



Broadcasting Decision CRTC 2006-619

Ottawa, 8 November 2006

Rogers Cable Communications Inc.

Various locations in New Brunswick, Newfoundland and Labrador and Ontario

Application 2006-0889-6

Broadcasting Public Notice CRTC 2006-96

28 July 2006

Licence amendment related to signal reception and distribution

*In this decision, the Commission **approves** an application by Rogers Cable Communications Inc. to amend the broadcasting licences of its cable broadcasting distribution undertakings (BDUs) serving the above-mentioned locations in order to permit it to receive distant Canadian signals and U.S. 4+1 signals using its national fibre network, and to distribute those signals to its cable BDUs.*

The application

1. Rogers Cable Communications Inc. (Rogers) submitted an application to amend the licences of its cable broadcasting distribution undertakings (BDUs) serving the above-mentioned locations. The proposed amendment would permit Rogers to receive distant Canadian signals and U.S. 4+1 signals¹ using its national fibre network, and to distribute those signals to its cable BDUs.

Intervention

2. The Commission received an intervention in connection with this application from Canadian Satellite Communications Inc. (Cancom). In its comments, Cancom noted that recent changes to the market for distant Canadian signals and U.S. 4+1 signals have had a negative impact on satellite relay distribution undertakings (SRDUs) such as that operated by Cancom. Noting a trend in recent years towards “significant exceptions to the fundamental requirement that Canadian BDUs obtain distant Canadian signals and U.S. 4+1 signals from licensed SRDUs,” Cancom argued that the “continuing erosion of SRDUs’ revenue base is undermining the ability of small cable BDUs and direct-to-home (DTH) providers to deliver distant Canadian signals throughout Canada in an economical manner.” In Cancom’s view, the regulatory obligations imposed on SRDUs and related DTH satellite distribution undertakings are inappropriate and should be re-evaluated. In light of this, Cancom advised the Commission that it will shortly file an application to modify its conditions of licence and the underlying Commission policy pertaining to SRDUs.

¹ The set of television signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network.

Applicant's reply

3. In its reply, Rogers noted that Cancom did not oppose its application. It acknowledged Cancom's view that the market for SRDU services has changed and argued that, as markets and technologies evolve, the Commission's regulatory framework should also evolve to permit all players to operate in a much more efficient and effective manner.

Commission's analysis and determinations

4. The Commission notes that a condition of licence similar to that proposed by Rogers was granted to the Class 1 BDU operated by Telus Communications Inc. (TELUS) in *Licence amendments related to signal distribution*, Broadcasting Decision CRTC 2005-570, 1 December 2005 (Decision 2005-570). In Decision 2005-570, the Commission granted authority to TELUS to receive distant Canadian signals through the use of its own facilities. However, TELUS did not request, and was not granted the authority to receive the U.S. 4+1 signals in the same manner. In spite of this difference between Rogers' application and TELUS' proposal as set out in Decision 2005-570, the Commission considers that the issues raised in each case are similar.
5. Accordingly, and for reasons similar to those set out in Decision 2005-570, the Commission **approves** the application by Rogers Cable Communications Inc. to amend the broadcasting licences of its cable BDUs serving various locations in New Brunswick, Newfoundland and Labrador and Ontario in order to add the following **condition of licence**:

The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed SRDU. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.

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>