



Broadcasting Order CRTC 2009-340-2

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Route reference: 2012-115

Ottawa, 15 June 2012

Amendments to the mandatory distribution order for The Weather Network/MétéoMédia – Distribution of appropriate regional feeds

The Commissions amends the Terms and conditions for distribution of the national, English- and French-language Category A specialty service The Weather Network/MétéoMédia (TWN/MM) by persons licensed to carry on certain types of broadcasting distribution undertakings, set out in the appendix to Broadcasting Order 2009-340-1.

The amended order, which is set out in the appendix to this document, permits a terrestrial broadcasting distribution undertaking (BDU) to distribute, subject to an agreement with Pelmorex Communications Inc., either the most appropriate regional feed or the national feed of TWN/MM. It further permits a direct-to-home BDU to distribute, on a national basis, the national feed of TWN/MM. This order replaces the one set out in Broadcasting Order 2009-340-1.

Introduction

1. In Broadcasting Decision 2011-438, the Commission noted that Pelmorex Communications Inc. (Pelmorex) proposed to originate regional programming from new regional feeds in British Columbia, Alberta, and a third region to be determined. Noting that the three new regional feeds, as proposed by Pelmorex, would significantly strengthen the ability of its national, English- and French-language Category A specialty service The Weather Network/MétéoMédia (TWN/MM) to provide local and regional reflection, the Commission required Pelmorex, by condition of licence, to put into place the three above-noted new regional feeds by no later than 1 December 2012.
2. On 22 August 2011, Pelmorex informed the Commission that, in order to fulfill its above-noted commitment, three new regional feeds for TWN/MM serving British Columbia, Alberta and Atlantic regions would be put into place by no later than 1 December 2012.
3. In a report entitled [Report on items related to the Weather Network and MétéoMédia requirements for extending the mandatory distribution order as set out in Broadcasting Decision CRTC 2011-438](#), dated 10 January 2012, Pelmorex indicated that the mandatory distribution order for TWN/MM did not contemplate the existence of multiple regional feeds. Accordingly, in that report, it requested certain

amendments be made to the mandatory distribution order¹ to ensure that the most appropriate feed available to a broadcasting distribution undertaking (BDU) is distributed as part of the digital basic service.

4. In Broadcasting Notice of Consultation 2012-115, the Commission called for comments on proposed revisions to the mandatory distribution order, which was set out in the appendix to that document. The proposed order included the following conditions related to the distribution of regional and national feeds of TWN/MM by terrestrial and direct-to-home (DTH) distribution licensees:
 - b) A terrestrial BDU licensee operating in an anglophone market must distribute the regional feed of The Weather Network having the greater relevance to its subscribers to all digital subscribers as part of the digital basic service.
 - c) A terrestrial BDU licensee operating in a francophone market must distribute the regional feed of MétéoMédia having the greater relevance to its subscribers to all digital subscribers as part of the digital basic service.
 - d) A DTH distribution undertaking licensee must distribute, on a national basis, the national feed of The Weather Network to subscribers who subscribe to an English-language or bilingual basic service package.
 - e) A DTH distribution undertaking licensee must distribute, on a national basis, the national feed of MétéoMédia to subscribers who subscribe to a French-language or bilingual basic service package.

Comments

5. The Commission received comments from MTS Inc. (MTS), Saskatchewan Telecommunications (SaskTel) and Rogers Communications Partnership (Rogers). The complete record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. MTS and SaskTel submitted that it was not clear, in some instances, that any of the regional feeds would have greater relevance to subscribers than the national feeds of TWN/MM. Accordingly, MTS submitted that the proposed distribution order should also contemplate continued distribution of the national feed unless a regional feed has greater relevance to a BDU subscriber.
7. In addition, SaskTel suggested that the most relevant feed be determined by the BDU in consultation with Pelmorex and that this flexibility be incorporated into the revised

¹ In its report, Pelmorex requested amendments to the mandatory distribution order set out in Broadcasting Order 2009-340. However, in Broadcasting Order 2009-340-1, in which the Commission extended the mandatory distribution of TWN/MM on the digital basic service to 31 August 2018, the Commission set out a revised version of the mandatory distribution order. Accordingly, the amendments proposed by Pelmorex are being considered for the revised mandatory distribution order.

mandatory distribution order. Both parties proposed revised wording that reflected their positions.

8. Rogers stated that Pelmorex must bear the cost of transmitting the regional feeds from its production facilities to the head end of each terrestrial BDU, as required under section 12 of the *Specialty Services Regulations, 1990*.

Pelmorex's reply

9. Pelmorex agreed with MTS and SaskTel that terrestrial BDUs should be permitted to distribute the national feed of TWN or MM where a relevant regional feed is not available. It proposed to amend MTS and SaskTel's wording so that a terrestrial BDU must distribute either the regional feed having the greater relevance to its subscribers when it is made available by Pelmorex or, with Pelmorex's consent, the national feed.
10. Pelmorex also supported SaskTel's proposal that a BDU be permitted to distribute the national feed in lieu of the regional feed, so long as there was an agreement to this effect with Pelmorex.

Commission's analysis and decisions

11. The Commission agrees that there are some instances where it might be appropriate for a terrestrial BDU to distribute the national rather than the regional feed of TWN/MM. However, it considers that distribution of the national rather than a regional feed should be subject to an agreement negotiated between the BDU and Pelmorex. Accordingly, the Commission considers that it is appropriate to amend paragraphs b) and c) of the proposed mandatory distribution order as follows:
 - b) A terrestrial distribution undertaking licensee operating in an anglophone market must distribute either the regional feed of The Weather Network having the greater relevance to its subscribers when it is made available by Pelmorex or, subject to an agreement with Pelmorex, the national feed of The Weather Network, to all digital subscribers as part of the digital basic service.
 - c) A terrestrial distribution undertaking licensee operating in a francophone market must distribute either the regional feed of MétéoMédia having the greater relevance to its subscribers when it is made available by Pelmorex or, subject to an agreement with Pelmorex, the national feed of MétéoMédia, to all digital subscribers as part of the digital basic service.
12. The Commission also considers that it is appropriate to adopt all remaining paragraphs of the distribution order as proposed.
13. The complete revised mandatory distribution order is set out in the appendix to this document.
14. The Commission reminds Pelmorex that, under section 12 of the *Specialty Services Regulations, 1990*, it is responsible for the costs of transmitting the signal of

TWN/MM to each BDU's head end located within the area for which the licensee is licensed or to a satellite uplink centre located within that area.

Related documents

- *Call for comments on proposed amendments to the mandatory distribution order for The Weather Network/MétéoMédia – Distribution of appropriate regional feeds*, Broadcasting Notice of Consultation CRTC 2012-115, 23 February 2012
- *Extension of the mandatory distribution order for The Weather Network/MétéoMédia*, Broadcasting Order CRTC 2009-340-1, 24 January 2012
- *The Weather Network/MétéoMédia – Licence renewal and extension of the mandatory distribution of the service*, Broadcasting Decision CRTC 2011-438, 22 July 2011

Appendix to Broadcasting Order CRTC 2009-340-2

Terms and conditions for distribution of the national, English- and French-language Category A specialty service The Weather Network/MétéoMédia by persons licensed to carry on certain types of broadcasting distribution undertakings

The Terms and conditions for distribution of the national, English- and French-language Category A specialty service The Weather Network/MétéoMédia by persons licensed to carry on certain types of broadcasting distribution undertakings, set out in the appendix to *Extension of the mandatory distribution order for The Weather Network/MétéoMédia*, Broadcasting Order CRTC 2009-340-1, 24 January 2012, are replaced by the following:

The Commission hereby orders, pursuant to section 9(1)(h) of the *Broadcasting Act*, persons licensed to carry on broadcasting distribution undertakings of the types identified in paragraph (a) below to distribute the Category A service The Weather Network/MétéoMédia, as directed below, to all digital subscribers as part of the digital basic service, effective 1 September 2010 until 31 August 2018, on the following terms and conditions:

- a) This Order applies to direct-to-home (DTH) distribution undertaking licensees as well as to terrestrial distribution undertaking licensees. These licensees are collectively referred to in this Order as distribution licensees.
- b) A terrestrial distribution undertaking licensee operating in an anglophone market must distribute either the regional feed of The Weather Network having the greater relevance to its subscribers when it is made available by Pelmorex Communications Inc. (Pelmorex) or, subject to an agreement with Pelmorex, the national feed of The Weather Network, to all digital subscribers as part of the digital basic service.
- c) A terrestrial distribution undertaking licensee operating in a francophone market must distribute either the regional feed of MétéoMédia having the greater relevance to its subscribers when it is made available by Pelmorex or, subject to an agreement with Pelmorex, the national feed of MétéoMédia, to all digital subscribers as part of the digital basic service.
- d) A DTH distribution undertaking licensee must distribute, on a national basis, the national feed of The Weather Network to subscribers who subscribe to an English-language or bilingual basic service package.
- e) A DTH distribution undertaking licensee must distribute, on a national basis, the national feed of MétéoMédia to subscribers who subscribe to a French-language or bilingual basic service package.

- f) A distribution undertaking licensee is authorized to increase the basic monthly fee to be paid by its subscribers by no more than the amount authorized under the terms of Pelmorex's licence.
- g) This Order shall remain in effect until 31 August 2018. However, in the event that Pelmorex fails to report on the progress of its negotiations and efforts to reach a National Alert Aggregation and Dissemination System User Agreement with the emergency management organization of the Northwest Territories by no later than 24 January and 24 July and of each year, the mandatory distribution order will expire on 31 August 2015.²

For the purposes of this Order, the terms "anglophone market," "basic service," "Category A service," "direct-to-home distribution undertaking," "francophone market," "licensed" and "terrestrial distribution undertaking" shall have the same meanings as those set out in the *Broadcasting Distribution Regulations*, as amended from time to time.

² The Order set out in Broadcasting Order 2009-340-1 stipulated that the mandatory distribution order for TWN/MM would expire on 31 August 2015 if Pelmorex failed to execute a NAAD User Agreement with the emergency management organization of Nunavut by 1 April 2012. By letter dated 7 March 2012, Pelmorex informed the Commission that it had fulfilled this condition by entering into such an agreement with Nunavut as of 1 March 2012.