



## Broadcasting Public Notice CRTC 2008-43

Ottawa, 14 May 2008

### Notice of consultation

#### Applications received

#### Various locations

**Deadline for submission of interventions/comments: 18 June 2008**

The Commission has received the following applications:

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

#### Item Applicant and Locality

1. **MTS Allstream Inc.**  
Winnipeg and surrounding areas, Manitoba  
Application No. 2007-1680-6
2. **Northern Cablevision Ltd.**  
Grande Prairie, Alberta  
Application No. 2008-0036-9
3. **Persona Communications Corp.**  
Delta, British Columbia  
Application No. 2007-1842-1
4. **Persona Communications Corp.**  
Sechelt and Gibsons, British Columbia  
Application No. 2007-1843-9

1. **Winnipeg and surrounding areas, Manitoba**  
**Application No. 2007-1680-6**

Application by **MTS Allstream Inc.** (MTS) to renew the Class 1 regional licence of its terrestrial broadcasting distribution undertaking serving Winnipeg and surrounding areas, Manitoba, expiring 31 August 2008.

MTS requests the addition of the following condition of licence:

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.

*Licensee's address:*

333 Main Street  
 Winnipeg, Manitoba  
 R3C 3V6  
 Fax: 613-688-8303  
 E-Mail: [iworkstation@mtsallstream.com](mailto:iworkstation@mtsallstream.com)

*Examination of application:*

Security / Reception  
 Bestlands Building  
 191 Pioneer Avenue  
 Winnipeg, Manitoba

2. **Grande Prairie, Alberta**  
**Application No. 2008-0036-9**

Application by **Northern Cablevision Ltd.** to renew the Class 1 licence of its cable broadcasting distribution undertaking serving Grande Prairie, expiring 31 August 2008.

The licensee requests the addition of the following condition of licence:

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.

*Licensee's address:*

6080 Young Street  
Suite 801  
Halifax, Nova Scotia  
B3K 5M3  
Fax: (902) 446-9979  
E-Mail: [regulatory.matters@corp.easlink.ca](mailto:regulatory.matters@corp.easlink.ca)

*Examination of application:*

101-9807 116 Avenue  
Grande Prairie, Alberta

3. **Delta, British Columbia**  
**Application No. 2007-1842-1**

Application by **Persona Communications Corp.** (Persona) to renew the Class 1 licence of its cable broadcasting distribution undertaking serving Delta, British Columbia, expiring 31 August 2008.

Persona requests the addition of the following conditions of licence:

- a) 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.

b) 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 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.

*Licensee's address:*

6080 Young Street, Suite 801  
 Halifax, Nova Scotia  
 B3K 5M3  
 Fax: 902-446-9979  
 E-Mail: [regulatory.matters@corp.eastlink.ca](mailto:regulatory.matters@corp.eastlink.ca)

*Examination of application:*

5381 – 48<sup>th</sup> Avenue  
 Delta, British Columbia

4. **Sechelt and Gibsons, British Columbia**  
**Application No. 2007-1843-9**

Application by **Persona Communications Corp.** (Persona) to renew the Class 1 licence of its cable broadcasting distribution undertaking serving Sechelt and Gibsons, British Columbia, expiring 31 August 2008.

Persona requests the addition of the following conditions of licence:

a) 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.

b) 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 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.

Persona also requests amendments to certain conditions of licence. Further details are available in the application.

*Licensee's address:*

6080 Young Street, Suite 801  
 Halifax, Nova Scotia  
 B3K 5M3  
 Fax: 902-446-9979  
 E-Mail: [regulatory.matters@corp.eastlink.ca](mailto:regulatory.matters@corp.eastlink.ca)

*Examination of application:*

5555 Wharf Road  
Sechelt, British Columbia

## **Public Participation**

### **Deadline for Interventions/Comments**

**18 June 2008**

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](http://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 – 11<sup>th</sup> 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>