



## Broadcasting Notice of Consultation CRTC 2012-115

PDF version

Ottawa, 23 February 2012

### **Call for comments on proposed amendments to the mandatory distribution order for The Weather Network/Météomédia – Distribution of appropriate regional feeds**

*The Commission calls for comments on a proposal by Pelmorex Communications Inc. to amend 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, in order to ensure that the most appropriate regional feed for The Weather Network/Météomédia that is available to a broadcasting distribution undertaking is distributed as part of the digital basic service. The deadline for the receipt of comments is 26 March 2012.*

#### **Introduction**

1. In Broadcasting Decision 2011-438, the Commission noted that Pelmorex Communications Inc. (Pelmorex), in regard to its National Alert Aggregation and Dissemination (NAAD) System, 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 (English language only) 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 current mandatory distribution order for TWN/MM does not contemplate the existence of multiple regional feeds. Accordingly, in that report,

it requested certain amendments be made to the mandatory distribution order<sup>1</sup> to ensure that the most appropriate feed available to a broadcasting distribution undertaking is distributed as part of the digital basic service.

### Call for comments

4. The amendments to the mandatory distribution order as proposed by Pelmorex are set out in bold in the appendix to the present notice. The Commission invites comments on the wording of those proposed amendments. The Commission will accept comments that it receives on or before **26 March 2012**.

### Procedure

5. 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. 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."
6. 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.
7. The Commission will not formally acknowledge interventions. It will, however, fully consider all interventions, and they will form part of the public record of the proceeding, provided that the procedures for filing set out in the Rules of Procedure and this notice have been followed.
8. 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

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<sup>1</sup> 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.

or

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

9. Submissions longer than five pages should include a summary.
10. Each paragraph of the submission should be numbered. In addition, where the comment 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.

### **Important notice**

11. 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.
12. 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.
13. 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.
14. 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.
15. 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**

16. 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 clicking on the "Interventions/Answers" link associated with this notice.

17. The public may examine public interventions and related documents at the following Commission offices during normal business hours.

**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

360 Main Street  
Suite 970  
Winnipeg, Manitoba  
R3C 3Z3  
Tel.: 204-983-6306  
Fax: 204-983-6317

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

100 – 4<sup>th</sup> Avenue South-West  
Suite 403  
Calgary, Alberta  
T2P 3N2  
Tel.: 403-292-6660  
Fax: 403-292-6686

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

Secretary General

**Related documents**

- *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
- *Mandatory distribution order for The Weather Network and Météomédia*, Broadcasting Order CRTC 2009-340, 11 June 2009

## Appendix to Broadcasting Notice of Consultation CRTC 2012-115

### **Proposed amendments to 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**

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 (amendments are indicated in bold):

### **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 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 broadcasting distribution undertaking (BDU) licensees. These licensees are collectively referred to in this Order as 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.

- f) A distribution 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 Communications Inc.'s (Pelmorex) licence.
- g) This Order shall remain in effect until 31 August 2018. However, in the event that Pelmorex does not execute a National Alert Aggregation and Dissemination System User Agreement with the emergency management organization (EMO) of Nunavut by 1 April 2012 or that it fails to report on the progress of its negotiations and efforts to reach such an agreement with the EMO of the Northwest Territories by no later than 24 July and 24 January of each year, the mandatory distribution order will expire on 31 August 2015.

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 broadcasting distribution undertaking” shall have the same meanings as those set out in the *Broadcasting Distribution Regulations*, as amended from time to time.