



Broadcasting Decision CRTC 2018-270

PDF version

References: 2017-160 and 2017-160-1

Ottawa, 2 August 2018

Various licensees

Various locations across Canada

Public record for these applications: 2016-0944-7, 2016-0946-3, 2016-0940-6, 2016-0943-9, 2016-0934-8, 2017-0198-8, 2017-0197-0 and 2017-0173-0

Public hearing in the National Capital Region

16 October 2017

Various terrestrial broadcasting distribution undertakings – Licence renewals and imposition of requirements relating to a set-top box audience measurement system

*The Commission **renews** the licences for the terrestrial broadcasting distribution undertakings set out in this decision from 1 September 2018 until 31 August 2025.*

Applications

1. The Commission received applications to renew the licences for the following terrestrial broadcasting distribution undertakings (BDUs), which expire 31 August 2018:

Licensor	Application number and locations
2251723 Ontario Inc. (VMedia)	2016-0944-7 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 (regional licence) (regional licence)
Access Communications Co-operative Limited (Access)	2016-0946-3 Regina (including White City), Saskatchewan

Atop Broadband Corp. (Atop)	2016-0940-6 Majority of the Greater Toronto Area, Ontario
Bell Canada (formerly MTS Inc.) (Bell)¹	2016-0943-9 Winnipeg and surrounding areas, Manitoba (regional licence)
Saskatchewan Telecommunications (SaskTel)	2016-0934-8 Regina (including Pilot Butte and White City) and Saskatoon, Saskatchewan ²

2. Bell also provided responses regarding the implementation of a set-top box audience measurement system for the following terrestrial BDU, the licences for which expire on 31 August 2019:

Application number and location
2017-0198-8 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
2017-0197-0 Greater Sudbury, Hamilton/Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto, Windsor and their surrounding areas, Ontario
2017-0173-0 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

3. The Commission received supporting interventions as well as comments regarding these applications.

¹ On 1 April 2017, Bell Canada amalgamated with MTS Inc., which is now operating as Bell MTS, a division of Bell Canada.

² The Commission renewed the licences for these Access, Bell and SaskTel BDUs from 1 December 2016 to 30 November 2017 in Broadcasting Decision 2016-458, whereas it administratively renewed the licences for VMedia's and Atop's BDUs from 1 September 2017 to 30 November 2017 in Broadcasting Decision 2017-20. The Commission administratively renewed these licences from 1 December 2017 to 31 May 2018 in Broadcasting Decision 2017-159 and from 1 June 2018 to 31 August 2018 in Broadcasting Decision 2018-18.

Commission's analysis and decisions

4. The Commission's determinations relating to issues common to all terrestrial BDUs renewed in this proceeding are set out in Broadcasting Decision 2018-263 (the Introductory Decision), also issued today, which should be read in conjunction with this decision.
5. The Introductory Decision addresses, among other things, issues relating to community programming; a proposal to impose conditions of licence relating to best practices for the small basic service and flexible packaging options; the pricing of standalone services; a national set-top box audience measurement system; accessibility; and the insertion of unpaid Canadian public service announcements within the local availabilities of non-Canadian services. Where applicable, these determinations are reflected below and in the conditions of licence for the BDUs, set out in the appendices to this decision.
6. In regard to the implementation of a national set-top box audience measurement system, the Commission has found it appropriate to impose on Bell, as a vertically integrated entity, specific conditions of licence in this regard, as set out in greater detail in the Introductory Decision. In particular, Bell will be required to provide set-top box data to that system by no later than 30 September 2019 both for its BDU in Manitoba, the licences for which are being renewed in this decision, as well as for the BDUs set out in paragraph 2 of this decision, the licences for which expire on 31 August 2019. Further, in the event that no such system is established by 30 September 2019, it will be required by suspensive condition of licence to provide such data to Canadian programming services upon request. **Conditions of licence** to that effect are set out in Appendices 5 and 7 to this decision.
7. In regard to accessibility, the Commission has determined that certain of the BDU licensees listed in the Introductory Decision, which includes the licensees renewed in this decision, will be required, by condition of licence, to close caption all original licensee-produced programming by 31 August 2025. They will also be required to include in the annual returns for their BDUs certain information relating to the availability and penetration of accessible set-top boxes and remote controls, as well as accessibility-related queries. In addition, these BDUs will be expected to close caption any advertising, sponsorship messages and promos inserted in local availabilities. Finally, for the purpose of standardization, the Commission has replaced the current requirements, expectations and encouragements relating to accessibility for those BDUs with a common set of accessibility-related conditions and expectations.
8. Having examined the public record for these applications, the Commission considers that the outstanding issues it must address in this decision relate to the following:
 - non-compliance by various licensees over the current licence term;
 - the request by Access to maintain an exception authorizing its BDU to direct its entire Canadian programming contribution to local expression on its community channel; and

- the request by Access for an exemption from the requirement to hold a BDU licence for its Regina cable system and the authorization to operate pursuant to Broadcasting Order 2017-320.

Non-compliance

VMedia

9. On 8 April 2016, the Commission issued a decision letter finding VMedia in non-compliance with respect to contributions to Canadian programming required under section 34 of the *Broadcasting Distribution Regulations* (the Regulations) for the 2012-2013 to 2013-2014 broadcast years.
10. During the process that led to the decision letter, VMedia stated that the shortfall occurred because systems were not organized properly to ensure that it fully complied with the requirements. VMedia paid the shortfall amounting to \$52,639 in July 2016 and implemented a system to ensure that all required payments are made in a timely manner in the future.

Atop

11. Section 7.2(2) of the Regulations states that licensees are required to implement a public alerting system by no later than 31 March 2015.
12. Atop did not have such a system in place by the required deadline. In its application, Atop stated the following:
 - it should have requested an exception or an extension to the requirement to implement a public alerting system;
 - it had recently registered with the National Alert Aggregation and Dissemination system and contacted the administrator, Pelmorex Communications Inc. (Pelmorex), to initiate its participation in public alerting;
 - it had believed that the delays following its inquiries would be short and that it would be able to begin participation in a timely manner; and
 - it had elected to delay further action on the grounds that implementation would be faster and more efficient with the guidance of Pelmorex.
13. Subsequently, Atop confirmed that its public alerting system was implemented on 15 December 2017.
14. In light of the above, the Commission finds Atop in non-compliance with section 7.2(2) of the Regulations for the current licence term.

Access – Contribution to local expression

15. As part of its renewal application, Access requested that the Commission maintain a condition of licence authorizing its Regina BDU to direct its entire annual 5% Canadian programming contribution to community programming. Access noted that this authorization would constitute an exception to the new regime governing the level and allocation of funding to Canadian programming set out in Broadcasting Regulatory Policy 2016-224.
16. Access argued that allocating all of its contribution to its community channel continued to be appropriate for a not-for-profit, community-owned co-operative. Access submitted that its community channel stands at the very core of what it does as a community-owned co-operative and that this is a means of differentiating itself from competing BDUs.
17. The Directors Guild of Canada (DGC) opposed the request on the basis that the Commission stated in Broadcasting Regulatory Policy 2016-224 that community channels no longer required the same level of funding as in the past to achieve the objectives of community access and reflection. The DGC submitted that it would therefore be inconsistent for funds to continue to be diverted from the Canada Media Fund and certified independent production funds to finance community television.
18. In Broadcasting Decision 2008-237, the Commission authorized Access, like BDUs operating under the exemption order for BDUs with fewer than 20,000 subscribers, to direct all of its required Canadian programming contribution to community programming.
19. At that time, the Commission determined that this condition, which constituted an exception to the Regulations, was warranted due to the not-for-profit nature of the undertaking and the fact that the Canadian Film and Television Production Association (now the Canadian Media Producers Association) supported the request and no parties opposed it. The Commission also considered that limiting contributions by Access would have negative effects on community programming in Regina.
20. Currently, Access is the only licensed not-for-profit co-operative BDU in Canada. As a not-for-profit co-operative, it reinvests all profits to the benefit of its members and subscribers. The Commission considers that the importance that Access ascribes to its Regina-based community channel is demonstrated by the fact that it often devotes more than the eligible 5% of gross revenues to the channel.
21. The Commission considers that the licensee's situation is sufficiently unique to justify maintaining this exception. Moreover, because of the small size of Access relative to most other licensed BDUs, the Commission considers that maintaining this exception will not meaningfully affect the Canada Media Fund, certified independent production funds or the licensee's competitors.

22. However, the Commission notes that in Broadcasting Decision 2018-36 it denied an application by Access to be relieved by condition of licence from the requirement to contribute 0.3% of its gross broadcast revenues to the Independent Local News Fund (ILNF) as set out in section 35 of the Regulations. Instead, as proposed in Broadcasting Regulatory Policy 2017-278, the Commission amended the licensee's current condition of licence relating to contributions to Canadian programming to reduce the BDU's required contribution to 4.7% of gross revenues derived from broadcasting activities in the previous year, less any allowable contribution to local expression made by the licensee in that broadcast year.
23. Accordingly, the Commission has maintained the amended condition of licence set out in Broadcasting Decision 2018-36 in Appendix 3 to this decision.

Access – Request to exempt its BDU in Regina

24. Access also requested an exemption from the requirement to hold a BDU licence for its Regina undertaking. Access argued that requiring it to hold a licence for its Regina undertaking does not contribute in a material manner to the implementation of Canadian broadcasting policy as its unique contributions to the Canadian broadcasting system are due to its community ownership and not-for-profit status, not its licensing.
25. Access argued that its request should be granted for the following reasons:
- it would significantly reduce the financial and administrative burden on the undertaking;
 - savings would be reinvested in the cable network to ensure that Access has the financial capacity to service its customers and remain competitive, as well as in the creation of incremental original community programming; and
 - there would be no adverse impact on other stakeholders or the Canadian broadcasting system.
26. The Commission currently exempts BDUs that serve fewer than 20,000 subscribers because it is satisfied that licensing such undertakings would not contribute in a material manner to the implementation of the broadcasting policy set out in section 3(1) of the *Broadcasting Act*. Once a BDU has over 20,000 subscribers, it is required to apply to be licensed. According to the record of this proceeding, Access's Regina BDU has significantly more than 20,000 subscribers.
27. If Access were exempted from the requirement to hold a licence and the associated requirement to pay licensing fees, other licensed BDUs, some with fewer or a similar amount of subscribers and some of which compete with Access, would have to pay higher licensing fees to compensate.

28. Further, as noted earlier, Access already benefits from an exception that permits it, like exempt BDUs, to direct its entire required Canadian programming contribution to its community channel. Finally, because exempt BDUs are not required to contribute to the ILNF, exempting Access would be inconsistent with the Commission's denial of its request for an exception to the requirement to contribute to the ILNF in Broadcasting Decision 2018-36.
29. Accordingly, the Commission **denies** the request by Access seeking an exemption from the requirement to hold a broadcasting licence for its Regina BDU.

Conclusion

30. The Commission is satisfied that the non-compliance issues examined in this decision have been resolved. Accordingly, the Commission finds it appropriate to renew the licences in question for a full licence term.
31. In light of all the above, the Commission **renews** the licences for the terrestrial BDUs set out in paragraph 1 of this decision from 1 September 2018 to 31 August 2025. The terms and **conditions of licence** for each undertaking are set out in the appendices to this decision.

Employment equity

32. Because Access and Bell are subject to the *Employment Equity Act* and file reports concerning employment equity with the department of Department of Employment and Social Development, their employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Renewal of licences for various terrestrial broadcasting distribution undertakings that will expire in August 2018 – Introductory decision*, Broadcasting Decision CRTC 2018-263, 2 August 2018
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2018-182, 24 May 2018
- *Broadcasting distribution undertaking serving Regina (including White City) – Licence amendment*, Broadcasting Decision CRTC 2018-36, 29 January 2018
- *Revised exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Regulatory Policy CRTC 2017-319 and Broadcasting Order CRTC 2017-320, 31 August 2017

- *Amendments to the Broadcasting Distribution Regulations and the Television Broadcasting Regulations, 1987 regarding local and community television, and financial support, logging requirements and Canadian exhibition requirements for over-the-air television stations*, Broadcasting Regulatory Policy CRTC 2017-278, 4 August 2017
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2017-159, 18 May 2017
- *Various terrestrial broadcasting distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2017-20, 24 January 2017
- *Licence renewal of broadcasting distribution undertakings – Review of practices relating to the small basic service and flexible packaging options and imposition of various requirements*, Broadcasting Decision CRTC 2016-458, 21 November 2016
- *Policy framework for local and community television*, Broadcasting Regulatory Policy CRTC 2016-224, 15 June 2016
- *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, 29 August 2014
- *Class 1 cable broadcasting distribution undertaking serving Regina, Saskatchewan – Licence renewal and licence amendments*, Broadcasting Decision CRTC 2008-237, 28 August 2008
- Decision CRTC 2000-77, 20 March 2000

This decision and the appropriate appendices are to be attached to each licence.

Appendix 1 to Broadcasting Decision CRTC 2018-270

Terms, conditions of licence and expectations applicable to all terrestrial broadcasting distribution undertakings renewed in this decision

Terms

The licences will take effect 1 September 2018 and expire 31 August 2025.

Conditions of licence

1. 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.
2. 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.
3. The licensee shall be a participant in the Commission for Complaints for Telecom-television Services Inc.
4. In the annual return that the licensee is required to submit to the Commission by 30 November for the broadcast year ending the previous 31 August, the licensee shall include the number of hours of original programming broadcast during each broadcast year on each of its community channels or an on-demand service on which the licensee distributes programming that qualifies as local expression.
5. In the annual return that the licensee is required to submit to the Commission by 30 November for the broadcast year ending the previous 31 August, the licensee shall include information relating to the following:
 - the availability of accessible set-top boxes and remote controls and their accessibility features;
 - the penetration of accessible set-top boxes and remote controls with the licensee's customer base; and
 - the number of accessibility-related queries received by the licensee and the number successfully resolved.
6. The licensee shall close caption 100% of original licensee-produced English- and French-language programming aired on its community channel or an on-demand service on which the licensee distributes programming that qualifies as local expression by the end of the licence term.

7. The licensee shall provide audio description for all the key elements of information programs, including news programming on its community channel or on-demand service on which the licensee distributes programming that qualifies as local expression (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).
8. The licensee shall provide the necessary training to host and access producers associated with its community channel concerning the provision of audio description.
9. 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.
10. The licensee shall promote information on all of its disability-specific services and products in the accessible manner(s) of its choice.
11. The licensee shall incorporate an easy-to-find home page link to the sections of its website dealing with the needs of persons with disabilities, if its website includes such sections.
12. The licensee shall 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.
13. Where customer service functions on its website are not accessible, the licensee shall ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.
14. The licensee shall make accessible any customer service functions that are available solely over its website.
15. The licensee shall make its general call centres accessible to the point of providing reasonable accommodation to persons with disabilities by:
 - 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
 - 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 English- and French-language access programming aired on its community channel or on-demand service on which the licensee distributes programming that qualifies as local expression is closed captioned by the end of its licence term.

The Commission expects the licensee to ensure that advertising, sponsorship messages and promos inserted into local availabilities are closed captioned.

Appendix 2 to Broadcasting Decision CRTC 2018-270

2251723 Ontario Inc.

Application 2016-0944-7, received 31 August 2016

Conditions of licence and encouragement for the terrestrial broadcasting distribution undertakings serving 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

Conditions of licence applicable to the broadcasting distribution undertakings serving Barrie, Hamilton-Niagara, Kingston, Oshawa, Ottawa, Peterborough and Thunder Bay and their surrounding areas

1. The licensee is authorized to distribute, on a discretionary basis, the signals of WNLO-TV and WNYO-TV Buffalo, New York.

Conditions of licence applicable to the broadcasting distribution undertakings serving London, Sudbury and Windsor and their surrounding areas

2. The licensee is authorized to distribute, as part of the basic service, WJBK-TV (FOX) Detroit, Michigan.
3. The licensee is authorized to distribute, on a discretionary basis, the signals of WKBD-TV and WMYD-TV Detroit, Michigan.

Encouragement

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 2018-270

Access Communications Co-operative Limited

Application 2016-0946-3, received 31 August 2016

Conditions of licence for the terrestrial broadcasting distribution undertaking serving Regina (including White City), Saskatchewan

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, to the extent provided in this condition of licence. The licensee may alter or curtail the programming services of the Saskatchewan Provincial Legislature and The Shopping Channel for the purposes of sharing certain channels in accordance with the licensee's agreements with the operators of these programming services.
2. As an exception to section 34(2) of the *Broadcasting Distribution Regulations*, the licensee shall make a contribution to Canadian programming in an amount equal to 4.7% of its gross revenues derived from broadcasting activities in the previous broadcast year, less any contribution to local expression made by the licensee in that broadcast year.
3. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.

Appendix 4 to Broadcasting Decision CRTC 2018-270

Atop Broadband Corp.

Application 2016-0940-6, received 31 August 2016

Condition of licence and encouragement for the terrestrial broadcasting distribution undertaking serving the Majority of the Greater Toronto Area, Ontario

Condition of licence

1. The licensee is authorized to distribute, on a discretionary basis, WNLO-TV and WNYO-TV Buffalo, New York.

Encouragement

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 5 to Broadcasting Decision CRTC 2018-270

Bell Canada

Application 2016-0943-9, received 31 August 2016

Conditions of licence and expectation for the terrestrial broadcasting distribution undertaking serving Winnipeg and surrounding areas, Manitoba

Conditions of licence

1. As an exception to section 23(1)(b) of the *Broadcasting Distribution Regulations* and section 7 of the Wholesale Code, the licensee is not required to place The Cult Movie Network in a package of programming services.
2. The licensee is authorized to distribute WDAZ-TV (ABC) Grand Forks, North Dakota, KMSP-TV (FOX) Minneapolis, Minnesota and KFME-TV (PBS) Fargo, North Dakota, as part of the basic service.
3. As an exception to the requirements set out in sections 34(2) and 34(3) of the *Broadcasting Distribution Regulations* (the Regulations), the licensee shall be subject to the following conditions of licence:
 - If the licensee distributes programming that qualifies as local expression on an on-demand service, the licensee shall make in each broadcast year a contribution to Canadian programming of not less than the greater of:
 - a) 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year, less any allowable contribution to local expression made by the licensee in the licensed area in the current broadcast year; and
 - b) 3.2% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year.
 - If the licensee does not distribute programming that qualifies as local expression on an on-demand service and if a community programming undertaking is licensed in the licensed area, the licensee shall make in each broadcast year a contribution of not less than:
 - a) 3.2% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to Canadian programming; and
 - b) 1.5% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to the community programming undertaking.

- If the licensee does not distribute programming that qualifies as local expression on an on-demand service and if no community programming undertaking is licensed in the licensed area, the licensee shall make in each broadcast year a contribution of not less than 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to Canadian programming.
4. Where the licensee collects set-top box data regarding programming services it distributes, it shall, by no later than 30 September 2019, provide this data to a national set-top box-based audience measurement system.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.

5. Where the licensee collects set-top box data regarding a programming service it distributes, it shall, upon the written request of a Canadian programming service, provide that programming service with the set-top box data regarding that programming service, in the form of either raw data or reports, within 30 days:
- at no cost; and
 - no more than two times per broadcast year, unless otherwise agreed to by the licensee and the Canadian programming service.

The application of the foregoing condition of licence is suspended until 30 September 2019 and, thereafter, so long as a national set-top box-based audience measurement system is operational.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.

Expectation

The Commission expects the licensee to calculate its required contribution to Canadian programming based on the gross revenues derived from its broadcasting activities by ascribing, to the portion of these gross revenues that consists of payment for a broadcasting service distributed within a bundled package, a dollar value equal to that which would be earned from subscribers, if the service was taken on a stand-alone, list-price basis. The licensee shall accord similar treatment for broadcasting services offered on a free or discounted basis, whether bundled or not.

Appendix 6 to Broadcasting Decision CRTC 2018-270

Saskatchewan Telecommunications

Application 2016-0934-8, received 31 August 2016

Condition of licence and encouragement for the terrestrial broadcasting distribution undertakings serving Regina (including Pilot Butte and White City) and Saskatoon, Saskatchewan

Condition of licence

1. As an exception to the requirements set out in sections 34(2) and 34(3) of the *Broadcasting Distribution Regulations*, the licensee shall be subject to the following conditions of licence:
 - If the licensee has 20,000 or more subscribers in a licensed area on 31 August of the previous broadcast year and distributes programming that qualifies as local expression on a related on-demand service, the licensee shall make, in each broadcast year, a contribution to Canadian programming of not less than the greater of:
 - a) 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year, less any allowable contribution to local expression made by the licensee in the licensed area in the current broadcast year; and
 - b) 3.2% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year.

For the purposes of this condition, a “contribution to local expression” shall be deemed to include a contribution to community programming for distribution on an on-demand service.

- If the licensee has fewer than 20,000 subscribers in a licensed area on 31 August of the previous broadcast year and distributes programming that qualifies as local expression on a related on-demand service, the licensee shall make in each broadcast year a contribution of not less than 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to Canadian programming, less any allowable contribution to local expression made by the licensee in the licensed area in the current broadcast year.

For the purposes of this condition, a “contribution to local expression” shall be deemed to include a contribution to community programming for distribution on an on-demand service.

- If the licensee has 20,000 or more subscribers in a licensed area on 31 August of the previous broadcast year and does not distribute programming that qualifies as local expression on a related on-demand service and if a community programming undertaking is licensed in the licensed area, the licensee shall make in each broadcast year a contribution of not less than:

- a) 3.2% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to Canadian programming; and
 - b) 1.5% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to the community programming undertaking.
- If the licensee has fewer than 20,000 subscribers in a licensed area on 31 August of the previous broadcast year, if it does not distribute programming that qualifies as local expression on a related on-demand service and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to the community programming undertaking.
 - If the licensee does not distribute programming that qualifies as local expression on an on-demand service and if no community programming undertaking is licensed in the licensed area, the licensee shall make in each broadcast year a contribution of not less than 4.7% of its gross revenues derived from broadcasting activities in the licensed area in the previous broadcast year to Canadian programming.

Encouragement

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 7 to Broadcasting Decision CRTC 2018-270

Bell Canada

Applications 2017-0198-8, 2017-0197-0 and 2017-0173-0

Conditions of licence relating to set-top box audience measurement

Terrestrial broadcasting distribution undertakings serving 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; Greater Sudbury, Hamilton/Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto, Windsor and their surrounding areas, Ontario; and 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

1. Where the licensee collects set-top box data regarding programming services it distributes, it shall, by no later than 30 September 2019, provide this data to a national set-top box-based audience measurement system.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.

2. Where the licensee collects set-top box data regarding a programming service it distributes, it shall, upon the written request of a Canadian programming service, provide that programming service with the set-top box data regarding that programming service, in the form of either raw data or reports, within 30 days:
 - at no cost; and
 - no more than two times per broadcast year, unless otherwise agreed to by the licensee and the Canadian programming service.

The application of the foregoing condition of licence is suspended until 30 September 2019 and, thereafter, so long as a national set-top box-based audience measurement system is operational.

For the purposes of this condition of licence, “set-top box data” means viewership data that is obtained by the licensee through a set-top box or by comparable means, but does not include any portion of such data that would allow the recipient of the data to identify a particular subscriber or household.