



Broadcasting Public Notice CRTC 2007-29

Ottawa, 23 March 2007

Call for comments on the proposed addition of USA Network to the lists of eligible satellite services for distribution on a digital basis

1. The Commission received a request dated 24 January 2007 from Shaw Communications Inc. (Shaw) for the addition of USA Network, a non-Canadian, English-language satellite service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Shaw described the service as follows:

USA Network is a cable network programming service from the United States with over 90 million American household subscribers. USA Network is a general interest English-language service offering original and acquired programming from a broad spectrum of categories and genres, such as music, dramas, sports, and comedy. USA Network is also the leading cable network programming service in the U.S. for blockbuster theatrical movies.

2. The Commission's approach to requests for the addition of non-Canadian English- and French-language services to the digital lists is set out in *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000 (Public Notice 2000-173). In that public notice, the Commission indicated that it would assess such requests in the context of its general policy which, among other things, precludes the addition of a non-Canadian satellite service that can be considered either totally or partially competitive with Canadian specialty or pay television services. The Commission stated that, in applying this policy, it would take into account all specialty and pay television programming services whose licence applications had been approved by the Commission, including all of the launched and unlaunched Category 1 and Category 2 specialty and pay television services.
3. In its submission, Shaw also requested that the Commission amend its approach to the addition of non-Canadian services to the digital lists. Specifically, Shaw proposed that (a) the Commission automatically approve all general interest non-Canadian services, and (b) permit broadcasting distribution undertakings to distribute services on the eligible lists on either an analog or digital basis. With regard to the latter, Shaw suggested that the Commission remove Section C from the lists and move all services in it to Section B.

4. Shaw indicated that the Commission did not need to consider these proposed amendments before considering the proposed addition of USA Network to the digital lists. Shaw submitted that USA Network is not competitive with any Canadian pay or specialty service.
5. In light of the above, the Commission calls for comment on the proposed addition of USA Network to the digital lists under the existing approach set out in Public Notice 2000-173. The Commission will rely primarily on the comments filed to identify the Canadian pay and specialty services with which USA Network might be totally or partially competitive and which therefore should be included in the assessment of the competitiveness of the service. Parties wishing to argue that USA Network would be competitive should therefore name the specific Canadian pay or specialty service with which they consider the service would compete, and provide details such as nature and genre of service, programming schedule, programming sources and supply, and target audience.
6. The Commission will consider Shaw's proposed changes to the existing approach to addition of services to the lists in a future proceeding.

Call for comments

7. The Commission calls for comments on Shaw's request for the addition of USA Network to the digital lists. Parties submitting comments should also submit a true copy of their comments to the Canadian sponsor, Shaw, at the following address:

Shaw Communications Inc.
440 Laurier Avenue W., #330
Ottawa, Ontario
K1R 7X6
Email: michael.ferras@sjrb.ca
Fax: 613-234-2997

8. Proof that comments have been sent to the sponsor must accompany the original version of the comments sent to the Commission.
9. Comments must be received by the Commission no later than **25 April 2007**. A copy of the comments must be received by Shaw no later than the deadline for receipt of comments by the Commission.
10. Shaw may file a written reply to any comments received concerning its request. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **10 May 2007**.
11. 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.

Procedures 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
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Secretary General

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