



Broadcasting Decision CRTC 2008-236

Ottawa, 28 August 2008

Campbell River T.V. Association

Campbell River, British Columbia

Application 2007-1763-9, received 5 December 2007

Broadcasting Public Notice CRTC 2008-40

9 May 2008

Class 1 cable broadcasting distribution undertaking in Campbell River – Licence renewal and amendment

*The Commission **renews** the broadcasting licence for the Class 1 cable broadcasting distribution undertaking serving Campbell River, British Columbia from 1 September 2008 to 31 August 2015. The Commission also **approves** the licensee's request to amend one of the **conditions of licence** applicable to this undertaking.*

Introduction

1. The Commission received an application by Campbell River T.V. Association (CRTV) to renew the broadcasting licence for its Class 1 cable broadcasting distribution undertaking (BDU) serving Campbell River, British Columbia. The current licence expires 31 August 2008.
2. As part of its application, CRTV requested an amendment to one of its conditions of licence to reflect changes in regard to programming sources. The specific details of the licensee's proposed amendment to the broadcasting licence for this undertaking are described in the licensee's application.
3. The Commission received an intervention offering general comments from the Canadian Association of Broadcasters (CAB). The licensee did not reply to the intervention. The intervention can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings".

Commission's analysis and determinations

4. After examining the application and the interventions, the Commission finds that the issues to be determined relate to the following:
 - the impact of the review of the policy framework for *the Broadcasting Distribution Regulation* (the Regulations) on the licensee's application;
 - the amendment to a condition of licence; and

- the distribution of distant Canadian signals and of a second set of signals that provides 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) and the suspension of non-simultaneous program deletion requirements.

Impact of the review of the policy framework for the Regulations on the licensee's application

5. In its intervention, the CAB noted that the Commission is currently reviewing the framework for the Regulations and is expected shortly to issue revised policies and new broadcasting distribution regulations governing the distribution of both Canadian and non-Canadian broadcasting services. The CAB submitted that, in this context, it is essential that the Commission not take any action as part of CRTV's licence renewal process that would have the effect of superseding the upcoming BDU framework determinations or exempting the licensee from the application of that new framework.
6. Specifically, the CAB noted that CRTV has applied for various conditions of licence that would be in effect for at least the first five years of the proposed licence term and submitted that in making decisions on its licence renewal application and imposing new conditions of licence, the Commission should do so in a manner that will allow it to review and revise, as required, those conditions of licence that are inconsistent with the new BDU framework to be established by the Commission.
7. With respect to the CAB's intervention, 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 BDUs serving Atlantic Canada and concluding with those serving Western Canada. As of this date, the Commission has processed all cable licence renewal applications for the undertakings operating in the Maritimes, Quebec, and Ontario. This year, the Commission is processing cable licence renewal applications for the remainder of Canada.
8. Further, the Commission notes 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.
9. The Commission has considered the concerns put forth by the CAB and has determined that it remains appropriate to proceed with its plan announced in Broadcasting Public Notice 2003-48.

Amendment to a condition of licence

10. The Commission considers that the licence amendment proposed by CRTV, as described in its application, is appropriate and does not conflict with any of the Commission's regulations and existing policy provisions.

Distribution of distant Canadian signals and of a second set of U.S. 4+1 signals and suspension of non-simultaneous program deletion requirements

11. In Broadcasting Decision 2002-374, the Commission approved a request by CRTV to distribute on its Class 1 cable BDU serving Campbell River, on a digital discretionary basis, a second set of signals providing 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), as well as any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*. 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 Broadcasting Decision 2002-374 that the above provision may be suspended upon its approval of an executed agreement between the licensee and broadcasters dealing with issues related to the protection of program rights arising in connection with the digital discretionary carriage of the above-noted signals.
12. In Broadcasting Decision 2006-692, the Commission announced that the Canadian Cable Systems Alliance Inc. (CCSA), on behalf of CRTV and various other licensees, had reached such an agreement with the CAB. In light of the agreement between the two parties, the Commission suspended the application of the above-mentioned provision for CRTV and other licensees with respect to the signals that are the subject of the CCSA's agreement with the CAB.
13. The Commission reminds the licensee that in the event that the agreement between the CCSA and the CAB is terminated at any time, the requirement for non-simultaneous program deletion will no longer be suspended and the licensee 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.

Conclusion

14. The Commission **renews** the broadcasting licence for the Class 1 cable BDU serving Campbell River, British Columbia from 1 September 2008 to 31 August 2015. The Commission also **approves** the amendment to one of the conditions of licence applicable to this undertaking. A complete list of the **conditions of licence** applicable to this cable BDU is set out in the appendix to this decision. The Commission has also updated the references to sections of the Regulations to reflect the currently applicable sections of the Regulations, as well as updated the terminology used in specific conditions of licence.

Secretary General

Related documents

- *Suspension of the provision set out in the decisions listed in the appendix to the present decision relating to the requirements for non-simultaneous program deletion*, Broadcasting Decision CRTC 2006-692, 21 December 2006
- *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
- *Distribution of additional signals on a discretionary digital basis*, Broadcasting Decision CRTC 2002-374, 14 November 2002
- *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-920, 21 December 1995
- *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992

This decision is to be appended to the licence. It is available in alternative format upon request and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>.

Appendix to Broadcasting Decision CRTC 2008-236

Terms, conditions of licence and encouragement for the Class 1 cable broadcasting distribution undertaking serving Campbell River, British Columbia

Terms

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

Conditions of licence

1. The licensee is authorized to distribute, at its option, CKVU-TV, CBUT and CHAN-TV Vancouver 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 regional station CBUT-1 and the local station CHAN-TV-4 Courtenay as part of the basic service.
3. The licensee is authorized to distribute, at its option, the programming services of KIRO-TV (CBS), KING-TV (NBC), 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, the audio services of KLSY-FM Bellevue, KMPS-FM, KUOW-FM, KING-FM, KISW-FM, KUBE-FM, KJR-FM, KKWF-FM, KRWM-FM, KNDD-FM, KZOK-FM Seattle, KCMS-FM (religious) Edmonds, and KPLU-FM Tacoma on audio channels of the undertaking.
5. The licensee is authorized to distribute the following services 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 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 *Broadcasting Distribution 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 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.

Encouragement

Employment Equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.