



Broadcasting Decision CRTC 2015-269

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Reference: 2014-621

Ottawa, 22 June 2015

Kate Vitenberg, on behalf of a corporation to be incorporated
Various locations across Canada

*Applications 2014-1016-7, 2014-1020-9, 2014-1022-4, 2014-1023-2 and 2014-1024-0,
received on 2, 3 and 6 October 2014*

*Public hearing in the National Capital Region
19 February 2015*

Regional broadcasting licences for terrestrial broadcasting distribution undertakings to serve various locations in British Columbia, the Prairies, Ontario, Quebec and the Atlantic Provinces

*The Commission **denies** applications by Kate Vitenberg, on behalf of a corporation to be incorporated (Kate Vitenberg (OBCI)) for regional broadcasting licences to operate terrestrial broadcasting distribution undertakings (BDUs) to serve various locations in British Columbia, the Prairies, Ontario, Quebec and the Atlantic Provinces.*

Based on the information provided in its applications, Kate Vitenberg (OBCI)'s proposed BDUs will be eligible to operate under the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers. The Commission will add the undertakings to the list of registered exempt BDUs once Kate Vitenberg (OBCI) notifies the Commission that it is ready to commence operations. Thereafter, Kate Vitenberg (OBCI) may begin operating the BDUs listed in this decision under the terms and conditions set out in Broadcasting Order 2014-445 or in the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers.

Applications

1. Kate Vitenberg, on behalf of a corporation to be incorporated (Kate Vitenberg (OBCI)) filed applications for regional broadcasting licences to operate terrestrial broadcasting distribution undertakings (BDUs) to serve the locations listed in the table below.
2. The applicant requested authorization to distribute, at its option, as part of the basic service, the U.S. 4+1¹ signals listed in the table below, or alternatively for each

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.

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 and stations authorized for distribution*. In certain cases, it also requested authorization to distribute, on a discretionary basis, the independent signals listed in the table.

Locations	U.S. 4+1 signals	Independent signals
Vancouver, Victoria, Nanaimo, Kelowna, Abbotsford, Chilliwack, Prince George, Kamloops and their surrounding areas, British Columbia	KOMO-TV (ABC), KING-TV (NBC), KIRO-TV (CBS), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington	KVOS-TV Bellingham, Washington
Calgary, Edmonton, Lethbridge, Fort McMurray, Red Deer, Medicine Hat, Airdrie, Leduc, Spruce Grove and their surrounding areas, Alberta; Saskatoon, Regina, Moose Jaw, Prince Albert, North Battleford, Yorkton, Swift Current and their surrounding areas, Saskatchewan; and Portage La Prairie and its surrounding areas, Manitoba	KOMO-TV (ABC), KING-TV (NBC), KIRO-TV (CBS), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington	KSTW-TV Seattle and KVOS-TV Bellingham, Washington
Winnipeg and its surrounding areas, Manitoba	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	KVOS-TV Bellingham, Washington
Greater Toronto, Hamilton, Kitchener, Ottawa and their surrounding areas, Ontario	WIVB-TV(CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York	WNLO-TV and WNYO-TV Buffalo, New York
Greater London, Windsor and their surrounding areas, Ontario	WWJ-TV(CBS), WDIV-TV (NBC), WXYZ-TV (ABC), WJBK-TV (FOX) and WTVS-TV (PBS) Detroit, Michigan	WKBD-TV and WMYD-TV Detroit, Michigan

Montréal, Québec, Sherbrooke, Trois-Rivières and their surrounding areas, Quebec	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	n/a
Gatineau and its surrounding areas, Quebec	WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV-TV (FOX) and WNED-TV (PBS) Buffalo, New York	n/a
Saint John, Fredericton, Moncton and their surrounding areas, New Brunswick; Halifax, Cape Breton/Sydney and their surrounding areas, Nova Scotia; and St. John's and its surrounding areas, Newfoundland and Labrador	WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT-TV (FOX) and WGBH-TV (PBS) Boston, Massachusetts	n/a

Interventions

3. The Commission received an intervention by 2251723 Ontario Inc. commenting on the applications. The applicant did not reply to the intervention. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings" or by using the appropriate application number, indicated above.
4. While 2251723 Ontario Inc. did not oppose the applications, it did question the soundness of approving applications from an applicant that did not seem to own any transmission facilities. It also expressed concern that Kate Vitenberg (OBCI) could have filed these applications with the intent of reselling the licences.

Commission's analysis and decision

5. In Broadcasting Regulatory Policy 2015-96, the Commission determined that it would broaden the Exemption order for terrestrial BDUs with fewer than 20,000 subscribers to allow new BDUs to enter and compete in markets with licensed BDUs. In Broadcasting Notice of Consultation 2015-258, the Commission invited comments on proposed amendments to that order, which will put into effect the Commission's determinations set out in the above policy.
6. As a result of these amendments, any new terrestrial BDU that qualifies for exemption will be required to register and submit to the Commission the general information listed in the above notice no later than three months prior to commencing operations in a new service area. Moreover, upon launch of the service, the name of

the BDUs and the service area will be added to the list of registered exempt BDUs posted on the Commission's website. The Commission expects programming services to negotiate affiliation agreements with these new BDUs in good faith during this transitional period.

7. Based on the information provided, the applicant's proposed BDUs will be eligible to operate under the above noted order. For registration purposes, the Commission is satisfied with the information provided by Kate Vitenberg (OBCI) in its application and will add its undertakings to the list of registered exempt BDUs once it notifies the Commission that it is ready to commence operations. Thereafter, Kate Vitenberg (OBCI) may begin operating the BDUs listed in the table above under the terms and conditions set out in Broadcasting Order 2014-445 or in the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers. However, it will be required to apply for a BDU licence once any of its undertakings reaches 20,000 subscribers.
8. In light of the above, the Commission **denies** the applications by Kate Vitenberg, on behalf of a corporation to be incorporated for regional broadcasting licences to operate terrestrial BDUs to serve the locations listed in the table above.

Secretary General

Related documents

- *Call for comments on proposed amendments to the exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Notice of Consultation CRTC 2015-258, 17 June 2015
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015