



Broadcasting Public Notice CRTC 2008-119

Ottawa, 18 December 2008

Notice of consultation

Applications received

Various locations

Deadline for submission of interventions/comments: 22 January 2009

The Commission has received the following applications:

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

Item Applicant and Locality

1. **Bragg Communications Inc., on behalf of itself and its wholly-owned cable subsidiaries K-Right Communications Ltd., Bay Communications Inc., Access Communications Inc. and Halifax Cablevision Ltd., all carrying on business as EastLink (collectively, “EastLink”)**

Charlottetown and surrounding areas, Prince Edward Island; Bedford, Sackville and surrounding areas, Dartmouth and surrounding areas, Debert and surrounding areas, Great Village and Glenholme, Halifax and surrounding areas, Masstown, Mount Uniacke/Lakelands, New Glasgow and surrounding areas, Sydney and surrounding area, Truro and surrounding areas, Bridgewater, Blockhouse, Lunenburg and surrounding areas, Kentville/New Minas and area, and St. Margaret’s Bay and area, Nova Scotia

Application No. 2008-1548-3

2. **MTS Allstream Inc.**

Winnipeg and surrounding areas and Brandon, Manitoba

Application No. 2008-1273-6

1. **Charlottetown and surrounding areas, Prince Edward Island; Bedford, Sackville and surrounding areas, Dartmouth and surrounding areas, Debert and surrounding areas, Great Village and Glenholme, Halifax and surrounding areas, Masstown, Mount Uniacke/Lakelands, New Glasgow and surrounding areas, Sydney and surrounding area, Truro and surrounding areas, Bridgewater, Blockhouse, Lunenburg and surrounding areas, Kentville/New Minas and area, and St. Margaret’s Bay and area, Nova Scotia Application No. 2008-1548-3**

Application by **Bragg Communications Inc. (Bragg), on behalf of itself and its wholly-owned cable subsidiaries K-Right Communications Ltd. and Bay Communications Inc.**, all carrying business as EastLink (collectively, "EastLink"), for a condition of licence authorizing these licensees to distribute the special programming service EDUC, formerly known as Distance University Educational Television (DUET), on their cable broadcasting distribution undertakings serving Charlottetown and surrounding areas, Prince Edward Island, Debert and surrounding areas, Great Village and Glenholme, Masstown, New Glasgow and surrounding areas, Sydney and surrounding area, Truro and surrounding areas, Bridgewater, Blockhouse, Lunenburg and surrounding areas, Kentville/New Minas and area, and St. Margaret's Bay and area, Nova Scotia, which would read as follows:

The licensee is authorized to distribute, at its option, without advertising material, the special programming service EDUC.

Furthermore, **Bragg, on behalf of itself and its wholly-owned cable subsidiaries K-Right Communications Ltd., Access Communications Inc. and Halifax Cablevision Ltd.**, all carrying on business as EastLink (collectively, "EastLink"), also requests an amendment to the current condition of licence authorizing these licensees to distribute this special programming service as follows:

- a) For Bedford, Sackville and surrounding areas and Dartmouth and surrounding areas, Nova Scotia:

From: The licensee is authorized to distribute, at its option, without advertising material, the special programming service Distance University Educational Television (DUET).

To: The licensee is authorized to distribute, at its option, without advertising material, the special programming service EDUC.

- b) For Halifax and surrounding areas and Mount Uniacke/Lakelands, Nova Scotia:

From: The licensee is authorized to distribute, at its option, without advertising material, the special programming service Distance University Educational Television (DUET), as part of the basic service.

To: The licensee is authorized to distribute, at its option, without advertising material, the special programming service EDUC.

This special programming service is provided to these cable broadcasting distribution undertakings by Mount Saint Vincent University in Halifax.

Licensee's address:

6080 Young Street, 8th Floor
P.O. Box 8660, Station "A"
Halifax, Nova Scotia
B3K 5M3
Fax: 902-406-3140
E-Mail: Regulatory.matters@corp.eastlink.ca

*Examination of application:***Access Communications Inc.****Dartmouth**

EastLink Kiosk
Mic Mac Mall
21 Mic Mac Boulevard
Dartmouth, Nova Scotia

Bay Communications Inc.**Kentville/New Minas**

1001 Howe Avenue
New Minas, Nova Scotia

St. Margaret's Bay

J.D. Shatford Memorial Public Library
10353 St. Margaret's Bay Road
Hubbards, Nova Scotia

Bragg Communications Inc.**Bridgewater**

140 Cornwall Road
Blockhouse, Nova Scotia

Halifax Cablevision Ltd.**Halifax**

6080 Young Street, 8th Floor
Halifax, Nova Scotia

K-Right Communications Ltd.**Bedford/Sackville**

367 Sackville Drive
Lower Sackville, Nova Scotia

Charlottetown

EastLink Kiosk
Charlottetown Mall
670 University Avenue
Charlottetown, Prince Edward Island

Debert

Colchester Regional Development Agency
439 MacElmon Road
Debert, Nova Scotia

Great Village and Masstown

The Masstown Market
10622 Highway #2
Masstown, Nova Scotia

Mount Uniacke/Lakelands

Colchester-East Hants Public Library
Mount Uniacke Branch
555 Highway 1
Mount Uniacke, Nova Scotia

New Glasgow

111 Park Street
New Glasgow, Nova Scotia

Sydney

61 Melody Lane
Sydney, Nova Scotia

Truro

69 Walker Street
Truro, Nova Scotia

2. **Winnipeg and surrounding areas and Brandon, Manitoba
Application No. 2008-1273-6**

Application by **MTS Allstream Inc.** (MTS) to extend the authorized service area of its terrestrial broadcasting distribution undertaking (BDU) serving Winnipeg and surrounding areas, Manitoba, which it operates under a Class 1 regional licence, to include Brandon, Manitoba.

MTS also proposes to develop an outlet for local expression for subscribers in Brandon, similar to the service it offers in Winnipeg.

In addition, MTS is seeking approval to accrue the five percent of gross annual revenues derived from broadcasting activities in Brandon during the first two years of operation of its service in that locality. These funds would be directed to local expression programming for Brandon during the third year of operation. MTS argues that this would enable it to accumulate a sufficient amount of money to fund initial VOD-based community programming.

To that end, MTS proposed the amendment to its condition of licence 7, as follows:

7. The licensee shall be subject to the following conditions of licence as an exception to the requirements set out in section 29 of the *Broadcasting Distribution Regulations* (the Regulations):

- If the licensee has 20,000 or more subscribers in the licensed area of a broadcasting distribution undertaking (BDU) on 31 August of the previous broadcast year and distributes programming that qualifies as local expression on a video-on-demand service, the licensee shall make, in each broadcast year, a contribution to Canadian programming of not less than the greater of:
 - a) 5% of its gross revenues derived from broadcasting activities in the licensed area in the year, less any contribution to local expression made by the licensee in the licensed area in that year, and
 - b) 3% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year.
- If the licensee has 20,000 or more subscribers in the licensed area of a BDU on 31 August of the previous broadcast year and does not distribute programming that qualifies as local expression on a video-on-demand or pay-per-view service, and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of not less than:
 - a) 3% of its gross revenues derived from broadcasting activities in the broadcast year to Canadian programming, and

b) 2% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to the community programming undertaking.

- If the licensee has fewer than 20,000 subscribers in the licensed area of a BDU on August 31 of the previous broadcast year and distributes programming that qualifies as local expression on a video-on-demand or pay-per-view service, the licensee shall make, in each broadcast year, a contribution of not less than 5% of its gross revenues derived from broadcasting activities in the licensed areas in the year to Canadian programming, less any contribution to local expression made by the licensee in the licensed area in that year.
- If the licensee has fewer than 20,000 subscribers in the licensed area of a BDU on 31 August of the previous broadcast year and does not distribute programming that qualifies as local expression on a video-on-demand or pay-per-view service, and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of 5% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to the community programming undertaking.
- If the licensee does not distribute programming that qualifies as local expression on a video-on-demand or pay-per-view service, and if no community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of not less than 5% of its gross revenues derived from broadcasting activities in the licensed area in the year to Canadian programming.
- For the purposes of calculating the licensee's contribution to local expression for the Winnipeg licensed areas, the licensee may include the contributions to local expression made for programming produced in other licensed areas, for programming produced outside the licensed areas, or for programming covering provincial events, up to a maximum of 20% of the total contribution to the local expression applicable for the Winnipeg licensed areas.

MTS is also requesting the addition of a condition of licence, as follows:

The licensee is relieved from the requirements of section 17 of the *Broadcasting Distribution Regulations* with respect to CKX (CBC) Brandon provided that it is distributed in Brandon.

Licensee's address:

333 Main Street
Winnipeg, Manitoba
Fax: (613) 688-8303
E-Mail: iworkstation@mtsallstream.com

Examination of application:

Security / Reception
Bestlands Buildings
191 Pioneer Avenue
Winnipeg, Manitoba

and

myphone.ca
Unit C, 1417 Rosser Avenue
Brandon, Manitoba

Public Participation

Deadline for Interventions/Comments

22 January 2009

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

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

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

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

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

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

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

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

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

Each paragraph of the document should be numbered.

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

Important notice

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

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

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

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

Examination of Documents

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

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

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

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

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

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

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

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

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

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

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

Secretary General

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>