



Broadcasting Decision CRTC 2015-327

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Reference: 2015-17

Ottawa, 22 July 2015

Atop Broadband Corp.

Coquitlam, Courtenay/Comox/Powell River, Duncan, Kelowna, Nanaimo,
New Westminster, Vancouver, Victoria and White Rock, British Columbia
Application 2014-1082-8, received on 21 October 2014

Uniserve Communications Corporation

Greater Vancouver and Abbotsford/Mission, British Columbia
Application 2014-0844-3, received on 22 August 2014

*Public hearing in the National Capital Region
8 April 2015*

Regional broadcasting licences for terrestrial broadcasting distribution undertakings to serve various locations in British Columbia

*The Commission **denies** applications by Atop Broadband Corp. (Atop Broadband) and Uniserve Communications Corporation (Uniserve Communications) for regional broadcasting licences to operate terrestrial broadcasting distribution undertakings (BDUs) to serve various locations in British Columbia.*

Based on the information provided in their applications, Atop Broadband's and Uniserve Communications' proposed BDUs will be eligible to operate under the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers. The Commission will add the undertakings to the list of registered exempt BDUs once Atop Broadband and Uniserve Communications notify the Commission that they are ready to commence operations. Thereafter, Atop Broadband and Uniserve Communications may begin operating the BDUs listed in this decision under the terms and conditions set out in Broadcasting Order 2014-445 or in the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers.

Applications

1. Atop Broadband Corp. (Atop Broadband) filed an application for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings (BDUs) to serve Coquitlam, Courtenay/Comox/Powell River, Duncan, Kelowna, Nanaimo, New Westminster, Vancouver, Victoria and White Rock, British Columbia. It requested

authorization to distribute, as part of the basic service, the U.S. 4+1¹ signals KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington, 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 on the *List of non-Canadian programming services and stations authorized for distribution* (the list). Atop Broadband also requested authorization to distribute, on a discretionary basis, the independent signal KVOS-TV (Me TV) Bellingham, Washington.

2. In addition, Uniserve Communications Corporation (Uniserve Communications) filed an application for a regional broadcasting licence to operate terrestrial BDUs to serve Greater Vancouver and Abbotsford/Mission, British Columbia. It requested authorization to distribute, as part of the basic service, the U.S. 4+1 signals KIRO-TV (CBS), KING-TV (NBC), KOMO-TV (ABC), KCPQ-TV (FOX) and KCTS-TV (PBS) Seattle, Washington, 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 on the list. Uniserve Communications also requested authorization to distribute, as part of the basic service, the independent signals KVOS-TV (Me TV) Bellingham and KSTW-TV (IND) Seattle/Tacoma, Washington.
3. The Commission did not receive any interventions regarding these applications.

Commission's analysis and decisions

4. In Broadcasting Regulatory Policy 2015-96, the Commission determined that it would broaden the Exemption order for terrestrial BDUs with fewer than 20,000 subscribers to allow new BDUs to enter and compete in markets with licensed BDUs. In Broadcasting Notice of Consultation 2015-258, the Commission invited comments on proposed amendments to that order, which will put into effect the Commission's determinations set out in the above policy.
5. As a result of these amendments, any new terrestrial BDU that qualifies for exemption will be required to register and submit to the Commission the general information listed in the above notice no later than three months prior to commencing operations in a new service area. Moreover, upon launch of the service, the name of the BDU and the service area(s) will be added to the list of registered exempt BDUs posted on the Commission's website. The Commission expects programming services to negotiate affiliation agreements with these new BDUs in good faith during this transitional period.
6. Based on the information provided, the applicants' proposed BDUs will be eligible to operate under the above-noted order. For registration purposes, the Commission is satisfied with the information provided by Atop Broadband and Uniserve Communications in their applications and will add their undertakings to the list of registered exempt BDUs once they notify the Commission that they are ready to commence operations. Thereafter, Atop Broadband and Uniserve Communications may

¹ 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 PBS network.

begin operating the BDUs listed above under the terms and conditions set out in Broadcasting Order 2014-445 or in the revised Exemption order for terrestrial BDUs with fewer than 20,000 subscribers. However, they will be required to apply for a BDU licence once any of their undertakings reaches 20,000 subscribers.

7. In light of the above, the Commission **denies** the application by Atop Broadband Corp. for a regional broadcasting licence to operate terrestrial BDUs to serve the locations listed above.
8. In addition, the Commission **denies** the application by Uniserve Communications Corporation for a regional broadcasting licence to operate terrestrial BDUs to serve the locations listed above.

Secretary General

Related documents

- *Call for comments on proposed amendments to the exemption order for terrestrial broadcasting distribution undertakings serving fewer than 20,000 subscribers*, Broadcasting Notice of Consultation CRTC 2015-258, 17 June 2015
- *Amendments to various regulations, the standard conditions of licence for video-on-demand undertakings and certain exemption orders – Provisions requiring the mandatory distribution of emergency alert messages*, Broadcasting Regulatory Policy CRTC 2014-444 and Broadcasting Orders CRTC 2014-445, 2014-446, 2014-447 and 2014-448, 29 August 2014
- *A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015