



Broadcasting Decision CRTC 2014-466

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Route reference: 2014-102

Ottawa, 11 September 2014

Gold Line Telemanagement Inc.

Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Toronto and Windsor,
Ontario

Application 2013-1747-0, received 13 December 2013

Public hearing in Toronto, Ontario

13 May 2014

Regional broadcasting licence for terrestrial broadcasting distribution undertakings to serve various locations in Ontario

*The Commission **approves** an application for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve various locations in Ontario.*

Application

1. Gold Line Telemanagement Inc. (Gold Line) filed an application for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings (BDUs) to serve Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Toronto and Windsor.
2. Gold Line is a corporation wholly owned and controlled by Mr. Ata Moeini.
3. For Hamilton/Niagara, Kitchener, Oshawa, Ottawa and Toronto, Gold Line requested authorization to distribute the following U.S. 4 + 1 signals¹ as part of the basic service: WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the *List of non-Canadian programming services authorized for distribution* (the list). Gold Line also requested authorization to distribute WNLO-TV and WNYO-TV Buffalo, New York, on a discretionary basis.
4. For London and Windsor, the applicant requested authorization to distribute the following U.S. 4 + 1 signals as part of the basic service: WWJ-TV (CBS), WDIV-TV (NBC), WXYZ-TV (ABC), WJBK-TV (FOX) and WTVS-TV (PBS)

¹ This refers to the set of signals that provide the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network.

Detroit, Michigan, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the list. It also requested authorization to distribute WKBD-TV and WMYD-TV Detroit, Michigan, on a discretionary basis.

Intervention and applicant's reply

5. The Commission received an opposing intervention by 2251723 Ontario Inc. (VMedia). The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
6. VMedia raised a number of concerns based on its understanding of the applicant's current Internet-based broadcasting service in the Greater Toronto Area. According to the intervener, this service is delivered over the open Internet rather than over a dedicated line (i.e. a closed network) and features Canadian and U.S. channels (including over-the-air stations) and licensed specialty services that appear to be provided by ATOP Broadband Corp. (ATOP). VMedia expressed concern over what it perceived as a lack of satisfactory digital rights management (DRM) protocols and encryption in the applicant's set-top boxes to protect intellectual property. VMedia submitted that licensing such a service would make the dealings of existing IPTV BDUs problematic and jeopardize the growth of the IPTV sector because content providers would lose confidence that their legitimate requirements were being respected.
7. In reply, Gold Line submitted that VMedia's intervention was without merit and contained numerous factual errors. Specifically, it indicated that it currently offered two packages of international television and radio services operating under the *Exemption order for digital media broadcasting undertakings*. It added that it did not offer a Canadian package nor resell ATOP's services, but only provided its set-top box to ATOP. It clarified that the set-top box used DRM protocols and was encrypted, that it intended to distribute services as a licensed BDU rather than under the exemption order and that it would enter into interconnection and distribution agreements with third-party Internet service providers that would distribute the services through dedicated lines.

Commission's analysis and decisions

8. The Commission is satisfied with the applicant's reply. The Commission further notes that the authorizations requested by the applicant are consistent with authorizations previously granted by the Commission in similar cases. Accordingly, the Commission authorizes Gold Line to distribute the services identified in its application. **Conditions of licence** to this effect are set out in the appendix to this decision.
9. In light of all of the above, the Commission **approves** the application by Gold Line Telemanagement Inc. for a regional broadcasting licence to operate terrestrial BDUs to serve Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Toronto and

Windsor. The licensee shall adhere to the **conditions** set out in the licence, as well as to the terms and **conditions of licence** set out in the appendix to this decision.

Other matters

General authorizations for broadcasting distribution undertakings

10. The Commission notes that under the conditions specified in its licence, a BDU is also authorized to distribute any service and to undertake any activity authorized in Broadcasting Regulatory Policy 2011-522, as amended from time to time, under the terms and conditions set out therein.

Implementation of the Commission's determinations regarding accessibility of services

11. In the Accessibility Policy (Broadcasting and Telecom Regulatory Policy 2009-430), the Commission stated its intention to impose on BDUs a number of requirements and expectations pertaining to customer service, access to described video² and accessibility of programming. The Commission notes the applicant's indication that it would adhere to a condition of licence requiring it to provide one or more simple means of accessing described programming and its commitment to meet the requirements regarding customer service and information set out in the Accessibility Policy. **Conditions of licence**, requirements and expectations to improve accessibility are set out in the appendix to this decision.
12. Further, in Broadcasting Regulatory Policy 2010-622, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate community channels to caption 100% of original licensee-produced programming by the end of the licence term. The Commission also indicated that it expected licensed BDUs to ensure that 100% of original access programming³ on the community channel is captioned by the end of the licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate a community channel to provide audio description for all information programs and for news programming (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen). **Conditions of licence** and expectations to this effect are set out in the appendix to this decision.
13. The Commission notes that it may impose further conditions of licence respecting accessibility matters five years into the licence term, if deemed appropriate.

² "Video description" or "described video" refers to the narrative description of a program's key visual elements for the purpose of allowing persons who are blind or who have a visual impairment to understand what is occurring on the screen.

³ The *Broadcasting Distribution Regulations* define "community access television programming" as "programming produced by an individual, group or community television corporation residing within the licensed area of a cable distribution undertaking."

Mandatory distribution of 9(1)(h) services

14. The Commission reminds the applicant that it will be required to distribute within its licensed service areas all services licensed for mandatory carriage as part of the basic service of distribution undertakings pursuant to section 9(1)(h) of the *Broadcasting Act*.

Employment equity

15. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Employment and Social Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2011-522, 24 August 2011
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2014-466

Terms, conditions of licence, requirements, expectations and encouragement for the terrestrial broadcasting distribution undertakings to serve Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Toronto and Windsor, Ontario

Terms

The operation of these undertakings will be regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

A licence will be issued once the applicant has:

- informed the Commission in writing that it is prepared to commence operations. The undertakings must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **11 September 2016**. To ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date; and
- filed, at the same time it informs the Commission that it is ready to commence operations, a website address (or addresses) where its distribution grids that are in compliance with current regulations and applicable conditions of licence are posted for each of its licensed service areas.

The licence will expire 31 August 2021.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *General conditions of licence for terrestrial (cable, digital subscriber line, multipoint distribution system) and direct-to-home (DTH) satellite broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2009-547, 31 August 2009, including the general conditions of licence for terrestrial broadcasting distribution undertakings set out in Appendix 1 to that regulatory policy.
2. For Hamilton/Niagara, Kitchener, Oshawa, Ottawa and Toronto, the licensee is authorized to distribute:
 - as part of the basic service, WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission; and

- at its option, on a discretionary basis, WNLO-TV and WNYO-TV Buffalo, New York.
3. For London and Windsor, the licensee is authorized to distribute:
- as part of the basic service, WWJ-TV (CBS), WDIV-TV (NBC), WXYZ-TV (ABC), WJBK-TV (FOX) and WTVS-TV (PBS) Detroit, Michigan, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission.
 - at its option, on a discretionary basis, WKBD-TV and WMYD-TV Detroit, Michigan.
4. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.
5. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.
6. The licensee shall provide audio description for all the key elements of information programs, including news programming on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).

Requirements

The licensee is required to promote information on all of its disability-specific services and products, in the accessible manner(s) of its choice.

The licensee is required to incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.

The licensee is required to make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities (examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009).

Where customer service functions on its website are not accessible, the licensee is required to ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.

The licensee is required to make accessible any customer service functions that are available solely over its website.

The licensee is required to make its general call centers accessible to the point of providing reasonable accommodation to persons with disabilities by:

- a) training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
- b) making its Interactive Voice Response systems accessible.

Expectations

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that 100% of original access programming aired on its community channel is captioned by the end of the licence term.

Encouragement

The Commission encourages the licensee to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.