



Broadcasting Public Notice CRTC 2006-134

Ottawa, 20 October 2006

Linkage requirements for direct-to-home (DTH) satellite distribution undertakings

In this public notice, the Commission sets out revised linkage requirements for direct-to-home (DTH) satellite distribution undertakings. These requirements replace those contained in Linkage requirements for direct-to-home (DTH) satellite distribution undertakings, Public Notice CRTC 2005-120, 14 December 2005. These revisions to the linkage requirements reflect the Commission's determinations set out in Determination with respect to the marketing and billing practice by which a broadcasting distribution undertaking treats the provision of service to separate dwellings owned by the same person as a single subscription, Broadcasting Public Notice CRTC 2006-133, 20 October 2006.

General

1. This public notice sets out the rules concerning the linkage of programming services distributed on a discretionary basis by licensees holding a direct-to-home (DTH) satellite distribution undertaking licence (DTH licensee). The requirements set out below are intended to reflect those contained in existing conditions of licence of DTH licensees; to the extent that the requirements depart from any particular condition of licence, the condition of licence will prevail. The provisions set out in this notice replace those contained in *Linkage requirement for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2005-120, 14 December 2005.
2. In order to reflect the Commission's determinations, as set out in *Determination with respect to the marketing and billing practice by which a broadcasting distribution undertaking treats the provision of service to separate dwellings owned by the same person as a single subscription*, Broadcasting Public Notice CRTC 2006-133, 20 October 2006, a new provision has been added to the rules under paragraph 3, below.

Rules regarding the distribution of programming services

3. Where a DTH licensee provides a Canadian programming service to a single subscriber at two or more separate dwellings owned or occupied by the same subscriber, the licensee must remit a wholesale fee to the Canadian programming service on a per-dwelling basis, and that wholesale fee may not be discounted by virtue of the fact that the service is being provided to the subscriber at more than one dwelling. For purposes of this rule, "subscriber" means a household of one or more persons, whether occupying a single-unit dwelling or a unit in a multiple-unit dwelling, to which service is provided directly or indirectly by a licensee.

4. A DTH licensee must offer the specialty programming service of ARTV in the discretionary package containing the largest number of French-language services. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.
5. A DTH licensee will not be permitted to distribute any Category 1 service on a stand-alone basis unless the Category 1 service is also distributed as part of a package.
6. A DTH licensee is not permitted to package an Adult Category 2 programming service in such a way that subscribers are obligated to purchase the service in order to purchase any other programming service. DTH licensees are required to take measures to fully block the reception of both the audio and video portions of any Adult Category 2 programming service to subscribers who request that it not be receivable in their home (in either unscrambled or scrambled mode).

Linkage requirements with respect to single or limited point-of-view religious services distributed as discretionary services

7. Any Canadian single or limited point-of-view religious programming service, and any non-Canadian religious satellite service set out in the list of Part 2, Part 3 and DTH eligible satellite services for digital distribution, may be offered on a “stand-alone” digital discretionary basis. Such services may also be offered in a package with other Canadian single or limited point-of-view religious services or with non-Canadian religious satellite services. Distributors are not permitted to offer such services in packages with any other type of Canadian or non-Canadian programming service.

Linkage requirements with respect to programming services distributed as discretionary services other than single or limited point-of-view religious services

8. The non-Canadian satellite services specified in the list of DTH eligible satellite services may only be offered in a discretionary package with Canadian pay television and/or Canadian specialty services, and are subject to the following linkage requirements:
 - a) a Canadian pay television service (excluding the service of a Canadian DTH pay-per-view television programming undertaking) may be linked in a given discretionary package with no more than five channels containing any of the non-Canadian-originated services specified in either Section A or Section B of the list of DTH eligible satellite services, but in no case can a licensee distribute more than five channels of non-Canadian programming services linked with Canadian pay television services, regardless of the number of Canadian pay television services distributed by the licensee;

- b) (i) each Canadian specialty service, distributed within a discretionary package that may include one or more Canadian specialty and/or pay television services, may be linked with no more than one channel containing any of the non-Canadian programming services specified in Section A of the list of DTH eligible satellite services;
- (ii) a DTH licensee may designate one of the U.S. superstations specified in Section B of the list of DTH eligible satellite services, and distribute the signal of that superstation within a given discretionary package that may include one or more Canadian specialty and/or pay television services;
- (iii) a DTH licensee is not permitted to link services on the list of DTH eligible satellite services with a Canadian specialty service distributed on the basic service; and
- c) a DTH licensee is not permitted to offer a package of services containing only non-Canadian services.

Additional rules regarding the distribution of certain third-language DTH eligible satellite services authorized after 16 December 2004

9. For the purpose of paragraphs 10 and 11, the following definitions apply:

“general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages. Programming that is accompanied by secondary audio programming (SAP) or subtitles in English or French does not count as third-language programming.

“principal language” means a language in which 40% or more of the programming is broadcast.

10. Any non-Canadian general interest DTH eligible satellite service that was added to the list of DTH eligible satellite services after 16 December 2004 and that provides at least 40% of its programming in the same third language as a principal language of one or more licensed general interest Category 2 services, may only be offered by DTH licensees where the DTH licensee also distributes at least one general interest Category 2 service that provides at least 40% of its programming in that language. Furthermore, any Category 2 service distributed pursuant to this requirement must be available to subscribers as part of a package with the non-Canadian general interest third language service, but no subscriber shall be required to subscribe to that non-Canadian service in

order to obtain the Category 2 service, nor shall any subscriber be required to subscribe to the Category 2 service to obtain the non-Canadian general interest DTH eligible satellite service.

11. In addition to the requirement in paragraph 10, any non-Canadian general interest DTH eligible satellite service that was added to the list of DTH eligible satellite services after 16 December 2004, and that provides:
 - a) at least 40% of its programming in the Cantonese language, may only be offered by DTH licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language, may only be offered by DTH licensees to subscribers that also subscribe to Telelatino;
 - c) at least 40% of its programming in the Mandarin language, may only be offered by DTH licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language, may only be offered by DTH licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - e) at least 40% of its programming in the Greek language, may only be offered by DTH licensees to subscribers that also subscribe to Odyssey.

Additional rules regarding the distribution of certain third-language Category 2 specialty or pay television services that were approved after 23 November 2005

12. For the purpose of paragraph 13, the following definitions apply:

“general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages, regardless of whether the programming is accompanied by secondary audio programming (SAP) or subtitles in English or in French.

13. Any third-language general interest Category 2 pay or specialty service that was approved after 23 November 2005 and that provides:
 - a) at least 40% of its programming in the Cantonese language, may only be offered by DTH licensees to subscribers that also subscribe to Fairchild Television;

- b) at least 40% of its programming in the Italian or Spanish language, may only be offered by DTH licensees to subscribers that also subscribe to Telelatino;
- c) at least 40% of its programming in the Mandarin language, may only be offered by DTH licensees to subscribers that also subscribe to Talentvision;
- d) at least 40% of its programming in the Hindi language, may only be offered by DTH licensees to subscribers that also subscribe to South Asian Television (ATN); and
- e) at least 40% of its programming in the Greek language, may only be offered by DTH licensees to subscribers that also subscribe to Odyssey.

Secretary General

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<http://www.crtc.gc.ca>