



Broadcasting Regulatory Policy CRTC 2010-312

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Route reference: 2009-728

Ottawa, 27 May 2010

Distribution and linkage requirements for Class 1 and Class 2 licensees and Linkage requirements for direct-to-home (DTH) satellite distribution undertakings

The Commission finds that it is appropriate to amend the distribution and linkage requirements to allow broadcasting distribution undertakings (BDUs) to package Canadian specialty services with the non-Canadian services found in Section B of the List of Part 2 eligible satellite services and the List of direct-to-home (DTH) eligible satellite services. This will allow more flexibility in the packaging of Canadian specialty services with non-Canadian-originated services, including authorized U.S. superstations, and ensure that all BDUs are competing on a level playing field.

The amended requirements are set out in the appendices to this document and replace those set out in Broadcasting Public Notices 2007-51 and 2007-52.

Introduction

1. The current distribution and linkage requirements for Class 1 and Class 2 broadcasting distribution undertakings (BDUs) set out in Broadcasting Public Notice 2007-51¹ specify that a Canadian pay television service may be packaged in a given discretionary tier with no more than five channels containing any of the non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services (the Part 2 list). This is commonly referred to as the 1:5 rule. Further, each Canadian specialty service may be linked in a given discretionary tier with no more than one channel containing any of the non-Canadian-originated services specified in Section A of the Part 2 list (the 1:1 rule). Section A of the Part 2 list includes non-Canadian “cable” services such as A&E and CNN. Section B includes authorized U.S. “superstations.”
2. Essentially the same rules apply to the distribution of services by direct-to-home (DTH) satellite distribution undertakings by virtue of the linkage requirements set out in Broadcasting Public Notice 2007-52.
3. In its recent applications to renew the regional broadcasting licences for its terrestrial BDUs serving communities in British Columbia and Alberta, TELUS Communications Inc., and 1219823 Alberta ULC in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TELUS), requested a condition of licence

¹ As corrected by Broadcasting Public Notice 2007-51-1, 10 February 2007.

permitting it to package the non-Canadian services found in Section B of the Part 2 list with Canadian specialty services on a one-to-one basis. TELUS argued that allowing more flexibility in the packaging of Canadian specialty services with a wider variety of non-Canadian-originated services would allow BDUs to create more attractive packages for consumers that would ultimately increase the distribution of Canadian specialty services.

4. The Commission received no interventions opposing Telus's request regarding packaging flexibility. In its ruling on the applications,² the Commission noted that it would eliminate the 1:5 and 1:1 packaging rules as of 31 August 2011 when the new regulations to implement its findings in Broadcasting Public Notice 2008-100 take effect. The Commission also noted its intention, as set out in that notice, to simplify and consolidate the lists of eligible satellite services into a single list of services authorized for analog or digital distribution by all BDUs. In ruling on Telus's request, the Commission considered that the flexibility sought was consistent with this general approach to liberalizing packaging rules and accordingly approved the request. The Commission also noted that it would initiate a public process on proposed amendments to the distribution and linkage rules that would extend the same flexibility to other BDUs. Accordingly, in Broadcasting Notice of Consultation 2009-728, the Commission sought comments on amendments to that effect.
5. The Commission received six interventions in response to its notice, all in support of the proposed amendments. Several parties agreed that the original rationale of the current distribution and linkage rules, namely to provide support to discretionary Canadian programming, no longer applied as Canadian pay and specialty services were now well known and profitable. All parties commented that the distribution and linkage rules should be the same for all BDUs.
6. Rogers Cable Communications Inc. (Rogers) suggested that if the Commission were to proceed with the proposed amendments, sections 9(b)(ii) and 23(b)(ii) of the current rules relating to U.S. superstations should be deleted as they would no longer be necessary.

Commission's analysis and determinations

7. As noted in Broadcasting Decision 2009-679, the provision of flexibility such as that granted to Telus and proposed in Broadcasting Notice of Consultation 2009-728 is consistent with the Commission's general approach to liberalizing packaging rules. Among other things, the Commission notes that Section B of the Part 2 list was created in 1987 to enhance the marketing of Canadian pay services by providing additional packaging partners for such services. However, with the roll-out of digital technology and the increased penetration levels of pay services, the historical reasons for prohibiting the packaging of Section B services with specialty services are, for the most part, no longer valid.

² Broadcasting Decision 2009-679.

8. Based on the above and to ensure that all BDUs are competing on a level playing field, the Commission finds it appropriate to amend the distribution and linkage rules as proposed in Broadcasting Notice of Consultation 2009-728. Accordingly, the Commission amends the *Distribution and linkage requirements for Class 1 and Class 2 licensees* and the *Linkage requirements for direct-to-home satellite distribution undertakings* as specified below:
- Sections 9(a) and 9(b)(i) of the rules set out in Broadcasting Public Notice 2007-51 are replaced with the following requirements and renumbered as sections 8(a) and 8(b)(i):
 - a) a Canadian pay television service may be linked in a given discretionary tier with no more than five channels containing any non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services;
 - b) (i) a Canadian speciality service may be linked in a given discretionary tier with no more than one channel containing any of the non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services.
 - Sections 23(a) and 23(b)(i) of Broadcasting Public Notice 2007-51, renumbered as sections 22(a) and 22(b)(i), are similarly amended, as are sections 9(a) and 9(b)(i) of Broadcasting Public Notice 2007-52, which are renumbered as sections 7(a) and 7(b)(i).
9. Sections 9(b)(ii) and 23(b)(ii) of Broadcasting Public Notice 2007-51 state that a Class 1 licensee may designate one of the U.S. superstations specified in Section B of the Part 2 list and distribute that signal within a given discretionary tier that may include one or more Canadian specialty and/or pay television services, provided that the superstation is included on a tier that is distributed on a digital basis only. Essentially the same rule applies to DTH undertakings by virtue of section 9(b)(ii) of Broadcasting Public Notice 2007-52. The Commission agrees with Rogers that this provision is now redundant. Accordingly, in the amended distribution and linkage requirements set out in the appendices to this document, which replace those set out in Broadcasting Public Notices 2007-51 and 2007-52, the Commission has deleted the former sections 9(b)(ii) and 23(b)(ii) of the relevant distribution and linkage requirements.
10. Finally, as indicated in Broadcasting Public Notice 2008-100, the Commission intends to simplify and consolidate the lists of eligible satellite services. The Commission anticipates that, as part of those revisions, the lists and their sections will be collapsed into one.

Secretary General

Related documents

- *Call for comments on proposed amendments to the Distribution and linkage requirements for Class 1 and Class 2 licensees and the Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Notice of Consultation CRTC 2009-728, 27 November 2009
- *Class 1 regional broadcasting licences for terrestrial broadcasting distribution undertakings serving communities in British Columbia and Alberta – Licence renewals and licence amendments*, Broadcasting Decision CRTC 2009-679, 30 October 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2007-52, 16 May 2007
- *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2007-51, 16 May 2007

Appendix 1 to Broadcasting Regulatory Policy CRTC 2010-312

Distribution and linkage requirements for Class 1 and Class 2 licensees

General

1. The provisions set out herein govern the distribution by licensees of broadcasting distribution undertakings (BDUs) holding a Class 1 or a Class 2 licence of the following programming services as part of the basic service, an analog discretionary tier or a digital discretionary tier:
 - a) any pay television service and any pay-per-view television service, the operator of which is authorized to provide the service to all or part of the licensed area of the BDU;
 - b) any specialty service, the operator of which is authorized to provide the service to all or part of the licensed area of the BDU;
 - c) any Category 1 or Category 2 service, the operator of which is authorized to provide the service to all or part of the licensed area of the BDU;
 - d) any third-language television programming service exempted by virtue of the appendix to *Exemption order respecting certain third-language television undertakings*, Broadcasting Public Notice CRTC 2007-33, 30 March 2007 (Public Notice 2007-33);
 - e) any satellite service contained in the List of Part 2 eligible satellite services, including those authorized for digital distribution only, but excluding those that the licensee was authorized to distribute as part of its basic service before 3 June 1993;
 - f) any Canadian television service included on the List of Part 3 eligible satellite services.
2. Where a Class 1 or a Class 2 licensee provides a Canadian programming service to a single subscriber at two or more separate dwellings owned or occupied by the same subscriber, the licensee must remit a wholesale fee to the Canadian programming service on a per-dwelling basis and that wholesale fee may not be discounted by virtue of the fact that the service is being provided to the subscriber at more than one dwelling. For purposes of this rule, “subscriber” means a household of one or more persons, whether occupying a single-unit dwelling or a unit in a multiple-unit dwelling, to which service is provided directly or indirectly by a licensee.
3. The provisions set out herein replace those contained in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2007-51, 16 May 2007, as corrected by Broadcasting Public Notice CRTC 2007-51-1, 10 February 2007.

Part I

Rules applicable to Class 1 licensees

Rules regarding the distribution of programming services on an analog basis

4. Where a Class 1 licensee distributes any of the following specialty programming services, the licensee is required to distribute that service on a dual status basis, that is, as part of the basic service, unless the operator of that service consents in writing to its distribution as a discretionary service:
 - CBC Newsworld;
 - Vision TV;
 - YTV;
 - MuchMusic;
 - VRAK.TV;
 - MétéoMédia/The Weather Network;
 - TV5;
 - Le Réseau de l'information (RDI); and
 - any other specialty programming service that may be designated by the Commission for distribution on a dual status basis.

5. a) Where a Class 1 licensee distributes any of the following specialty programming services, the licensee is required to distribute that service on a modified dual status basis, that is, on a discretionary basis, unless the licensee and the programming service operator agree to its distribution as part of the basic service:
 - The Comedy Network;
 - The Sports Network (TSN);
 - Le Réseau des Sports (RDS);
 - Country Music Television (CMT);
 - History Television;
 - Teletoon/Télétoon;
 - CTV Newsnet;
 - Canadian Learning Television (CLT);
 - Rogers Sportsnet;
 - Report on Business Television (ROBTv);
 - Treehouse TV;
 - TVtropolis;
 - Space: The Imagination Station;
 - Outdoor Life Network (OLN);
 - Home and Garden Television Canada (HGTV Canada);
 - Star!;
 - CablePulse24;
 - The Score;
 - MuchMoreMusic;
 - MTV Canada;
 - Food Network Canada;

- Canal Vie;
 - Le Canal Nouvelles (LCN);
 - MusiMax;
 - Ztélé;
 - Séries+;
 - Canal Évasion;
 - Historia;
 - ARTV;
 - Life Network;
 - Showcase;
 - Bravo!;
 - W Network;
 - Discovery Channel;
 - Canal D;
 - MusiquePlus; and
 - any other specialty programming service that may be designated by the Commission for distribution by Class 1 licensees on a modified dual status basis.
- b) Notwithstanding paragraph 5(a) and except as otherwise provided under a condition of its licence, where a Class 1 licensee that operates an undertaking in a French-language market distributes any of the following programming services, the licensee must distribute that service solely on a discretionary basis. All of the following services, depending on their availability, must be part of the same tier:
- Canal Z;
 - Séries+;
 - Canal Évasion; and
 - Historia.
- c) Notwithstanding paragraph 5(a) and except as otherwise provided under a condition of its licence, where a Class 1 licensee that operates a cable distribution undertaking in a French-language market distributes the service of ARTV, the licensee must distribute that service on the existing discretionary tier having the largest penetration, that is, the discretionary tier that is received by the highest number of subscribers. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.
- d) Notwithstanding paragraph 5(a) and except as otherwise provided under a condition of its licence, where a Class 1 licensee operates a multipoint distribution system (MDS) undertaking in a French-language market, the licensee must provide the service of ARTV to any subscriber that receives, on a discretionary basis, three or more French-language specialty services. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.
- e) Except as otherwise provided under a condition of its licence, where a Class 1 licensee was already distributing the U.S. specialty service TV Food Network on an analog basis on 4 July 2000, the licensee is required to distribute the service of Food Network Canada on a modified dual status basis, that is, on a discretionary basis, unless the licensee and the programming service operator agree to its distribution as part of the basic service.

6. Except as otherwise provided under a condition of its licence, where a Class 1 licensee distributes any of the following programming services, the licensee is required to distribute that service exclusively as a discretionary service:
- Fairchild Television;
 - Talentvision;
 - Telelatino;
 - Odyssey;
 - South Asian Television (ATN);
 - any single or limited point-of-view religious specialty service;
 - any other specialty programming service that is designated by the Commission for carriage on a discretionary only basis;
 - any pay television service or any television pay-per-view service offered by a pay television undertaking; and
 - any satellite service as set out in the List of Part 2 eligible satellite services, other than a Part 2 eligible satellite service that the licensee was authorized to distribute as part of its basic service before 3 June 1993, or any non-Canadian religious satellite service.
7. Where a Class 1 licensee is authorized under the *Broadcasting Distribution Regulations* or a condition of its licence to distribute U.S. independent or duplicate network stations on a discretionary basis, each such service must be distributed on a separate channel.

Linkage requirements with respect to programming services, other than single or limited point-of-view religious services, distributed as discretionary services

8. The non-Canadian satellite services specified in the List of Part 2 eligible satellite services may only be offered by Class 1 licensees in a package with Canadian pay television and/or Canadian specialty services, and such a package must be distributed on a discretionary basis, subject to the following linkage requirements:
- a) a Canadian pay television service may be linked in a given discretionary tier with no more than five channels containing any non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services;
 - b) (i) a Canadian specialty service may be linked in a given discretionary tier with no more than one channel containing any of the non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services;
 - (ii) a Class 1 licensee is not permitted to link services on the List of Part 2 eligible satellite services with a Canadian specialty service distributed on the basic service; and
 - c) a Class 1 licensee is not permitted to offer a tier containing only non-Canadian services.

Linkage requirements with respect to single or limited point-of-view religious services distributed as discretionary services

9. Each Canadian single or limited point-of-view religious pay or specialty service may be offered by Class 1 licensees in a package only with other Canadian single or limited point-of-view religious pay or specialty services and with any non-Canadian religious satellite services, and all such services must be distributed as discretionary services, subject to the following linkage requirements:
- a) each Canadian single or limited point-of-view religious pay service may be linked in a single discretionary tier with no more than five channels containing eligible non-Canadian religious satellite services, but in no case can a single discretionary tier whose Canadian component consists only of single or limited point-of-view religious pay services contain more than five channels containing eligible non-Canadian religious satellite services, regardless of the number of Canadian single or limited point-of-view religious pay services included in that tier;
 - b) each Canadian single or limited point-of-view religious specialty service may be linked, within a discretionary tier that may include one or more Canadian single or limited point-of-view religious services, with no more than one channel containing any of the eligible non-Canadian religious satellite services; and
 - c) a Class 1 licensee is not permitted to offer a tier containing only non-Canadian religious satellite services.

Rules regarding the distribution of programming services on a digital basis

10. Except as otherwise provided under a condition of its licence, where a Class 1 licensee distributes any of the following programming services, the licensee is required to distribute that service exclusively as a discretionary service on a digital basis:
- Sport/Specials Pay-Per-View; and
 - any other pay television, pay-per-view or specialty programming service that may be designated by the Commission for carriage exclusively as a discretionary service on a digital basis.
11. A Class 1 licensee is not permitted to distribute a Category 1 specialty programming service on a stand-alone basis unless the Category 1 service is also distributed as part of a package.
12. A Class 1 licensee is not permitted to package an adult Category 2 programming service or an adult third-language television programming service exempted by virtue of the appendix to Public Notice 2007-33 in such a way that subscribers are obligated to purchase the service in order to purchase any other programming service. Licensees are required to take measures to fully block the reception of both the audio and video portions of any adult Category 2 programming service or any adult exempt third-language television programming service to subscribers who request that it not be receivable in their home (in either unscrambled or scrambled mode).

13. Except as otherwise provided under a condition of its licence, where a Class 1 licensee distributes any of the following programming services, the licensee is required to distribute that service exclusively as a discretionary service:
- a) any pay television service or any television pay-per-view service offered by a pay television undertaking;
 - b) any satellite service as set out in Section C of the List of Part 2 Eligible Satellite Services for Digital Distribution Only, as well as any non-Canadian religious satellite services.

Linkage requirements with respect to programming services, other than single or limited point-of-view religious services, distributed as digital discretionary services

14. Any Canadian television service that is included on the List of Part 3 eligible satellite services and that a Class 1 licensee is authorized to distribute may be linked with a second set of U.S. 4+1 network signals that the licensee is authorized to distribute provided that these signals are offered on a discretionary digital basis only.

Linkage requirements with respect to single or limited point-of-view religious services distributed as digital discretionary services

15. Any Canadian single or limited point-of-view religious programming service and any non-Canadian religious satellite service set out in Section C of the List of Part 2 Eligible Satellite Services for Digital Distribution Only may be offered on a “stand-alone” digital discretionary basis. Such services may also be offered in a package with other Canadian single or limited point-of-view religious services or with non-Canadian religious satellite services. Class 1 licensees are not permitted to offer such services in packages with any other type of Canadian or non-Canadian programming service.

Additional rules regarding the distribution of certain third-language Part 2 eligible satellite services authorized after 16 December 2004

16. For the purpose of paragraphs 17 and 18, the following definitions apply:

“exempt third-language television programming service” means a third-language programming service exempted by virtue of the appendix to Public Notice 2007-33.

“general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages. Programming that is accompanied by secondary audio programming (SAP) or subtitles in English or French does not count as third-language programming.

“principal language” means a language in which 40% or more of the programming is broadcast.

17. Any non-Canadian general interest Part 2 eligible satellite service that was added to the List of Part 2 eligible satellite services after 16 December 2004 and that provides at least 40% of its programming in the same third language as a principal language of one or more licensed general interest Category 2 services or general interest exempt third-language television programming service may only be offered by a Class 1 licensee where the Class 1 licensee also distributes at least one licensed general interest Category 2 service or general interest exempt third-language television programming service that provides at least 40% of its programming in that language. Furthermore, any Category 2 service or general interest exempt third-language television programming service distributed pursuant to this requirement must be available to subscribers as part of a package with the non-Canadian general interest third-language service, but no subscriber shall be required to subscribe to that non-Canadian service in order to obtain the Category 2 service or general interest exempt third-language television programming service, nor shall any subscriber be required to subscribe to the Category 2 service or general exempt third-language television programming service to obtain the non-Canadian general interest Part 2 eligible satellite service.
18. In addition to the requirement in paragraph 17, any non-Canadian general interest Part 2 eligible satellite service that was added to the List of Part 2 eligible satellite services after 16 December 2004 and that provides:
 - a) at least 40% of its programming in the Cantonese language may only be offered by Class 1 licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language may only be offered by Class 1 licensees to subscribers that also subscribe to Telelatino;
 - c) at least 40% of its programming in the Mandarin language may only be offered by Class 1 licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language may only be offered by Class 1 licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - d) at least 40% of its programming in the Greek language may only be offered by Class 1 licensees to subscribers that also subscribe to Odyssey.

Additional rules regarding the distribution of certain third-language Category 2 specialty or pay television services approved after 23 November 2005

19. For the purpose of paragraph 20, the following definitions apply:
- “general interest service” means a service that offers programming from a broad spectrum of program genres and categories.
- “third language” means a language other than English or French.
- “third-language service” means a service that provides at least 90% of its programming in one or more third languages, regardless of whether the programming is accompanied by secondary audio programming (SAP) or subtitles in English or in French.
20. Any third-language general interest Category 2 pay or specialty service that was approved after 23 November 2005 and that provides:
- a) at least 40% of its programming in the Cantonese language may only be offered by Class 1 licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language may only be offered by Class 1 licensees to subscribers that also subscribe to Teletatino;
 - c) at least 40% of its programming in the Mandarin language may only be offered by Class 1 licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language may only be offered by Class 1 licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - e) at least 40% of its programming in the Greek language may only be offered by Class 1 licensees to subscribers that also subscribe to Odyssey.

Part II

Rules applicable to Class 2 licensees

Rules regarding the distribution of programming services on an analog basis

21. a) Except as otherwise provided under a condition of its licence, where a Class 2 licensee that operates a cable distribution undertaking in a French-language market distributes the service of ARTV, the licensee must distribute that service on the existing discretionary tier having the largest penetration, that is, the discretionary tier that is received by the highest number of subscribers. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.

- b) Except as otherwise provided under a condition of its licence, where a Class 2 licensee operates a multipoint distribution system (MDS) undertaking in a French-language market, the licensee must provide the service of ARTV to any subscriber that receives three or more French-language specialty services on a discretionary basis. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.

Linkage requirements with respect to programming services, other than single or limited point-of-view religious services, distributed as discretionary services

22. The non-Canadian satellite services specified in the List of Part 2 eligible satellite services may only be offered by a Class 2 licensee in a package with Canadian pay television and/or Canadian specialty services, and such a package must be distributed on a discretionary basis, subject to the following linkage requirements:
- a) a Canadian pay television service may be linked in a given discretionary tier with no more than five channels containing any non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services;
 - b) (i) a Canadian specialty service may be linked in a given discretionary tier with no more than one channel containing any of the non-Canadian-originated services specified in either Section A or Section B of the List of Part 2 eligible satellite services;
 - (ii) a Class 2 licensee is not permitted to link services on the List of Part 2 eligible satellite services with a Canadian specialty service distributed on the basic service; and
 - c) a Class 2 licensee is not permitted to offer a tier containing only non-Canadian services.

Linkage requirements with respect to single or limited point-of-view religious services distributed as discretionary services

23. Each Canadian single or limited point-of-view religious pay or specialty service may be offered by a Class 2 licensee in a package only with other Canadian single or limited point-of-view religious pay or specialty services and with any non-Canadian religious satellite services, and all such services must be distributed as discretionary services, subject to the following linkage requirements:
- a) each Canadian single or limited point-of-view religious pay service may be linked in a single discretionary tier with no more than five channels containing eligible non-Canadian religious satellite services, but in no case can a single discretionary tier whose Canadian component consists only of single or limited point-of-view religious pay services contain more than five channels containing eligible non-Canadian religious satellite services, regardless of the number of Canadian single or limited point-of-view religious pay services included in that

tier;

- b) each Canadian single or limited point-of-view religious specialty service may be linked, within a discretionary tier that may include one or more Canadian single or limited point-of-view religious services, with no more than one channel containing any of the eligible non-Canadian religious satellite services; and
- c) a Class 2 licensee is not permitted to offer a tier containing only non-Canadian religious satellite services.

Rules regarding the distribution of programming services on a digital basis

- 24. Where a Class 2 licensee distributes any of the Category 1 specialty programming services, the licensee will not be permitted to distribute any of these services on a stand-alone basis unless the Category 1 service is also distributed as part of a package.
- 25. A Class 2 licensee is not permitted to package an adult Category 2 programming service or an adult third-language television programming service exempted by virtue of the appendix to Public Notice 2007-33 in such a way that subscribers are obligated to purchase the service in order to purchase any other programming service. Licensees are required to take measures to fully block the reception of both the audio and video portions of any adult Category 2 programming service or any adult exempt third-language television programming service to subscribers who request that it not be receivable in their home (in either unscrambled or scrambled mode).

Linkage requirements with respect to single or limited point-of-view religious services distributed as digital discretionary services

- 26. Any Canadian single or limited point-of-view religious programming service and any non-Canadian religious satellite service set out in Section C of the List of Part 2 Eligible Satellite Services for Digital Distribution Only may be offered on a “stand-alone” digital discretionary basis. Such services may also be offered in a package with other Canadian single or limited point-of-view religious services or with non-Canadian religious satellite services. Class 2 licensees are not permitted to offer such services in packages with any other type of Canadian or non-Canadian programming service.

Additional rules regarding the distribution of certain third-language Part 2 eligible satellite services authorized after 16 December 2004

- 27. For the purpose of paragraphs 28 and 29, the following definitions apply:
 - “exempt third-language television programming service” means a third-language programming service exempted by virtue of the appendix to Public Notice 2007-33.
 - “general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages. Programming that is accompanied by secondary audio programming (SAP) or subtitles in English or French does not count as third-language programming.

“principal language” means a language in which 40% or more of the programming is broadcast.

28. Any non-Canadian general interest Part 2 eligible satellite service that was added to the List of Part 2 eligible satellite services after 16 December 2004 and that provides at least 40% of its programming in the same third language as a principal language of one or more licensed general interest Category 2 services or general interest exempt third-language television programming service may only be offered by Class 2 licensees where the Class 2 licensee also distributes at least one general interest Category 2 service or general interest exempt third-language television programming service that provides at least 40% of its programming in that language. Furthermore, any Category 2 service or general interest exempt third-language television programming undertaking distributed pursuant to this requirement must be available to subscribers as part of a package with the non-Canadian general interest third-language service, but no subscriber shall be required to subscribe to that non-Canadian service in order to obtain the Category 2 service or general interest exempt third-language television programming service, nor shall any subscriber be required to subscribe to the Category 2 service or general interest exempt third-language television programming service to obtain the non-Canadian general interest Part 2 eligible satellite service.
29. In addition to the requirement in paragraph 28, any non-Canadian general interest Part 2 eligible satellite service that was added to the List of Part 2 eligible satellite services after 16 December 2004 and that provides:
- a) at least 40% of its programming in the Cantonese language may only be offered by Class 2 licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language may only be offered by Class 2 licensees to subscribers that also subscribe to Telelatino;
 - c) at least 40% of its programming in the Mandarin language may only be offered by Class 2 licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language may only be offered by Class 2 licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - e) at least 40% of its programming in the Greek language may only be offered by Class 2 licensees to subscribers that also subscribe to Odyssey.

**Additional rules regarding the distribution of certain third-language
Category 2 specialty or pay television services approved after 23 November
2005**

30. For the purpose of paragraph 31, the following definitions apply:
- “general interest service” means a service that offers programming from a broad spectrum of program genres and categories.
- “third language” means a language other than English or French.
- “third-language service” means a service that provides at least 90% of its programming in one or more third languages, regardless of whether the programming is accompanied by secondary audio programming (SAP) or subtitles in English or in French.
31. Any third-language general interest Category 2 pay or specialty service that was approved after 23 November 2005 and that provides:
- a) at least 40% of its programming in the Cantonese language may only be offered by Class 2 licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language may only be offered by Class 2 licensees to subscribers that also subscribe to Telelatino;
 - c) at least 40% of its programming in the Mandarin language may only be offered by Class 2 licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language may only be offered by Class 2 licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - e) at least 40% of its programming in the Greek language may only be offered by Class 2 licensees to subscribers that also subscribe to Odyssey.

Appendix 2 to Broadcasting Regulatory Policy CRTC 2010-312

Linkage requirements for direct-to-home (DTH) satellite distribution undertakings

General

1. This appendix sets out the rules concerning the linkage of programming services distributed on a discretionary basis by licensees holding a direct-to-home (DTH) satellite distribution undertaking licence (DTH licensee). The requirements set out below are intended to reflect those contained in the existing conditions of licence of DTH licensees; to the extent that the requirements depart from any particular condition of licence, the condition of licence will prevail. The provisions set out in this regulatory policy replace those contained in *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2007-52, 16 May 2007.

Rules regarding the distribution of programming services

2. Where a DTH licensee provides a Canadian programming service to a single subscriber at two or more separate dwellings owned or occupied by the same subscriber, the licensee must remit a wholesale fee to the Canadian programming service on a per-dwelling basis and that wholesale fee may not be discounted by virtue of the fact that the service is being provided to the subscriber at more than one dwelling. For purposes of this rule, “subscriber” means a household of one or more persons, whether occupying a single-unit dwelling or a unit in a multiple-unit dwelling, to which service is provided directly or indirectly by a licensee.
3. A DTH licensee must offer the specialty programming service of ARTV in the discretionary package containing the largest number of French-language services. The fee payable to the service provider shall be in the amount of \$0.55 per subscriber per month.
4. A DTH licensee will not be permitted to distribute any Category 1 service on a stand-alone basis unless the Category 1 service is also distributed as part of a package.
5. A DTH licensee is not permitted to package an adult Category 2 programming service or an adult third-language programming service exempted by virtue of the appendix to *Exemption order respecting certain third-language television undertakings*, Broadcasting Public Notice CRTC 2007-33, 30 March 2007 (Public Notice 2007-33), in such a way that subscribers are obligated to purchase the service in order to purchase any other programming service. DTH licensees are required to take measures to fully block the reception of both the audio and video portions of any adult Category 2 programming service or any adult exempt third-language television programming service to subscribers who request that it not be receivable in their home (in either unscrambled or scrambled mode).

Linkage requirements with respect to single or limited point-of-view religious services distributed as discretionary services

6. Any Canadian single or limited point-of-view religious programming service and any non-Canadian religious satellite service set out in Section C of the list of DTH eligible satellite services may be offered on a “stand-alone” digital discretionary basis. Such services may also be offered in a package with other Canadian single or limited point-of-view religious services or with non-Canadian religious satellite services. Distributors are not permitted to offer such services in packages with any other type of Canadian or non-Canadian programming service.

Linkage requirements with respect to programming services distributed as discretionary services other than single or limited point-of-view religious services

7. The non-Canadian satellite services specified in the list of DTH eligible satellite services may only be offered in a discretionary package with Canadian pay television and/or Canadian specialty services and are subject to the following linkage requirements:
- a) a Canadian pay television service (excluding the service of a Canadian DTH pay-per-view television programming undertaking) may be linked in a given discretionary tier with no more than five channels containing any non-Canadian-originated services specified in either Section A or Section B of the List of DTH eligible satellite services;
 - b) (i) a Canadian specialty service may be linked in a given discretionary tier with no more than one channel containing any of the non-Canadian-originated services specified in either Section A or Section B of the List of DTH eligible satellite services;
 - (ii) a DTH licensee is not permitted to link services on the List of DTH eligible satellite services with a Canadian specialty service distributed on the basic service; and
 - c) a DTH licensee is not permitted to offer a tier containing only non-Canadian services.

Additional rules regarding the distribution of certain third-language DTH eligible satellite services authorized after 16 December 2004

8. For the purposes of paragraphs 9 and 10, the following definitions apply:

“exempt third-language television programming service” means a third-language service exempted by virtue of the appendix to Public Notice 2007-33.

“general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages. Programming that is accompanied by secondary audio programming (SAP) or subtitles in English or French does not count as third-language programming.

“principal language” means a language in which 40% or more of the programming is broadcast.

9. Any non-Canadian general interest DTH eligible satellite service that was added to the list of DTH eligible satellite services after 16 December 2004 and that provides at least 40% of its programming in the same third language as a principal language of one or more licensed general interest Category 2 services or general interest exempt third-language television programming services may only be offered by DTH licensees where the DTH licensee also distributes at least one licensed general interest Category 2 service or general interest exempt third-language television programming service that provides at least 40% of its programming in that language. Furthermore, any Category 2 service or general interest exempt third-language television programming service distributed pursuant to this requirement must be available to subscribers as part of a package with the non-Canadian general interest third-language service, but no subscriber shall be required to subscribe to that non-Canadian service in order to obtain the Category 2 service or general interest exempt third-language television programming service, nor shall any subscriber be required to subscribe to the Category 2 service or general interest exempt third-language television programming service to obtain the non-Canadian general interest DTH eligible satellite service.

10. In addition to the requirement in paragraph 9, any non-Canadian general interest DTH eligible satellite service that was added to the list of DTH eligible satellite services after 16 December 2004 and that provides:
 - a) at least 40% of its programming in the Cantonese language may only be offered by DTH licensees to subscribers that also subscribe to Fairchild Television;
 - b) at least 40% of its programming in the Italian or Spanish language may only be offered by DTH licensees to subscribers that also subscribe to Telelatino;
 - c) at least 40% of its programming in the Mandarin language may only be offered by DTH licensees to subscribers that also subscribe to Talentvision;
 - d) at least 40% of its programming in the Hindi language may only be offered by DTH licensees to subscribers that also subscribe to South Asian Television (ATN); and
 - e) at least 40% of its programming in the Greek language may only be offered by DTH licensees to subscribers that also subscribe to Odyssey.

Additional rules regarding the distribution of certain third-language Category 2 specialty or pay television services that were approved after 23 November 2005

11. For the purpose of paragraph 12, the following definitions apply:

“general interest service” means a service that offers programming from a broad spectrum of program genres and categories.

“third language” means a language other than English or French.

“third-language service” means a service that provides at least 90% of its programming in one or more third languages, regardless of whether the programming is accompanied by secondary audio programming (SAP) or subtitles in English or in French.

12. Any third-language general interest Category 2 pay or specialty service that was approved after 23 November 2005 and that provides:

- a) at least 40% of its programming in the Cantonese language may only be offered by DTH licensees to subscribers that also subscribe to Fairchild Television;
- b) at least 40% of its programming in the Italian or Spanish language may only be offered by DTH licensees to subscribers that also subscribe to Telelatino;
- c) at least 40% of its programming in the Mandarin language may only be offered by DTH licensees to subscribers that also subscribe to Talentvision;
- d) at least 40% of its programming in the Hindi language may only be offered by DTH licensees to subscribers that also subscribe to South Asian Television (ATN); and
- e) at least 40% of its programming in the Greek language may only be offered by DTH licensees to subscribers that also subscribe to Odyssey.