



Broadcasting Decision CRTC 2005-359-1

Ottawa, 29 September 2005

TELUS Communications Inc.

Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny and
Sainte-Marie, and their surrounding areas, Quebec

Application 2004-0964-0

Public Hearing at Niagara Falls, Ontario

6 June 2005

Erratum

1. In *Cable broadcasting distribution undertaking*, Broadcasting Decision CRTC 2005-359, 29 July 2005, the conditions of licence for the cable broadcasting distribution undertaking should have been included in an appendix. The Commission hereby corrects that decision by replacing paragraph 10, and by adding an appendix listing the conditions of licence, as set out below.
 10. The Commission will issue a Class 1 regional broadcasting licence to operate a cable broadcasting distribution undertaking (BDU) to serve Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny and Sainte-Marie, and their surrounding areas, Quebec. The regulations applicable to Class 1 licensees shall apply to this undertaking, including those relating to distribution on a digital basis. The operation of this undertaking will be regulated in accordance with the *Broadcasting Distribution Regulations*. The licence will expire 31 August 2011 and will be subject to the **conditions** set out therein as well as to the **conditions** set out in the appendix to this decision.

Secretary General

This decision is to be appended to the 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>

Appendix to Broadcasting Decision CRTC 2005-359

Conditions of licence

1. The licensee is authorized to distribute, as part of the basic service, the signals of WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT (FOX) and WGBH-TV (PBS) Boston, Massachusetts, or the signal of a different affiliate of the same network located in the same time zone.
2. The licensee is authorized to distribute, on a digital discretionary basis, a second set of 4+1 U.S. signals received from a licensed satellite relay distribution undertaking: KOMO-TV (ABC), KING-TV (NBC), KIRO-TV (CBS), KCPQ (FOX) and KCTS-TV (PBS) Seattle, Washington.
3. The distribution of a second set of U.S. 4+1 signals on a digital discretionary basis, in addition to the set of such signals already carried by the system is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations*. The Commission may suspend the application of this provision upon its approval of an executed agreement between the licensee and broadcasters. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a second set of U.S. 4+1 signals solely on the licensee's digital service, as approved in this decision.
4. The licensee is authorized to distribute the distant signal CFTU-TV (Canal Savoir) Montréal, as part of the basic service. The Commission is satisfied that the distribution of CFTU-TV is in line with the guidelines on the cable distribution of distant Canadian television signals as set out in *Distant Canadian television signals*, Public Notice CRTC 1985-61, 22 March 1985 and reiterated in *Structural public hearing*, Public Notice CRTC 1993-74, 3 June 1993.
5. The licensee is authorized to distribute, on a discretionary basis, any of the Canadian television signals set out in the *List of Part 3 eligible satellite services* contained in *Revised lists of eligible satellite services*, as amended from time to time.

6. The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.
7. In order to ensure that neither TELUS Corporation, nor its Board of Directors can exercise control or influence over programming decisions, an independent programming committee must be established in accordance with the following:
 - a) There shall be a committee of three persons to be known as the Programming Committee that shall be responsible for making all programming decisions of the licensed undertaking.
 - b) “Programming decisions” means all decisions of any kind relating to or affecting television programming broadcast by the licensed undertaking and includes all decisions relating to the content and presentation of the licensed undertaking’s programming.
 - c) The directors of the licensee, by enactment of the appropriate by-law, will delegate to the Programming Committee the sole and exclusive responsibility and authority to make all programming decisions on behalf of the licensed undertaking, and to supervise the implementation thereof.
 - d) The members of the Programming Committee shall be Canadian citizens, ordinarily resident in Canada.
 - e) No member of the Programming Committee may be either a director, an officer, or a current or former employee of TELUS Corporation and no member of the Programming Committee may be either a director, an officer, or a current or former employee of any non-Canadian shareholder of the licensed undertaking.
 - f) At least one member of the Programming Committee shall be an independent member having no links to the licensed undertaking, its affiliates or its shareholders.
 - g) A quorum of the Programming Committee shall be made by a majority of members present at a meeting of the Programming Committee, either in person or by telephone.
 - h) Any decisions respecting removal of members of the Programming Committee shall be made by majority vote of the Programming Committee.

- i) The Programming Committee shall ensure that the programming will be in conformity with any applicable conditions, regulations and policies of the CRTC, as well as with the *Broadcasting Act*.
- j) No change may be made to these criteria unless prior Commission approval is obtained.