



Broadcasting Notice of Public Hearing CRTC 2007-10-4

Ottawa, 30 November 2007

Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services

Clarification of the scope of the proceeding and revised process

*The Commission clarifies that it considers issues related to distant signals to be within the scope of this proceeding. The Commission will therefore accept proposals, comments and evidence regarding the impact of distant signals and the impact of their importation into local markets as part of the proposals and comments on a fee for the distribution of over-the-air television signals to be submitted by **25 January 2008**.*

As part of the submissions to be filed by 25 January 2008, parties may file comments updating their original proposals and comments that were filed by 19 October 2007 to reflect the fact that the fee-for-carriage issue, including issues related to distant signals, has been included in the proceeding.

*The Commission is also establishing a revised date of **22 February 2008** for the filing of replies in the proceeding.*

Introduction

1. In Broadcasting Notice of Public Hearing 2007-10-3, the Commission announced that, further to Broadcasting Notice of Public Hearing 2007-10-2, it was expanding the scope of the proceeding to include consideration of a fee for the distribution of over-the-air television signals. The Commission announced that parties were to provide their proposals and comments with respect to the fee-for-carriage issue by 25 January 2008. The Commission also announced that the deadline for replies to comments filed by 19 October 2007 with respect to *Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* (the Review) had been extended to 25 January 2008.
2. Prior to and following the issuance of Broadcasting Notice of Public Hearing 2007-10-3, the Commission received letters raising issues related to process and to the scope of the proceeding from Bell Canada/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 Canada/Bell Aliant), Rogers Communications Inc. (Rogers), Saskatchewan Telecommunications (SaskTel) and TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (Telus). The major submissions of these parties can be summarized as follows:

- The issue of distant signals, which has been raised by the Canadian Association of Broadcasters (CAB) and other parties in submissions to the proceeding, is outside the scope of the Review and should not be considered as part of this proceeding. Evidence regarding distant signals, including an updated study on the impact of distant signals that the CAB has stated it intends to file, should not be accepted.
 - In its 19 October 2007 submission in the proceeding, CTVglobemedia (CTVgm) had indicated that its reply comments would contain detailed recommendations. These detailed recommendations should have been filed in the comment phase of the proceeding, and any such detailed recommendations filed in the reply phase should be rejected as out of process.
 - Alternatively, parties putting forward new evidence in the proceeding, specifically the CAB and CTVgm, should be required to file it by 16 November 2007, the previous reply deadline, to permit parties to comment on any new evidence in their replies.
 - In order to permit parties to provide meaningful reply comments, an additional round of replies should be established. According to Bell Canada/Bell Aliant and SaskTel, these replies should be limited to fee-for-carriage issues. Telus was of the view that these replies should only be in response to new evidence or arguments presented by the 25 January 2008 deadline. Parties proposed a deadline of 7 March 2008 for such replies.
3. In its response to the letters submitted by Bell Canada/Bell Aliant and Rogers, the CAB argued that the economic impact of the importation of distant signals is an integral part of the fee-for-carriage discussion and within the scope of the proceeding. The CAB further argued that a requirement to file new evidence, in particular its updated study on distant signals, by 16 November 2007 is unwarranted given that the 25 January 2008 deadline was established as the filing date for fee-for-carriage evidence.
 4. The CAB added that a further round for reply comments on the fee-for-carriage issue is unnecessary because the public hearing and the post-hearing reply phase (if one is established) will provide opportunities to present such comments.
 5. In response to Bell Canada/Bell Aliant, CTVgm stated that it “intends to file second phase comments that respond to what other parties filed in their first phase submissions, as we are entitled to under the Notice.”

Scope of the proceeding and revised process

6. In the Commission's view, issues related to distant signals are integrally related to the issue of a fee for the distribution of over-the-air television signals and are therefore within the scope of this proceeding. As noted above, the Commission stated in Broadcasting Notice of Public Hearing 2007-10-3 that proposals and comments regarding the possibility of a fee for the distribution of such signals were to be filed by 25 January 2008.¹ In order to facilitate the development of an orderly record, the Commission considers it appropriate that any further evidence relating to this issue, including the CAB's updated study as to the impact of distant signals, be filed by that new date, i.e., **25 January 2008**.
7. Further, as part of the submissions to be filed by 25 January 2008, parties may file comments updating their original proposals and comments that were filed by 19 October 2007 to reflect the fact that the fee-for-carriage issue, including issues related to distant signals, has been included in the proceeding.
8. The Commission also considers it appropriate that a revised date for the filing of replies be established. In order to permit both the Commission and parties to the proceeding to prepare adequately for the oral public hearing, and to permit the Commission to advise parties as to the issues that it intends to pursue at the hearing, parties may file replies to all issues by **22 February 2008**. The Commission reminds parties that such replies should be limited to responding to proposals, comments and evidence filed earlier in the proceeding.
9. Following the oral public hearing, interested parties may have an opportunity to file brief final written comments.

Secretary General

Related documents

Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services, Broadcasting Notice of Public Hearing CRTC 2007-10, 5 July 2007, Broadcasting Notice of Public Hearing CRTC 2007-10-1, 12 September 2007, Broadcasting Notice of Public Hearing CRTC 2007-10-2, 26 September 2007, and Broadcasting Notice of Public Hearing CRTC 2007-10-3, 5 November 2007

This document 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>

¹ The Commission stated in particular that any party advocating the introduction of a fee for the distribution of over-the-air television stations should provide a specific proposal as to what the fee should be, with full supporting details, assumptions and rationale.

