



Broadcasting Decision CRTC 2005-326

Ottawa, 15 July 2005

Rogers Cable Communications Inc.

Ottawa, London, St. Thomas (including Strathroy),
Tillsonburg and Woodstock, Ontario

Application 2005-0208-0

Broadcasting Public Notice CRTC 2005-47

13 May 2005

Application for relief from section 17 of the *Broadcasting Distribution Regulations*

*The Commission **approves** the application by Rogers Cable Communications Inc. to be relieved of the requirement to distribute CJMT-TV-1 (OMNI.2) London on its cable broadcasting distribution undertakings (BDUs) serving London, St. Thomas (including Strathroy), Tillsonburg and Woodstock and CJMT-TV-2 (OMNI.2) Ottawa on its cable BDU serving Ottawa as part of the basic service beginning with the basic band (channels 2 to 13). OMNI.2 will be distributed as part of the basic service, but may be distributed outside the basic band.*

The application

1. The Commission received an application by Rogers Cable Communications Inc. (Rogers), the licensee of the Class 1 cable broadcasting distribution undertakings (BDUs) serving Ottawa, London, St. Thomas (including Strathroy) and Woodstock and the Class 2 BDU serving Tillsonburg. Rogers requested to be relieved, by condition of licence, of the requirement set out in section 17 of the *Broadcasting Distribution Regulations* (the Regulations) that it distribute CJMT-TV-1 (OMNI.2) London as part of the basic service of the cable BDUs serving London, St. Thomas (including Strathroy), Tillsonburg and Woodstock and CJMT-TV-2 (OMNI.2) Ottawa as part of the basic service of the cable BDU serving Ottawa beginning with the basic band (channels 2 to 13). Instead, Rogers proposed to distribute OMNI.2 as part of the basic service of each of these cable BDUs on channel 14, a channel outside the basic band.
2. Section 17(1) of the Regulations lists, in order of priority, the television programming services that must be distributed as part of the basic service of Class 1 and Class 2 BDUs. Section 17(2) of the Regulations states that these services must be distributed on a channel beginning with the basic band.

3. OMNI.2 is an ethnic television station operated by Rogers Broadcasting Limited. Under the provisions of the Regulations, OMNI.2 is entitled to carriage on a channel beginning with the basic band as part of the basic service of Rogers' Class 1 cable BDUs serving Ottawa, London, St. Thomas (including Strathroy) and Woodstock and its Class 2 cable BDU serving Tillsonburg. Rogers Broadcasting Limited has, however, agreed to waive its right to carriage on a channel beginning with the basic band of each of these cable BDUs and supports the distribution arrangement proposed by Rogers.
4. The Commission did not receive any interventions with respect to this application.

Commission's analysis and determination

5. Based on the evidence available to it, the Commission is satisfied that Rogers and Rogers Broadcasting Limited have reached an acceptable agreement regarding the channel placement of OMNI.2 and that the signal will continue to be carried as part of the basic service of the cable BDUs serving the communities noted above. Accordingly, the Commission **approves** the application by Rogers Cable Communications Inc. and relieves the licensee, by **condition of licence**, of the requirements of section 17 of the Regulations with respect to CJMT-TV-1 London, and CJMT-TV-2 Ottawa, provided that CJMT-TV-1 London is distributed on channel 14 as part of the basic service of the cable BDUs serving London, St. Thomas (including Strathroy), Tillsonburg and Woodstock and that CJMT-TV-2 Ottawa is distributed on channel 14 as part of the basic service of the cable BDU serving Ottawa.

Secretary General

This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>