



Broadcasting Decision CRTC 2007-394

Ottawa, 29 October 2007

CF Cable TV Inc.
La Malbaie, Quebec

*Application 2007-0403-2, received 9 March 2007
Public Hearing in the National Capital Region
27 August 2007*

Cable broadcasting distribution undertaking

*The Commission **approves** the application by CF Cable TV Inc. for a broadcasting licence to continue the operation of the Class 2 cable broadcasting distribution undertaking serving La Malbaie, Quebec, subject to the terms and conditions set out in the licence and in the appendix to this decision.*

The application

1. The Commission received an application by CF Cable TV Inc. (CF Cable) for a broadcasting licence to continue the operation of the Class 2 cable broadcasting distribution undertaking (BDU) serving La Malbaie, Quebec.
2. In Broadcasting Decision 2004-344, the Commission revoked the broadcasting licence issued to the then licensee Vidéotron (Régional) ltée for the BDU serving La Malbaie, pursuant to Broadcasting Public Notice 2004-39.
3. Given that the BDU serving La Malbaie is no longer operating its head-end and is now interconnected with Videotron Ltd.'s BDU serving Québec, Quebec, the BDU serving La Malbaie no longer complies with the terms of the exemption order appended to Broadcasting Public Notice 2004-39 and must therefore obtain a broadcasting licence to continue its operations.
4. CF Cable requested that it be relieved, by condition of licence, of the requirement under section 25 of the *Broadcasting Distribution Regulations* (the Regulations) not to distribute the signals of CFTU-TV (Canal Savoir) Montréal and of the "Assemblée nationale du Québec" on restricted channels, so long as the quality of these signals does not deteriorate.
5. The applicant further requested authority to distribute certain additional signals, as identified in the application.
6. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determinations

7. The Commission notes that the exemption order appended to Broadcasting Public Notice 2004-39 no longer applies to the BDU serving La Malbaie because this BDU is now interconnected with Videotron Ltd.'s BDU serving Québec. Accordingly, the Commission **approves** the application by CF Cable TV Inc. for a broadcasting licence to continue the operation of the Class 2 cable BDU serving La Malbaie, Quebec. The licence will be subject to the **conditions** specified therein as well as to the **conditions** set out in the appendix to this decision.
8. The Commission also **approves** the applicant's other authorization requests. **Conditions of licence** relating to these authorizations are set out in the appendix to this decision.
9. This undertaking shall comply with the rules applicable to Class 2 licensees, including the rules for digital distribution. The operation of this undertaking will be regulated pursuant to the Regulations.

Employment equity

10. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Revocation of licence – Exempted cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*, Broadcasting Decision CRTC 2004-344, 13 August 2004
- *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers; and Amendment to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2004-39, 14 June 2004

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>

Appendix to Broadcasting Decision CRTC 2007-394

Terms and conditions of licence

Terms

The Commission will issue a Class 2 broadcasting licence to continue the operation of the cable broadcasting distribution undertaking serving La Malbaie, Quebec.

The licence will expire 31 August 2014.

Conditions of licence

1. The licensee is authorized to distribute CFCF-TV (CTV) and CFTU-TV (Canal Savoir) Montréal, as part of the basic service.
2. The licensee is relieved of the requirement of section 25 of the *Broadcasting Distribution Regulations* to distribute the signals of CFTU-TV (Canal Savoir) Montréal, and of the “Assemblée nationale du Québec” on unrestricted channels. Should the quality of the signals deteriorate significantly, the licensee shall immediately undertake the necessary corrective action, including the distribution of the services on other channels.
3. The licensee is authorized to distribute the signals of the transitional digital television undertakings CFTO-DT and CIII-DT-41 Toronto as part of its high definition (HD) digital service until Montréal digital television undertakings that provide CTV and Global programming in HD begin broadcasting. Specifically, the authorization to distribute CFTO-DT will lapse once a Montréal digital television undertaking that provides CTV programming in HD begins broadcasting, and the authorization to distribute CIII-DT-41 will lapse once a Montréal digital television undertaking that provides Global programming in HD begins broadcasting.
4. The licensee is authorized to distribute, on a digital discretionary basis, the distant Canadian signal CITY-TV Toronto.
5. The licensee is authorized to distribute, at its option, as part of the basic service, WCAX-TV (CBS) and WPTZ (NBC) Burlington, Vermont, and WVNY (ABC) and WCFE-TV (PBS) Plattsburgh, New York.
6. The licensee is authorized to distribute, at its option, on a discretionary basis, WFFF-TV (FOX) Burlington, Vermont.

7. The licensee is authorized to distribute the following signals on a digital discretionary basis:

- any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*; and
- a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial network PBS (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals and distant Canadian signals is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations). The Commission may suspend the application of this provision, with respect to the signals to be distributed, upon its approval of an executed agreement between the licensee and broadcasters. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a second set of U.S. 4+1 signals and distant Canadian signals solely on the licensee's digital service.

The Commission reminds the licensee that the simultaneous substitution requirements set out in section 30 of the Regulations apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to distribute the following signals on a digital discretionary basis:

- any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*; and
- a third set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) (hereafter referred to as the U.S. commercial network signals).

The distribution on a discretionary basis on the licensee's digital service of a third set of U.S. commercial network signals and distant Canadian signals is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations). The Commission may suspend the application of this provision, with respect to the signals to be distributed, upon its approval of an executed agreement between the licensee and broadcasters. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a third set of U.S. commercial network signals and distant Canadian signals solely on the licensee's digital service.

The Commission reminds the licensee that the simultaneous substitution requirements set out in section 30 of the Regulations apply also in the case of U.S. commercial network signals and distant Canadian signals.

9. The licensee shall not distribute to any subscriber more than two sets of U.S. commercial network signals.
10. The licensee may, at its option, insert certain promotional material as a substitute for the “local availabilities” (i.e., non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel, and for unpaid Canadian public service announcements. A maximum of 25% of the local availabilities may be used to provide subscribers with information regarding customer service and channel realignments, and for the promotion of discretionary programming services and packages, cable FM service and additional cable outlets.