



## Broadcasting Notice of Consultation CRTC 2011-317

PDF version

Ottawa, 13 May 2011

### Notice of applications received

#### Various locations

Deadline for submission of interventions/comments/answers: 17 June 2011

[\[Submit an intervention/comment/answer or view related documents\]](#)

The Commission has received the following applications:

#### Applicant and Locality

- Bell ExpressVu Inc. (the general partner) and Bell Canada and Bell ExpressVu Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership**  
Across Canada  
Application 2011-0019-8
- Bell Aliant Regional Communications Inc., the general partner, as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership**  
Various municipalities in the Atlantic provinces  
Application 2011-0026-3
- TELUS Communications Inc., and 1219823 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in Société TÉLÉ-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company**  
Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec  
Application 2011-0293-8
- Bell Canada**  
Drummondville (region of Centre-du-Québec), Gatineau, Joliette (region of Lanaudière), Montréal, Québec, Sherbrooke, Saint-Jérôme (region of Laurentides), Trois-Rivières (region of Mauricie) and surrounding areas, Quebec  
Application 2011-0186-5
- Bell Canada**  
Kingston, Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Peterborough, Stratford, Toronto, Windsor and surrounding areas, Ontario  
Application 2011-0203-7

**1. Across Canada  
Application 2011-0019-8**

Application by **Bell ExpressVu Inc. (the general partner) and Bell Canada and Bell ExpressVu Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership** (Bell ExpressVu) to amend the broadcasting licence for its video-on-demand (VOD) programming undertaking to be authorized to offer community programming that would be produced by the affiliated company Bell Aliant Regional Communications Inc., the general partner, as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership (collectively Bell Aliant). As indicated in application 2011-0026-3, also published today, Bell Aliant intends to distribute community programming using Bell ExpressVu's VOD platform.

To accommodate this plan, the licensee proposes to replace condition of licence 1, which reads:

The licensee shall adhere to the *Pay Television Regulations, 1990*, with the exception of section 3(2)(d) (commercial messages) and section 4 (logs and records).

with the following condition:

The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of sections 3(2)(d), 3(2)(e), 3(2)(f), 4 and 6.1.

The licensee also proposes to add the following condition of licence:

Consistent with standard condition of licence number 2<sup>1</sup> set out in *Standard requirements for video-on-demand undertakings*, Broadcasting Regulatory Policy CRTC 2011-59, 31 January 2011, the Commission authorizes Bell ExpressVu's video-on-demand programming undertaking to operate a community programming subset of its service by the broadcasting distribution undertaking (BDU) that will distribute the community programming, provided that the BDU in question adheres to sections 30, 31 and 33 of the *Broadcasting Distribution Regulations* as set out in *Call for comments on amendments to the Broadcasting Distribution Regulations*, Broadcasting Notice of Consultation CRTC 2010-931, 10 December 2010.

The licensee proposes to add the aforementioned condition of licence to alleviate any concerns the Commission may have with respect to its proposal that Bell Aliant be fully responsible for the management of the community programming and the adherence to the

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<sup>1</sup> Condition of licence 2 states « Except as authorized by the Commission, the programming undertaking shall be operated in fact by the licensee itself. »

applicable regulations related to the community programming that would be offered on Bell ExpressVu's VOD programming undertaking.

*Licensee's address:*

160 Elgin Street

19<sup>th</sup> Floor

Ottawa, Ontario

K2P 2C4

Fax: 613-560-0472

Email: bell.regulatory@bell.ca

Email to request electronic version of application: bell.regulatory@bell.ca

## **2. Various municipalities in the Atlantic Provinces Application 2011-0026-3**

Application by **Bell Aliant Regional Communications Inc., the general partner, as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership** (collectively Bell Aliant) to amend the Class 1 regional licence for its terrestrial broadcasting distribution undertaking serving various municipalities in the Atlantic provinces in order to distribute community programming over a video-on-demand (VOD) platform. As indicated in application 2011-0019-8, also published in this notice, Bell ExpressVu proposes to amend its VOD programming undertaking in order to permit Bell Aliant to offer the aforementioned community programming.

The licensee proposes to add the following condition of licence related to the distribution of a community channel:

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 or pay-per-view 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 broadcasting distribution undertaking 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 licensed area 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 a 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.

*Licensee's address:*

160 Elgin Street

19<sup>th</sup> Floor

Ottawa, Ontario

K2P 2C4

Fax: 613-560-0472

Email: jack.grant@bell.ca

Email to request electronic version of application: regulatory@bell.aliant.ca

**3. Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec  
Application 2011-0293-8**

Application by **TELUS Communications Inc., and 1219823 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in Société TÉLÉ-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company (TELUS)** to renew the Class 1 regional licence for its terrestrial broadcasting distribution undertakings serving the above-mentioned locations, expiring 31 August 2011.

TELUS requests the addition of a condition of licence granting it authorization to distribute CHMG-TV (Télé-Mag) Québec as part of its basic service, as well as the deletion of certain conditions of licence.

TELUS also requests the expansion of the service areas of Sainte-Marie, Saint-Georges and Montmagny, as set out in its application.

*Licensee's address:*

3777 Kingsway

Burnaby, British Columbia

V5H 3Z7

Fax: 613-597-8374

Email: [ann.mainville-neeson@telus.com](mailto:ann.mainville-neeson@telus.com)

Email to request electronic version of application: [regulatory.affairs@telus.com](mailto:regulatory.affairs@telus.com)

**4. Drummondville (region of Centre-du-Québec), Gatineau, Joliette (region of Lanaudière), Montréal, Québec, Sherbrooke, Saint-Jérôme (region of Laurentides), Trois-Rivières (region of Mauricie) and surrounding areas, Quebec  
Application 2011-0186-5**

Application by **Bell Canada** to renew the Class 1 regional licence for its terrestrial broadcasting distribution undertakings serving Gatineau, Montréal, Québec, Sherbrooke and surrounding areas, expiring 31 August 2011.

Bell Canada requests a redefinition of some of its authorized licensed service areas, i.e., extensions to currently authorized service areas, as well as the addition of proposed service areas in Drummondville (region of Centre-du-Québec), Joliette (region of Lanaudière), Saint-Jérôme (region of Laurentides), Trois-Rivières (region of Mauricie) and surrounding areas, as set out in the application.

Bell Canada requests the addition of the following conditions of licence, which would apply to each of the above-noted existing and proposed service areas:

- (a) The licensee is authorized to provide an outlet for community expression using, in whole or in part, a video on-demand service.
- (b) 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*:

If the licensee has 20,000 or more subscribers in the licensed area of a broadcasting distribution undertaking on 31 August 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 to Canadian programming of not less than the greater of:

- 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
- 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 broadcasting distribution undertaking 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:

- 3% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to Canadian programming; and
- 2% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to the community programming undertaking.

If a 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.

(c) The licensee is authorized to distribute WGBH-FM Boston, Massachusetts and KUOW-FM Seattle, Washington, two member stations of the non-Canadian audio programming service National Public Radio.

Bell Canada requests the addition of the following conditions of licence, which would apply to each of the above-noted new proposed service areas:

(a) The licensee is authorized to distribute, as part of the basic service, WCAX-TV (CBS) Burlington, WPTZ (NBC) Plattsburg, WVNY (ABC), WFFF-TV (FOX) and WETK (PBS) Burlington, and WCFE-TV (PBS) Plattsburg. Alternatively, the licensee is authorized to distribute a different set of U.S. 4+1 signals originating in the same time zone as that of the licensed area.

(b) The licensee is authorized to distribute, on a discretionary basis, a second set of U.S. 4+1 signals: KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC), KCPQ (FOX) and KCTS-TV (PBS) Seattle.

(c) For the purposes of sections 29(3) and 29(4) of the *Broadcasting Distribution Regulations*, authorization to calculate the licensee's annual contribution to a community programming undertaking licensed in a licensed area shall be calculated on the basis of the licensee's gross revenues derived from broadcasting activities in that licensed area in each broadcast year.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Drummondville:

(a) The licensee is authorized to distribute, as part of the basic service, CBMT (CBC) Montréal, CFCF (CTV) Montréal, CKMI (Global) Montréal, CJNT (IND) Montréal, CFTU (Savoir) Montréal and CFTM (TVA) Montréal.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Joliette:

- (a) The licensee is authorized to distribute, as part of the basic service, CBFT (SRC) Montréal, CFTM (TVA) Montréal, CFJP (V) Montréal, CIVM (Télé-Québec), CBMT (CBC) Montréal, CFCF (CTV) Montréal, CKMI (Global) Montréal, CJNT (IND) Montréal and CFTU (Savoir) Montréal.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Saint-Jérôme:

- (a) The licensee is authorized to distribute, as part of the basic service, CBFT (SRC) Montréal, CFTM (TVA) Montréal, CFJP (V) Montréal, CIVM (Télé-Québec), CBMT (CBC) Montréal, CFCF (CTV) Montréal, CKMI (Global) Montréal, CJNT (IND) Montréal and CFTU (Savoir) Montréal.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Trois-Rivières:

- (a) The licensee is authorized to distribute, as part of the basic service, CIVM (Télé-Québec), CBMT (CBC) Montréal, CFCF (CTV) Montréal, CKMI (Global) Montréal, CJNT (IND) Montréal and CFTU (Savoir) Montréal.

Bell Canada also requests amendments to and the deletion of certain conditions of licence. Further details are available in the application.

*Licensee's address:*

160 Elgin Street,  
19<sup>th</sup> Floor  
Ottawa, Ontario  
K2P 2C4

Fax: 613-560-0472

Email: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)

Website to view application:

[http://www.bell.ca/shopping/PrsShp\\_CRTC\\_renewApplication.page](http://www.bell.ca/shopping/PrsShp_CRTC_renewApplication.page)

**5. Kingston, Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Peterborough, Stratford, Toronto, Windsor and surrounding areas, Ontario Application 2011-0203-7**

Application by **Bell Canada** to renew the Class 1 regional licence for its terrestrial broadcasting distribution undertakings serving Hamilton/Niagara, Kitchener, London, Oshawa, Ottawa, Toronto, Windsor and surrounding areas, expiring 31 August 2011.

Bell Canada requests a redefinition of some of its authorized licensed service areas, i.e., extensions to currently authorized service areas, as well as the addition of proposed

service areas in Kingston, Peterborough and Stratford and surrounding areas, as set out in the application.

Bell Canada requests the addition of the following conditions of licence, which would apply to each of the above-noted existing and new proposed service areas:

- (a) The licensee is authorized to provide an outlet for community expression using, in whole or in part, a video on-demand service.
- (b) 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*:

If the licensee has 20,000 or more subscribers in the licensed area of a broadcasting distribution undertaking on 31 August 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 to Canadian programming of not less than the greater of:

- 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
- 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 broadcasting distribution undertaking 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:

- 3% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to Canadian programming; and
- 2% of its gross revenues derived from broadcasting activities in the licensed area in the broadcast year to the community programming undertaking.

If a 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.



- (c) The licensee is authorized to distribute WGBH-FM Boston, Massachusetts and KUOW-FM Seattle, Washington, two member stations of the non-Canadian audio programming service National Public Radio.

Bell Canada requests the addition of the following conditions of licence, which would apply to each of the above-noted new proposed service areas:

- (a) The licensee is authorized to distribute, as part of the basic service, the signals of WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC), WUTV (FOX) and WNED-TV (PBS) Buffalo or alternatively, for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area.
- (b) The licensee is authorized to distribute on a discretionary basis the signal of WNYO-TV (Warner Brothers) Buffalo.
- (c) The licensee is authorized to distribute, as part of the basic service, the signal of CFJP (V) Montréal.
- (d) The licensee is authorized to distribute, on a discretionary basis, a second set of 4+1 U.S. signals: KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC), KCPQ (FOX) and KCTS-TV (PBS) Seattle.
- (e) For the purpose of sections 29(3) and 29(4) of the *Broadcasting Distribution Regulations*, the licensee's annual contribution to a community programming undertaking licensed in a licensed area shall be calculated on the basis of the licensee's gross revenues derived from broadcasting activities in that licensed area in each broadcast year.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Kingston:

- (a) The licensee is authorized to distribute, as part of the basic service, CJOH (CTV) Ottawa, CIII (Global) Toronto, CHRO (A) Ottawa, CityTV Toronto, CFMT (OMNI.1) Toronto, CJMT (OMNI.2) Toronto, CBLFT (SRC) Toronto, CFTM (TVA) Montréal, CFJP (V) Montréal, CITS Burlington and the Québec National Assembly.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Peterborough:

- (a) The licensee is authorized to distribute, as part of the basic service, CFTO (CTV) Toronto, CIII (Global) Toronto, CKVR (A) Barrie, CityTV Toronto, CFMT (OMNI.1) Toronto, CJMT (OMNI.2) Toronto, CBLFT (SRC) Toronto, CFTM (TVA) Montréal, CFJP (V) Montréal, CITS Burlington and the Québec National Assembly.

Bell Canada requests the addition of the following condition of licence, which would apply to the new proposed service area in Stratford:

- (a) The licensee is authorized to distribute, as part of the basic service, CBLT (CBC) Toronto, CFTO (CTV) Toronto, CIII (Global) Toronto, CFPL (A) London, CityTV Toronto, CFMT (OMNI.1) Toronto, CJMT (OMNI.2) Toronto, CBLFT (SRC) Toronto, CFTM (TVA) Montréal, CFJP (V) Montréal, CHCH Hamilton, CITS Burlington and the Québec National Assembly.

Bell Canada also requests amendments to and the deletion of certain conditions of licence. Further details are available in the application.

*Licensee's address:*

160 Elgin Street

19<sup>th</sup> Floor

Ottawa, Ontario

K2P 2C4

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Email: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)

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## **Procedure**

### **Deadline for interventions or answers**

**17 June 2011**

The new *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure*, SOR/2010-277 (the Rules of Procedure), set out, among other things, the rules for filing, content, format and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of the public hearing. Accordingly, the procedure set out below must be read in conjunction with the Rules of Procedure and its accompanying documents, which can be found on the Commission's website under "CRTC Rules of Practice and Procedure."

This notice may announce applications that would normally be subject to the written process described in Part 1 of the Rules of Procedure, but that were filed before 1 April 2011. An explanation in this regard is set out in *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010.

An intervention or answer from a respondent must be received by the Commission and by the applicant on or before the above-mentioned date. An answer from a respondent must also be served on any other respondent. The Commission cannot be held responsible for postal delays and will not notify a party whose submission is received after the deadline

date. The submission will not be considered by the Commission and will not be part of the public file.

Interventions and answers from respondents will be considered by the Commission and will form part of the public record of the proceeding without further notification to parties, provided the procedures set out in the Rules of Procedure and this notice have been followed. Parties will be contacted only if their submissions raise procedural questions.

Interventions or answers must be submitted to the Secretary General of the Commission in **only one** of the following formats:

**by using the**  
[\[Intervention/comment/answer form\]](#)

or

**by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**by fax at**  
819-994-0218

A true copy of each intervention or answer from a respondent must be sent to the applicant and, in the case of a respondent to an application, to any other respondent.

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

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service was completed. The sender must keep proof of the sending and the receipt of the document for 180 days after the day on which it is filed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, 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 altered during electronic transmission.

Interventions and answers should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

**Important notice**

All information that parties provide as part of this public process, except information designated confidential, whether sent by postal mail, facsimile, e-mail or through the Commission's website 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 website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties 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 website in their entirety exactly as received, 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.

The information that parties 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 web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages parties and interested persons to monitor the record of the proceeding, available on the Commission's website, for additional information that they may find useful when preparing their submissions.

**Examination of documents**

An electronic version of the applications is available on the Commission's website by selecting the application number within this notice. It is also available from the applicants, either on their websites or upon request by contacting the applicants at their email addresses, provided above.

A list of all interventions and answers will also be available on the Commission's website. The list is accessible by selecting "View all proceedings open for comment" from the "Public Proceedings" section of the Commission's website and by clicking on the "Interventions/Answers" link associated with this notice.

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 two (2) working days, at any other Commission offices and documentation centres.

**Location of Commission offices**

Toll-free telephone: 1-877-249-2782  
Toll-free TDD: 1-877-909-2782

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

***Regional offices***

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  
Fax: 204-983-6317

2220 – 12<sup>th</sup> Avenue  
Suite 620  
Regina, Saskatchewan  
S4P 0M8  
Tel.: 306-780-3422

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

858 Beatty Street  
Suite 290  
Vancouver, British Columbia  
V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General