



Broadcasting Public Notice CRTC 2006-123

Ottawa, 27 September 2006

The Commission has received the following application. The deadline for submission of interventions/comments is 17 October 2006.

[\[Broadcasting intervention/comments form\]](#)

Item Applicant and Locality

1. **Rogers Cable Communications Inc.**
Various locations in New Brunswick, Newfoundland and Labrador and Ontario

1. **Various locations in New Brunswick, Newfoundland and Labrador and Ontario**
Application No. 2006-1139-4

Application by **Rogers Cable Communications Inc.** to amend the licences of all of its various cable broadcasting distribution undertakings serving the above-mentioned locations.

The licensee proposes to replace its condition of licence relating to relief from program deletion requirements, which reads:

The licensee is authorized to distribute the following signals on a digital discretionary basis:

- any of the Canadian distant television signals set out in the *List of Part 3 eligible satellite services*. This includes any of the signals that the licensee is distributing as of 16 May 2005 as well as any other Canadian distant signal on that list provided that the licensee receives the signal from a licensed satellite relay distribution undertaking and distributes the signal in accordance with the Commission's distant signals policy, as set out in *Structural Public Hearing*, Public Notice CRTC 1993-74, 3 June 1993; 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 (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 suspends the application of this provision, for a period ending 12 August 2006, subject to the requirement that the licensee pay the following monthly fees to the Canadian Association of Broadcasters, on behalf of affected broadcasters, in lieu of performing non-simultaneous program deletion: \$0.50 for each subscriber who receives Canadian distant television signals on a digital discretionary basis and \$0.25 for each subscriber who receives a second set of U.S. 4+1 signals on a digital discretionary basis.

with the following condition, which would extend the application of this condition of licence:

The licensee is authorized to distribute the following signals on a digital discretionary basis:

- within Rogers' Class 1 and Class 2 cable systems, any of the Canadian distant television signals set out in the List of Part 3 eligible satellite services. This includes any of the signals that the licensee is distributing as of 16 May 2005 as well as any other Canadian distant signal on that list provided that, subject to any related policies, decisions, or regulations the Commission may make at a future date, the licensee receives the signal from a licensed satellite relay distribution undertaking and distributes the signal in accordance with the Commission's distant signals policy, as set out in Structural Public Hearing, Public Notice CRTC 1993-74, 3 June 1993; and
- within Rogers' Class 1, Class 2 and Class 3 cable systems, 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 (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 suspends the application of this provision, for a period ending on a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, subject to the requirement that the licensee pay the following monthly fees to the Canadian Association of Broadcasters, on behalf of affected broadcasters, in lieu of performing non-simultaneous program deletion: \$0.50 for each subscriber who receives Canadian distant television signals on a digital discretionary basis and \$0.25

for each subscriber who receives a second set of U.S. 4+1 signals on a digital discretionary basis.

The licensee notes that it is currently negotiating an agreement with Canadian programming services, as represented by the Canadian Association of Broadcasters (CAB), with respect to the appropriate terms for future distribution of distant Canadian signals and the suspension of program deletion requirements. In the licensee's view, granting the requested extension would permit it and the CAB to take into account the Commission's determinations in 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, in negotiating the above-mentioned agreement.

Licensee's address:

333 Bloor Street East, 9th Floor
Toronto, Ontario
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Fax: 416-935-4875

Examination of application:

At the licensee's address

Public Participation

Deadline for Interventions/Comments

17 October 2006

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the
[\[Broadcasting intervention/comments form\]](#)

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

Important notice

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Examination of Documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

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Secretary General

This document 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>