



Broadcasting Decision CRTC 2007-240

Ottawa, 20 July 2007

Cogeco Cable Canada Inc.
Leamington, Ontario

Application 2007-0642-6, received 24 April 2007
Broadcasting Public Notice CRTC 2007-59
5 June 2007

Application for relief from section 17 of the *Broadcasting Distribution Regulations*

*The Commission **approves** the application by Cogeco Cable Canada Inc. for relief from the requirement to distribute the community television station CFTV-TV on its cable broadcasting distribution undertaking serving Leamington as part of the basic service beginning with the analog basic band (channels 2 to 13).*

The application

1. The Commission received an application by Cogeco Cable Canada Inc. (Cogeco) to amend the licence of its Class 1 cable broadcasting distribution undertaking (BDU) serving Leamington in order to relieve it, by condition of licence, of its requirement under section 17 of the *Broadcasting Distribution Regulations* (the Regulations) to distribute CFTV-TV (known as CFTV34) as part of the basic service beginning with the analog basic band (channels 2 to 13). Instead, Cogeco proposed to distribute CFTV-TV on channel 79 as part of the digital basic offering.
2. CFTV-TV is a community television station operated by Southshore Broadcasting Inc. (Southshore). Under the provision of the Regulations, CFTV-TV is entitled to carriage on a channel beginning with the basic band as part of the analog basic service of Cogeco's Class 1 cable BDU serving Leamington. However, Southshore has agreed to waive its right to carriage on a channel beginning with the basic band.
3. In its application, Cogeco indicated that due to the analog capacity constraints in the Leamington system and in light of Southshore's consent to digital carriage, it would not be in the public interest to require carriage of CFTV-TV on the analog basic band.
4. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

5. Based on the evidence available to it, the Commission is satisfied that Cogeco and Southshore have reached an acceptable agreement regarding the channel placement of CFTV-TV. Accordingly, the Commission **approves** the application by Cogeco Cable Canada Inc. and relieves the licensee, by **condition of licence**, of the requirements of section 17 of the *Broadcasting Distribution Regulations* with respect to the community television station CFTV-TV Leamington (known as CFTV34), provided that it is distributed on channel 79 as part of the digital basic offering.

Secretary General

This decision is to be appended to the 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>