



Broadcasting Decision CRTC 2015-184

PDF version

Route reference: 2014-541-1

Additional references: 2014-102, 2014-102-2, 2014-383, 2014-383-1, 2014-541 and 2014-541-2

Ottawa, 8 May 2015

2251723 Ontario Inc.

Various locations in New Brunswick, Newfoundland and Labrador and Nova Scotia; Quebec; Alberta, Manitoba and Saskatchewan; and British Columbia

Applications 2013-1753-7, 2013-1754-5, 2013-1755-3 and 2013-1756-1, received 13 December 2013

*Public hearing in the National Capital Region
13 January 2015*

Regional broadcasting licences for terrestrial broadcasting distribution undertakings to serve various locations

*The Commission **approves** applications for regional broadcasting licences to operate terrestrial broadcasting distribution undertakings to serve various locations in New Brunswick, Newfoundland and Labrador and Nova Scotia; Quebec; Alberta, Manitoba, and Saskatchewan; and British Columbia.*

Applications

1. 2251723 Ontario Inc. (2251723 Ontario) filed applications for four regional broadcasting licences to operate terrestrial broadcasting distribution undertakings (BDUs) to serve the following locations:
 - Fredericton, Moncton, Saint John and their surrounding areas, New Brunswick; St. John's and its surrounding areas, Newfoundland and Labrador; Halifax and its surrounding areas, Nova Scotia
 - Gatineau, Montréal, Québec, Sherbrooke, Trois-Rivières and their surrounding areas, Quebec
 - Airdrie, Calgary, Edmonton, Fort McMurray, Leduc, Lethbridge, Red Deer, Spruce Grove and their surrounding areas, Alberta; Winnipeg and its surrounding areas, Manitoba; Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Yorkton and their surrounding areas, Saskatchewan
 - Abbotsford, Greater Vancouver, Kamloops, Kelowna, Nanaimo, Victoria and their surrounding areas, British Columbia

2. 2251723 Ontario is wholly owned by VMedia Inc., which in turn is wholly owned by Content Media Rights Inc., a corporation controlled by Alexei Tchernobrivets (37.5%), Vadim Sloutsky (37.5%) and Ivan Smirnov (25%) pursuant to the terms of a shareholders' agreement. 2251723 Ontario holds a regional broadcasting licence to operate terrestrial BDUs serving various locations in Ontario.
3. In its applications, 2251723 Ontario requested authorization to distribute specific U.S. 4+1 signals¹ as part of the basic service as set out in Broadcasting Notice of Consultation 2014-541-1. The applicant also requested authorization to distribute KVOS-TV (Me TV) Bellingham, Washington, on a discretionary basis for certain locations.

Interventions and applicant's replies

4. The Commission received interventions in opposition to the applications from Ethnic Channels Group Limited (ECGL), TV Novosti and Beanfield Technologies Inc. (Beanfield) as well as a comment from Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink). The applicant replied to the interventions and comment. The public record for these applications can be found on the Commission's website at www.crtc.gc.ca or by using the application numbers provided above.
5. In their interventions, ECGL and Beanfield argued that because of the applicant's proposed network infrastructure, the services should be considered to be exempt services under the *Digital Media Exemption Order* (DMEO) and should therefore not be licensed as terrestrial BDUs.
6. ECGL and TV Novosti also alleged that 2251723 Ontario was distributing programming services without authorization on the services it currently operates.
7. In its comment, Eastlink suggested that short-term licences be issued should the Commission approve the applications. It argued that the Commission is in the midst of a consultation on television² (the Let's Talk TV proceeding) that could result in fundamental changes to the regulatory framework applicable to BDUs and that the Commission would not have the authority to impose new or amended conditions of licence on the applicant to reflect any new regulatory approach until five years after the licences are issued.

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.

² See Broadcasting Notice of Consultation 2014-190.

Commission's analysis and decisions

8. The Commission reviewed the record of the proceeding and considers that the issues it must address are the following:
- whether the undertakings should be considered terrestrial BDUs in light of the network infrastructure proposed;
 - whether 2251723 Ontario's use of agents is appropriate;
 - the alleged unauthorized distribution of programming services by 2251723 Ontario;
 - the length of the licence terms; and
 - the applicant's request for authorization to distribute specific U.S. 4+1 signals.

Network infrastructure

9. In their interventions, ECGL and Beanfield suggested that 2251723 Ontario's undertakings as proposed are not eligible to be licensed as terrestrial BDUs given that the service would be delivered over the public Internet and that 2251723 Ontario does not operate a closed Internet Protocol television (IPTV) system. They argued that 2251723 Ontario's services instead qualify as exempt undertakings under the DMEO. Beanfield also submitted that the only way to broadcast television over Internet Protocol (IP) privately over a single physical connection is to use multiple virtual local area networks (VLANs). In its reply, 2251723 Ontario submitted that it operates a private managed network in accordance with its own technology and network design parameters, which include the implementation of hard-coded IP access lists and virtual private networks. 2251723 Ontario added that these serve the same purpose as VLANs for the delivery of IPTV.
10. The DMEO, as set out in Broadcasting Order 2012-409, states that digital media undertakings provide broadcasting services that are delivered and accessed over the Internet or delivered using point-to-point technology and received by way of mobile devices. In Broadcasting Public Notice 2006-47, the Commission stated that the phrase "delivered and accessed over the Internet" describes services that are:
- available over the public Internet to Internet users through an [Internet service provider (ISP)]... Such services are delivered through the public Internet, rather than simply using Internet protocol (IP) for their delivery and/or relying on the use of dedicated networks for a portion or the entirety of their delivery. Generally, users will access the service in a manner that requires the use of a web browser and the entry of a Uniform Resource Locator (URL).
11. In that notice, the Commission also stated that IPTV that makes use of the Internet Protocol, but is delivered over a private managed network does not fall under the DMEO.

12. IPTV technology has evolved and new variants of IPTV have emerged over the last several years. The Commission considers that the undertakings as proposed by the applicant can be considered terrestrial BDUs. While 2251723 Ontario would deliver its distribution service on the same connection as its Internet service or the Internet service of its agents, using mechanisms similar to those used by online video services that are exempt under the DMEO, it would not deliver its service to Internet users at large. In other words, 2251723 Ontario's set-top boxes are not nomadic and cannot connect to any point on the Internet. The service is tied to a specific address using an Internet connection offered by 2251723 Ontario or its agents and can only be operated on that ISP connection.
13. The Commission also took into account that 2251723 Ontario would use the connection specific to each customer via the wholesale high-speed access service to offer its IPTV service. The Commission is therefore satisfied that 2251723 Ontario's proposal to deliver its services over a private managed network would not fall under the DMEO.
14. Further, the Commission has already granted licences to over 20 BDUs using similar IPTV technology.

Use of agents

15. 2251723 Ontario has two types of agency relationships: a) a direct connection relationship where 2251723 Ontario sells its television and Internet services through a third party; and b) an interconnection relationship where 2251723 Ontario delivers its television services to subscribers over a third party's ISP platform.
16. Some agency relationships involve resale arrangements where the BDU distributes the programming and packages to an agent who then resells the service to an end customer. Such resale arrangements may be appropriate where the BDU licensee maintains responsibility for the program selection and packaging, enters into affiliation agreements with programming services and remits payments under such agreements, along with payments for copyrights, for customers billed by the reseller.
17. The BDU licensee is also responsible for the actions of the agent in relation to the BDU's services and for ensuring that customers are made aware that the BDU licensee, not the agent, is their service provider.
18. In these situations, the licensee is accountable to the Commission and has full responsibility for compliance with all of the requirements of the *Broadcasting Act*, the regulations and any Commission decision or order, including the obligation to remit all of the necessary contributions pursuant to section 34 of the *Broadcasting Distribution Regulations*, as well as fees pursuant to the *Broadcasting Licence Fee Regulations, 1997*.

19. Based on the information it received from 2251723 Ontario, the Commission is satisfied that 2251723 Ontario's agency relationships are appropriately structured and reminds the applicant of its responsibility for compliance with the regulatory obligations.

Alleged unauthorized distribution of programming services

20. ECGL alleged that 2251723 Ontario is distributing programming services for which it has not obtained the necessary rights from Canadian rights holders, including RT (previously known as Russia Today), as well as programming that is not authorized for distribution in Canada, including bestrussiantv.com, on the service it currently offers. TV Novosti, which operates the English-language news service RT, submitted that 2251723 Ontario is distributing RT without its authorization.

Distribution of RT

21. RT is included in the Commission's *List of non-Canadian services authorized for distribution*. Pursuant to section 24 of the *Broadcasting Distribution Regulations*, it may be distributed by a licensee on a discretionary basis only. A distributor would typically enter into an agreement with a broadcaster before distributing such a signal. The terms and conditions of these agreements are not regulated by the Commission. It is the responsibility of the distributor and the broadcaster to negotiate any terms of distribution.

Distribution of other unauthorized services

22. With respect to the distribution of services such as bestrussiantv.com, it would appear that these services are available online and that reselling agents are making them accessible on 2251723 Ontario's set-top box alongside the BDU programming. Provided that the agent is not altering 2251723 Ontario's service, the Commission considers that any issues relating to add-on services are more properly raised with the third party providing access to them.

Length of the licence terms

23. Eastlink suggested that, should the applications be approved, the Commission should issue short-term licences to 2251723 Ontario so that the changes resulting from the Let's Talk TV proceeding could be implemented at an earlier date. In this respect, the Commission has not issued short-term licences for new BDUs that were recently approved (for example, see Broadcasting Decisions 2015-149 and 2015-150). The Commission therefore considers it appropriate to grant full licence terms to 2251723 Ontario.

Applicant's request for authorization to distribute specific U.S. 4+1 signals

24. In its applications, 2251723 Ontario requested authorization to distribute specific U.S. 4+1 signals as part of the basic service.

25. With respect to the locations in Saskatchewan, the applicant proposed to distribute the following U.S. 4+1 signals: KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington. Given that Saskatchewan-based local stations schedule their programming at the same time as U.S. 4+1 signals from the Eastern time zone, the Commission is of the view that the signals from Buffalo, New York, would be more appropriate for this region. The Commission considers that this would ensure that local stations in Saskatchewan would have the ability to benefit from simultaneous substitution. Accordingly, the Commission **denies** the requested condition of licence to allow the distribution of the U.S. 4+1 signals from Washington State for the Saskatchewan locations. Instead, the Commission imposes a **condition of licence** allowing the distribution of the U.S. 4+1 signals from Buffalo, New York. A **condition of licence** to this effect is set out in Appendix 3 to this decision.
26. With respect to the other authorizations relating to U.S. 4+1 services requested by the applicant, the Commission considers that they are consistent with authorizations previously granted by the Commission in similar cases. Accordingly, the Commission authorizes 2251723 Ontario to distribute the U.S. 4+1 services identified in its applications, with the exception of the signals for the Saskatchewan locations as discussed above. **Conditions of licence** to this effect are set out in the appendices to this decision.

Conclusion

27. In light of all of the above, the Commission **approves** the applications by 2251723 Ontario Inc. for regional broadcasting licences to operate terrestrial BDUs to serve the locations as set out in the appendices to this decision. The licensee shall adhere to the **conditions** set out in the licences as well as to the terms and **conditions of licence** set out in the appendices to this decision.

Other matters

General authorizations for broadcasting distribution undertakings

28. Subject to any 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 under the terms and conditions set out therein.

Implementation of the Commission's determinations regarding accessibility of services

29. 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 video³ and accessibility of programming. The applicant indicated that it would adhere to a

³ "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.

condition of licence requiring it to provide one or more simple means of accessing described programming and it committed to meet the requirements regarding customer service and information set out in the Accessibility Policy. Accordingly, **conditions of licence**, requirements and expectations to improve accessibility are set out in the appendices to this decision.

30. 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 programming⁴ 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.
31. The Commission may impose further conditions of licence respecting accessibility matters five years into the licence term, if deemed appropriate.

Mandatory distribution of 9(1)(h) services

32. 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*.

Secretary General

Related documents

- *Regional broadcasting licence for terrestrial broadcasting distribution undertakings to serve various locations in Alberta*, Broadcasting Decision CRTC 2015-150, 16 April 2015
- *Regional broadcasting licence for a terrestrial broadcasting distribution undertaking to serve various locations in Whitchurch-Stouffville*, Broadcasting Decision CRTC 2015-149, 16 April 2015
- *Notice of hearing – Addition of 7 applications*, Broadcasting Notice of Consultation CRTC 2014-541-1, 27 October 2014

⁴ 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.”

- *Let's Talk TV*, Broadcasting Notice of Consultation CRTC 2014-190, 24 April 2014
- *Amendments to the Exemption order for new media broadcasting undertakings (now known as the Exemption order for digital media broadcasting undertakings)*, Broadcasting Order CRTC 2012-409, 26 July 2012
- *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
- *Regulatory framework for mobile television broadcasting services*, Broadcasting Public Notice CRTC 2006-47, 12 April 2006

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

Appendix 1 to Broadcasting Decision CRTC 2015-184

Terms, conditions of licence, requirements, expectations and encouragements for the terrestrial broadcasting distribution undertakings to serve Fredericton, Moncton, Saint John and their surrounding areas, New Brunswick; Halifax and its surrounding areas, Nova Scotia; and St. John's and its surrounding areas, Newfoundland and Labrador

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 **8 May 2017**. 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 Appendix 1 to *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.
2. The licensee is authorized to distribute, as part of the basic service, WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT-TV (FOX) and WGBH-TV (PBS) Boston, Massachusetts, 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 U.S. 4+1 signals above and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
3. 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.
4. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.

5. 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 centres 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.

Encouragements

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

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 2 to Broadcasting Decision CRTC 2015-184

Terms, conditions of licence, requirements, expectations and encouragements for the terrestrial broadcasting distribution undertakings to serve Gatineau, Montréal, Québec, Sherbrooke, Trois-Rivières and their surrounding areas, Quebec

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 **8 May 2017**. 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 Appendix 1 to *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.
2. The licensee is authorized to distribute, as part of the basic service for Montréal, Québec, Sherbrooke, Trois-Rivières and their surrounding areas, WCAX-TV (CBS) Burlington, Vermont; WPTZ-TV (NBC) Plattsburgh, New York; WVNY-TV (ABC) and WFFF-TV (FOX) Burlington, Vermont; and WETK-TV (PBS) Colchester, Vermont, 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 in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
3. The licensee is authorized to distribute, as part of the basic service for Gatineau and its surrounding areas, WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV (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 in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.

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 centres 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.

Encouragements

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

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 3 to Broadcasting Decision CRTC 2015-184

Terms, conditions of licence, requirements, expectations and encouragements for the terrestrial broadcasting distribution undertakings to serve Airdrie, Calgary, Edmonton, Fort McMurray, Leduc, Lethbridge, Red Deer, Spruce Grove and their surrounding areas, Alberta; Winnipeg and its surrounding areas, Manitoba; Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Yorkton and their surrounding areas, Saskatchewan

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 **8 May 2017**. 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 Appendix 1 to *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.
2. The licensee is authorized to distribute, as part of the basic service for Airdrie, Calgary, Edmonton, Fort McMurray, Leduc, Lethbridge, Red Deer, Spruce Grove and their surrounding areas, Alberta, KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, 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 U.S. 4+1 signals above and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.

3. The licensee is authorized to distribute, as part of the basic service for Winnipeg, Manitoba and its surrounding areas, WCCO-TV (CBS) and KARE-TV (NBC) Minneapolis, Minnesota; WDAZ-TV (ABC) Grand Forks, North Dakota; KMSP-TV (FOX) Minneapolis, Minnesota; and KFME-TV (PBS) Fargo, North Dakota, 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 in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
4. The licensee is authorized to distribute, as part of the basic service for Moose Jaw, North Battleford, Prince Albert, Regina, Saskatoon, Yorkton and their surrounding areas, Saskatchewan, WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV (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 U.S. 4+1 signals above and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
5. The licensee is authorized to distribute on a discretionary basis KVOS-TV (Me TV) Bellingham, Washington.
6. 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.
7. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.
8. 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 centres 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.

Encouragements

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

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.

Appendix 4 to Broadcasting Decision CRTC 2015-184

Terms, conditions of licence, requirements, expectations and encouragements for the terrestrial broadcasting distribution undertakings to serve Abbotsford, Greater Vancouver, Kamloops, Kelowna, Nanaimo, Victoria and their surrounding areas, British Columbia

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 **8 May 2017**. 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 Appendix 1 to *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.
2. The licensee is authorized to distribute, as part of the basic service, KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, 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.
3. The licensee is authorized to distribute on a discretionary basis KVOS-TV (Me TV) Bellingham, Washington.
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 centres 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.

Encouragements

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

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.