



Broadcasting Decision CRTC 2006-140

Ottawa, 13 April 2006

Cogeco Cable Canada Inc./Cogeco Câble Canada inc.

Belleville, Brockville, Chatham, Cobourg, Cornwall, Grimsby, Hamilton(4),
Kemptville,* Kingston, Leamington, Lindsay, Niagara Falls, North Bay,
Pembroke, Perth, Peterborough, Sarnia, Smithville,* St. Catharines and
Windsor, Ontario (*Class 3 systems)

Cogeco Cable Halton Inc.

Georgetown, Ontario

Application 2006-0165-0

Suspension of the provision set out in Broadcasting Decision CRTC 2002-300 relating to the requirements regarding non-simultaneous program deletion

1. The Commission received an application by Cogeco Cable Canada Inc., on behalf of itself and its affiliates (Cogeco), to suspend the provision set out in *Distribution of additional signals on a discretionary basis*, Broadcasting Decision CRTC 2002-300, 10 October 2002 (Decision 2002-300), relating to the requirements regarding non-simultaneous program deletion.
2. In Decision 2002-300, the Commission approved Cogeco's request to carry, on a discretionary digital basis, a second set of U.S. 4+1 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 Cogeco adhered to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations).
3. Specifically, the decision 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, Cogeco 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 is for a term ending 12 August 2006.
6. In light of the agreement between the two parties, the Commission **suspends** the application of the provision set out in Decision 2002-300 requiring the licensee to adhere to the requirements regarding non-simultaneous program deletion with respect to the signals that are the subject of Cogeco's agreement with the CAB.
7. The Commission notes that, in the event that the agreement between Cogeco and the CAB is terminated at any time or if it is not renewed upon expiry, the provision will no longer be suspended, and Cogeco will once again be required, in accordance with the provision, to adhere to the requirements regarding non-simultaneous program deletion as set out in section 43 of the Regulations.
8. The Commission also notes that, since the issuance of Decision 2002-300, the Cogeco systems serving Arnprior, Bracebridge, Fergus, Gravenhurst, Hawkesbury, Huntsville, Napanee, Parry Sound, Renfrew, Smiths Falls and Wallaceburg have been exempted pursuant to the *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers; and Amendment to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2004-39, 14 June 2004. The licences for these systems were revoked in *Revocation of licences – Exempted cable broadcasting distribution undertakings that serve up to 6,000 subscribers*, Broadcasting Decision CRTC 2004-382, 30 August 2004.
9. The application by Cogeco and the agreement executed between Cogeco 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>