



Broadcasting Decision CRTC 2013-156

PDF version

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Additional reference: 2012-182-1

Ottawa, 27 March 2013

Bell Aliant Regional Communications, Limited Partnership¹

Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia

Application 2012-0114-4, received 30 January 2012

Terrestrial broadcasting distribution undertakings serving various communities in the Atlantic Provinces – Licence renewal and licence amendments

*The Commission **renews** the regional broadcasting licence for the terrestrial broadcasting distribution undertakings serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia, from 1 April 2013 to 31 August 2018. This short-term renewal will allow the Commission to review at an earlier date the licensee's compliance with the Broadcasting Distribution Regulations.*

*The Commission **approves** the licensee's request to delete various conditions of licence for these undertakings, as discussed in the decision.*

*The Commission **denies** the licensee's request to amend certain of its conditions of licence so as to provide it with the flexibility to allocate a portion of its contributions to local expression to the broadcast of community programming over the Internet.*

Introduction

1. The Commission received an 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 (Bell Aliant) to renew the regional broadcasting licence for its terrestrial broadcasting distribution undertakings (BDUs) serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick;

¹ The licence for a broadcasting undertaking operated under a partnership agreement is issued to every partner of that agreement.

St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia. The current licence expires 31 March 2013.²

2. Bell Aliant also requested the deletion of various conditions of licence, as set out in its application and discussed further in this decision.
3. In addition, the licensee stated that it would accept a condition of licence requiring it to provide one or more simple means of accessing described programming, and committed to meet the requirements regarding customer service and information set out in Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy).
4. This licence renewal application was first announced in Broadcasting Notice of Consultation 2012-182. In Broadcasting Notice of Consultation 2012-182-1, the Commission added new information to the public file, and set a new intervention date in regard to that information only. That information is related to a request by Bell Aliant for further amendments to its current conditions of licence that would provide it with the flexibility to allocate a portion of its contributions to local expression to the broadcast of community programming over the Internet.
5. In response to Broadcasting Notice of Consultation 2012-182, the Commission received interventions commenting on the application from Télé Inter-Rives ltée, CHAU-TV Communications ltée and Télévision M.B.S. inc. (collectively, Télé Inter-Rives), as well as from Bellefeuille Production ltée (Bellefeuille) and Productions du Milieu Inc. (Productions du Milieu).
6. In response to Broadcasting Notice of Consultation 2012-182-1, the Commission received an intervention in opposition from The Canadian Association of Community Television Users and Stations (CACTUS), as well as interventions offering general comments from Bragg Communications Incorporated, carrying on business as Eastlink (Eastlink) and Rogers Communications Partnership (Rogers).
7. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and decisions

8. After examining the public record for the application in light of applicable regulations and policies, the Commission considers that the issues it must address in its determinations are the following:
 - the licensee's non-compliance in regard to the pass-through of described video³ for high definition (HD) programming services;

² The original licence expiry date was 31 August 2012. The licence was administratively renewed until 31 March 2013 as a result of Broadcasting Decisions 2012-432 and 2012-702.

- the distribution on Bell Aliant’s BDUs in New Brunswick of various Télé Inter-Rives Itée’s television stations from Quebec;
- the allocation of a portion of Bell Aliant’s contributions to local expression to the broadcast of community programming over the Internet;
- required contributions to local expression;
- the distribution of a first set of U.S. 4+1 signals⁴ as part of the basic service;
- the deletion of certain conditions of licence;
- the distribution of a video-on-demand (VOD)-based outlet for local expression; and
- the implementation of the Commission’s determinations regarding accessibility of services.

Non-compliance in regard to the pass-through of described video for high definition programming services

9. During the course of the licence renewal process, the Commission became aware of an undisclosed non-compliance with Bell Aliant’s regulatory obligation to pass through described video for HD programming services.
10. In the Accessibility Policy, the Commission reminded all terrestrial and satellite BDUs that they must pass through the described video of all programming services that they distribute by no later than 1 September 2009, in accordance with the *Broadcasting Distribution Regulations* (the Regulations) and the Commission’s policy set out in Broadcasting Public Notice 2007-101.
11. Section 7 of the Regulations stipulates that a licensee shall not alter the content or format of a programming service or delete a programming service in a licensed area in the course of its distribution except under certain circumstances, including, but not limited to, “as required or authorized under a condition of its licence or the Regulations,” and “for the purpose of deleting a subsidiary signal, unless the signal is, itself, a programming service or is related to the service being distributed.”
12. Bell Aliant submitted that there have been technical difficulties in passing through the HD described video signals on both its optical fibre and digital subscriber line technologies since 2009. It confirmed, however, that it is passing through described

³ Described video is a technique whereby a narrator provides a description of a program’s key visual elements during natural pauses in the programming so that people who are blind or partially sighted can understand what is occurring on the screen.

⁴ This refers to the set of signals that provide the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial U.S. network (PBS).

video on standard definition (SD) signals when it is aware that described video is available.

13. In response to further Commission inquiries, Bell Aliant indicated it intended to implement a solution to enable the pass-through of described video for HD services in stereo format by 30 December 2012. However, it indicated that it would not be able to pass through multi-channel audio tracks for described video programming.
14. The Commission notes that this is a longstanding non-compliance issue. However, the Commission recognizes that Bell Aliant has a clearly articulated plan for bringing itself into compliance by passing through described video in stereo format for HD services. Notwithstanding the above, the Commission is of the view that BDUs should be passing through multi-channel audio tracks for described video programming, if provided in multi-channel audio format by the programming service, and that Bell Aliant must implement a long-term solution to this effect, consistent with the Regulations.
15. In light of Bell Aliant's non-compliance relating to the pass-through of described video, the Commission finds it appropriate to grant a short-term renewal. The Commission has determined that it will renew Bell Aliant's licence for a term ending 31 August 2018. In addition, in order to monitor Bell Aliant's compliance with its regulatory requirement relating to the pass-through of described video, the Commission requires that the licensee:
 - by 30 April 2013, confirm that it has implemented a solution to pass through described video in stereo format for HD services. If the situation is not resolved by that date, it must report to the Commission on the 15th day of every month commencing May 2013, detailing the actions that have been undertaken in that period, until the issue is resolved.
 - by 30 April 2013, provide a detailed plan, including timelines, to enable the pass-through of multi-channel audio tracks for described video, if provided in that format by programming services, and to report every three months commencing 31 July 2013 until the issue is resolved.
16. The aforementioned reports and plans will be made available on the Commission's website to provide the public with information about Bell Aliant's plans.

Distribution on Bell Aliant's broadcasting distribution undertakings in New Brunswick of various Télé Inter-Rives ltée's television stations from Quebec

Interventions

17. In their interventions, Télé Inter-Rives, Bellefeuille and Productions du Milieu noted that Bell Aliant does not distribute in New Brunswick three Quebec television stations of which Télé Inter-Rives ltée is the licensee, namely, CHAU-TV Carleton and CIMT-TV Rivière-du-Loup, both of which are affiliates of TVA Group Inc. (TVA), and CFTF-TV Rivière-du-Loup, an affiliate of V Interactions inc.

(V Interactions). The interveners requested that these television stations be distributed in New Brunswick on Bell Aliant's terrestrial BDUs.⁵

18. Télé Inter-Rives and Productions du Milieu acknowledged that Bell Aliant was operating in compliance with the Regulations since the relevant service contours of the above-noted television stations do not fall within Bell Aliant's licensed service areas. However, in support of the above-noted request, they submitted that the stations in question have produced local content that focuses on Francophones in New Brunswick as a result of the funding received from the Small Market Local Programming Fund and the Local Programming Improvement Fund. Télé Inter-Rives indicated that it has teams of journalists exclusively covering events in New Brunswick, and that the stations produce newscasts and community information segments that focus exclusively on New Brunswick communities.
19. For these reasons, Télé Inter-Rives submitted that the distribution of these TVA- and V Interactions-affiliated stations from Quebec throughout Bell Aliant's service areas would result in greater customer satisfaction. Bellefeuille and Productions du Milieu expressed the same view, the latter adding that this would be especially true for Acadians residing in southern New Brunswick and wherever Acadians reside in Nova Scotia, Prince Edward Island, and Newfoundland and Labrador.

Licensee's reply

20. In its reply, the licensee stated that none of the interveners had alleged that it was in violation of its conditions of licence. It further stated that the carriage requests made by Télé Inter-Rives and supported by Bellefeuille and Productions du Milieu go beyond the requirements of the Regulations. Bell Aliant therefore submitted that the interveners' requests should be denied. However, it noted that it would review the potential for distributing the signals in question to New Brunswick residents and expressed a willingness to engage in negotiations with Télé Inter-Rives ltée, even though it is not required to do so.

Commission's analysis and decision

21. The Commission recognizes that the distribution in New Brunswick by Bell Aliant of Télé Inter-Rives ltée's affiliate stations could potentially benefit Bell Aliant's subscribers. However, as noted by Télé Inter-Rives and Productions du Milieu, as well as by Bell Aliant, the distribution requests made by the interveners go beyond the requirements of the Regulations.

⁵ In its intervention, Télé Inter-Rives also requested that CHAU-TV be distributed in HD rather than in SD. However, as noted by Bell Aliant in its reply, the relevant service contour of CHAU-TV falls within the service area of one of Bell Aliant's undertakings that was exempted by virtue of the exemption order for terrestrial BDUs serving fewer than 20,000 subscribers, set out in the appendix to Broadcasting Order 2012-408. The Commission therefore considers that the issue raised by Télé Inter-Rives regarding the format for the distribution of CHAU-TV lies outside the scope of the present proceeding.

22. Notwithstanding the above, the Commission notes that Bell Aliant, in its reply to the interveners, indicated a willingness to engage in negotiations with Télé Inter-Rives Itée to potentially distribute the signals in question. The Commission is therefore satisfied with Bell Aliant's reply to the interveners on this issue.

Allocation of a portion of Bell Aliant's contributions to local expression to the broadcast of community programming over the Internet

23. As noted above, Bell Aliant requested amendments to certain of its conditions of licence in order to provide it with the flexibility to allocate a portion of its contributions to local expression to the broadcast of community programming over the Internet. In this regard, the licensee noted that the Commission, in Broadcasting Regulatory Policy 2010-622, as corrected by Broadcasting Regulatory Policy 2010-622-1 (the Community Television Policy), stated that it would consider, at licence renewal, proposals by BDUs to allocate a portion of their local expression contributions to community programming broadcast on new media platforms (now known as digital media).

Interventions

24. Although CACTUS, Eastlink and Rogers did not oppose the distribution of community content over the Internet, these interveners expressed concerns regarding the lack of information that Bell Aliant provided in regard to the operation of its proposed service and as to how it would be compliant with the Community Television Policy.

25. According to CACTUS, neither of the two fundamental distinguishing features of community media were addressed by Bell Aliant, namely: 1) access to a community-based facility; and 2) control of the production facility and distribution platforms. CACTUS therefore requested that the Commission not approve the licensee's request until the implications have been shown to be consistent with the long-term goals of the Community Television Policy.

26. Eastlink agreed with the Commission that BDUs should be permitted to offer community programming on a variety of platforms in order to meet the needs and expectations of consumers. However, in order to fully understand the licensee's intentions and the manner in which the proposed service would operate and meet its regulatory requirements, Eastlink provided a list of examples of information it considers should have been provided by Bell Aliant. Eastlink further submitted that, if this request for flexibility is approved, other BDUs should also be entitled to similar flexibility.

27. For its part, Rogers submitted that if the Commission approves Bell Aliant's request, it should require Bell Aliant to identify the number of programs that will be added to the platform in the current broadcast year and that will be funded using the contribution available to the service area in question. Rogers also urged the Commission to address the challenge of monitoring compliance with the policy for

BDUs that use a VOD and/or an Internet platform exclusively as an outlet for local expression.⁶

Licensee's reply

28. In its reply to the interventions, Bell Aliant elaborated on its plans to distribute a community channel, noting that it would make it available to customers on three platforms (linear, Internet and VOD), with content being shared among all three.
29. In reply to CACTUS's concerns regarding the absence of "brick and mortar" facilities in each community, Bell Aliant noted that the Community Television Policy does not impose a requirement for BDUs to have a physical presence in each community. In reply to Eastlink's and Rogers' concerns, the licensee committed to soliciting input and contributions from community members and organizations regarding local and access programming and to providing assistance to produce such content. Bell Aliant also noted that local and access programming would be sourced from, and funding would be allocated to each of the areas served by its BDUs in proportion to BDU revenues earned from each of these areas, as would be evidenced through annual reporting. In reply to another concern raised by Eastlink, Bell Aliant clarified that although its television customers would require a high-speed Internet connection to view the community channel online, customers would not be required to obtain their Internet service from Bell Aliant.

Commission's analysis and decisions

30. As part of its determination set out in the Community Television Policy that it would consider proposals by BDUs to allocate a portion of their local expression contributions to community programming broadcast on digital media platforms, the Commission acknowledged that there is significant opportunity to deliver programming (and thus for Canadians to receive community programming) on both licensed and exempt platforms. It further indicated that models for distributing Canadian content to Canadians increasingly include non-linear platforms such as VOD and the Internet.

⁶ In its intervention, Rogers expressed a concern in regard to how the Commission will ensure that Bell Aliant's provision of community programming on a VOD basis will be done in adherence to the Community Television Policy. It urged the Commission to address the unique challenges of monitoring compliance with the Community Television Policy and, more specifically, to require Bell Aliant to report on how it will operate in accordance with the provisions set out in that policy. However, in Broadcasting Notice of Consultation 2012-182-1, the Commission specified that it would only accept comments on the new information provided in that notice of consultation. As a result, the Commission considers that Rogers' comment in regard to the report to be provided by Bell Aliant lies outside the scope of that notice of consultation. The Commission notes, however, that in Broadcasting Decision 2011-737, it indicated that BDUs that provide community programming on a VOD basis would be required, at licence renewal, to submit reports outlining how they would be operating their community programming service on a VOD basis in accordance with the provisions set out in the Community Television Policy.

31. Bell Aliant's proposal to allocate a portion of its local expression contribution to the broadcast of community programming over the Internet is the first of its kind since the Commission made the above-noted determination. Although the licensee addressed certain concerns and questions raised by CACTUS, Eastlink and Rogers in its reply, the Commission considers that it did not provide sufficient information to adequately discharge its burden to demonstrate that its proposal would be in the interest of its subscribers or would benefit the broadcasting system as a whole. In particular, the licensee did not provide enough information on its proposal to allow the Commission to ensure its adherence to the Community Television Policy.
32. While the Commission is not opposed to the use of contribution funds for the provision of an Internet-based community channel, it is of the view that additional information would be required before approving Bell Aliant's proposal. For example, the Commission would expect a licensee to clearly identify the portion of funds it intends to allocate to Internet production, as well as other details similar to those requested of Bell Aliant, as outlined in paragraph 42 below, with respect to the distribution of a VOD-based outlet for local expression. Accordingly, the Commission does not consider it appropriate to approve Bell Aliant's request at this time.
33. In light of the above, the Commission **denies** Bell Aliant's request to amend certain conditions of licence so as to allocate a portion of its contributions to local expression to the broadcast of community programming over the Internet.

Required contributions to local expression

34. In Broadcasting Decision 2011-663, the Commission approved a request by Bell Aliant to redirect up to 2% of its gross annual revenues derived from broadcasting activities to its proposed VOD outlet for local expression, as an exception to section 34 of the Regulations, and set out a condition of licence to that effect for Bell Aliant's regional terrestrial BDUs in the Atlantic Provinces.
35. In Broadcasting Regulatory Policy 2012-392, the Commission announced that it had made amendments to the Regulations to implement its determinations set out in Broadcasting Regulatory Policy 2012-154 relating to the mechanism for the funding of local expression by BDUs. The Commission considers that it would be appropriate to reflect these amendments as closely as possible in the condition of licence that relates to required funding to local expression and that permits community programming on the VOD platform. Accordingly, that condition of licence, set out in Broadcasting Decision 2011-663, has been amended to reflect the amendments made to section 34 of the Regulations. The amended **condition of licence** is set out in the appendix to this decision.

Distribution of a first set of U.S. 4+1 signals as part of the basic service

36. The Commission notes that there are no U.S. 4+1 networks located in the Atlantic time zone. As such, the Commission considers it appropriate to amend Bell Aliant's condition of licence authorizing the distribution of a first set of U.S. 4+1 signals as

part of the basic service so as to allow the licensee to distribute, as an alternative for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the approved first set of U.S. 4+1 signals, rather than that of the licensed area. The Commission notes that this condition of licence also specifies that the alternate signals must be included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission. The amended **condition of licence** is set out in the appendix to this decision.

Deletion of certain conditions of licence

37. The Commission notes that certain conditions of licence currently in effect for Bell Aliant's licensed undertakings in the Atlantic Provinces are no longer necessary due to amendments to the Regulations that came into effect on 1 September 2011, or due to the fact that certain of those conditions of licence are now general authorizations set out in the appendix to Broadcasting Regulatory Policy 2011-522. Accordingly, the Commission considers it appropriate to delete certain conditions of licence, given that their deletion does not conflict with any regulation or policy currently in effect, and **approves** Bell Aliant's requests in this regard.
38. Furthermore, at a time when the Bell Aliant group of companies were part of a structure that included an Income Trust and involved a number of partnerships, the Commission imposed in Broadcasting Decision 2006-276, and amended in Broadcasting Decision 2006-598, conditions of licence requiring that:
- 100% of the trustees of Bell Aliant Regional Communications Income Fund and Bell Aliant Holdings Trust and any subsidiary trusts be Canadian at all times;
 - no less than 80% of the directors of Bell Aliant Regional Communications Holdings Inc. and Bell Aliant Regional Communications Inc. be Canadian at all times; and
 - no less than 80% of the shareholders of Bell Aliant Regional Communications Holdings Inc. and its CEO be Canadian at all times.
39. Given that such entities did not meet the definition of a "qualified corporation" as set out in the *Direction to the CRTC (Ineligibility of non-Canadians)* (the Direction), the Commission imposed these specific conditions of licence on the Bell Aliant group of companies in order to ensure that the ownership and control of the undertakings remained in compliance with the Direction at all times. Since the imposition of these conditions of licence, the trust has been wound up and Bell Aliant Regional Communications Holdings Inc. has amalgamated with Bell Aliant Regional Communications Inc. Given that Bell Aliant Regional Communications Inc. is the general and a limited partner in Bell Aliant Regional Communications, Limited Partnership, it is required to be a "qualified corporation," as defined in the Direction, at all times. Bell Aliant therefore submitted that these conditions of licence are no

longer required and requested that they be deleted. The Commission agrees that under the amended structure the above-noted conditions of licence are no longer necessary and that it would be appropriate to delete them. Accordingly, the Commission **approves** Bell Aliant's requests in this regard.

40. Finally, the Commission notes that the following condition of licence was imposed on Bell Aliant in Broadcasting Decision 2011-663-1:

The licence is subject to the conditions set out in *Cable broadcasting distribution undertakings*, Broadcasting Decision CRTC 2006-184, 5 May 2006, as amended by the Commission from time to time.

41. Given that all applicable conditions of licence for the licensee's terrestrial BDUs serving the Atlantic Provinces for the new licence term are set out in the appendix to the present decision, the Commission is of the view that this condition of licence is no longer necessary. Accordingly, it has not re-imposed this condition of licence.

Distribution of a video-on-demand-based outlet for local expression

42. In Broadcasting Decision 2011-737, the Commission renewed Bell Canada's regional broadcasting licences for its terrestrial BDUs serving various locations in Ontario and Quebec. In that decision, it noted that there was particular uncertainty as to the operation of VOD-based outlets for local expression in areas where Bell Canada was not yet in operation. Accordingly, the Commission deemed it appropriate to require Bell Canada to submit reports (one for its regional licence in Quebec and one for its regional licence in Ontario) once it had commenced providing community programming on a VOD basis in Quebec and/or Ontario. It indicated that these reports must outline how the licensee will be operating in accordance with the provisions set out in the Community Television Policy, particularly as it pertains to the following:

- the distinct local content provided by each licensed undertaking under the regional licences and the expenses made towards new and distinct programming provided by these undertakings, on a yearly basis;
- the amount and types of local community programming that are or will be available in each licensed area;
- the amount and types of community programming, other than local, that are or will be available in each licensed area;
- the amount and types of access programming that are or will be available in each licensed area (information with respect to expenditures and exhibition requirements for each undertaking);
- proposed accountability and reporting measures; and

- other related information regarding community programming (e.g., promotion of access programming initiatives and community outreach initiatives, information regarding volunteer participation and production facilities, and contact information for enquiries on access programming).
43. In Broadcasting Decision 2011-737, the Commission considered that such reports would provide clarification to the Commission in regard to where and how community programming will be produced or by what means community members will have opportunities to be involved in the production of access programming, as required by the Community Television Policy. In regard to the present case, the Commission considers that it is important to receive such clarification in regard to Bell Aliant's terrestrial BDUs serving the Atlantic Provinces.
44. In that decision, the Commission stated that it was in the process of amending its application forms to reflect the provisions set out in the Community Television Policy. The Commission is still in the process of amending those forms. It further stated that the information requested from Bell Canada in the above-noted reports would essentially be the same as what would be included in the amended forms and would apply to future licence renewal applications for other BDUs.
45. Accordingly, the Commission considers it appropriate at this time to require Bell Aliant to submit reports outlining how it will be operating its community programming service on a VOD basis in accordance with the provisions set out in the Community Television Policy. In this regard, if Bell Aliant has not commenced providing community programming on a VOD basis, the Commission requires the licensee to submit such a report by no later than 30 days after the date it commences providing such programming on a VOD basis. As set out in the "Requirements" section in the appendix to this decision, this report must provide information relating to the points set out in paragraph 42 above. If the licensee has commenced providing community programming on a VOD basis, the Commission requires the licensee to submit this report by no later than **26 April 2013**.

Implementation of the Commission's determinations regarding accessibility of services

46. In the Accessibility Policy, the Commission stated its intention to impose on BDUs at their licence renewal a number of requirements and expectations relating to customer service, access to described video, and accessibility of programming.
47. Further, in the Community Television Policy, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate community channels to caption 100% of original licensee-produced programming by the end of the next licence term. The Commission also indicated that it expected licensed BDUs to ensure that 100% of original access programming on the community channel is captioned by the end of the next licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate community channels to provide audio description (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock

information or weather maps that are posted on the screen) for all information programs and news programming. Accordingly, the Commission has set out **conditions of licence** and expectations to that effect in the appendix to this decision.

48. As indicated above, Bell Aliant stated that it was prepared to accept a condition of licence requiring it to provide one or more simple means of accessing described programming, whether in an open or embedded format. A **condition of licence** to that effect is set out in the appendix to this decision. Although the Commission will not prescribe how this is to be accomplished, the Commission expects Bell Aliant, as a member of the Described Video Working Group (DVWG), to implement solutions that are consistent with those developed by the DVWG, whose membership includes people who are blind or partially sighted.
49. Consistent with the Accessibility Policy, the Commission further expects Bell Aliant to ensure that subscribers are able to identify programming with described video in the electronic program guide and to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up. Furthermore, the Commission encourages the licensee to ensure that accessible set-top boxes are made available to subscribers with vision and fine motor skill disabilities.
50. In addition, consistent with the Accessibility Policy and the licensee's commitments, Bell Aliant is required to provide and promote specific information in an accessible manner, to ensure the accessibility of specific customer service functions and to ensure that the use of alternate avenues of customer service do not result in a disadvantage to persons with disabilities.

Conclusion

51. The Commission **renews** the regional broadcasting licence for the terrestrial BDUs serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia, from 1 April 2013 to 31 August 2018. This short-term renewal will allow the Commission to review at an earlier date the licensee's compliance with the Regulations. The licence will be subject to the conditions specified therein, as well as to the terms and **conditions of licence** set out in the appendix to this decision.
52. The licence will be issued to 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.
53. The Commission notes that certain references contained in the conditions of licence set out in the appendix to this decision, which refer to specific sections of the Regulations, have been updated to reflect amendments to the Regulations that came into effect on 1 September 2011.

Employment equity

54. Because the licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

Related documents

- *Administrative renewal*, Broadcasting Decision CRTC 2012-702, 21 December 2012
- *Administrative renewal*, Broadcasting Decision CRTC 2012-432, 7 August 2012
- *Amended exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers – Implementation of the regulatory framework relating to vertical integration and other amendments*, Broadcasting Order CRTC 2012-408, 26 July 2012
- *Amendments to the Broadcasting Distribution Regulations – Provisions relating to local expression*, Broadcasting Regulatory Policy CRTC 2012-392, 19 July 2012
- *Notice of application received*, Broadcasting Notice of Consultation CRTC 2012-182, 27 March 2012, as amended by *Notice of application received*, Broadcasting Notice of Consultation 2012-182-1, 1 May 2012
- *Revised approach regarding contributions by broadcasting distribution undertakings to local expression*, Broadcasting Regulatory Policy CRTC 2012-154, 15 March 2012
- *Regional terrestrial broadcasting distribution undertaking – Licence amendment*, Broadcasting Decision CRTC 2011-663, 24 October 2011, as corrected by *Regional terrestrial broadcasting distribution undertaking – Licence amendment – Correction*, Broadcasting Decision CRTC 2011-663-1, 23 January 2012
- *Regional broadcasting licences for terrestrial broadcasting distribution undertakings serving various communities in Ontario and Quebec – Licence renewals and amendments*, Broadcasting Decision CRTC 2011-737, 30 November 2011
- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2011-522, 24 August 2011
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010, as corrected by *Community television policy – Correction*, Broadcasting Regulatory Policy CRTC 2010-622-1, 13 September 2010

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Distribution of video description by Class 1 cable broadcasting distribution undertakings (BDU), direct-to-home BDUS and satellite relay distribution undertakings*, Broadcasting Public Notice CRTC 2007-101, 12 September 2007
- *Licence amendment to replace conditions of licence relating to the compliance with the Direction to the CRTC (Ineligibility of Non-Canadians)*, Broadcasting Decision CRTC 2006-598, 16 October 2006
- *Broadcasting distribution undertakings – Acquisition of assets and change in ownership*, Broadcasting Decision CRTC 2006-276, 30 June 2006

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2013-156

Terms, conditions of licence, requirements, expectations and encouragement for the terrestrial broadcasting distribution undertakings serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John's, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia

Terms

The operation of these terrestrial broadcasting distribution undertakings is regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

The licence will expire 31 August 2018.

Conditions of licence applicable to all licensed service areas

1. The licensee is authorized to distribute, as part of the basic service, WBZ-TV (CBS), WHDH-TV (NBC) and WCVB-TV (ABC) Boston, Massachusetts, WUHF (FOX) Rochester, New York and WMED-TV (PBS) Calais, Maine (the U.S. 4+1 signals), 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 approved first set of U.S. 4+1 signals and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission.
2. For the purposes of sections 34(2) and 34(3) of the *Broadcasting Distribution Regulations*, as modified by condition of licence 4 below, the licensee's annual contribution to a community programming undertaking that is 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.
3. The licensee may provide an outlet for local expression using its video-on-demand service.
4. As a modification to sections 34(2), 34(3) and 34(5) of the *Broadcasting Distribution Regulations* (the Regulations):
 - a) If the licensee does not distribute its own community programming, or does not produce community programming to be made available on its video-on-demand (VOD) undertaking, and if a community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of 3% of its gross revenues derived from broadcasting activities in the broadcast year to Canadian programming and a contribution of 2% of its gross revenues derived from broadcasting activities to the community programming undertaking.
 - b) If the licensee does not distribute its own community programming, or does not produce community programming to be made available on its VOD

undertaking, and if no community programming undertaking is licensed in the licensed area, the licensee shall make, in each broadcast year, a contribution of 5% of its gross revenues derived from broadcasting activities in the broadcast year to Canadian programming.

- c) If the licensee distributes its own community programming, or produces community programming made available on its VOD undertaking, the licensee shall make, in each broadcast year, a contribution to Canadian programming that is equal to 5% of its gross revenues derived from broadcast activities in the broadcast year, less any allowable contribution to local expression made by the licensee in that broadcast year. For the purposes of this condition of licence, “allowable contribution to local expression” shall have the same meaning as that set out in section 34(6) of the Regulations, and may include an additional contribution pursuant to section 34(7) of the Regulations.
5. The licensee shall provide one or more simple means of accessing described video, whether in an open or embedded format, that requires little or no visual acuity.
 6. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.
 7. The licensee shall provide audio description for all the key elements of information programs, including news programming on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).
 8. The licensee shall inform the Commission by no later than **30 April 2013** that it has implemented a solution to pass through described video in stereo format for high-definition services. If the situation is not resolved by that date, the licensee shall report to the Commission on the 15th day of every month commencing May 2013 until the issue is resolved.
 9. The licensee shall provide to the Commission by no later than **30 April 2013** a detailed plan, including timelines, to enable the pass-through of multi-channel audio tracks for described video, if provided in multi-channel audio format by programming services. The licensee shall report to the Commission every three months commencing 31 July 2013 until the issue has been resolved.

Requirements

If the licensee has not commenced providing community programming on a video-on-demand (VOD) basis, the Commission requires the licensee to submit, by no later than 30 days after the date it commences providing such programming on a VOD basis, a report for its regional broadcasting licence serving Fredericton and surrounding areas, Moncton and Saint John, New Brunswick; St. John’s, Paradise and Mount Pearl, Newfoundland and Labrador; and Halifax, Dartmouth, Bedford and Sackville, Nova Scotia, outlining how it will be operating in accordance with the provisions set out in *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622,

26 August 2010, as corrected by *Community television policy – Correction*, Broadcasting Regulatory Policy CRTC 2010-622-1, 13 September 2010, particularly as it pertains to the following:

- the distinct local content provided by each licensed undertaking under the regional licence and the expenses made towards new and distinct programming provided by these undertakings, on a yearly basis;
- the amount and types of local community programming that are or will be available in each licensed area;
- the amount and types of community programming, other than local, that are or will be available in each licensed area;
- the amount and types of access programming that are or will be available in each licensed area (information with respect to expenditures and exhibition requirements for each undertaking);
- proposed accountability and reporting measures; and
- other related information regarding community programming (e.g., promotion of access programming initiatives and community outreach initiatives, information regarding volunteer participation and production facilities, and contact information for enquiries on access programming).

In regard to the above, if the licensee has commenced providing community programming on a VOD basis, the Commission requires the licensee to submit the above-noted report by no later than **26 April 2013**.

The licensee is required to promote information on all of its disability-specific services and products in the accessible manner(s) of its choice.

The licensee is required to incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.

The licensee is required to make the information on its website accessible to the point of providing a reasonable accommodation for persons with disabilities (examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009).

Where customer service functions on its website are not accessible, the licensee is required to ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.

The licensee is required to make accessible any customer service functions that are available solely over its website.

The licensee is required to make its general call centres accessible to the point of providing a reasonable accommodation to persons with disabilities by:

- a) training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
- b) making its Interactive Voice Response system accessible.

Expectations

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that 100% of original access programming is captioned by the end of the licence term.

Encouragement

The Commission encourages the licensee to ensure that accessible set-top boxes are made available to subscribers with vision and fine motor skill disabilities.