the licensees of those Canadian programming undertakings, and offered on an on-demand basis at no charge to subscribers. In these decisions, the Commission indicated that the approval of these applications “would not represent a significant departure from the Commission's framework for the licensing of VOD undertakings.”
6. In light of the above and given the similarity between the nature of service of the VOD and PPV services, the Commission **approves** the application by Rogers Cable Communications Inc. to amend the broadcasting licences for the national, English-language DTH PPV programming undertaking and for the national, English-language terrestrial PPV programming undertaking, in order to add a condition of licence authorizing it to distribute programming that contains commercial messages where those messages are already included in a program previously aired by a Canadian programming undertaking and that program is subsequently offered on an on-demand basis at no charge to the subscriber.
7. The licences for these undertakings will therefore be subject to the following **conditions**:

The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of section 3(2)(d) (commercial messages).

The licensee shall not include as part of its direct-to-home (DTH) pay-per-view (PPV)/terrestrial PPV offering any program containing a commercial message except where:

- a) the message was already included in a program previously broadcast by a Canadian programming service;
- b) the program's inclusion as part of the DTH PPV/terrestrial PPV offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and
- c) the program is offered to subscribers at no charge.

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>*