



## Broadcasting Public Notice CRTC 2007-124

Ottawa, 8 November 2007

*The Commission has received the following applications. The deadline for submission of interventions/comments is **13 December 2007**.*

[\[Broadcasting intervention/comments form\]](#)

### Item Applicant and Locality

1. **ARTV inc.**  
Across Canada  
Application No. 2007-1438-8
2. **Bell ExpressVu Limited Partnership**  
Across Canada  
Application No. 2007-1490-9

#### 1. **Across Canada** **Application No. 2007-1438-8**

Application by **ARTV inc.** to amend the licence of the national French-language specialty programming undertaking known as ARTV.

The licensee proposes to make the above-noted service available for distribution in high definition format.

In accordance with the framework set out in *Regulatory framework for the licensing and distribution of high definition pay and specialty service* Broadcasting Public Notice CRTC 2006-74, 15 June 2006, programming on the analog service and on the upgraded service will be comparable, that is, not less than 95% of the video and audio components will be the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. Further, all programming making up the 5% allowance will be provided in HD.

*Licensee's address:*

1400 René-Lévesque Blvd. East  
 Suite A 53-1  
 Montréal, Quebec  
 H2L 2M2  
 Fax: 514-597-3633  
 E-Mail: [m.cote@artv.ca](mailto:m.cote@artv.ca)

*Examination of application:*

At the licensee's address

2. **Across Canada**  
**Application No. 2007-1490-9**

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** to amend the licence of its direct-to-home satellite distribution undertaking.

The licensee proposes to replace its condition of licence relating to relief from program deletion requirements, which currently reads:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, so long as the licensee:

(a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence;

(b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:

(i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year;

(ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006;

(iii) in the period ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 13 August 2006 and ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5.

with the following condition, which would extend the application of the condition of licence:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2007-10, so long as the licensee:

(a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence;

(b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:

(i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year;

(ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006;

(iii) in the period ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the

period beginning 13 August 2006 and ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5; and

(iv) in the period ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2007-10, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 17 November 2007 and ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2007-10.

The applicant submitted that the proceeding initiated by *Review of the regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, Broadcasting Notice of Public Hearing CRTC 2007-10, 5 July 2007, may result in substantial changes related to its program deletion requirements. In the applicant's view, it would therefore be counter-productive for it to request changes to the condition of licence above or to negotiate alternative arrangements with broadcasters until the Commission has reached its determinations in that proceeding.

*Licensee's address:*

Bell ExpressVu  
110 O'Connor St.  
6<sup>th</sup> Floor  
Ottawa, Ontario  
K1P 1H1  
Fax: 613-560-0472  
E-Mail: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)

*Examination of application:*

At the licensee's address

## **Public Participation**

### **Deadline for Interventions/Comments**

**13 December 2007**

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[\[Broadcasting intervention/comments form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

### **Important notice**

Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the webpage of this particular public process. As a result, a general search of our website with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.

### **Examination of Documents**

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

Central Building  
Les Terrasses de la Chaudière  
1 Promenade du Portage, Room 206  
Gatineau, Quebec K1A 0N2  
Tel: 819-997-2429  
Toll free Telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782  
Fax: 819-994-0218

Metropolitan Place  
99 Wyse Road, Suite 1410  
Dartmouth, Nova Scotia B3A 4S5  
Tel: 902-426-7997  
Fax: 902-426-2721

205 Viger Avenue West  
Suite 504  
Montréal, Quebec H2Z 1G2  
Tel: 514-283-6607

55 St. Clair Avenue East, Suite 624  
Toronto, Ontario M4T 1M2  
Tel: 416-952-9096

Kensington Building  
275 Portage Avenue, Suite 1810  
Winnipeg, Manitoba R3B 2B3  
Tel: 204-983-6306 – TDD: 204-983-8274  
Fax: 204-983-6317

Cornwall Professional Building  
2125 – 11<sup>th</sup> Avenue, Room 103  
Regina, Saskatchewan S4P 3X3  
Tel: 306-780-3422

10405 Jasper Avenue, Suite 520  
Edmonton, Alberta T5J 3N4  
Tel: 780-495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel: 604-666-2111 – TDD: 604-666-0778  
Fax: 604-666-8322

Secretary General

*This document 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>