



## Broadcasting Decision CRTC 2006-436

Ottawa, 31 August 2006

### **CF Cable TV Inc.**

Île d'Orléans (Sainte-Pétronille), Quebec

*Application 2005-1320-2*

*Broadcasting Public Notice CRTC 2006-64*

*23 May 2006*

### **Cable distribution undertaking in Île d'Orléans (Sainte-Pétronille) – Licence renewal**

*The Commission **approves** the application by CF Cable TV Inc. (CF Cable) to renew the broadcasting licence of the Class 3 cable broadcasting distribution undertaking serving Île d'Orléans (Sainte-Pétronille), Quebec from 1 September 2006 to 31 August 2013.*

#### **The application**

1. The Commission received an application by CF Cable TV Inc. (CF Cable) to renew the broadcasting licence of the Class 3 cable broadcasting distribution undertaking serving Île d'Orléans (Sainte-Pétronille), Quebec from 1 September 2006 to 31 August 2013.

#### **Intervention**

2. The Commission received one intervention from the Fédération des télévisions communautaires autonomes du Québec (FTCAQ) in support of the licence renewal. The FTCAQ, however, raised some concerns about the community channel.
3. The FTCAQ noted that some independent community television undertakings (CTUs), including the Île d'Orléans (Sainte-Pétronille) CTU, have no way of ensuring that the percentage of gross revenues from subscriptions reinvested by the licensee in their area closely reflects reality. The intervener added that the licensee should demonstrate greater financial transparency in its dealings with the CTUs, and provide them with clear information on how it allocates its contribution to local expression in various budget items.

#### **Licensee's reply**

4. In its reply to the intervention, CF Cable stated that it is of the view that the mechanisms set out by the Commission are sufficient to ensure compliance with the regulatory framework in terms of expenditures and contributions to the community channel. The licensee also submitted that its contributions are very transparent, and noted that

additional amounts were generated both by the increase in television distribution revenues and by even tighter management of expenditures on programming produced by the licensee itself.

### **Commission's analysis and determinations**

5. The Commission has carefully considered the licence renewal application, the interventions filed by the FTCAQ in this proceeding and the licensee's replies to the intervener's concerns. The Commission emphasizes that it has noted the comments and concerns expressed by the FTCAQ regarding the community channel, and is satisfied with the licensee's response to those concerns.
6. Accordingly, the Commission **renews** the broadcasting licence of the Class 3 cable broadcasting distribution undertaking serving Île d'Orléans (Sainte-Pétronille), Quebec from 1 September 2006 to 31 August 2013.
7. The operation of this undertaking is regulated pursuant to the *Broadcasting Distribution Regulations*. The licence will be subject to the **conditions** specified therein as well as to the **conditions** set out in the appendix to this decision.

### **Employment equity**

8. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with Human Resources and Skills Development Canada, its employment equity practices are not examined by the Commission.

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 2006-436

### Conditions of licence

1. The licensee is authorized to distribute, on a digital discretionary basis, the programming service of the distant Canadian station CKXT-TV (SunTV) Toronto.
2. The licensee is relieved of the requirement of section 25(a) of the *Broadcasting Distribution Regulations* that it not distribute the signal of its community channel on a restricted channel. Should the quality of the signal deteriorate significantly, the Commission expects the licensee to undertake immediate corrective action including, if necessary, the distribution of the service on another channel.
3. The licensee is authorized to distribute, at its option, the programming services of CFCF-TV (CTV) and CFTU-TV (Canal Savoir) Montréal, as part of the basic service.
4. The licensee is relieved from the requirement set out in section 25 of the *Broadcasting Distribution Regulations* that it not distribute the signals programming services CFTU-TV (Canal Savoir) Montréal and of the “Assemblée nationale du Québec” on restricted channels, so long as the quality of the signal does not deteriorate. If the Commission finds that the quality of any of the signals has deteriorated to the extent that reception problems are evident, the licensee must immediately take the necessary corrective measures to provide an adequate signal.
5. The licensee is authorized to distribute, on a digital discretionary basis, the programming service of the distant Canadian station CITY-TV Toronto.
6. The licensee is authorized to distribute the signals of the transitional digital television undertakings CFTO-DT Toronto and CIII-DT-41 Toronto, as part of its HD digital service, until Montréal digital television undertakings that provide CTV and Global programming in HD begin broadcasting. Specifically, the authorization to distribute CFTO-DT Toronto will lapse once a Montréal digital television undertaking that provides CTV programming in HD begins broadcasting, and the authorization to distribute CIII-DT-41 Toronto will lapse once a Montréal digital television undertaking that provides Global programming in HD begins broadcasting.
7. The licensee is authorized to distribute, at its option, WVNY (ABC), WCAX-TV (CBS) Burlington, Vermont, WPTZ (NBC), WCFE-TV (PBS) Plattsburgh and WUTV (FOX) Buffalo, New York, as part of the basic service.
8. The licensee is authorized to distribute the following signals on a digital discretionary basis:

- a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 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, with respect to the signals to be distributed, 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.

9. 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 used to provide subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.
10. The licensee is authorized to distribute, in accordance with section 33(m) of the *Broadcasting Distribution Regulations*, the programming services of the community channel of Beaupré and Télémag 24, received via microwave from the undertaking serving Côte-de-Beaupré (Saint-Joachim-de-Montmorency), as part of the basic service.