



## Broadcasting Regulatory Policy CRTC 2011-415

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Ottawa, 8 July 2011

### Review of the regulatory framework relating to vertical integration

#### Continuation of service

1. In light of the issues being considered as part of the public proceeding initiated by Broadcasting Notice of Consultation CRTC 2010-783 and in order to better permit the Commission to implement determinations that may result from this proceeding, the Commission determines the following:
  - A programming undertaking that is in negotiations with a broadcasting distribution undertaking or the operator of an exempt distribution undertaking with respect to the terms of carriage of programming originated by the programming undertaking should continue to provide the distributor or operator with its programming services on the same terms and conditions as contained in the last agreement reached between the concerned undertakings.
  - A broadcasting distribution undertaking that is in negotiations with a programming undertaking with respect to the terms of carriage of programming originated by that programming undertaking should continue to distribute the programming services of that programming undertaking on the same terms and conditions as contained in the last agreement reached between the concerned undertakings.
2. The preceding determinations shall remain in effect until 30 days following the publication of the Commission's decision in the above-noted proceeding.
3. The Commission notes that sections 18 and 38 of the *Broadcasting Distribution Regulations* (BDU Regulations) specify the programming services that licensed distribution undertakings must distribute.
4. The Commission also notes that under section 7 of the *Pay Television Regulations, 1990* and section 11 of the *Specialty Services Regulations, 1990*, licensees must continue to make their programming services available to distributors during a dispute if the distributor must distribute the programming service under section 18 of the BDU Regulations or as a result of an order issued under section 9(1)(h) or 9(4) of the *Broadcasting Act*.

Secretary General