



Broadcasting Decision CRTC 2006-664

Ottawa, 8 December 2006

Novus Entertainment Inc.
Vancouver, British Columbia

Application 2006-1303-5

Suspension of the provision set out in Broadcasting Decision CRTC 2006-334 relating to the requirements regarding non-simultaneous program deletion

1. The Commission received an application by Novus Entertainment Inc. (Novus) to suspend the provision set out in *Distribution of additional signals on a discretionary digital basis*, Broadcasting Decision CRTC 2006-334, 7 August 2006 (Decision 2006-334) relating to its requirements to perform non-simultaneous program deletion.
2. In Decision 2006-334, the Commission approved Novus' 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*.
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 U.S. 4+1 signals, in addition to the set of such signals already carried by the undertaking, and of Canadian television signals provided for in the List, 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 in respect of a signal, upon its approval of an executed agreement between the licensee and the broadcaster concerned. 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 of distant Canadian television signals solely on the licensee's digital service, as approved in this decision.

4. In support of its application, Novus indicated that it had reached a comprehensive agreement with the Canadian Association of Broadcasters (CAB) and provided a copy of the Agreement to the Commission.

5. The Agreement is for a term that commenced on 1 September 2006 and will terminate on a date six months after the Commission issues its determinations following the completion of the proceeding initiated by *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006 (the term). Where a new agreement is not concluded by the expiry date of the Agreement, the Agreement stipulates that the term will be extended on a month-to-month basis and the existing terms of the Agreement will continue to apply.
6. In light of the agreement between the two parties, the Commission **suspends** the application of the provision with respect to the signals that are the subject of Novus' agreement with the CAB.
7. The Commission notes that, in the event that the agreement between Novus and the CAB is terminated at any time, the provision will no longer be suspended, and Novus will once again be required, in accordance with this provision, to adhere to the requirements regarding non-simultaneous program deletion as set out in section 43 of the *Broadcasting Distribution Regulations*. Should the Agreement be terminated, the Commission is to be advised forthwith.
8. The application by Novus and the agreement executed between Novus and the CAB will be placed on the public file.

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>