



Broadcasting Public Notice CRTC 2007-134

Ottawa, 23 november 2007

Reconsideration of Broadcasting Decision CRTC 2007-246

*In this public notice, the Commission announces that it will reconsider Broadcasting Decision CRTC 2007-246, as required under Order P.C. 2007-1604, 18 October 2007. The deadline for submission of comments is **17 December 2007** and the deadline for the licensee's reply is **27 December 2007**.*

[\[Broadcasting Intervention/Comments Form\]](#)

Avis de recherche inc.

Across Canada

Application No. 2006-0508-2

1. In Broadcasting Decision CRTC 2002-267, the Commission approved an application to operate Avis de Recherche, a new Category 2 specialty television service. In its application, the applicant proposed a programming service primarily intended as a media tool for the provision of information to law enforcement agencies across Canada.
2. In Broadcasting Decision CRTC 2007-246 (Decision 2007-246), the Commission approved in part an application by Avis de recherche inc. (ADR) to be designated for mandatory distribution on digital basic by direct-to-home (DTH) satellite distribution undertakings and by Class 1 and Class 2 broadcast distribution undertakings (BDUs), excluding multipoint distribution system (MDS) undertakings. ADR's application was considered at the public hearing commencing 27 March 2007.
3. The Commission also amended some of ADR's conditions of licence. Specifically, the Commission amended the condition relating to Canadian content, which was increased from 20% to 95%, as well as the condition of licence relating to minimum Canadian programming expenditures, which were set at 20% of subscriber revenues from the previous broadcast year. Finally, the Commission authorized a monthly wholesale rate of \$0.06, to be charged only to those undertakings serving subscribers living in Quebec.
4. Order P.C. 2007-1604¹, 18 October 2007, stated that the Governor in Council:
 - (a) hereby refers back to the Commission for reconsideration and hearing the decision, contained within Broadcasting Decision CRTC 2007-246 of July 24, 2007, to amend the broadcasting licence of Avis de recherche inc. to operate a French-language Category 2 specialty television service known as Avis de Recherche; and

¹ The complete text of the Order in Council is appended to this Public Notice.

(b) is of the opinion that it is material to the reconsideration and hearing that the Commission re-examine the conditions of licence imposed on Avis de recherche inc. in terms of its qualification as a service of exceptional importance giving it the right to be distributed on the digital basic service.

5. Subsection 28(3) of the *Broadcasting Act* stipulates that the Commission must reconsider any decision referred back to it by the Governor in Council. After a hearing, the Commission may:

(a) rescind the decision or the issue, amendment or renewal of the licence;

(b) rescind the issue of the licence and issue a licence on the same or different conditions to another person; or

(c) confirm, either with or without change, variation or alteration, the decision or the issue, amendment or renewal of the licence.

6. Pursuant to Order P.C. 2007-1604, the Commission invited ADR, by letter dated 30 October 2007, to submit its comments or any amendment it wished to make to its application by no later than 8 November 2007.

7. In a letter dated 5 November 2007, the licensee proposed an amendment to Avis de Recherche's licence in order to replace condition of licence number 2 set out in Appendix 5 of Decision 2007-246 with the following condition of licence:

2. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993, and in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004:

(a) in broadcast year 2008-09 and for each of the following years of the licence term, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 43% of the subscription revenues derived from the operation of this service during the previous broadcast year; at least half of these expenditures shall be devoted to the funding or production of prevention programs;

- (b) in each broadcast year mentioned in paragraph (a), excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;
- (c) in each broadcast year mentioned in paragraph (a), where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:
 - (i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and
 - (ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.
- (d) Notwithstanding paragraphs (b) and (c) above, during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

Call for comments

- 8. In order to re-examine Decision 2007-246, the Commission invites written comments that address the issues raised in the Order in Council. Interested parties will have until **17 December 2007** to do so.
- 9. The licensee may file a written reply to any comments received. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **27 December 2007**.
- 10. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.
- 11. The Commission invites the public to regularly examine the public examination file of the above-noted application in order to become aware of any additional information that could be filed in the future.

Procedure for filing comments

12. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
[Broadcasting Intervention/Comments Form](#)

OR

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

OR

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

13. Submissions longer than five pages should include a summary.

14. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

15. 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, 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.
16. 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.
17. 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.

18. 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 Web site 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.
19. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following
Commission offices during normal business hours**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel.: 819-997-2429
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 - 11th 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

Related documents

- *New digital specialty described video programming undertaking; Licence amendments; Issuance of various mandatory distribution orders*, Broadcasting Decision CRTC 2007-246, 24 July 2007
- *Avis de Recherche – Category 2 specialty service*, Broadcasting Decision CRTC 2002-267, 4 September 2002
- *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993

- *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-93, 22 June 1993
- *New flexibility with regard to Canadian program expenditures by Canadian television stations*, Public Notice CRTC 1992-28, 8 April 1992

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>

Appendix to Broadcasting Public Notice CRTC 2007-134

Order in Council P.C. 2007-1604 dated 18 October 2007

Whereas the Canadian Radio-television and Telecommunications Commission (“the Commission”) made a decision, contained within Broadcasting Decision CRTC 2007-246 of July 24, 2007, to amend the broadcasting licence of Avis de recherche inc. to operate a French-language Category 2 specialty television service known as Avis de Recherche;

Whereas, subsequent to the making of the decision to amend the broadcasting licence of Avis de recherche inc., the Governor in Council received petitions requesting that the decision be referred back to the Commission for reconsideration and hearing of the matter;

Whereas the Governor in Council, having considered those petitions, is satisfied that the decision to amend the broadcasting licence of Avis de recherche inc. derogates from the attainment of the objectives of the broadcasting policy set out in subsection 3(1) of the *Broadcasting Act*, and in particular subparagraph 3(1)(d)(ii), paragraphs 3(1)(e) and (f) and subparagraphs 3(1)(i)(v) and (s)(i) of that Act;

And whereas the Governor in Council is of the opinion that any service considered by the Commission to be of exceptional importance should be subject to conditions of licence that encourage the attainment of those objectives;

Therefore, Her Excellency the Governor General in Council, on the recommendation of the Minister of Canadian Heritage, pursuant to section 28 of the *Broadcasting Act*,

(a) hereby refers back to the Commission for reconsideration and hearing the decision, contained within Broadcasting Decision CRTC 2007-246 of July 24, 2007, to amend the broadcasting licence of Avis de recherche inc. to operate a French-language Category 2 specialty television service known as Avis de Recherche; and

(b) is of the opinion that it is material to the reconsideration and hearing that the Commission re-examine the conditions of licence imposed on Avis de recherche inc. in terms of its qualification as a service of exceptional importance giving it the right to be distributed on the digital basic service.