



## Broadcasting Decision CRTC 2008-234

Ottawa, 28 August 2008

### **Shaw Cablesystems Limited**

Various locations in British Columbia, Alberta, Saskatchewan and Manitoba

### **Videon Cablesystems Inc.**

Various locations in Alberta and Manitoba

*The application numbers are set out below.*

*Broadcasting Public Notice CRTC 2008-38*

*1 May 2008*

### **Various cable broadcasting distribution undertakings in western Canada – Short-term licence renewals and licence amendments**

*The Commission **renews** the broadcasting licences of Shaw Cablesystems Limited and Videon Cablesystems Inc. (collectively, Shaw) for their cable broadcasting distribution undertakings (BDUs) serving various locations in British Columbia, Alberta, Saskatchewan and Manitoba, from 1 September 2008 to 31 August 2010. These short-term renewals will permit the Commission to review at an earlier date the licensees' compliance with section 27(1) of the Broadcasting Distribution Regulations (the Regulations) in regard to the distribution of sponsorship messages on their community channels and with section 26 of the Regulations as it relates to channel realignment, as well as to monitor Shaw's audit practices.*

*The Commission also **approves** various amendments to the broadcasting licences for these cable BDUs.*

### **Introduction**

1. The Commission received applications by Shaw Cablesystems Limited (Shaw Cablesystems) and by Videon Cablesystems Inc. (Videon Cablesystems) (hereafter referred to collectively as Shaw, unless otherwise specified) to renew the broadcasting licences for their cable broadcasting distribution undertakings (BDUs) serving various locations in British Columbia, Alberta, Saskatchewan and Manitoba, as set out below. The current licences for these undertakings expire 31 August 2008.
2. Shaw requested the addition of various conditions of licence applicable to specific undertakings. Details regarding these proposed conditions of licence can be found in the licensees' applications and in Broadcasting Public Notice 2008-38.

3. Shaw also requested various amendments to and the deletion of certain conditions of licence applicable to specific undertakings. These relate to updating references to sections of the *Broadcasting Distribution Regulations* (the Regulations) in order to reflect the currently applicable sections of the Regulations; deleting conditions of licence that are no longer applicable to or required by certain BDUs; updating the terminology used in specific conditions of licence; certain technical changes; the mode of distribution of certain broadcast signals; and changes in regard to programming sources. Details regarding the proposed amendments to and the deletion of certain conditions of licence can be found in the licensees' applications.
4. In gazetting the applications, the Commission noted that, on two separate occasions during the current licence term of these undertakings, it found the licensees to be in non-compliance with section 27(1) of the Regulations as a result of their distribution of disallowed sponsorship messages on their community channels. The Commission stated that this would be taken into consideration during the licence renewal process. This issue is addressed further in this decision.
5. The Commission received several interventions in support of Shaw's applications, interventions offering general comments, and interventions in opposition. Shaw replied collectively to the interventions, with the exception of one intervention in regard to the Courtenay/Comox/Powell River application, to which Shaw Cablesystems replied individually. The interventions and the licensees' replies to the interventions can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

#### **Commission's analysis and determinations**

6. After examining the applications, the interventions and Shaw's replies to the interventions, the Commission finds that the issues to be determined relate to the following:
  - signal carriage on the Courtenay/Comox/Powell River system;
  - emergency alert messages;
  - carriage of Aboriginal Peoples Television Network's (APTN's) western feed;
  - the community channel;
  - channel realignments and channel placement;
  - audits;
  - simultaneous substitution;
  - the distribution of multiple sets of signals that provide the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and of the non-commercial PBS network (collectively, the U.S. 4+1 signals);

- the suspension of non-simultaneous program deletion requirements;
- the addition of, amendments to and the deletion of certain conditions of licence;
- appearance at a public hearing; and
- the potential impact of the review of the regulatory framework for BDUs on the licensees' applications.

#### **Signal carriage on the Courtenay/Comox/Powell River system**

7. In one intervention, an individual expressed concern in regard to the licensed service area for Shaw Cablesystems' Courtenay/Comox/Powell River system, stating that Powell River should be licensed separately since the licensee does not offer the same level of cable service to Powell River as it does to Courtenay and Comox (for example, in regard to digital and video-on-demand (VOD) offerings).
8. In its reply, the licensee noted that it acquired the Courtenay/Comox/Powell River system from Cogeco Cable Inc. in 1998 and that, at that time, the licensed service area included all three locations. It acknowledged that Powell River is a particular challenge to serve due to geographic limitations, but also pointed out that licensing Powell River as a separate system would not change the geographic limitations of serving this community. The licensee stated that there are differences between the cable service offerings in these locations, specifically, that Powell River does not receive some digital signals (the Canadian Timeshift package) and does not currently have the VOD service, due to differences in the way the Powell River system receives its feeds. It indicated that it would, however, continue to strive to offer the same level of cable service to Powell River as it does to Courtenay and Comox.
9. The Commission notes that the licensee is meeting its regulatory requirements with respect to the authorized service area and the service offerings for this system. The Commission also notes the licensee's assertion that it seeks to improve and expand its cable service offerings in this and other licensed areas. The Commission is therefore satisfied with the licensee's reply to this intervention.

#### **Emergency alert messages**

10. In another intervention, an individual expressed concern in regard to Shaw's failure to provide extreme weather warnings in Manitoba, and requested that all transmitted channels display a weather crawl at the bottom of their screens. Although Shaw copied the intervener in its reply, it did not address this issue specifically.
11. As set out in Broadcasting Public Notice 2007-20, the Commission is of the view that emergency alert messages should be carried by BDUs solely on a voluntary basis. However, the Commission also stated that it strongly expects that all BDUs will voluntarily carry the warnings distributed and broadcast by the Canadian Broadcasting Corporation (CBC) or by Pelmorex Communications Inc., or that they will develop an alert system of their own. The Commission also stated that, if, in two years, it becomes apparent that a voluntary approach is not adequate, it may consider additional measures to ensure that Canadians receive timely warnings of imminent perils.

### **Carriage of APTN's western feed**

12. Aboriginal Peoples Television Network Incorporated (APTN Inc.) raised concerns with respect to Shaw's refusal to distribute APTN's western feed to all of its subscribers in western Canada, noting that Shaw's refusal is due to alleged technical incompatibilities and the associated prohibitive costs that would be incurred in resolving this matter. APTN Inc. stated that, despite Shaw's initiative to convert 30 of its systems in British Columbia and Alberta, it has now been advised that Shaw will unilaterally switch those systems back to the eastern feed, resulting in other BDUs questioning the practicality of continuing to distribute the western feed. APTN Inc. also submitted that Shaw's failure to distribute the western feed on all its systems in western Canada has not only generated viewer complaints relating to schedule discrepancies, but has also resulted, and would continue to result, in significant audience loss by APTN, which would have an impact on its ability to fulfill its programming objectives to provide unique, regionally relevant programming in each region of the country, as set out in Broadcasting Decision 2005-445. In that respect, APTN Inc. requested that the Commission impose a condition of licence requiring Shaw to distribute APTN's western feed.
13. In its reply, Shaw stated that there is no regulatory requirement for it to distribute this particular feed, and cited Broadcasting Decision 2005-445, in which the Commission stated that it would generally "expect terrestrial BDUs to distribute the feed having the greater relevance to their subscribers" and that the "bulk of the programming will be the same on both feeds." According to Shaw, the delay in distributing the western feed relates to the fact that switching feeds would provide little or no benefit to customers, as well as to the lack of commitment from APTN Inc. to reimburse Shaw for the cost of making the switch, in light of current technical incompatibility. Shaw stated that it is continuing to explore possible options and technical solutions to this problem and that it remains more than willing to deal with APTN Inc. on this matter. Shaw did not comment on APTN Inc.'s statement that it was switching 30 of its already-converted cable systems back to the eastern feed.
14. In Broadcasting Decision 2005-445, the Commission noted that APTN Inc.'s proposal provided that both the eastern and western feeds would be available to BDUs at their discretion. It also stated that it would generally expect terrestrial BDUs to distribute the feed having the greater relevance to their subscribers, but did not specify that a certain feed should be carried in particular areas. In so doing, the Commission anticipated that BDUs would prefer to offer the feed appropriate to their region in light of different time zones and therefore of greater benefit to their subscribers.
15. The Commission notes that APTN Inc. intends to provide regional programming on APTN's eastern and western feeds during its current licence term, thereby increasing the relevance of the western feed to Shaw's subscribers in western Canada. Noting Shaw's statement that it is in discussions and working towards solving technical matters with APTN Inc., the Commission encourages both parties to negotiate, on an expedited basis, a solution acceptable to them. The Commission does not consider that the imposition of a condition of licence would be appropriate at this time.

## The community channel

16. The Commission received several interventions from individuals and community programming associations raising concerns in regard to Shaw's community channels. These concerns ranged from the lack of access to community-produced programming and limited volunteer and training opportunities, to restricted public access to equipment and technical support for the production of community programming. Certain interveners also noted the lack of community advisory boards, and submitted that Shaw's financial reporting in regard to its community channels is inadequate.
17. The Canadian Association of Broadcasters (CAB), in its intervention, cited Shaw's repeated contraventions of the Regulations as they relate to community channel sponsorship messages, and submitted that Shaw should continue to file monthly reports to ensure ongoing compliance with the Regulations.<sup>1</sup>
18. In its reply to the interventions, Shaw noted that, while several interveners expressed concerns, over 140 other interveners expressed support and praise for the programming that is being provided on its community channels. Shaw argued that none of the interveners who filed negative comments provided evidence of non-compliance, and submitted that claims that it has failed to satisfy requirements respecting access and community programming were unsubstantiated.
19. In regard to its sponsorship messages, Shaw stated that it has taken steps to rectify the situation, that it is now operating its community channels in compliance with the Commission's sponsorship rules, and that there is no reason to impose an ongoing requirement for monthly compliance reports. Shaw submitted that it has met and exceeded all requirements for access programming since the introduction of Broadcasting Public Notice 2002-61 (the Community-based media policy).
20. In the Community-based media policy, the Commission set out a number of objectives for the community channel, including:
  - engendering a high level of citizen participation and community involvement in community programming;
  - actively promoting citizen access to the community channel and providing and promoting the availability of related training programs; and
  - providing coverage of local events.
21. As noted above, more than 140 interveners praised Shaw for the support and exposure its community channels have given their events and activities. The Commission is therefore satisfied that Shaw is achieving the objective of providing coverage of local events, and commends the licensee in this regard. However, the Commission has certain concerns in regard to Shaw's community channels.

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<sup>1</sup> The Commission notes that, in December 2007, Shaw was directed to submit monthly compliance reports after the Commission found Shaw to be in breach of the Regulations for a second time.

22. As set out in the Community-based media policy, the Commission considers that providing and encouraging citizen access remains one of the most important roles of the community channel. The Commission also stated that it expects licensees to give the community the widest opportunity for self-expression by actively encouraging groups and individuals to present program ideas, produce their own programs with or without the help of the licensee's staff, and submit videotapes and films produced by members of the community for broadcast by the licensee.
23. While a relatively small number of interveners expressed concerns regarding access to Shaw's community channels, the Commission notes the virtual absence of comments from individuals and community groups in support of Shaw's activities with respect to access programming. Given the importance of access programming in objectives of the Community-based media policy, the Commission intends, at Shaw's next licence renewal, to review the licensee's access programming activities over the course of the next two years.
24. In regard to the issue of non-compliance raised in the CAB's intervention, the Commission notes that, on 9 May 2006, it upheld a complaint by the CAB alleging that a number of sponsorship messages distributed by Shaw on its community channels did not comply with the requirements of section 27(1)(h) of the Regulations. This section of the Regulations limits commercial messages on community channels to messages that mention no more than the name of a person, a description of the goods, services or activities that are being sold or promoted by the person, and the person's address and telephone number.
25. In its determination, the Commission stated that a number of Shaw's sponsorship messages provided more than a mere description of the goods, services and/or activities of the program sponsors, and directed the licensee to rectify the situation immediately.
26. On 7 December 2007, the Commission upheld a second complaint by the CAB in which it contended that Shaw was again distributing, on its community channels, sponsorship messages that did not comply with the restrictions set out in the Regulations. Since this constituted the second case of non-compliance in this regard, the Commission directed Shaw to file monthly reports for the duration of its current licence term confirming its compliance with section 27(1)(h) of the Regulations.
27. The Commission is concerned with the repeated failures of the licensee to comply with section 27(1)(h) of the Regulations, and therefore directs Shaw to continue submitting compliance reports beginning 1 September 2008, and thereafter on the first day of every month, for the duration of the new licence term for each undertaking listed below. A **condition of licence** to that effect is set out in each of the appendices to this decision.
28. The Commission also notes Shaw's commitment to submit a report on 31 December 2008 regarding the measures implemented to ensure the continued compliance of sponsorship messages on its community channels, as noted in its renewal applications.

### **Channel realignments and channel placement**

29. According to the CAB, several of its members reported that, in many cases, Shaw relocated and/or repackaged services without providing the proper notice for channel realignment, as required by section 26 of the Regulations. The CAB stated that Shaw also failed to provide specific information pertaining to the channel realignment, as per Broadcasting Public Notice 2005-35. The CAB therefore recommended that Shaw be required to adhere to section 26 of the Regulations and that Shaw be required, by condition of licence, to adhere to the good commercial practices specified in Broadcasting Public Notice 2005-35.
30. APTN Inc. also provided various cases where either improper or no notice was given of a channel realignment, and indicated that APTN was subject to frequent channel changes and often placed on higher channels, making its signal inaccessible to viewers with older television sets. APTN Inc. submitted that these numerous changes were excessive and inequitable compared to those imposed on other Canadian programming services.
31. An individual objected to the channel placement of APTN on the Shaw Cablesystems Winnipeg and Videon Cablesystems Winnipeg systems. APTN is carried on channel 104 on these systems, which, in the intervener's view, is not consistent with the placement of other national network stations distributed in Winnipeg, and which makes it impossible for those with older television sets to watch APTN.
32. The Community Media Education Society (C.M.E.S.) submitted that, on the Vancouver (Richmond) system, and in other areas where the community channel broadcasts a majority of the same shows as Shaw Cablesystems' Vancouver (Richmond) undertaking, Aboriginal and ethnic viewers are least able to afford the added cost of viewing the multicultural channel as it moves up higher on the dial and is soon to be migrated to the digital platform.
33. The New University Television Society (NUTV) submitted that changes to the placement of the multicultural channel on Shaw Cablesystems' Calgary system have been detrimental to NUTV's ability to attract viewers because, in its view, being placed on a higher channel makes it harder for audiences to find its programming. NUTV also raised the issue of the licensee's migration of its multicultural channel on its Calgary system to digital in April 2008, earlier than the digital transition date of 31 August 2011. Moving multicultural programming to digital has, in NUTV's view, seriously affected its ability to reach its audience.
34. Another individual intervened in opposition to the Shaw Cablesystems' Calgary licence renewal application, stating that, whereas the licensee's multicultural channel on its Vancouver system is still available on analog basic, it has relocated this channel on its Calgary system from analog basic to digital basic. The intervener noted that this requires viewers to purchase an encoder box, which is a deterrent to some viewers. The intervener also submitted that Shaw Cablesystems' Calgary channel line-up often changes, and that the line-up submitted with the licence renewal application is misleading as it does not clearly show that the Shaw multicultural channel has been moved to digital basic only. The intervener also questioned the licensee's choice to relocate the multicultural channel to digital given that the digital migration is not scheduled to occur until 2011.

35. With respect to the interventions submitted by the CAB and APTN Inc., Shaw replied that, even though it makes every effort to provide the requisite 60 days notice in cases of channel realignments, in some instances, due to advanced technical schedules for adding capacity or unforeseen circumstances, it had not been able to do so. Shaw added that most programming services were understanding on this matter and did not raise concerns.
36. In regard to the 33 specific examples of channel realignment noted by APTN Inc., which were implemented over a two-year period across the 43 systems that are the subject of this decision, Shaw noted that, by its count, for six of those cases, the notification period was 60 days, and not 59 days as claimed by APTN Inc. Shaw submitted that, in all but three instances, APTN Inc. was notified over 50 days prior to the realignment. In 24 cases, including the six cases noted above, Shaw further submitted that they met or exceeded the 60-day requirement.
37. While Shaw copied C.M.E.S., NUTV and the individual interveners in its collective reply to the interventions, it did not address the concerns raised in regard to the placement of the multicultural channel or in regard to access to this programming, except insofar as it stated that it makes every effort to provide all affected parties, including services involved and customers, with sufficient notice to adjust to channel realignments. Shaw concluded by stating that it would undertake to provide, in the next licence term, the requisite notice to the Canadian programming services it distributes.
38. In regard to interventions submitted concerning channel realignment and/or channel placement, section 26 of the Regulations provides that BDUs intending to change the channel on which a Canadian programming service is distributed must send a written notice at least 60 days before the proposed effective date of the change, indicating the intended date of the change and the channel number on which the programming service will be distributed, to each of the operators of the programming services whose channel placements will be affected by the proposed realignment. The Commission expanded on this requirement in Broadcasting Public Notice 2005-35.
39. The Commission notes Shaw's statement that it adhered only in the majority of cases to its regulatory requirements pursuant to section 26 of the Regulations. Since licensees are required to adhere to that section of the Regulations at all times, the Commission finds that Shaw was in breach of its regulatory requirements relating to channel realignments in a number of instances.
40. With respect to the intervention received relating to the channel placement of APTN, the Commission notes that, while APTN is a 9(1)(h) service and must therefore be carried as part of the basic service, pursuant to Public Notice 1999-70, Shaw is under no regulatory obligation to place APTN on a channel lower than its current channel on its Winnipeg systems. Indeed, the Commission determined in Broadcasting Public Notice 2005-89 that it would not impose specific channel placement for 9(1)(h) services.



41. With respect to interventions concerning the channel position of Shaw's Multicultural Channel, the Commission notes that the related condition of licence, applicable to the Burnaby, Calgary, Coquitlam, Lion's Bay, New Westminster, Vancouver (North and West), Vancouver (Richmond) and White Rock systems, authorizes these licensees to distribute this special programming service at its option. Therefore, while the Commission recognizes the importance of ethnic and multicultural programming, it also recognizes that the BDU distributes this programming at its option and that it is not required to distribute it on an analog basis. Moreover, with respect to an individual's statement that Shaw Cablesystems' Calgary channel line-up submitted with the licence renewal application is misleading, the Commission notes that this renewal application was received prior to the date of the channel realignment, and that this change would therefore not be reflected in the channel line-up filed with the application.

#### **Audits**

42. According to the CAB in its intervention, some of its members have reported that Shaw will not permit an audit by a specialty or pay service unless it has explicit audit provisions contained in an affiliation agreement. Several services do not currently have affiliation agreements or are operating under old affiliation agreements that do not contain audit provisions. Moreover, the CAB argued that Shaw has refused to include audit provisions that would be consistent with the Commission's guidelines set out in Broadcasting Public Notice 2005-34, and this, in either new affiliation agreements or those currently extended on a month-to-month basis. Finally, the CAB submitted that, in cases where the right to conduct an audit was granted, Shaw engaged in practices that are contrary to the Commission's guidelines, such as subsequently rejecting an agreed-upon auditor that Shaw itself had chosen, requiring compensation for the use of internal resources, and refusing to pay programmers, pursuant to an audit, any outstanding amounts where the discrepancy is less than 2% of the affiliation fees actually paid. As a result, the CAB also recommended that the Commission impose a condition of licence requiring Shaw to comply with the requirements of Broadcasting Public Notice 2005-34 concerning the auditing of subscriber information.
43. In its reply, Shaw stated that it has never refused a reasonable audit request. It also stated that the granting of audit rights is a commercially sensitive matter that is often the subject of intense negotiations between the programming service and the BDU in light of providing access to commercially sensitive information, the privacy of its customers, the scope of the audit, and the cost to Shaw of allowing third parties access to its premises to conduct audits. Where no affiliation agreement exists, Shaw stated that it prefers that one containing all the rights and responsibilities of the parties be entered into before the programming service is permitted to conduct an audit. Finally, Shaw submitted that, with the numerous programming services that are distributed on its cable systems, it is easy to see how difficult it is for it simply to acquiesce immediately to any demand to audit its records. Shaw did not comment on the issue of the non-payment of affiliation fees in cases where an audit reveals a discrepancy.

44. In Broadcasting Public Notice 2005-34, the Commission published what it considered to constitute reasonable audit terms, which serve as guidelines that do not supersede the terms of existing affiliation agreements. These audit terms pertain to the auditor, the scope of the audit, the timeframe for commencing an audit and the confidentiality of information. The Commission stated that it expects future agreements negotiated between programming services and BDUs to either incorporate these audit terms or negotiate mutually agreed terms on the matters covered in that notice. In the Commission's view, those principles and terms generally constitute an appropriate minimum standard for the audit of BDU subscriber information conducted on behalf of a programming service and will be used as a point of reference in the Commission's consideration of future disputes relating to audit issues that may be brought before it.
45. On that point, as stated in Broadcasting Public Notice 2005-34, a party that considers that an audit has been conducted improperly has recourse to other complaint and arbitration mechanisms, such as those of professional associations that establish and enforce standards related to auditing and auditors. Furthermore, as stated in Broadcasting Public Notice 2005-34, the Commission considers that, should an audit uncover any discrepancies, the most appropriate recourse for either the programming service or the BDU should be that set out in the affiliation agreement between the parties. Where necessary, other remedies such as negotiations, arbitration or litigation may be contemplated; in addition, parties may seek recourse through the Commission's dispute resolution mechanism. In the present case, the Commission finds that there is insufficient information on the record for it to take specific action on Shaw's audit practices at this time, but notes that it intends to closely monitor this matter.

#### **Simultaneous substitution**

46. The CAB stated that its members have confirmed that Shaw has consistently breached section 30(2) of the Regulations by failing to carry out simultaneous substitution on behalf of local stations vis-à-vis the distant Canadian signals that are distributed in local markets. The CAB is therefore of the view that monthly reports should also be filed with respect to Shaw's adherence to the simultaneous substitution regulations as they pertain to high definition (HD) signals and distant Canadian signals.
47. Canwest Media Inc. (Canwest) provided general comments on this issue, arguing that Shaw has not been diligent in its simultaneous substitution over distant Canadian signals, even when a program is being aired with comparable or identical programming, despite a clear regulatory obligation for BDUs to do so. Canwest also cited an example, presenting it as a clear case of non-compliance, and urged the Commission to highlight, in its licence renewal decisions for Shaw, that simultaneous substitution is not a voluntary BDU decision, but a regulatory fiat.
48. Shaw disagreed with the views expressed by both the CAB and Canwest. Shaw acknowledged that it has had some minor ongoing technical issues, but that it has been performing HD simultaneous substitution since the end of 2007. Shaw further submitted that "in response to a recent complaint by CTV, Shaw has taken steps to ensure that [it is] able to perform simultaneous substitutions of the CTV and Canwest Vancouver [digital television] signals over the eastern time zone U.S. 4+1 networks in [its] Vancouver systems." Shaw further stated that its understanding of the requirements

pertaining to simultaneous substitution set out in section 30 of the Regulations is that they do not apply when the local and the distant stations are owned by the same broadcaster.

49. The Commission notes that section 30 of the Regulations specifies the various circumstances where BDUs shall perform simultaneous substitution. These requirements make no reference to an exception applicable when the local and the distant stations are owned by the same broadcaster. Shaw is required to immediately conform to its regulatory obligations with respect to simultaneous substitution. Where broadcasters believe that any BDU is in non-compliance with respect to simultaneous substitution, programmers should inform the Commission in a timely fashion so that appropriate measures can be undertaken to ensure compliance.

#### **Distribution of multiple sets of U.S. 4+1 signals**

50. The CAB requested that the Commission confirm its policy on the distribution of multiple sets of U.S. 4+1 signals in standard definition (SD) and HD formats. The CAB cited various cases where Shaw distributes three or four sets of U.S. 4+1 signals on a given system, which, in its view, contravenes the Commission's policies regarding the distribution of such signals. It further stated that Shaw should be required, by condition of licence, to submit monthly reports until full compliance is achieved.
51. Canwest also provided comments regarding the distribution of three sets of U.S. 4+1 signals and a fourth FOX signal on a given system. Canwest questioned the permissibility of such a channel line-up under the BDUs' existing or proposed conditions of licences.
52. Shaw disagreed with the positions of the CAB and Canwest relating to the distribution of more than two sets of U.S. 4+1 signals. Shaw indicated that its interpretation of Commission policy allows for the distribution of up to four sets of U.S. 4+1 signals, specifically, a set distributed on analog, a set distributed on a digital discretionary basis, an HD version of analog, and an HD version of digital.
53. Shaw contended that its distribution of the HD version of the U.S. 4+1 Seattle signals on certain systems, rather than the HD version of the U.S. 4+1 Spokane signals (the latter is currently authorized for distribution on those systems as part of the basic service), is not problematic given that (a) it causes no harm to the system, (b) it does not utilize any more capacity on its cable systems, (c) these signals are in the same time zone, (d) it is consistent with the objectives of the Commission's HD policy, and (e) the signals are largely duplicative. Shaw noted that it therefore does not share Canwest's view that cable BDUs are limited to distributing two sets of U.S. 4+1 signals, or the CAB's view that only identical sets of U.S. 4+1 signals must be distributed on analog basic and digital. That being said, Shaw submitted that there is some uncertainty as to the Commission's policy and indicated that it would welcome any clarification in regard to that policy. It also indicated that, if necessary, it would accept a condition of licence authorizing the distribution of the Seattle HD signals.

54. With respect to the arguments presented by Shaw to support its distribution of several sets of U.S. 4+1 signals, the Commission finds that this practice is inconsistent with Commission policy and policy objectives. The Commission notes that BDUs authorized to distribute a second set of U.S. 4+1 signals may distribute different first and second sets of U.S. 4+1 signals and, pursuant to Broadcasting Public Notice 2003-61, may distribute the upgraded (HD) version of an authorized service, provided that no less than 95% of the video and audio components of the upgraded and analog versions of the service are the same. The Commission finds that Shaw's current distribution of U.S. 4+1 signals on several of its systems is not consistent with this policy.
55. The Commission reminds Shaw that, should it wish to distribute any additional sets of U.S. 4+1 signals, it must apply for a condition of licence authorizing it to do so. Any such request would be subject to a public process.

#### **Suspension of non-simultaneous program deletion requirements**

56. In Decision 2000-437, the Commission approved a request by Shaw to distribute, on a digital discretionary basis, a second set of U.S. 4+1 signals, as well as any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*, for those undertakings forming part of that decision. This approval was subject to the provision that the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the Regulations. The Commission also noted in Decision 2000-437 that the above provision may be suspended upon its approval of an executed agreement, as described in that decision, between the licensee and broadcasters.
57. In Broadcasting Decision 2005-459, the Commission announced that the licensees listed in that decision had reached such an agreement with the CAB. As such, the application of the above-mentioned provision was suspended for those licensees.
58. The Commission reminds those licensees that, in the event that the agreement between them and the CAB is terminated at any time, the requirement for non-simultaneous program deletion will no longer be suspended, and those licensees will once again be required to perform program deletions, as set out in section 43 of the Regulations. Should the agreement be terminated, the Commission is to be advised forthwith.
59. The Commission notes that the provision is not suspended for four of the cable BDUs forming part of the present decision, namely, the system serving Medicine Hat (Shaw Cablesystems) and the systems serving Okotoks, High River and Headingley (Videon Cablesystems). The Commission therefore reminds Shaw that it must adhere to the requirements regarding non-simultaneous program deletion, as set out in section 43 of the Regulations, in its operation of these four undertakings.

#### **Addition of, amendments to and deletion of certain conditions of licence**

60. Canwest, in its intervention, submitted that, in regard to Shaw Cablesystems' Calgary undertaking, the condition of licence authorizing the distribution of CKRD-TV Red Deer (now CHCA-TV Red Deer) is no longer appropriate as this station is now a must-carry service on basic. Canwest also submitted that, in relation to Shaw Cablesystems' undertakings in Vancouver (Richmond), Burnaby, Coquitlam, New Westminster and

White Rock, the condition of licence providing authorization for a shared channel between the Food Network and Treehouse is no longer appropriate, since there have been “changes in BDU and broadcaster ownership positions and in term length” that render this authorization unnecessary. Canwest also submitted that the condition of licence relating to replays of Canadian programs broadcast by CICT-TV Calgary, which is applicable to Shaw Cablesystems’ Calgary system, is not appropriate in its current form because the Commission has found that replays of Canadian programs are inappropriate without broadcaster consent. Canwest also commented on the carriage of CITV-TV (Global) Edmonton on both Shaw Cablesystems’ and Videon Cablesystems’ Edmonton systems, and requested that the BDU confirm its intention to carry this station on both Edmonton-area undertakings, notwithstanding the fact that this station does not appear on the BDUs’ channel line-ups on these systems, which were submitted with the applications.

61. With respect to Shaw’s two Winnipeg systems, an intervener questioned the condition of licence authorizing the BDU to distribute, at its option, National Film Board documentaries, video programming presented in co-operation with not-for-profit Manitoba tourism groups, Manitoba Department of Education programming, native programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions, and a cable menu service. Shaw currently has this condition of licence on its Videon Cablesystems Winnipeg system and has requested that it be added to its Shaw Cablesystems Winnipeg system. The intervener requested that this condition of licence be amended to reflect mandatory distribution of these programming services on a channel other than that of the public access community channel.
62. Shaw acknowledged that it had omitted requesting amendments to or the deletion of certain conditions of licence. Specifically, it submitted that the condition of licence authorizing it to distribute CKRD-TV on its Calgary system should be deleted, that the condition of licence providing authorization for a shared channel between the Food Network and Treehouse on several of its British Columbia systems should be amended, and that the condition of licence applicable to Shaw Cablesystems’ Calgary system authorizing the BDU to distribute replays of Canadian programs broadcast by CICT-TV should be deleted. With respect to the distribution of CITV-TV, Shaw submitted that it does distribute this station on its Edmonton systems, but that the channel line-ups submitted inadvertently omitted this station.
63. The Commission considers that the addition of, amendments to and the deletion of certain conditions of licence, as proposed by Shaw and described in its applications, do not conflict with any of the Commission’s regulations and existing policy provisions. Furthermore, the Commission notes the additional amendments to and the deletion of conditions of licence addressed in Shaw’s reply to the intervention by Canwest, and is satisfied with the licensee’s response to Canwest’s concerns.
64. With respect to the other programming services for which an individual requested mandatory carriage, the Commission notes that the BDU is under no regulatory obligation to offer these services.

### **Appearance at a public hearing**

65. The CAB recommended that the Commission schedule Shaw's licence renewal applications at an appearing public hearing. Alternatively, it suggested that short-term two-year licence renewals would be appropriate in order to monitor Shaw's compliance with respect to advertising activity on the community channel, as well as to other regulatory issues. The Commission notes that three other interveners requested to appear at a public hearing to discuss various issues pertaining to these licence renewal applications.
66. In its reply, Shaw rejected proposals for short-term licence renewals, citing the uncertainty that a short-term renewal would cause to business and regulatory environments and the amount of time and resources it spent in its renewal process, which, it submitted, would be wasted should the full-term renewal be cut short. Shaw also submitted that it would be inappropriate and unprecedented for the Commission to treat the western cable BDUs differently from the direct-to-home and cable BDUs licensed in eastern Canada, the latter having had their licences renewed for seven-year licence terms. Shaw did not comment on the requests by interveners to appear at a public hearing.
67. The Commission has considered the comments made by the various interveners and concludes that there is sufficient information on record to make its decisions on the various matters at issue. Therefore, the Commission is of the view that an appearing public hearing would not be necessary at this time.

### **Potential impact of the review of the regulatory framework for BDUs on the licensees' applications**

68. The CAB submitted that the Commission's decision regarding Shaw's licence renewal applications should allow for reviews and revisions of the conditions of licence that may be inconsistent with the new BDU framework to be established by the Commission.
69. Canwest submitted that the Commission should not render decisions on the current licence renewal applications before the implementation of the revised frameworks for BDUs and discretionary programming services, pursuant to Broadcasting Notice of Public Hearing 2007-10. Citing section 9(1)(c) of the *Broadcasting Act* (the Act), Canwest submitted that, should the Commission renew the licences before implementing any changes stemming from the BDU regulatory review, it would be unable to amend or delete, on its own motion, any of Shaw's conditions of licence for a period of five years from the date of renewal. This would, in Canwest's view, essentially exclude one of the largest BDUs in Canada from the application of the revised regulatory framework for a period of five years and, in so doing, would weaken the revised framework due to what Canwest perceived to be a "(perhaps inadvertent) 'lock-in' of inappropriate conditions."
70. With respect to the issue of a regulatory "lock-in," Shaw submitted that the vast majority of rules imposed on cable systems are implemented via the Regulations and not via the specific conditions of licence established for each cable distribution undertaking. Shaw noted that the Commission has the authority, under section 10 of the Act, to amend the Regulations at any time. Shaw therefore submitted that the requests by Canwest and

the CAB to have the Commission delay its renewal applications is inappropriate because, in almost every instance, its renewal applications have no impact on the Commission's ability to alter the rules applicable to Shaw after its licences are renewed.

71. In Broadcasting Public Notice 2003-48, the Commission stated that it would begin the process of renewing the licences for cable BDUs starting with those serving Atlantic Canada and concluding with those serving western Canada. To date, the Commission has renewed the licences for cable undertakings operating in Atlantic Canada, Quebec and Ontario. This year, the Commission is considering all cable licence renewal applications for the remainder of Canada.
72. The Commission considers that any forthcoming changes to the Regulations should not have a significant impact on any of the relatively routine conditions of licence being considered in this decision.
73. The Commission has considered the concerns raised by various interveners and determines that it is appropriate to proceed with its plan announced in Broadcasting Public Notice 2003-48.

## **Conclusion**

74. Having regard in particular to the repeated non-compliance by Shaw with section 27(1)(h) of the Regulations as it pertains to the airing of sponsorship messages on the community channels in the current licence term and to Shaw's non-compliance with section 26 of the Regulations as it pertains to proper notice of channel realignments, as well as to an intervener's comments in regard to audit matters, the Commission **renews** the broadcasting licences held by Shaw Cablesystems Limited and Videon Cablesystems Inc. for their cable BDUs listed below from 1 September 2008 to 31 August 2010. This short-term renewal will allow the Commission to review at an earlier date the licensees' compliance with the Commission's regulatory requirements and policy provisions. The Commission also intends to closely monitor Shaw's audit practices over the course of the new licence term for the cable BDUs listed below, and notes that it may consider recourse to additional measures should Shaw once again breach the Regulations or any of its conditions of licence.
75. As stated above, the licence for each of the undertakings listed below will be subject to a **condition of licence**, set out in each of the appendices to this decision, requiring the licensees to continue submitting monthly compliance reports confirming adherence to section 27(1)(h) of the Regulations pertaining to the distribution of sponsorship messages on their community channels, for the duration of the new licence term.
76. Finally, the Commission **approves** the addition of, amendments to and the deletion of certain conditions of licence applicable to specific undertakings.
77. The licence for each undertaking will be subject to the **conditions** set out therein, as well as to the terms and **conditions of licence** set out in the appropriate appendix attached to this decision. Links to the appendices for the applications by Shaw Cablesystems and Videon Cablesystems are provided below.

## Shaw Cablesystems Limited

Application	Locality (Class)	Appendix
<b>British Columbia</b>		
2007-1722-5 received 30 November 2007	Agassiz (2)	<a href="#">1</a>
2007-1793-6 received 10 December 2007	Burnaby (1)	<a href="#">2</a>
2007-1723-3 received 30 November 2007	Castlegar (1)	<a href="#">3</a>
2007-1721-7 received 30 November 2007	Chilliwack (1)	<a href="#">4</a>
2007-1794-4 received 7 December 2007	Coquitlam (1)	<a href="#">5</a>
2007-1731-6 received 30 November 2007	Courtenay/Comox/Powell River (1)	<a href="#">6</a>
2007-1725-9 received 30 November 2007	Cranbrook (1)	<a href="#">7</a>
2007-1726-7 received 30 November 2007	Creston (2)	<a href="#">8</a>
2007-1733-2 received 30 November 2007	Duncan (1)	<a href="#">9</a>
2007-1732-4 received 30 November 2007	Invermere (2)	<a href="#">10</a>
2007-1724-1 received 30 November 2007	Kamloops (1)	<a href="#">11</a>
2007-1727-5 received 30 November 2007	Kelowna (1)	<a href="#">12</a>
2007-1786-1 received 10 December 2007	Langford (1)	<a href="#">13</a>
2007-1796-0 received 10 December 2007	Lion's Bay (3)	<a href="#">14</a>
2007-1734-0 received 30 November 2007	Nanaimo (1)	<a href="#">15</a>
2007-1735-8 received 30 November 2007	Nanoose Bay (3)	<a href="#">16</a>
2007-1795-2 received 10 December 2007	New Westminster (1)	<a href="#">17</a>



2007-1736-6 received 30 November 2007	Parksville (1)	<a href="#">18</a>
2007-1728-3 received 30 November 2007	Penticton (1)	<a href="#">19</a>
2007-1737-4 received 30 November 2007	Port Alberni (1)	<a href="#">20</a>
2007-1729-1 received 30 November 2007	Prince George (1)	<a href="#">21</a>
2007-1788-7 received 10 December 2007	Saanich (2)	<a href="#">22</a>
2007-1792-8 received 7 December 2007	Vancouver (North and West) (1)	<a href="#">23</a>
2007-1790-3 received 7 December 2007	Vancouver (Richmond) (1)	<a href="#">24</a>
2007-1730-9 received 30 November 2007	Vernon (1)	<a href="#">25</a>
2007-1785-3 received 10 December 2007	Victoria (1)	<a href="#">26</a>
2007-1797-8 received 7 December 2007	White Rock (1)	<a href="#">27</a>
<b>Alberta</b>		
2007-1777-0 received 6 December 2007	Calgary (1)	<a href="#">28</a>
2007-1791-0 received 10 December 2007	Edmonton (1)	<a href="#">29</a>
2007-1715-0 received 30 November 2007	Fort McMurray (1)	<a href="#">30</a>
2007-1738-2 received 30 November 2007	Lethbridge (1)	<a href="#">31</a>
2007-1741-5 received 30 November 2007	Medicine Hat (1)	<a href="#">32</a>
2007-1743-1 received 30 November 2007	Red Deer (1)	<a href="#">33</a>
<b>Saskatchewan</b>		
2007-1719-2 received 30 November 2007	Moose Jaw (1)	<a href="#">34</a>
2007-1720-0 received 30 November 2007	Prince Albert (1)	<a href="#">35</a>

2007-1717-6 received 30 November 2007	Saskatoon (1)	<a href="#">36</a>
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#### **Manitoba**

2007-1711-8 received 30 November 2007	Winnipeg (1)	<a href="#">37</a>
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### **Videon Cablesystems Inc.**

<b>Application</b>	<b>Locality (Class)</b>	<b>Appendix</b>
<b>Alberta</b>		
2007-1789-5 received 10 December 2007	Edmonton (1)	<a href="#">38</a>
2007-1778-8 received 6 December 2007	High River (2)	<a href="#">39</a>
2007-1779-6 received 6 December 2007	Okotoks (2)	<a href="#">40</a>
<b>Manitoba</b>		
2007-1713-4 received 30 November 2007	Headingley (3)	<a href="#">41</a>
2007-1714-2 received 30 November 2007	Selkirk (2)	<a href="#">42</a>
2007-1712-6 received 30 November 2007	Winnipeg (1)	<a href="#">43</a>

#### **Employment equity**

78. Because these licensees are subject to the *Employment Equity Act* and file reports concerning employment equity with the department of Human Resources and Social Development Canada, their employment equity practices are not examined by the Commission.

Secretary General

#### **Related documents**

- *Applications received – Various locations – Notice of Consultation, Broadcasting Public Notice CRTC 2008-38, 1 May 2008, as amended by Applications received – Various locations – Correction to item 3 – Notice of Consultation, Broadcasting Public Notice CRTC 2008-38-1, 2 June 2008*
- *Review of the regulatory framework for broadcasting distribution undertakings and discretionary programming services, Broadcasting Notice of Public Hearing CRTC 2007-10, 5 July 2007*

- *Emergency alert services*, Broadcasting Public Notice CRTC 2007-20, 28 February 2007
- *Suspension of the provision set out in Broadcasting Decision CRTC 2000-437 relating to the requirements regarding non-simultaneous program deletion*, Broadcasting Decision CRTC 2005-459, 8 September 2005
- *Aboriginal Peoples Television Network – Licence renewal*, Broadcasting Decision CRTC 2005-445, 31 August 2005
- *Tools to promote and improve the visibility of services whose national distribution is required pursuant to section 9(1)(h) of the Broadcasting Act*, Broadcasting Public Notice CRTC 2005-89, 9 September 2005
- *Good commercial practices*, Broadcasting Public Notice CRTC 2005-35, 18 April 2005
- *Auditing of distributor subscriber information by programming services*, Broadcasting Public Notice CRTC 2005-34, 18 April 2005
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *A regional approach to licensing cable distribution undertakings – Adoption of related amendments to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2003-48, 17 September 2003
- *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002
- *Carriage of Canadian and U.S. 4+1 signals on a digital basis*, Decision CRTC 2000-437, 8 November 2000
- *Order respecting the distribution of the Aboriginal Peoples Television Network*, Public Notice CRTC 1999-70, 21 April 1999
- *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-920, 21 December 1995
- *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995

*This decision and the appropriate appendix are to be appended to each licence. 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 1 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1722-5, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Agassiz, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute the Knowledge Network on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOX-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KBTB-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KIRO-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 2 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1793-6, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Burnaby, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:



(i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 3 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1723-3, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Castlegar, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will take effect 1 September 2008 and will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirements of section 17 of the *Broadcasting Distribution Regulations* that it distribute CBUCT and CKTN-TV-3 Nelson, and CBUAT-2 and CKTN-TV-1 Castlegar. The Commission notes that the licensee will distribute CBUAT and CKTN-TV Trail.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CBUAT Trail on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, CIVT-TV Vancouver as a distant signal.
4. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, the audio programming services of KKZX-FM, KDRK-FM, KZZU-FM, KXLY-FM, KEZE-FM, KAEP-FM, KISC-FM and KMBI-FM (religious) Spokane, Washington, on audio channels of the undertaking.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.

9. 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, additional cable outlets and non-programming services, including Internet and telephone services.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 4 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1721-7, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Chilliwack, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CBUFT-6 Chilliwack on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KBTB-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KIRO-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 5 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1794-4, received 7 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Coquitlam, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.



5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under Section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming service” for the purposes of section 6(2) of the Regulations.

9. 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, additional cable outlets and non-programming services, including Internet and telephone services.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 6 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1731-6, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Courtenay/Comox/Powell River, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CKVU-TV Vancouver as part of the basic service.
2. The licensee is authorized to distribute the audio signal of Country Music Television, on an audio channel of the undertaking.
3. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM, KQMV-FM and KING-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
9. 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, additional cable outlets and non-programming services, including Internet and telephone services.

10. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 7 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1725-9, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Cranbrook, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CICT-TV (Global) Calgary, CFCN-TV-5 (CTV) Lethbridge and CIVT-TV (CTV) Vancouver, as part of the basic service.
2. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KCFW-TV (NBC) Kalispell, Montana, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KKZX-FM, KDRK-FM, KMBI-FM (religious), KZZU-FM, KXLY-FM, KEZE-FM and KISC-FM Spokane, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.



## **Appendix 8 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1726-7, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Creston, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CFCN-TV-5 (CTV) and CISA-TV (IND) Lethbridge, and CKTN-TV (CTV) Trail, as part of the basic service.
2. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal.
3. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, KCFW-TV (NBC) Kalispell, Montana, as part of the basic service.
5. The licensee is authorized to distribute, at its option, the audio programming services of KKZX-FM, KDRK-FM, KMBI-FM (religious), KZZU-FM, KXLY-FM, KEZE-FM and KISC-FM Spokane, Washington, on audio channels of the undertaking.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
9. 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, additional cable outlets and non-programming services, including Internet and telephone services.

10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 9 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1733-2, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Duncan, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM and KQMV-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 10 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1732-4, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Invermere, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal.
2. The licensee is authorized to distribute, at its option, CKTN-TV-4 Creston, CBUBT-7 Cranbrook, CICT-TV (Global) Calgary, CFCN-TV-5 (CTV) Lethbridge and CKTN-TV (CTV) Trail, as part of the basic service.
3. The licensee is authorized to distribute CFCN-TV-9 Cranbrook in place of the local service CFWL-TV-1 Invermere. The Commission notes that CFCN-TV-9 provides the same programming as CFWL-TV-1. The licensee is also relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CFCN-TV-9 on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
4. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, KCFW-TV (NBC) Kalispell, Montana, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KKZX-FM, KDRK-FM, KMBI-FM (religious), KZZU-FM, KXLY-FM, KEZE-FM and KISC-FM Spokane, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.



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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

# Appendix 11 to Broadcasting Decision CRTC 2008-234

## Shaw Cablesystems Limited

Application 2007-1724-1, received 30 November 2007

### Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Kamloops, British Columbia

#### Terms

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### Conditions of licence

1. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal. The licensee must ensure that the CIVT-TV signal it distributes contains the covered advertising. Should a local television programming undertaking wish to insert local advertising on the “covered” portions of the CIVT-TV signal, the Commission’s prior approval for the distributor to “alter or curtail” the signal would be required.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KAYU-TV (FOX) Spokane and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KBTB-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KIRO-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 12 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1727-5, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Kelowna, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal. The licensee must ensure that the CIVT-TV signal it distributes contains the covered advertising. Should a local television programming undertaking wish to insert local advertising on the “covered” portions of the CIVT-TV signal, the Commission’s prior approval for the distributor to “alter or curtail” the signal would be required.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KAYU-TV (FOX) Spokane and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma, Washington, as part of the basic service.
4. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.
8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 13 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1786-1, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Langford, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria, and CBUT, CHAN-TV and CBUF-FM Vancouver, on unrestricted channels. Should the quality of these signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KJAQ-FM, KKWF-FM, KZOK-FM, KBKS-FM and KRWM-FM Seattle, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of Country Music Television, on an audio channel of the undertaking.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.



9. 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, additional cable outlets and non-programming services, including Internet and telephone services.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 14 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1796-0, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 3 cable broadcasting distribution undertaking serving Lion's Bay, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.

5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
7. The licensee is authorized to distribute the following signals on a digital discretionary basis:
  - a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (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 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 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 solely on the licensee's digital service.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 15 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1734-0, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Nanaimo, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as follows: The licensee may alter the signal of The Sports Network (TSN) for the purpose of broadcasting certain commercials or public service announcements.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
5. The licensee is authorized to alter the signals of CHEK-TV Victoria, and CHAN-TV, CKVU-TV and CBUT Vancouver, as well as the signals of KIRO-TV, KOMO-TV and KING-TV Seattle, KVOS-TV Bellingham and KSTW-TV Tacoma, Washington, to permit substitution of certain commercials or public service announcements. The substitution is part of a research project initiated by PEAC Media Research Inc., Shaw Cablesystems Limited, and local broadcasters for the purpose of conducting market research on advertising effectiveness.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM and QMQV-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.

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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
- (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 16 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1735-8, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 3 cable broadcasting distribution undertaking serving Nanoose Bay, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
2. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM and KQMV-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
4. The licensee is authorized to distribute the following signals on a digital discretionary basis:
  - a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (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 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 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 solely on the licensee's digital service.



5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.
8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 17 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1795-2, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving New Westminster, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 17 of the *Broadcasting Distribution Regulations* that it distribute CFEG-TV Abbotsford.
3. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
4. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

5. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC), Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
7. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
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 second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

9. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
10. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:

(i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

11. 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, additional cable outlets and non-programming services, including Internet and telephone services.
12. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 18 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1736-6, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Parksville, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CBUT Vancouver on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM and KQMV-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 19 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1728-3, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Penticton, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC), Seattle, KAYU-TV (FOX) Spokane and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming service of KMBI-FM (religious) Spokane, Washington, on an audio channel of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.
9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 20 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1737-4, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Port Alberni, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute the Knowledge Network on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KZOK-FM, KRWM-FM, KJAQ-FM and KQMV-FM Seattle, KCMS-FM (religious) Edmonds, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
  
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
  
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 21 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1729-1, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Prince George, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CITV-TV Edmonton as part of the basic service.
2. The licensee is authorized to distribute CIVT-TV Vancouver as a distant signal. The licensee must ensure that the CIVT-TV signal it distributes contains the covered advertising. Should a local television programming undertaking wish to insert local advertising on the “covered” portions of the CIVT-TV signal, the Commission’s prior approval for the distributor to “alter or curtail” the signal would be required.
3. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KAYU-TV (FOX) Spokane and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
4. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.

8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 22 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1788-7, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Saanich, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria and the Knowledge Network on unrestricted channels. Should the quality of these signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
2. The licensee is authorized to distribute, at its option, the audio services of The Arts and Entertainment Network, on an audio channel of the undertaking.
3. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC), Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KJAQ-FM, KKWF-FM, KZOK-FM, KBKS-FM and KRWM-FM Seattle, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
6. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
9. 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, additional cable outlets and non-programming services, including Internet and telephone services.

10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 23 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1792-8, received 7 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Vancouver (North and West), British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:

(i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 24 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1790-3, received 7 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Vancouver (Richmond), British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:

(i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.



## **Appendix 25 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1730-9, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Vernon, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CIVT-TV Vancouver as a distant signal.
2. The licensee is authorized to distribute, at its option, CITV-TV Edmonton as part of the basic service.
3. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KAYU-TV (FOX) Spokane and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma, Washington, as part of the basic service.
5. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.
9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 26 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1785-3, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Victoria, British Columbia**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KNDD-FM, KJAQ-FM, KKWF-FM, KZOK-FM, KBKS-FM and KRWM-FM Seattle, and KBSG-FM and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 27 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1797-8, received 7 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving White Rock, British**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* that it not alter or delete a programming service in the course of its distribution, except as provided below. The licensee may alter or curtail the programming services noted below for the purposes of sharing a channel in accordance with the licensee's agreements with the operators of these programming services. The following pair of programming services may share a channel:
  - British Columbia Legislative Assembly and Information Network.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHEK-TV Victoria and CFRO-FM Vancouver, on unrestricted channels. Should the quality of these signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
4. The licensee is authorized to distribute, at its option, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, Washington, as part of the basic service.

5. The licensee is authorized to distribute, at its option, KSTW-TV (UPN) Tacoma and KVOS-TV (IND) Bellingham, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMPS-FM, KLSY-FM, KUBE-FM, KUOW-FM, KJR-FM, KISW-FM, KING-FM, KWJZ-FM, KPLZ-FM, KQBZ-FM and KNDD-FM Seattle, and KPLU-FM Tacoma, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian or U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the

*Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.

(ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.

(iii) The Canadian produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.



## **Appendix 28 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1777-0, received 6 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Calgary, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, and without advertising material, special programming services consisting of children's programming, the City of Calgary Information Guide, and religious programs.
2. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device. The Commission reminds the licensee that no paid public service announcements may be distributed as part of this special programming service, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.
3. The licensee is relieved from the requirement of section 17 of the *Broadcasting Distribution Regulations* that it distribute the priority signal CITV-TV-1 Red Deer as part of the basic service.
4. The licensee shall, as an exception to section 17 of the *Broadcasting Distribution Regulations*, distribute CKCS-TV Calgary as part of the basic service on channel 51. Shaw Cablesystems Limited (Shaw) shall further implement the media plan described in support of its application with respect to the channel placement of CKCS-TV, which includes the following elements:
  - announcements during local availabilities occurring in the schedules of 14 U.S. specialty services that shall be broadcast at least 1,560 times over six weeks;

- a front page banner on the Shaw website;
- e-mails to Shaw customers; and
- an electronic newsletter to Shaw customers.

Shaw shall pay reasonable production and other costs associated with the implementation of the media plan and shall collaborate with Crossroads Television System in the development and execution of this media plan.

5. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KPBX-FM, KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KAEP-FM and KZZU-FM Spokane, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these

signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.

9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 29 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1791-0, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Edmonton, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee shall, as an exception to section 17 of the *Broadcasting Distribution Regulations*, distribute CKES-TV Edmonton as part of the basic service on channel 51. Shaw Cablesystems Limited (Shaw) shall further implement the media plan described in support of its application with respect to the channel placement of CKES-TV, which includes the following elements:
  - announcements during local availabilities occurring in the schedules of 14 U.S. specialty services that shall be broadcast at least 1,560 times over six weeks;
  - a front page banner on the Shaw website;
  - e-mails to Shaw customers; and
  - an electronic newsletter to Shaw customers.

Shaw shall pay reasonable production and other costs associated with the implementation of the media plan and shall collaborate with Crossroads Television System in the development and execution of this media plan.

2. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
3. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KEZE-FM, KZZU-FM and KPBX-FM Spokane, Washington on audio channels of the undertaking.
4. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.

7. 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, additional cable outlets and non-programming services, including Internet and telephone services.
8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 30 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1715-0, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Fort McMurray, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, on a discretionary basis, CJON-TV (CTV) St. John's.
2. The licensee is authorized to distribute, on a discretionary basis, CKEM-TV (IND) Edmonton.
3. The licensee is authorized to distribute, at its option, KREM-TV (CBS) Spokane, Washington, WDIV (NBC) Detroit, Michigan, and KXLY-TV (ABC), KAYU-TV (FOX) and KSPS (PBS) Spokane, Washington, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KEZE-FM, KZZU-FM and KPBX-FM Spokane, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.



9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 31 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1738-2, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Lethbridge, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
2. The licensee is authorized to distribute, at its option, the audio programming services of KZUU-FM, KXLY-FM, KAEP-FM, KDRK-FM and KMBI-FM (religious) Spokane, Washington, on audio channels of the undertaking.
3. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
6. 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, additional cable outlets and non-programming services, including Internet and telephone services.
7. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.

8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 32 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1741-5, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Medicine Hat, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CITV-TV Edmonton as part of the basic service.
2. The licensee is authorized to distribute, on a discretionary basis, CKEM-TV Edmonton, CICT-TV Calgary and CJON-TV St. John's.
3. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* to distribute the signal of the educational television programming service provided by Learning and Skills Television of Alberta on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
4. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, WTOL-TV (CBS) Toledo, Ohio, as part of the basic service.
6. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KEZE-FM, KAEP-FM and KZZU-FM Spokane, Washington, on audio channels of the undertaking.
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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. signals and distant Canadian signals.

8. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
9. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.

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, additional cable outlets and non-programming services, including Internet and telephone services.
11. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-591, 24 August 1995.
12. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 33 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1743-1, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Red Deer, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
2. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KEZE-FM, KZZU-FM and KPBX-FM Spokane, Washington, on audio channels of the undertaking.
3. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
6. 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, additional cable outlets and non-programming services, including Internet and telephone services.
7. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 34 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1719-2, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Moose Jaw, Saskatchewan**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, WWJ-TV (CBS), WDIV (NBC) and WXYZ-TV (ABC) Detroit, Michigan, WUHF (FOX) Rochester, New York and WTVS (PBS) Detroit, Michigan, as part of the basic service.
2. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

3. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
4. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
5. 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, additional cable outlets and non-programming services, including Internet and telephone services.
6. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 35 to Broadcasting Decision CRTC 2008-234**

### **Shaw Cablesystems Limited**

*Application 2007-1720-0, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Prince Albert, Saskatchewan**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute the programming service of the Saskatchewan Communications Network Corporation on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, WWJ-TV (CBS), WDIV (NBC) and WXYZ-TV (ABC) Detroit, Michigan, WUHF (FOX) Rochester, New York and WTVS (PBS) Detroit, Michigan, as part of the basic service.
3. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
6. 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, additional cable outlets and non-programming services, including Internet and telephone services.
7. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 36 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1717-6, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Saskatoon, Saskatchewan**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute the programming service of the Saskatchewan Communications Network Corporation on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
2. The licensee is authorized to distribute, at its option, WWJ-TV (CBS), WDIV (NBC) and WXYZ-TV (ABC) Detroit, Michigan, WUHF (FOX) Rochester, New York and WTVS (PBS) Detroit, Michigan, as part of the basic service.
3. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
6. 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, additional cable outlets and non-programming services, including Internet and telephone services.
7. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 37 to Broadcasting Decision CRTC 2008-234**

**Shaw Cablesystems Limited**

*Application 2007-1711-8, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Winnipeg, Manitoba**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, the special programming service consisting of local origination programming (community committee meetings) and the following programming services, without advertising material: National Film Board documentaries, video programming presented in co-operation with non-profit Manitoba tourism groups, Manitoba Department of Education programming, native programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions and a cable menu service.
2. The licensee is relieved from the requirements of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHMI-TV Portage La Prairie/Winnipeg on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, WCCO-TV (CBS) and KARE-TV (NBC), Minneapolis, Minnesota, WDAZ (ABC) Grand Forks, North Dakota, WUHF (FOX), Rochester, New York and KGFE (PBS) Grand Forks, North Dakota, as part of the basic service.
4. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
  
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
  
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.

8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 38 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1789-5, received 10 December 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Edmonton, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
2. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KEZE-FM and KZZU-FM Spokane, Washington, on audio channels of the undertaking.
3. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

4. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be “Canadian programming services” for the purposes of section 6(2) of the Regulations.
6. 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, additional cable outlets and non-programming services, including Internet and telephone services.
7. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-920, 21 December 1995.
8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 39 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1778-8, received 6 December 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving High River, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CISA-TV Lethbridge as part of the basic service.
2. The licensee is relieved from the requirement of section 17 of the *Broadcasting Distribution Regulations* that it distribute the programming service of a French-language television station owned and operated by the Canadian Broadcasting Corporation (CBC) and distributed via satellite or microwave relay. The Commission notes that the licensee will distribute the extra-regional CBC off-air signal of CBXFT Edmonton on the basic service.
3. The licensee is authorized, to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, as part of the basic service.
4. The licensee is authorized to distribute, at its option, the audio programming services of KMBI-FM (religious), KPBX-FM, KXLY-FM, KDRK-FM and KAEP-FM Spokane, Washington, on audio channels of the undertaking.
5. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

6. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
  
7. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
  
8. 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, additional cable outlets and non-programming services, including Internet and telephone services.

9. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 40 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1779-6, received 6 December 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Okotoks, Alberta**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, CISA-TV Lethbridge as part of the basic service.
2. The licensee is relieved from the requirement of section 17 of the *Broadcasting Distribution Regulations* that it distribute the programming service of a French-language television station owned and operated by the Canadian Broadcasting Corporation (CBC) and distributed via satellite or microwave relay. The Commission notes that the licensee will distribute the extra-regional CBC off-air signal of CBRFT Calgary on the basic service.
3. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CFCN-TV Calgary on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
4. The licensee is authorized to distribute, at its option, KREM-TV (CBS), KHQ-TV (NBC), KXLY-TV (ABC), KAYU-TV (FOX) and KSPS-TV (PBS) Spokane, Washington, as part of the basic service.
5. The licensee is authorized to distribute, at its option, the audio programming services of KPBX-FM, KMBI-FM (religious), KXLY-FM, KISC-FM, KDRK-FM, KAEP-FM, and KZZU-FM Spokane, Washington, on audio channels of the undertaking.
6. 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 PBS network (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 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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

7. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
8. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.

9. 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, additional cable outlets and non-programming services, including Internet and telephone services.
10. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 41 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1713-4, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 3 cable broadcasting distribution undertaking serving Headingley, Manitoba**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, the following programming services, without advertising material: National Film Board documentaries, video programming presented in co-operation with non-profit Manitoba tourism groups, Manitoba Department of Education programming, native programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions and a cable menu service.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations*, to distribute CHMI-TV Portage La Prairie/Winnipeg on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, WCCO-TV (CBS) and KARE-TV (NBC) Minneapolis, Minnesota, WDAZ (ABC) Grand Forks, North Dakota, WUHF (FOX) Rochester, New York and KGFE (PBS) Grand Forks, North Dakota, as part of the basic service.
4. The licensee is authorized to distribute the following signals on a digital discretionary basis:
  - a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (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 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 Commission may suspend the application of this provision 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 solely on the licensee's digital service.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.
8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 42 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1714-2, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 2 cable broadcasting distribution undertaking serving Selkirk, Manitoba**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, the following programming services, without advertising material: National Film Board documentaries, video programming presented in co-operation with non-profit Manitoba tourism groups, Manitoba Department of Education programming, native programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions and a cable menu service.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHMI-TV Portage La Prairie/Winnipeg on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, WCCO-TV (CBS) and KARE-TV (NBC) Minneapolis, Minnesota, WDAZ (ABC) Grand Forks, North Dakota, WUHF (FOX) Rochester, New York and KGFE (PBS) Grand Forks, North Dakota, as part of the basic service.
4. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.

8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.

## **Appendix 43 to Broadcasting Decision CRTC 2008-234**

**Videon Cablesystems Inc.**

*Application 2007-1712-6, received 30 November 2007*

### **Terms and conditions of licence applicable to the Class 1 cable broadcasting distribution undertaking serving Winnipeg, Manitoba**

#### **Terms**

The operation of this cable broadcasting distribution undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2010.

#### **Conditions of licence**

1. The licensee is authorized to distribute, at its option, the following programming services, without advertising material: National Film Board documentaries, video programming presented in co-operation with non-profit Manitoba tourism groups, Manitoba Department of Education programming, native programming supplied by Native Communications Inc., Manitoba Jockey Club Inc., Videon local productions and a cable menu service.
2. The licensee is relieved from the requirement of section 25 of the *Broadcasting Distribution Regulations* that it distribute CHMI-TV Portage La Prairie/Winnipeg on an unrestricted channel. Should the quality of this signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
3. The licensee is authorized to distribute, at its option, WCCO-TV (CBS) and KARE-TV (NBC) Minneapolis, Minnesota, WDAZ (ABC) Grand Forks, North Dakota, WUHF (FOX) Rochester, New York and KGFE (PBS) Grand Forks, North Dakota, as part of the basic service.
4. 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 PBS network (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 requirements set out in section 30 of the Regulations regarding simultaneous substitution apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. The licensee is authorized to receive, directly through its own facilities, at its option, any of the distant Canadian signals and U.S. 4+1 signals that are otherwise required to be received from a licensed satellite relay distribution undertaking. The licensee is not authorized to use any facilities other than its own for the reception of these signals. This condition does not authorize the licensee to provide these services to any other licensed or exempt distribution undertaking.
6. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
  - (i) Subject to the exception outlined in (ii), the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the *Broadcasting Distribution Regulations* (the Regulations) unless a subscriber is already receiving 40 channels of one or more licensed pay audio programming undertakings.
  - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
  - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purposes of section 6(2) of the Regulations.
7. 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, additional cable outlets and non-programming services, including Internet and telephone services.

8. The licensee shall submit monthly reports confirming that the sponsorship messages distributed on its community channel comply with the provisions of section 27(1)(h) of the *Broadcasting Distribution Regulations*.