



Broadcasting Decision CRTC 2007-113

Ottawa, 17 April 2007

TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company

Rimouski, Saint-Georges, Sept-Îles, Baie-Comeau, Gaspé, Montmagny, Sainte-Marie, Mont-Tremblant and their surrounding areas, Quebec; Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta; and Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland and Fraser Valley), Vernon and Victoria, British Columbia

Application 2006-1250-9

Broadcasting Public Notice CRTC 2006-141

8 November 2006

Licence amendments related to the reception of U.S. signals

*In this decision, the Commission **approves** an application for various amendments to the Class 1 regional licences of the broadcasting distribution undertakings serving the above-noted locations in Alberta, British Columbia and Quebec.*

1. TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TCC),¹ is presently authorized in Alberta, British Columbia and Quebec to receive, directly through its own facilities, any of the distant Canadian signals that are otherwise required to be received from a licensed satellite relay distribution undertaking (SRDU). It is also authorized in Alberta and British Columbia to distribute, at its option, and as part of the basic service, the signals of KOMO-TV (ABC), KIRO-TV (CBS), KING-TV (NBC) Seattle,

¹ TELUS Communications Inc. (TCI) filed the application considered in this decision in 2006. However, in *Acquisition of assets – Corporate reorganization*, Broadcasting Decision CRTC 2007-33, 26 January 2007, the Commission approved an application by TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TCC), to acquire from TCI, as part of a corporate reorganization, the assets of cable broadcasting distribution undertakings (BDUs) located in Alberta, British Columbia and Quebec and listed in the appendices to that decision.

KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle,² or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and received from a licensed SRDU.

2. TCC is applying to expand its conditions of licence by amending the first of the above-noted conditions of licence to include U.S. signals among those it may receive directly through its own facilities and by substituting a reference to the *Lists of eligible satellite services* (the Lists) for the reference to “a licensed SRDU” in the second.
3. The applicant argued that these amendments would allow it to obtain broadcasting signals in the most efficient and cost-effective means possible and that it had made significant investments in its national fibre network and should be allowed to make full use of this infrastructure for its broadcasting activities. TCC also noted that in *Licence amendment related to signal reception and distribution*, Broadcasting Decision CRTC 2006-619, 8 November 2006, the Commission approved a similar application by Rogers Cable Communications Inc. (Rogers). Although Rogers’ application was limited to U.S. 4+1 signals (ABC, CBS, FOX, NBC, and PBS), TCC argued that, in practical terms, there is not much difference in the breadth of authorization in either case, since it is virtually only the U.S. 4+1 services which are required to be received via a licensed SRDU as per the Lists, the only two additional U.S. signals being the independent network services KSTW (IND) Tacoma/Seattle and WUAB-TV (IND) Cleveland.³ Of these two services, TCC pointed out that it is already authorized to receive KSTW from a Canadian source that is not a licensed SRDU.⁴
4. The Commission did not receive any interventions in connection with this application.
5. In light of the above, the Commission sees no reason to prohibit TCC from availing itself of the efficiencies afforded by its own network. Accordingly, the Commission **approves** the application from TELUS Communications Inc. and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company, to amend the Class 1 regional licences for the BDUs serving the above-noted locations in Alberta, British Columbia and Quebec so as to authorize the licensee to receive through its own facilities the U.S. signals that are otherwise required to be received from a licensed SRDU in the affected areas. The new **condition of licence** reads as follows:

² In this decision, the Commission corrects a previous typographical error; KCTS-TV reflects the currently authorized signal included on the *Revised lists of eligible satellite services*.

³ The Commission notes that an asterisk appears next to certain U.S. signals on the *Lists of eligible satellite services*. The asterisk represents those signals that are required to be received from a licensed SRDU. At present, these include the U.S. 4+1 signals and the two above-mentioned independent network services KSTW (IND) Tacoma/Seattle and WUAB-TV (IND) Cleveland.

⁴ The Commission notes that TCC’s authority to receive KSTW from a Canadian source that is not a licensed SRDU is currently applicable to Vancouver and Victoria, British Columbia only and not for all its BDUs serving Quebec, Alberta and British Columbia.

The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.

6. The Commission also **approves** the licensee's application to amend the Class 1 regional licences for the BDUs serving the above-noted locations in Alberta and British Columbia so as to remove the requirement that the licensee receive via a licensed SRDU the signals of KOMO-TV (ABC), KIRO-TV (CBS), KING-TV (NBC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area. The new **condition of licence** reads as follows:

The licensee is authorized to distribute, at its option, and as part of the basic service, the signals of KOMO-TV (ABC), KIRO-TV (CBS), KING-TV (NBC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *Lists of eligible satellite services*, as amended from time to time.

7. The above conditions of licence replace the applicable conditions of licence set out in Appendices 2, 3 and 4 of *Acquisition of assets – Corporate reorganization*, Broadcasting Decision CRTC 2007-33, 26 January 2007.

Secretary General

This decision is to be appended to each 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>