



Broadcasting Decision CRTC 2013-191

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Route reference: 2012-616

Ottawa, 17 April 2013

Rangtel Inc.

Greater Toronto Area, including Ajax, Aurora, Brampton, Brock, Burlington, Caledon, Clarington, Halton Hills, King, Markham, Milton, Mississauga, Newmarket, Oakville, Oshawa, Pickering, Scugog, Uxbridge, Vaughan, Whitby and Whitchurch-Stouffville, Ontario

Application 2012-0967-7, received 10 August 2012

Public hearing in the National Capital Region

18 January 2013

Terrestrial broadcasting distribution undertaking to serve various communities in the Greater Toronto Area

*The Commission **approves** an application for a broadcasting licence to operate a broadcasting distribution service to serve the above-noted communities in the Greater Toronto Area.*

The application

1. The Commission received an application by Rangtel Inc. (Rangtel) for a broadcasting licence to operate a terrestrial broadcasting distribution undertaking (BDU) to serve the above-noted communities in the Greater Toronto Area.
2. Rangtel is controlled by its sole shareholder and director Abu Zafor Nur-E-Alam.
3. Rangtel indicated that it would accept a condition of licence requiring it to provide one or more simple means of accessing described programming.¹ In addition, it committed to meet the requirements regarding customer service and information set out in the Accessibility Policy (Broadcasting and Telecom Regulatory Policy 2009-430).
4. The applicant also requested that it be authorized by condition of licence to distribute a set of signals that provides the programming of the four U.S. commercial networks, as follows:

¹ "Video description" or "described video" refers to the narrative description of a program's key visual elements for the purpose of allowing persons who are blind or who have a visual impairment to understand what is occurring on the screen.

The licensee is authorized to distribute, at its option, as part of the basic service, the signals WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC) and WUTV (FOX) Buffalo, New York 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 and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.

Interventions and applicant's reply

5. The Commission received interventions in support of the application, as well as a comment by Rogers Communications Partnership (Rogers). The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. In its intervention, Rogers noted that Rangtel had also listed as part of its proposed basic service eight non-Canadian programming services on the *List of non-Canadian services authorized for distribution* (the list). Given that Rangtel did not request a condition of licence that would permit it to distribute these non-Canadian services as part of the basic service, Rogers requested that the Commission confirm in its decision that the licensee may only distribute them on a discretionary basis.
7. In its reply, the applicant submitted that these non-Canadian services were erroneously listed as part of its proposed basic service and provided a revised version of the distribution grid with the services in question to be offered on a discretionary basis.

Commission's analysis and decision

8. The Commission notes that Rogers was correct in noting that the services on the list may only be distributed on a discretionary basis, except as otherwise provided under a condition of licence. Given that Rangtel did not request such a condition of licence for the eight services in question, the Commission considers that the applicant's response to Rogers is appropriate in that it confirmed that these services would only be distributed on a discretionary basis.
9. In light of all of the above, the Commission **approves** the application by Rangtel Inc. for a broadcasting licence to operate a terrestrial broadcasting distribution undertaking to serve the above-noted communities in the Greater Toronto Area. The licensee shall adhere to the **conditions** specified in the licence, as well as to the terms and **conditions of licence** set out in the appendix to this decision.

Other matters

General authorizations for broadcasting distribution undertakings

10. The Commission notes that under the conditions specified in a BDU's licence, a BDU is also authorized to distribute any service and to undertake any activity authorized in Broadcasting Regulatory Policy 2011-522, as amended from time to time, under the terms and conditions set out in that policy.

Implementation of the Commission's determinations regarding accessibility of services

11. In the Accessibility Policy, the Commission stated its intention to impose on BDUs a number of requirements and expectations pertaining to customer service, access to described video and accessibility of programming. **Conditions of licence**, requirements and expectations to improve accessibility are set out in the appendix to this decision.
12. Further, in Broadcasting Regulatory Policy 2010-622, 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 licence term. The Commission also indicated that it expected licensed BDUs to ensure that 100% of original access programming² on the community channel is captioned by the end of the licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate a community channel to provide audio description for all information programs and for news programming (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). **Conditions of licence** and expectations to this effect are set out in the appendix to this decision.
13. The Commission notes that it may impose further conditions of licence respecting accessibility matters five years into the licence term, if deemed appropriate.

Mandatory distribution of 9(1)(h) services

14. The Commission reminds the applicant that it will be required to distribute within its licensed service area all services licensed for mandatory distribution as part of the basic service of BDUs pursuant to section 9(1)(h) of the *Broadcasting Act*.

Secretary General

Related documents

- *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
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

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

² The *Broadcasting Distribution Regulations* define “community access television programming” as “programming produced by an individual, group or community television corporation residing within the licensed area of a cable distribution undertaking.”

Appendix to Broadcasting Decision CRTC 2013-191

Terms, conditions of licence, requirements, expectations and encouragements for the terrestrial broadcasting distribution undertaking to serve various communities in the Greater Toronto Area

Terms

The operation of this undertaking will be regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

A licence will be issued once the applicant has:

- informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **17 April 2015**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date; and
- filed, not less than 30 days prior to informing the Commission that it is ready to commence operations, a website address (or addresses) where its accurate distribution grids are posted for each of its licensed service areas.

The Commission also requires the applicant to file within 12 months of the date of this decision a copy of its amended and executed by-laws demonstrating that it is in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998.

The licence will expire 31 August 2019.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *General conditions of licence for terrestrial (cable, digital subscriber line, multipoint distribution system) and direct-to-home (DTH) satellite broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2009-547, 31 August 2009, including the general conditions of licence for terrestrial broadcasting distribution undertakings set out in Appendix 1 to that regulatory policy, as amended from time to time.
2. The licensee is authorized to distribute, at its option, as part of the basic service, the signals WIVB-TV (CBS), WGRZ-TV (NBC), WKBW-TV (ABC) and WUTV (FOX) Buffalo, New York 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 and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.

3. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.
4. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.
5. 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).

Requirements

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 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 centers accessible to the point of providing 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 systems 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 aired on its community channel is captioned by the end of the licence term.

Encouragements

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

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.