



Broadcasting Public Notice CRTC 2006-48

Ottawa, 12 April 2006

Call for comments on a proposed exemption order for mobile television broadcasting undertakings

The Commission calls for comments on a proposed order that would exempt from regulation all undertakings that provide television broadcasting services that are delivered and accessed through mobile devices.

*The proposed exemption order is set out in the appendix to this notice. The deadline for interested parties to submit their comments is **12 May 2006**. Parties may file replies on or before **26 May 2006**.*

Background

1. In *Regulatory framework for mobile television broadcasting services*, Broadcasting Public Notice CRTC 2006-47, 12 April 2006 (Public Notice 2006-47), the Commission found that certain broadcasting services offered over wireless handsets by Bell Mobility Inc. (Bell), Rogers Wireless Inc. (Rogers) and TELUS Mobility (TELUS), in conjunction with MobiTV Inc. (MobiTV), were “delivered and accessed over the Internet” and therefore fell under the exemption order set out in Appendix A to *Exemption Order for New Media Broadcasting Undertakings*, Public Notice CRTC 1999-197, 17 December 1999 (the New Media Exemption Order).
2. In Public Notice 2006-47, the Commission stated the view that there may be reasons for service providers to find alternative means of distributing these mobile television broadcasting services. It added that similar mobile television broadcasting services might be developed that are not delivered and accessed over the Internet. The Commission noted that, in either case, these services would not fall within the scope of the New Media Exemption Order.
3. For the reasons set out below, the Commission stated its intention to issue a proposed exemption order that would apply to mobile television broadcasting undertakings more generally.

Commission's policy on exemption orders

4. Section 9(4) of the *Broadcasting Act* (the Act) states:

The Commission shall, by order, on such terms and conditions as it deems appropriate, exempt persons who carry on broadcasting undertakings of any class specified in the order from any or all requirements of this Part or of a regulation made under this Part where the Commission is satisfied that compliance with those requirements will not contribute in a material manner to the implementation of the broadcasting policy set out in subsection 3(1).

5. The Commission noted in Public Notice 2006-47 that, without regulation, mobile television broadcasting undertakings currently provide a predominance of Canadian channels on their services. The Commission also concluded that mobile broadcasting television undertakings can offer additional benefits to Canadian broadcasters by expanding the audiences for Canadian programming, and to Canadian producers by expanding the opportunities to create and license new content.
6. In addition, as also noted in Public Notice 2006-47, the Commission considers that the mobile television broadcasting services, as described, are unlikely to compete significantly with traditional television broadcasting services due to the limitations of the wireless technology, the battery life and small screen size of the handset, the poor image and audio quality and the type and range of programming choices offered by the mobile broadcasters.
7. For these reasons, the Commission is satisfied that compliance with Part II of the Act, and any applicable regulations made thereunder, by persons carrying on mobile television broadcasting undertakings, as defined in the proposed exemption order set out in the appendix to this notice, will not contribute in a material manner to the implementation of the policy objectives set out in section 3(1) of the Act.

Proposed exemption order

8. In light of the foregoing, the Commission calls for public comment on the proposed exemption order set out in the appendix to this notice. This order is intended to capture undertakings offering the type of mobile television broadcasting services described in Public Notice 2006-47, but whose services are not necessarily “delivered and accessed over the Internet.”
9. The Commission proposes, as one of the exemption criteria, that mobile television broadcasting undertakings be required to obtain the prior consent of any broadcaster for the retransmission of its signal.

Call for comments

10. The Commission invites written comments on the proposed exemption order. The Commission will accept comments that it receives on or before **12 May 2006**.
11. Parties may file replies on or before **26 May 2006**.
12. The Commission will not formally acknowledge written 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.

Procedures for filing comments

13. 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
14. Submissions longer than five pages should include a summary.
15. 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

16. 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.

17. 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.
18. 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.
19. 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

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Les Terrasses de la Chaudière
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Tel: (902) 426-7997 - TDD: 426-6997
Fax: (902) 426-2721

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Suite 624
Toronto, Ontario M4T 1M2
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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
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Secretary General

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Appendix to Broadcasting Public Notice CRTC 2006-48

Exemption order for mobile television broadcasting undertakings

The Commission pursuant to subsection 9(4) of the *Broadcasting Act* (the Act), by this order, exempts from the requirements of Part II of the Act and any regulations made there under, those persons carrying on broadcasting undertakings of the class defined by the following criteria:

Purpose

The purpose of these undertakings is to provide mobile television broadcasting services.

Description

1. The undertaking provides television broadcasting services that are delivered and accessed through mobile devices, including cellular telephones and personal digital assistants.
2. The undertaking has obtained the prior consent of a broadcaster for the retransmission of its signal.