



## Broadcasting Public Notice CRTC 2006-41

Ottawa, 31 March 2006

### **Call for comments on the marketing and billing practice known as “account stacking” in the context of the Commission’s regulatory framework for broadcasting distribution undertakings**

*The Commission calls for comments on the marketing and billing practice by which a broadcasting distribution undertaking treats the provision of service to two separate residences owned by the same person as a single subscription, referred to as “account stacking.” Once the process initiated by this notice concludes, the Commission intends to issue its determination on a complaint filed by Videotron Ltd. against Star Choice Communications Inc. in which this issue is raised.*

#### **Background**

1. In a complaint dated 2 December 2005, Videotron Ltd. (Videotron) alleged that Star Choice Communications Inc. (SCI) had violated section 9 of the *Broadcasting Distribution Regulations* (the Regulations) by giving itself an undue preference and subjecting Videotron to an undue disadvantage by allowing the sale of several decoders and antennas to a single individual who may then install them in two separate residences while paying for only one subscription. In the view of Videotron, this practice by SCI is anti-competitive and deprives Videotron of subscribers, thereby subjecting Videotron to an undue disadvantage. Videotron further alleged that this practice deprives programming undertakings, particularly specialty programming services and pay television services, of revenue that they would otherwise collect if SCI complied with the Regulations.
2. In its response to Videotron’s complaint dated 20 December 2005, SCI acknowledged that it was allowing its subscribers to receive its service at two different residences while paying for only one subscription, provided both residences were owned by the same subscriber. SCI considered that this constitutes a reasonable and rational use of its technology, which allows it to serve its customers at both their main place of residence and their second residence. SCI was of the view that the manner in which it has chosen to serve some of its customers complies with the Regulations and with the policy objectives set out in the *Broadcasting Act*.
3. In its reply dated 22 December 2005, Videotron submitted that, if the Commission were to endorse the theory advanced by SCI, Videotron would be free to stop making duplicate payments to programming undertakings and to market its product by proposing to households with more than one residence that they pay for only one subscription to cover those residences, thereby enabling Videotron to recoup some of the former Videotron subscribers who are now SCI subscribers.

4. Subsequently, in a letter dated 3 February 2006, the Canadian Association of Broadcasters (CAB) submitted comments and requested that the Commission consider those comments prior to making a final determination on the Videotron complaint. The CAB expressed no view on the merits of the Videotron complaint. Instead, the CAB took issue with what it called the “underlying matter that has led to the complaint, namely SCI’s marketing and billing practice of treating the provision of service to two separate residences owned by the same person as a single subscription.”
5. On 10 February 2006, Bell ExpressVu Limited Partnership<sup>1</sup> (ExpressVu) also filed an unsolicited submission. ExpressVu advised that it reserved the right to make a substantive submission if the Commission were to take the CAB’s submissions into account in the bilateral complaint proceeding concerning Videotron and SCI, or to otherwise consider any CAB requests for action relating to the appropriateness of serving primary and secondary residences from a single account, or the commercial treatment of such arrangements in affiliation agreements.

### **Call for comments**

6. The Commission notes the positions of the parties and finds it appropriate to provide an opportunity for interested parties to comment on the issue of “account stacking” as described above. Accordingly, the Commission calls for comments on the marketing and billing practice by which a broadcasting distribution undertaking treats the provision of service to two separate residences owned by the same person as a single subscription, referred to as “account stacking.”
7. The Commission emphasizes that it is not seeking comments on the complaint filed by Videotron but rather invites comments solely on the issue of “account stacking” as described in this notice. The Commission will accept comments that it receives on or before **18 April 2006**.
8. The Commission will make a determination regarding the complaint filed by Videotron after it has issued its policy regarding “account stacking.”
9. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

---

<sup>1</sup> Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership

## Procedures for filing comments

10. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**  
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**  
(819) 994-0218

11. Submissions longer than five pages should include a summary.

12. Please number each paragraph of your submission. In addition, please enter the line \*\*\*End of document\*\*\* following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

### Important notice

13. 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](http://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.

14. 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.

15. 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.

16. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following  
Commission offices during normal business hours**

Central Building

Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: (819) 997-2429 - TDD: 994-0423  
Fax: (819) 994-0218

Metropolitan Place

99 Wyse Road  
Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: (902) 426-7997 - TDD: 426-6997  
Fax: (902) 426-2721

205 Viger Avenue West

Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: (514) 283-6607

55 St. Clair Avenue East

Suite 624  
Toronto, Ontario M4T 1M2  
Tel: (416) 952-9096

Kensington Building

275 Portage Avenue  
Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel: (204) 983-6306 - TDD: 983-8274  
Fax: (204) 983-6317

Cornwall Professional Building

2125 - 11<sup>th</sup> Avenue  
Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: (306) 780-3422

10405 Jasper Avenue  
Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: (780) 495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: (604) 666-2111 - TDD: 666-0778  
Fax: (604) 666-8322

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>*