



Broadcasting Notice of Consultation CRTC 2016-197

PDF version

Ottawa, 24 May 2016

Notice of hearing

7 September 2016
Gatineau, Quebec

Broadcasting licence renewals of terrestrial broadcasting distribution undertakings (BDUs) that will expire in 2016; implementation of certain conditions of licence and review of practices in regard to the small basic service and flexible packaging requirements for all BDU licensees

Deadline for submission of interventions/comments/answers: 23 June 2016

[\[Submit an intervention/comment/answer or view related documents\]](#)

Introduction

1. The Commission will hold a hearing commencing on **7 September 2016 at 9 a.m. at the Conference Centre, Portage IV, 140 Promenade du Portage, Gatineau, Quebec** to consider the licence renewal applications of the terrestrial broadcasting distribution undertakings (BDUs) listed in Appendix 1 to this notice and to review the practices of all BDU licensees in regard to the small basic service and flexible packaging requirements.
2. In Broadcasting Decision 2016-196, also issued today, the Commission administratively renewed these licences from 1 September 2016 to 30 November 2016.
3. The Commission intends to subsequently renew the licences in question from 1 December 2016 to 31 August 2017, provided that no issues arise that would lead the Commission to proceed otherwise.
4. The scope of this hearing will be limited to the following issues:
 - the review of all licensees' practices in regard to the small basic service and flexible packaging requirements;
 - the imposition of conditions of licence related to the Wholesale Code, the Television Service Provider (TVSP) Code and participation in the Commissioner for Complaints for Telecommunications Services Inc. (CCTS); and
 - the renewal of those licences listed in Appendix 1 as described above.

5. The public record for each of the items being considered, including the responses to the questions posed in Appendix 1 to Broadcasting Notice of Consultation 2016-147, can be found by using the application numbers provided in the chart set out in the appendices to the present notice.
6. Given the limited scope of the hearing, the Commission requires that interveners wishing to appear provide a detailed rationale as to why their request should be granted, including how their oral presentation at the hearing would supplement their written submissions. The Commission will then determine which interveners, if any, will be invited to appear, and only those invited to appear will be contacted by the Commission.
7. Although the hearing will be held in the National Capital Region, parties that are invited to appear will be able to participate from the Commission's regional offices via videoconferencing. Parties interested in doing so are asked to indicate the regional office where they wish to appear at the time they file their comments. A list of the Commission's regional offices is included in this notice.
8. Additional documents may be added to the public file following the issuance of this notice of consultation. Interested parties are accordingly advised to consult the public file on an ongoing basis.

Review of practices in regard to the small basic service and flexible packaging requirements

9. In Broadcasting Regulatory Policy 2015-96 (the Choice Policy), the Commission introduced numerous changes affecting BDU licensees, many of which come into effect in 2016 and 2017. This includes the provision of an entry-level service, as well as the provision of programming services on a pick-and-pay basis and in small, reasonably priced packages.
10. The requirement to offer a basic service priced at a single fee of no more than \$25 per month has been in place since 1 March 2016. The requirements respecting flexible packaging requirements are being implemented through the *Broadcasting Distribution Regulations* (the Regulations) in two phases:
 - during the period beginning on 1 March 2016 and ending on 30 November 2016, all discretionary services must be offered by licensed BDUs either on a stand-alone basis or in packages of up to 10 programming services.
 - on or after 1 December 2016, all discretionary services must be offered both on a stand-alone basis and in packages of up to 10 programming services.

11. In an effort to ensure that licensees are offering the services during the first phase in a manner that is consistent with the requirements set out in the Regulations¹ and with the spirit of the Choice Policy, the Commission is conducting a review of practices in regard to the small basic service and flexible packaging requirements currently in effect, and taking this into consideration as part of the BDU renewal process.
12. All licensed BDUs, including direct-to-home (DTH) BDUs, were required to file answers regarding the above and may be called to the hearing for further questioning following the comment period. However, at this time, the Commission intends to only call the vertically integrated BDU licensees to the appearing portion of the hearing. Specifically, the Commission intends to call:
- Bell (items 15 and 17 set out in Appendix 2);
 - Rogers (item 5 set out in Appendix 1);
 - Shaw (item 7 set out in Appendix 1 and item 20 set out in Appendix 2); and
 - Videotron (item 9 set out in Appendix 1 and item 12 set out in Appendix 2)

Imposition of certain conditions of licence related to the Wholesale Code, the TVSP Code and participation in the CCTS

13. In Broadcasting Notice of Consultation 2016-147, the Commission requested licensees for which the broadcasting licences will expire in 2016 to confirm whether they will abide by the following conditions of licence:
- Effective 1 September 2016, the licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.
 - Effective 1 September 2017, the licensee shall adhere to the Television Service Provider Code, set out in the appendix to *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016.
 - Effective 1 September 2017, the licensee shall be a participant in the Commissioner for Complaints for Telecommunications Services Inc.
14. All licensees listed in Appendix 1 have provided the required confirmation. Consequently, the Commission will consider this issue on a non-appearing basis.

¹ With respect to the small basic service, the requirements applicable to the terrestrial and DTH BDUs are set out in sections 16.1, 17, 17.1 and 45.1, 46, 46.1 of the Regulations, respectively. The requirements with respect to the flexible packaging offerings for terrestrial BDUs are set out in section 23 of the Regulations.

Licences expiring in 2017, 2018 and 2019

15. In the Wholesale Code, the TVSP Code and CCTS regulatory policies,² the Commission stated that it would implement related conditions of licence of its own motion, where possible. Specifically, the Commission indicated that for those licensees for whom five years had not yet passed since the issuance or renewal of their licence, it would impose the three conditions of licence set out in paragraph 13 above with a delayed effective date that is at the point where the five years have passed.
16. In Broadcasting Notice of Consultation 2016-147, the Commission requested that licensees for which the licences are expiring in 2017, 2018 or 2019, including terrestrial and DTH BDU licensees, also 1) respond to various questions in regard to the small basic service and flexible packaging requirements and 2) confirm adherence to the Wholesale Code, the TVSP Code and participation in the CCTS.
17. All licensees listed in Appendix 2 have provided the required confirmation that they will abide by the conditions of licence related to the Wholesale Code, the TVSP Code and the CCTS. Consequently, the Commission will consider this portion of the issue on a non-appearing basis.
18. The public record for these applications, including the responses to the questions posed in Appendix 1 to Broadcasting Notice of Consultation 2016-147 and the effective dates of the above-noted conditions of licence, can be found by using the application numbers provided in the chart set out in Appendix 2.

Outcomes of this proceeding

19. Other than the addition of the conditions of licence set out in paragraph 13 above, and any further action resulting from its review of the small basic service and flexible packaging requirements, the Commission intends to renew the licences expiring in 2016 under the same terms and conditions as those in effect under the current licences and to amend the licences expiring in 2017, 2018 and 2019 accordingly.
20. All other matters regarding the licensees for which the broadcasting licences will expire on 30 November 2016, including any issues with respect to compliance, will be dealt with as part of a public proceeding that the Commission intends to initiate in 2017 to consider the full renewal of all licences expiring that year.

Procedure

21. The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) apply to the present proceeding. The Rules of Procedure set out, among other things, the rules for content, format, filing and service of interventions, answers, replies and requests for information; the

² Broadcasting Regulatory Policies 2015-438 and 2016-1, as well as Broadcasting and Telecom Regulatory Policy 2016-102, respectively

procedure for filing confidential information and requesting its disclosure; and the conduct of public hearings. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and related documents, which can be found on the Commission's website under "[Statutes and Regulations](#)." The guidelines set out in Broadcasting and Telecom Information Bulletin 2010-959 provide information to help interested persons and parties understand the Rules of Procedure so that they can more effectively participate in Commission proceedings.

22. The Commission will hold a public hearing commencing on **7 September 2016 at 9 a.m. at the Conference Centre, Portage IV, 140 Promenade du Portage, Gatineau, Quebec** to address the matters set out in this notice.
23. The Commission invites interventions that address the issues and questions set out above. The Commission will accept interventions that it receives on or before **23 June 2016**. Only applicants may file a reply to matters raised during the intervention phase. The deadline for the filing of replies is **4 July 2016**.
24. Parties are permitted to coordinate, organize, and file, in a single submission, interventions by other interested persons who share their position but do not wish to appear at the hearing. Information on how to file this type of submission, known as a joint supporting intervention, as well as a template for the covering letter to be filed by the parties, can be found in Broadcasting Information Bulletin 2010-28-1.
25. Following the public hearing, parties may have an opportunity to file brief final written comments.
26. Parties wishing to appear at the public hearing, either in person or by video conference from one of the Commission's regional offices, and parties requiring communications support must state their request on the first page of their intervention. Parties requesting appearance must provide clear reasons, on the first page of their intervention, as to why the written intervention is not sufficient and why an appearance is necessary. Only those parties whose requests to appear have been granted will be contacted by the Commission and invited to appear at the public hearing.
27. Persons requiring communications support such as assistance listening devices and sign language interpretation are requested to inform the Commission at least twenty (20) days before the commencement of the public hearing so that the necessary arrangements can be made.
28. The Commission encourages interested persons and parties to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.
29. Submissions longer than five pages should include a summary. Each paragraph of all submissions should be numbered, and the line *****End of document***** should follow

the last paragraph. This will help the Commission verify that the document has not been damaged during electronic transmission.

30. Pursuant to Broadcasting and Telecom Information Bulletin 2015-242, the Commission expects incorporated entities and associations, and encourages all Canadians, to file submissions for Commission proceedings in accessible formats (for example, text-based file formats that allow text to be enlarged or modified, or read by screen readers). To provide assistance in this regard, the Commission has posted on its website [guidelines](#) for preparing documents in accessible formats.
31. Submissions must be filed by sending them to the Secretary General of the Commission using **only one** of the following means:

by completing the
[\[Intervention/comment/answer form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

32. Parties who send documents electronically must ensure that they will be able to prove, upon Commission request, that service/filing of a particular document was completed. Accordingly, parties must keep proof of the sending and receipt of each document for 180 days after the date on which the document is filed. The Commission advises parties who file and serve documents by electronic means to exercise caution when using email for the service of documents, as it may be difficult to establish that service has occurred.
33. In accordance with the Rules of Procedure, a document must be received by the Commission and all relevant parties by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. Parties are responsible for ensuring the timely delivery of their submissions and will not be notified if their submissions are received after the deadline. Late submissions, including those due to postal delays, will not be considered by the Commission and will not be made part of the public record.
34. The Commission will not formally acknowledge submissions. It will, however, fully consider all submissions, which will form part of the public record of the proceeding, provided that the procedure for filing set out above has been followed.

Important notice

35. All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, email or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, email addresses, postal/street addresses, telephone and facsimile numbers, etc.
36. The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
37. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
38. The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

Availability of documents

39. Electronic versions of the interventions and of other documents referred to in this notice, are available on the Commission's website at www.crtc.gc.ca by visiting the "Participate" section, selecting "Submit Ideas and Comments," and then selecting "our open processes." Documents can then be accessed by clicking on the links in the "Subject" and "Related Documents" columns associated with this particular notice.
40. Documents are also available from Commission offices, upon request, during normal business hours.

Location of Commission offices

Toll-free telephone: 1-877-249-2782
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière
Central Building
1 Promenade du Portage, Room 206
Gatineau, Quebec
J8X 4B1
Tel.: 819-997-2429
Fax: 819-994-0218

Regional offices

Nova Scotia

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia
B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

Quebec

505 de Maisonneuve Boulevard West
Suite 205
Montréal, Quebec
H3A 3C2
Tel.: 514-283-6607

Ontario

55 St. Clair Avenue East
Suite 624
Toronto, Ontario
M4T 1M2
Tel.: 416-952-9096

Manitoba

360 Main Street
Suite 970
Winnipeg, Manitoba
R3C 3Z3
Tel.: 204-983-6306
Fax: 204-983-6317

Saskatchewan

403 – 1975 Scarth Street
Regina, Saskatchewan
S4P 2H1
Tel.: 306-780-3422
Fax: 306-780-3319

Alberta

220 – 4th Avenue Southeast
Suite 172
Calgary, Alberta
T2G 4X3
Tel.: 403-292-6660
Fax: 403-292-6686

British Columbia

858 Beatty Street
Suite 290
Vancouver, British Columbia
V6B 1C1
Tel.: 604-666-2111
Fax: 604-666-8322

Secretary General

Related documents

- *Call for licence renewal application: Submission of renewal applications for broadcasting licences of terrestrial distribution undertakings (BDUs) that will expire in 2016 and 2017; implementation of certain conditions of licence and review of practices in regard to the small basic and flexible packaging requirements for all BDU licensees*, Broadcasting Notice of Consultation CRTC 2016-147, 21 April 2016
- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Regulatory Policy CRTC 2016-102, 17 March 2016
- *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016
- *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015
- *Let's Talk TV: 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

Appendix 1 to Broadcasting Notice of Consultation CRTC 2016-197

Terrestrial broadcasting distribution undertakings for which the broadcasting licences will expire on 30 November 2016

Item	Licensee name ³	Application number and location	Email address/website to request an electronic version of the application
1.	Access Communications Co-operative Limited	2016-0464-5 Regina (including White City), Saskatchewan	documents@myaccess.coop
2.	Cogeco Cable Canada GP Inc. (the general partner) and Cogeco Cable Holdings Inc. (the limited partner), carrying on business as Cogeco Cable Canada LP	2016-0473-6 Belleville, Burlington, Georgetown, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Niagara Falls, Peterborough, Sarnia, St. Catharines and Windsor, Ontario	licence@cogeco.com
	Cogeco Cable Canada GP Inc. and Cogeco Cable Holdings Inc., partners in a general partnership carrying on business as Cogeco Cable Québec General Partnership	2016-0474-4 Drummondville, Rimouski, Saint-Hyacinthe, Trois-Rivières and surrounding areas, Quebec	licence@cogeco.com
3.	K-Right Communications Limited	2016-0461-1 Dartmouth and surrounding areas, Nova Scotia	Regulatory.Matters@corp.eastlink.c a
		2016-0460-4 Halifax and surrounding areas, Nova Scotia	

³ The addresses of all the licensees identified in this notice are available upon request at Commission offices.

	Persona Communications Inc.	2016-0462-9 Sudbury, Ontario	Regulatory.Matters@corp.eastlink.ca
4.	MTS Inc.	2016-0483-5 Winnipeg and surrounding areas, Manitoba	regulatory@mts.ca
5.	Rogers Communications Canada Inc.	2016-0434-8 Allardville, Clair, Fredericton, Moncton, Rogersville and Saint John, and surrounding areas, New Brunswick; and Deer Lake and St. John's, and surrounding areas, Newfoundland and Labrador	cable.regulatory@rci.rogers.com
		2016-0435-6 Barrie, Hamilton, Kitchener, London, Newmarket, Oshawa, Ottawa and Toronto, and surrounding areas, Ontario	
6.	Saskatchewan Telecommunications	2016-0479-4 Regina (which includes Pilot Butte and White City) and Saskatoon, Saskatchewan	document.control@sasktel.com
7.	Shaw Cablesystems Limited	2016-0438-0 Calgary, Alberta	dean.shaikh@sjrb.ca
		2016-0439-8 Edmonton, Alberta	
		2016-0441-3 Fort McMurray, Alberta	
		2016-0440-6 Lethbridge, Alberta	
		Red Deer, Alberta 2016-0459-6	

		2016-0442-1 Coquitlam, British Columbia	
		2016-0443-9 Duncan, British Columbia	
		2016-0444-7 Kelowna, British Columbia	
		2016-0445-5 Langford, British Columbia	
		2016-0446-3 Nanaimo, British Columbia	
		2016-0447-1 New Westminster, British Columbia	
		2016-0448-9 Vancouver (North and West), British Columbia	
		2016-0449-7 Vancouver (Richmond), British Columbia	
		2016-0450-5 Victoria, British Columbia	
		2016-0451-2 White Rock, British Columbia	
		2016-0452-0 Winnipeg, Manitoba	
		2016-0453-8 Sault Ste. Marie, Ontario	
		2016-0454-6 Thunder Bay, Ontario	

		2016-0455-4 Saskatoon, Saskatchewan	
	Shaw Cablesystems (VCI) Limited	2016-0456-2 Edmonton, Alberta	dean.shaikh@sjrb.ca
		2016-0457-0 Winnipeg, Manitoba	
8.	TELUS Communications Inc., and 1219723 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company	2016-0475-2 Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta	Lecia.simpson@telus.com or regulatory.affairs@telus.com
		2016-0476-0 Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland and Fraser Valley), Vernon and Victoria, British Columbia	
9.	Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.	2016-0466-1 Gatineau (Aylmer, Gatineau, Hull) and surrounding areas, Quebec	reglementaires@quebecor.com
		2016-0467-9 Québec and surrounding areas, Quebec	
		2016-0482-7 Montréal, Quebec	
		2016-0480-2 Montréal West, Quebec	
		2016-0481-9 Terrebonne, Quebec	

Appendix 2 to Broadcasting Notice of Consultation CRTC 2016-197

Terrestrial and direct-to-home broadcasting distribution undertakings for which the broadcasting licences are expiring after 30 November 2016

Licences expiring on 31 August 2017

Item	Licensee name	Application number and location	Email address/website to request an electronic version of the application
10.	2251723 Ontario Inc.	2016-0478-6 Barrie, Greater Toronto Area (including Ajax, Aurora, Bolton, Brampton, Caledon, Claremont, Etobicoke, Georgetown, King City, Markham, Milton, Mississauga, Nobleton, North York, Pickering, Richmond Hill, Scarborough, Toronto, Vaughan and Woodbridge), Hamilton-Niagara, Kingston, Kitchener-Waterloo, London, Oshawa, Ottawa, Peterborough, Sudbury, Thunder Bay, Windsor and their surrounding areas, Ontario	george.burger@vmedia.ca
11.	Atop Broadband Corp.	2016-0494-2 Greater Toronto Area (majority of), Ontario	www.atoptv.com rsocci@atoptv.com

12.	Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.	2016-0484-3 Granby, Quebec	reglementaires@quebecor.com
		2016-0485-1 Saguenay (Chicoutimi), Quebec	
		2016-0486-9 Sherbrooke, Quebec	

Licences expiring on 31 August 2018

Item	Licensee name	Application number and location	Email address/website to request an electronic version of the application
13.	AEBC Internet Corp.	2016-0504-9 Vancouver and Lower Mainland, British Columbia	accounts@ciphertv.com
14.	Beanfield Technologies Inc.	2016-0503-1 Toronto (East Bayfront and West Don Lands), Ontario	regulatory@beanfield.com
15.	Bell Canada (terrestrial)	2016-0469-5 Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia	bell.regulatory@bell.ca
		2016-0470-3 Greater Sudbury, Hamilton/Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto, Windsor and their surrounding areas, Ontario	

		2016-0471-0 Chicoutimi, Drummondville (Centre-du-Québec region), Gatineau, Joliette (Lanaudière region), Jonquière, Montréal, Québec, Saint-Jérôme (Laurentides region), Sherbrooke, Trois-Rivières (Mauricie region) and their surrounding areas, Quebec	
16.	TELUS Communications Inc., and 1219723 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company	2016-0477-8 Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec	Lecia.simpson@telus.com or regulatory.affairs@telus.com

Licences expiring on 31 August 2019

Item	Licensee name	Application number and location	Email address/website to request an electronic version of the application
17.	Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership (direct-to-home)	2016-0472-8 Across Canada	bell.regulatory@bell.ca

18.	Colba.Net Telecom Inc.	2016-0493-4 Montréal, Drummondville, Trois-Rivières, Gatineau, Sherbrooke and Québec, and their surrounding areas, Quebec	josephbassili@colba.net
19.	Rangtel Inc.	2016-0502-3 Greater Toronto Area, including Ajax, Aurora, Brampton, Brock, Burlington, Caledon, Clarington, Halton Hills, King, Markham, Milton, Mississauga, Newmarket, Oakville, Oshawa, Pickering, Scugog, Uxbridge, Vaughan, Whitby and Whitchurch-Stouffville, Ontario	support@rangtel.com
20.	Star Choice Television Network Incorporated (direct-to-home)	2016-0465-3 Across Canada	dean.shaikh@sjrb.ca
21.	Zazeen Inc.	2016-0505-7 Toronto, Hamilton/Niagara, Oshawa, Kitchener, Ottawa, London and Windsor, and their surrounding areas, Ontario	regulatory@zazeen.com
	2016-0506-5 Gatineau, Montréal, Québec and Sherbrooke, and their surrounding areas, Quebec		