



Broadcasting Decision CRTC 2006-441

Ottawa, 31 August 2006

K-Right Communications Limited

Truro and surrounding areas, Nova Scotia

Application 2005-1477-0

Broadcasting Public Notice CRTC 2006-64

23 May 2006

Cable distribution undertaking at Truro and surrounding areas – Licence renewal

1. The Commission **renews** the broadcasting licence for the Class 1 cable broadcasting distribution undertaking (BDU) serving Truro and surrounding areas, Nova Scotia, from 1 September 2006 to 31 August 2013.
2. The Commission also **approves** the application by K-Right Communications Limited¹ (K-Right) in order to redefine the authorized service area of the cable BDU serving Truro and surrounding areas.
3. In Decision CRTC 95-788, 27 October 1995, the Commission approved applications by John L. Bragg and family (Bragg) involving several transfers of securities. Part A of this decision dealt with the transfer of beneficial control of Eastern Cablevision Limited to Bragg, as related to the undertaking serving Truro and surrounding areas, Nova Scotia, among others.
4. As part of these transfers, the Commission expected Bragg to fulfill its commitment to provide a benefits package related to the acquisitions, with a financial commitment of \$1,967,500 in tangible benefits according to the schedule submitted with the application.
5. In its renewal application, K-Right reported that it had fulfilled, and in some cases exceeded, the commitments that were made in relation to the acquisition of the cable systems. The Commission is satisfied with the report provided by the licensee.
6. The Commission did not receive any interventions in connection with this application.
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** listed in the appendix to this decision.

¹ K-Right Communications Limited is a subsidiary of Bragg Communications Incorporated, a corporation ultimately controlled by Mr. John L. Bragg.

8. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, 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 2006-441

Conditions of licence

1. The licensee is authorized to distribute, at its option, the signals WCVB-TV (ABC), WHDH-TV (NBC), WGBH-TV (PBS) and WBZ-TV (CBS) Boston, Massachusetts, as part of the basic service.
2. The licensee is authorized to distribute, at its option, the programming service Atlantic Satellite Network (ASN), received via satellite, provided that it is distributed on an unrestricted channel of the basic service.
3. The licensee is authorized to distribute the following signals on a digital discretionary basis:
 - any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*; and
 - 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 and distant Canadian 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 and distant Canadian signals solely on the licensee's digital service.

The Commission reminds the licensee that the requirements set out in section 30 of the *Broadcasting Distribution Regulations* regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. 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.