



## Broadcasting Notice of Consultation CRTC 2011-732

PDF version

Ottawa, 28 November 2011

### Notice of applications received

#### Across Canada

**Deadline for submission of interventions/comments/answers: 20 January 2012**

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

The Commission has received the following applications:

#### Applicant/Licensee and Locality

1. **Bell ExpressVu Inc. (the general partner), and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership**  
Across Canada  
Application 2011-0952-0
2. **Star Choice Television Network Incorporated**  
Across Canada  
Application 2011-0954-6

#### 1. **Across Canada** **Application 2011-0952-0**

Application by **Bell ExpressVu Inc. (the general partner), and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership** (Bell TV) to renew the broadcasting licence for its direct-to-home broadcasting distribution undertaking serving communities throughout Canada, expiring 29 February 2012.

Bell TV requests the addition of the following conditions of licence:

- The licensee may, at its option, engage in bulk billing in multiple unit dwellings.
- The licensee will distribute at least 43 additional television stations that meet the following criteria in standard definition by 31 August 2012, and as part of the basic package in the appropriate local markets:
  - (a) local stations eligible for the Local Programming Improvement Fund (LPIF);
  - (b) non-branded community-based television services;

- (c) non-LPIF-eligible local stations that meet the five-hour (French language) and seven-hour (English language) minimum local programming commitment; and
- (d) existing independent television stations that currently operate in markets that were required to convert to digital transmission on 31 August 2011.

Bell TV also proposed to amend and delete other conditions of licence. Details of which are available in the application.

*Licensee's address:*

160 Elgin Street

Floor 19

Ottawa, Ontario

K2P 2C4

Fax: 613-560-0472

E-mail: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)

E-mail to request electronic version of application: [bell.regulatory@bell.ca](mailto:bell.regulatory@bell.ca)

## **2. Across Canada Application 2011-0954-6**

Application by **Star Choice Television Network Incorporated** (Shaw Direct) to renew the broadcasting licence for its direct-to-home broadcasting distribution undertaking serving communities throughout Canada, expiring 29 February 2012.

Shaw Direct requests the addition of the following conditions of licence:

- The licensee may distribute the television programming services that it is required to distribute under section 46 of the *Broadcasting Distribution Regulations* in standard definition only, but may elect to distribute all or some of such services in high definition at its discretion.
- Effective by the later of 1 January 2013 and 30 days after the commercial deployment of Anik G1, the licensee shall distribute, in standard definition and on a full-time basis, all LPIF-conforming conventional stations, as identified by the Commission using the following criteria:
  - (a) English- and French-language conventional stations serving markets in which the population with a knowledge of the official language of the station (i.e., English or French) is less than one million (to be referred to as non-metropolitan markets)<sup>1</sup>;

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<sup>1</sup> The Commission notes that CBLFT Toronto, as well as CBKFT Regina, both of which serve official language minority communities, are LPIF conforming stations

- (b) In instances where local programming levels have been harmonized, conventional stations in non-metropolitan markets that are subject to or are in compliance with conditions of licence that require the following:
- i. For English-language stations, the broadcast of a minimum of seven hours per broadcast week of local programming, including local news; and
  - ii. For French-language stations, the broadcast of a minimum of five hours of local programming per broadcast week, including local news; and
- (c) In instances where local programming levels have not been harmonized, conventional stations in non-metropolitan markets that are meeting their current obligations/commitments relating to local programming, including news, as stated in their most recent licence renewal decisions.

- The licensee may elect to distribute all or some of such stations in high definition at its discretion.
- The licensee is relieved from the requirements of section 7 of the *Broadcasting Distribution Regulations* for the purpose of distributing, on a part-time basis, via partial and/or omnibus channels, the local and regional news, weather, sports and other unique local or regional programming exhibited by those licensed over-the-air, i.e., conventional television stations not distributed by the licensee in their entirety. Distribution of programming on a part-time basis is subject to the following requirements:

Distribution of part-time programming may only take place on a partial channel with the prior written consent of the television station originating the programming. In addition, the further prior written consent of the television station is necessary in order to distribute this part-time programming on an omnibus channel, or at a time that is not simultaneous with its original broadcast on the television station.

Shaw Direct also proposed to amend and delete other conditions of licence. Details of which are available in the application

*Licensee's address:*

630-3<sup>rd</sup> Avenue S.W.  
Calgary, Alberta  
T2P 4L4

Fax: 613-688-6753

E-mail: [cynthia.rathwell@shawdirect.ca](mailto:cynthia.rathwell@shawdirect.ca)

E-mail to request electronic version of application: [joanne.benoit@sjrb.ca](mailto:joanne.benoit@sjrb.ca)

## Procedure

### Deadline for interventions or answers

**20 January 2012**

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 content, format, filing and service of interventions, the procedure for filing confidential information and requesting its disclosure, and the conduct of public hearings. 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.

In accordance with the Rules of Procedure, a document must be filed with, not merely sent to, the Commission by 5 p.m. Vancouver time (8 p.m. Ottawa time) on the date it is due. The Commission takes no responsibility for postal delays and will not notify a party whose submission is received after the deadline date. Late submissions will not be considered by the Commission and will not be made 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.

Submissions must be filed by sending them to the Secretary General of the Commission by **only one** of the following means:

**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/licensees, either on their websites or upon request by contacting the applicants/licensees 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 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  
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B3A 4S5  
Tel.: 902-426-7997  
Fax: 902-426-2721

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M4T 1M2  
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Secretary General