



Broadcasting Decision CRTC 2006-672

Ottawa, 13 December 2006

Bell Aliant Regional Communications Inc., the general partner, as well as limited partner with Bell Canada and 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications Limited Partnership

Fredericton and surrounding areas, New Brunswick

Application 2006-0896-1

Broadcasting Public Notice CRTC 2006-121

19 September 2006

Licence amendment to add a cable broadcasting distribution undertaking to a regional licence

1. The Commission **approves** an application by Bell Aliant Regional Communications Inc., the general partner, as well as limited partner with Bell Canada and 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications Limited Partnership (Bell Aliant), to amend the Class 1 regional broadcasting licence of its cable broadcasting distribution undertakings (BDUs) serving various locations in Nova Scotia, New Brunswick, Prince Edward Island and Newfoundland and Labrador, in order to add a new cable BDU to serve Fredericton and surrounding areas.
2. The Commission did not receive any interventions in connection with this application.
3. In *Licence amendment to replace conditions of licence relating to the compliance with the Direction to the CRTC (Ineligibility of Non-Canadians)*, Broadcasting Decision CRTC 2006-598, 16 October 2006 (Decision 2006-598), the Commission approved an application by Bell Aliant to replace conditions of licence relating to the compliance with the *Direction to the CRTC (Ineligibility of Non-Canadians)*, set out in *Broadcasting distribution undertakings – Acquisition of assets and change of ownership*, Broadcasting Decision CRTC 2006-276, 30 June 2006. These conditions of licence pertained to the regional broadcasting licence for the licensee's Class 1 BDUs serving various locations in New Brunswick, Nova Scotia, and Newfoundland and Labrador. Since the present application relates to a cable BDU that will operate under this Class 1 regional broadcasting licence, the conditions of licence set out in Decision 2006-598 will also apply to the new cable BDU.
4. The amended Class 1 regional broadcasting licence will be subject to the **conditions** set out therein, as well as to the **conditions** set out in the appendix to this decision.

5. The Commission has consistently taken the view that community programming is an important aspect of the Canadian broadcasting system, and offers a clear and significant contribution to the furtherance of the objectives of the *Broadcasting Act*. However, it remains the prerogative of each BDU licensee to decide whether or not it will operate a community channel. The Commission notes that Bell Aliant does not propose to offer a community channel at this time. Where the applicant does not offer a community channel, pursuant to the *Broadcasting Distribution Regulations* (the Regulations), it is required to contribute to the production of Canadian programming.
6. The Commission also notes that, since the licensee would be operating under a regional licence authorizing it to carry on BDUs in a number of licensed areas, any licensed community programming undertaking eligible to receive funding pursuant to section 29 of the Regulations would be eligible to receive such funding based on the revenues derived from the broadcasting activities of the BDU operating in the licensed area in which the community programming undertaking was licensed to operate. A **condition of licence** to that effect is set out in the appendix to this decision.
7. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

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>

Appendix to Broadcasting Decision CRTC 2006-672

Conditions of licence

1. The licensee is authorized to distribute, as part of the basic service, the signals of WCVB-TV (ABC), WHDH-TV (NBC), WBZ-TV (CBS), and WGBH-TV (PBS) Boston, Massachusetts, and WUHF-TV (FOX) Rochester, New York.
2. The licensee is authorized to distribute, on a discretionary basis, any of the Canadian television signals set out in the *List of Part 3 eligible satellite services* (the List).¹
3. The licensee is authorized to distribute, on a digital discretionary basis, a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).
4. The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals and distant Canadian television signals provided for in the List is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations*. The Commission may suspend the application of this provision, with respect to the signals to be distributed, upon its approval of an executed agreement between the licensee and broadcasters. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a second set of U.S. 4+1 signals and of distant Canadian television signals.
5. In addition to the services required or authorized to be distributed pursuant to the *Broadcasting Distribution Regulations*, the licensee is authorized to distribute, at its option, the signal of the programming service of the Atlantic Satellite Network (ASN), provided that it is distributed on an unrestricted channel of the basic service.
6. 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, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be used to provide subscribers with information regarding customer service and channel realignments, and for the provision of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.

¹ The *List of Part 3 eligible satellite services* is available under Appendix B of the *Revised lists of eligible satellite services* (the revised lists). The revised lists are available on the Commission's website at www.crtc.gc.ca under "Industries at a Glance".

7. For the purposes of sections 29(3) and 29(4) of the *Broadcasting Distribution Regulations*, the licensee's annual contribution to a community programming undertaking licensed in a licensed area shall be calculated on the basis of the licensee's gross revenues derived from broadcasting activities in that licensed area in each broadcast year.
8. 100% of the trustees of Bell Aliant Regional Communications Income Fund and Bell Aliant Holdings Trust and any subsidiary trusts shall be Canadian at all times.
9. No less than 80% of the directors of Bell Aliant Regional Communications Holdings Inc. and Bell Aliant Regional Communications Inc. shall be Canadian at all times.
10. No less than 80% of the shareholders of Bell Aliant Regional Communications Holdings Inc. and its CEO shall be Canadian at all times.