



## Broadcasting Decision CRTC 2005-459

Ottawa, 8 September 2005

**Shaw Cablesystems Limited**  
Various locations across Canada

*Application 2005-0801-2*

### **Suspension of the provision set out in Broadcasting Decision CRTC 2000-437 relating to the requirements regarding non-simultaneous program deletion**

1. The Commission received an application by Shaw Cablesystems Limited (Shaw) to suspend the provision set out in *Carriage of Canadian and U.S. 4+1 signals on a digital basis*, Decision CRTC 2000-437, 8 November 2000 (Decision 2000-437) relating to the requirements regarding non-simultaneous program deletion.
2. In Decision 2000-437, the Commission approved Shaw's request to carry, on a discretionary digital basis, a second set of 4+1 U.S. signals and all distant Canadian signals contained in the *List of Part 3 eligible satellite services*, as set out in *Revised lists of eligible satellite services*, so long as Shaw adhered to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations).
3. The decision also included the following provision designed to protect the program rights acquired by local broadcasters:

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals (that is, a set of U.S. 4+1 signals in addition to the set of such signals already carried by the system) and Canadian distant signals 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 and Canadian distant signals solely on the applicant's digital service, as approved in this decision.

4. In support of its application, Shaw indicated that it had reached a comprehensive agreement with the Canadian Association of Broadcasters (CAB) and provided a copy of the agreement.
5. The agreement offers two streams of compensation in lieu of program deletion and opportunities for simultaneous substitution in addition to those that exist under section 30 of the Regulations. The agreement also contains terms and conditions with respect to Canadian distant signals and the U.S. 4+1 signals, and the list of the Canadian distant signals that Shaw may carry.
6. The agreement is for a term ending 12 August 2006.
7. In light of the agreement between the two parties, the Commission **suspends** the application of the provision set out in Decision 2000-437 requiring the licensee to adhere to the requirements regarding non-simultaneous program deletion with respect to these signals.
8. The Commission notes that, in the event that the agreement between Shaw and the CAB is terminated at any time or if it is not renewed upon expiry, the provision will no longer be suspended, and Shaw will once again be required, in accordance with the provision, to adhere to the requirements regarding non-simultaneous program deletion set out in the Regulations.
9. The application by Shaw and the agreement executed between Shaw and the CAB will be placed on the public file.

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>*