



## Broadcasting Decision CRTC 2007-354

Ottawa, 21 September 2007

### **MTS Allstream Inc.**

Winnipeg and surrounding areas, Manitoba

*Applications 2007-0715-1 and 2007-0716-9, received 8 May 2007*

*Broadcasting Public Notice CRTC 2007-75*

*6 July 2007*

### **Class 1 broadcasting distribution undertaking at Winnipeg – Licence amendments**

*The Commission **approves**, with some modifications, the licensee's proposed amendments to the Class 1 regional broadcasting licence for its broadcasting distribution undertaking serving Winnipeg and surrounding areas.*

#### **The applications**

1. MTS Allstream Inc. (MTS) submitted two applications to amend the Class 1 regional broadcasting licence for its broadcasting distribution undertaking (BDU) serving Winnipeg and surrounding areas.
2. In its first application, MTS requested that the Commission amend its condition of licence relating to the distribution of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and of the non-commercial PBS network (collectively, the U.S. 4+1 signals) in order to add a reference to the alternative network signals set out in the lists of eligible satellite services (the lists), as follows:

The licensee may distribute, at its option, as part of the basic service at each community served, the signals of WDAZ-TV (ABC) Grand Forks, North Dakota, KARE-TV (NBC) and WCCO-TV (CBS) Minneapolis, Minnesota, WUHF-TV (FOX) Rochester, New York and KFME-TV (PBS) Fargo, North Dakota, 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.

3. MTS also requested that the signal of KMSP-TV (FOX) Minneapolis be added to the *List of Part 2 eligible satellite services* (the Part 2 List) in order to allow it to distribute this signal under the proposed condition of licence.

4. In its second application, MTS requested that the Commission further amend its licence, by adding the following condition:

The licensee is authorized to receive, through fibre facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking (SRDU). This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.

5. The Commission received no interventions in connection with either of these applications.

### **Commission's analysis and determinations**

6. With respect to MTS's proposed amendment to its condition of licence relating to the U.S. 4+1 signals that may be distributed as part of the basic service, the Commission notes that it has already granted the authorization sought by MTS to a number of other BDUs. Consequently, the Commission has no concerns with this proposed amendment.
7. As regards the applicant's request that the signal of KMSP-TV be added to the Part 2 List, MTS has agreed that should the Commission further amend its condition of licence authorizing the distribution of U.S. 4+1 signals by adding KMSP-TV, it would not be necessary to add the KMSP-TV signal to the Part 2 List. Since this signal is not currently available through a licensed Canadian SRDU, the Commission considers it more appropriate to authorize MTS to distribute the KMSP-TV signal by way of condition of licence rather than by adding this signal to the lists.
8. Accordingly, the Commission **approves**, with the modification described above, MTS Allstream Inc.'s first application to amend the Class 1 regional broadcasting licence for its cable BDU serving Winnipeg and surrounding areas. The amended **condition of licence** reads as follows:

The licensee may distribute, at its option, as part of the basic service at each community served, the signals of

WDAZ-TV (ABC) Grand Forks, North Dakota;  
KARE-TV (NBC) Minneapolis, Minnesota;  
WCCO-TV (CBS) Minneapolis, Minnesota;  
KMSP-TV (FOX) Minneapolis, Minnesota or WUHF-TV (FOX) Rochester,  
New York; and  
KFME-TV (PBS) Fargo, North Dakota.

Alternatively, for each network signal, the licensee may distribute 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.

9. With respect to the new condition of licence requested by MTS in its second application, the Commission notes that the language proposed by MTS is similar to that found in a condition of licence already approved by the Commission in the case of other BDUs. In its application, MTS indicated that the differences between the language it proposed and the more standard language employed in the authorization granted to other BDUs were intended to accommodate the particular method MTS proposed to use to transport signals from Minneapolis to its head end (i.e., via leased fibre facilities). The Commission notes that since all of the Minneapolis signals that MTS proposes to distribute, including that of KMSP-TV (FOX), will be authorized for distribution by condition of licence rather than through the lists, the restrictions on the transport of signals set out in the lists (i.e., that the signals be received from a licensed SRDU) would not apply. Therefore, the alternative language proposed by MTS is not necessary.
10. Accordingly, the Commission **approves**, with the appropriate modification, the amendment to the licence proposed in the licensee's second application. The new **condition of licence** is as follows:
- The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed SRDU. 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.
11. As noted above, the restriction requiring that the licensee not use any facilities other than its own does not apply to the U.S. 4+1 signals explicitly authorized by condition of licence for distribution as part of the basic service, since these signals are authorized by way of the condition of licence discussed previously, not by way of the Part 2 List, and are therefore not otherwise required to be received from a licensed SRDU.

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>*

