



Broadcasting Decision CRTC 2007-74

Ottawa, 28 February 2007

Bell ExpressVu Inc. (the general partner) and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership
Across Canada

*Application 2005-0872-3
Public Hearing in the National Capital Region
1 May 2006*

ExpressVu emergency alert service

In Emergency alert services, Broadcasting Public Notice 2007-20, 28 February 2007, (Public Notice 2007-20) the Commission set out its overall approach to applications for emergency alert services considered at the 1 May 2006 public hearing. In Public Notice 2007-20, the Commission announced that it would amend section 7(d) of the Broadcasting Distribution Regulations (the Regulations) so that it would no longer be necessary for the licensee of a broadcasting distribution undertaking to obtain the prior agreement of the operator of a programming service, or of the network responsible for the service, to insert an emergency alert message into the signal provided by the programming service. It has called for comments on the proposed wording of the amendments in Call for comments on proposed amendments to the Broadcasting Distribution Regulations, Broadcasting Public Notice CRTC 2007-21 of today's date.

*In the present application, Bell ExpressVu Limited Partnership requested a condition of licence that would have the same effect as the regulatory amendment proposed by the Commission so that it could offer an emergency alert service on all channels offered by its direct-to-home (DTH) broadcasting distribution undertaking. In the Commission's view, the amendment proposed by the applicant will be unnecessary once the proposed amendments to the Regulations have been adopted. Accordingly, the Commission **denies** the application for a licence amendment. However, consistent with the approach set out in Public Notice 2007-20, the Commission fully endorses the applicant's proposal and encourages it to implement an emergency alert service.*

The application

1. The Commission received an application by Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership (ExpressVu) for authorization to provide an all channel emergency alert service.

2. Specifically, ExpressVu requested the addition of a condition to the licence of its direct-to-home (DTH) broadcasting distribution undertaking (BDU), relieving it of the obligation set out in section 7(d) of the *Broadcasting Distribution Regulations* (the Regulations) to obtain the agreement of the operator of a programming service, or the network responsible for the service, prior to inserting an emergency alert message into the programming service.
3. In the alternative, if the Commission determined that some other form of authorization or licensing was necessary, ExpressVu stated that it was applying to provide an emergency alert service in order to transmit to its subscribers emergency warnings of local, regional, and national relevance.
4. According to the applicant, notification of imminent threats to public safety would be received by ExpressVu directly from CANALERT¹ when it becomes fully operational within the next five years, from CANALERT via an authorized third-party emergency alert service, or directly from a third-party service provider. When an alert applicable to their area occurred, the television sets of ExpressVu subscribers would be switched automatically (force tuned) to a particular emergency channel where subscribers would see an alphanumeric crawl with an audio message. ExpressVu further stated that no additional monthly fees would be imposed on ExpressVu's subscribers to fund its emergency alert service.
5. ExpressVu did not provide a timeframe for the implementation of its alert system but noted that, initially, it would be focused on distributing public alerts to its own subscriber base. ExpressVu stated, however, that it would give serious consideration to integrating its emergency alert distribution with other members of the Bell Canada Enterprises Inc. corporate family, such as Bell Mobility, Bell Sympatico and Bell Canada, in order to accommodate the emergency notification needs of those users of cellular telephones, the Internet and terrestrial cable television, respectively. ExpressVu also indicated that it would be prepared to provide an emergency alert service to other BDUs, if there was any interest.
6. ExpressVu stated that it would display alert messages in both official languages when the alerts are made available by the authorized users in both official languages. According to ExpressVu, its platform possesses substantial capabilities to provide messages in English and in French and it can target specific messages in either English or French according to customer set-top box preference.

¹ The CANALERT initiative was sponsored by the Department of Industry. It is a partnership involving federal departments, provincial, territorial and municipal governments, and the broadcasting and telecommunications industries, and is responsible for the creation of standards and protocols for emergency alert messages.

Interventions

7. The Commission received interventions supporting, opposing and commenting on the ExpressVu application, as well as on the applications by the Canadian Broadcasting Corporation and Pelmorex Communications Inc. to provide alert services. The positions of the interveners are discussed and dealt with in *Emergency alert services*, Broadcasting Public Notice CRTC 2007-20, 28 February 2007 (Public Notice 2007-20).

Commission's analysis and determinations

8. In Public Notice 2007-20, the Commission announced that it would amend section 7(d) of the Regulations so that it would no longer be necessary for the licensee of a BDU to obtain the prior agreement of the operator of a programming service, or of the network responsible for the service, to insert an emergency alert message into the signal provided by the programming service. The Commission has called for comments on the proposed wording of these amendments in *Call for comments on proposed amendments to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2007-21 of today's date.
9. In light of the Commission's proposed amendment to section 7(d) of the Regulations, ExpressVu would not require the specific condition of licence that it has requested to offer its proposed alert service. Therefore, the Commission **denies** the application by ExpressVu for a change to its conditions of licence. ExpressVu will be able to deliver alerts to its subscribers once the proposed amendments to the Regulations have been adopted. The Commission fully endorses ExpressVu's proposal and encourages it to offer an emergency alert service in accordance with the Commission's determinations set out in Public Notice 2007-20.
10. The Commission expects ExpressVu to continue its participation on the CANALERT committees. In addition, the Commission expects ExpressVu to work with alert providers, emergency measures organizations and participating broadcasters on an ongoing basis to ensure that its warning system is effective and responds to the needs of both the providers and the users.
11. Consistent with the approach set out in Public Notice 2007-20, the Commission expects the applicant to provide emergency alerts in both official languages where such alerts are provided in both official languages by authorized users of the system.

Secretary General

This decision 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>