



Broadcasting Decision CRTC 2015-569

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References: Part 1 applications posted on 9 September, 29 September and 1 October 2015

Ottawa, 21 December 2015

Star Choice Television Network Incorporated Across Canada

Application 2015-1068-6

MTS Inc.
Winnipeg, Manitoba

Application 2015-1128-8

Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership
Across Canada

Application 2015-1139-5

Various licensees – Licence amendments

The Commission approves, with modifications, applications by Star Choice Television Network Incorporated, MTS Inc., and Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership, to be granted limited relief concerning the participation of their broadcasting distribution undertakings in the National Public Alerting System.

Background

1. In Broadcasting Regulatory Policy 2014-444, the Commission amended various regulations, standard conditions of licence and exemption orders with respect to provisions requiring the mandatory distribution of emergency alert messages by broadcasting undertakings. This policy was the culmination of a public process examining the need for regulatory intervention to ensure that emergency alerts received through the National Alert Aggregation and Dissemination (NAAD) System would be distributed by broadcasting undertakings to the general public. The NAAD System forms part of the overarching system known as Canada's National Public Alerting System (NPAS).

2. In the above policy, the Commission stated that the full participation of the broadcasting industry is important for the NPAS to be effective in safeguarding and warning Canadians. As such, it considered that any request to delay or exempt the implementation of emergency alerting should be accompanied by compelling rationale and a plan to meet any modified deadline.
3. The vast majority of broadcasters and broadcasting distribution undertakings (BDUs) have implemented emergency alerting measures that will make Canadians' lives safer. However, Star Choice Television Network Incorporated (Star Choice), MTS Inc. (MTS), and Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership (Bell ExpressVu), came forward in advance of the 31 March 2015 compliance deadline to request extensions of time to find technical solutions to equip their legacy set-top-boxes (STBs) with the ability to receive emergency alert messages or to migrate customers off these STBs. On 31 March 2015, the Commission granted 6-month extensions to each of these licensees,¹ subject to certain reporting and customer notification requirements.² These extensions of time were implemented by condition of licence and were restricted to STBs that are not compatible with the NPAS.

Applications

4. Subsequently, Star Choice, MTS Inc. and Bell ExpressVu (collectively, the licensees) filed applications to be granted further limited relief concerning the participation of their BDUs in the NPAS.

Star Choice

5. Star Choice requested that its direct-to-home (DTH) BDU Shaw Direct be subject to the following condition of licence:

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be received by subscribers who possess non-National Public Alerting System (NPAS) capable receivers identified as "Legacy 97," "DSR 500" and "00.FE." This exception shall continue until the licensee replaces all non-NPAS capable receivers with NPAS-capable receivers.

¹ See Broadcasting Decisions 2015-118, 2015-120 and 2015-122.

² These requirements included: ensuring that subscribers are made aware of the delay by way of a dedicated letter to each affected customer, reporting orally to the Commission on a bi-weekly basis and reporting in writing to the Commission on a monthly basis as to the number of remaining affected customers.

The licensee shall, up until the date on which the solution for the distribution of emergency alerts is fully implemented, report to the Commission on a bi-monthly basis, as to the remaining number of affected customers for its national direct-to-home broadcasting distribution undertaking Shaw Direct.

6. Star Choice indicated that it had complied with all the directives set out in Broadcasting Decision 2015-120. In particular, it indicated that it had issued dedicated letters to every affected customer, notifying them of the fact that their STBs were unable to receive emergency alerts, and included information on how to obtain a new STB.
7. Star Choice also described in its application the steps it had taken to ascertain whether a technical solution could be implemented to allow these legacy STBs to receive emergency alerts. Consistent with its previous submissions to the Commission, Star Choice indicated that no feasible solutions have been discovered and maintained that the STBs are too old to be updated to receive emergency alerts.

MTS

8. MTS requested that its BDU MTS Classic TV be subject to the following condition of licence:

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be received by subscribers who possess non-National Public Alerting System (NPAS) capable receivers on its service branded "MTS Classic TV," which uses the "Motorola/Next Level" platform. This exception shall continue until the licensee replaces all non-NPAS capable receivers with NPAS-capable receivers.

The licensee shall report orally to the Commission on a bi-weekly basis, and in writing on a monthly basis, as to the number of affected customers remaining on the Classic TV platform, up until the date on which the solution for the distribution of emergency alerts is fully implemented.

9. MTS submitted that it had actively taken steps to notify its customers of the limitation of the service and to incent these customers to migrate to its MTS Ultimate TV service, which is capable of receiving NPAS alerts. MTS also informed Classic TV customers that they cannot receive emergency alerts on the Classic TV platform. MTS added that it is continuing to aggressively target those few remaining Classic TV customers to incent them to migrate to the MTS Ultimate TV platform by the end of 2015.

Bell ExpressVu

10. Bell ExpressVu requested that its DTH BDU be subject to the following condition of licence:

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be distributed to subscribers who, as of date of the decision, possess non-National Public Alerting System capable receivers identified as “PVR Model 5200.” The licensee shall continue to make efforts to replace all non-NPAS capable receivers.

The licensee shall report orally to the Commission on a monthly basis as to the remaining number of affected customers using its PVR Model 5200.

11. In support of its application, Bell ExpressVu submitted that it has complied with all the obligations set out by the Commission in Broadcasting Decision 2015-122. Bell ExpressVu noted that a significant number of the affected subscribers that they contacted did not want the replacement STB (in some cases, because they did not want to receive the emergency alerts), no longer used PVR Model 5200 and had not previously informed it of their change in equipment, or disconnected from the call. Bell ExpressVu submitted that it cannot force the affected subscribers to take a free replacement STB that is compatible with the NPAS.
12. Finally, Bell ExpressVu expressed its commitment to continue replacing STBs for affected subscribers who wish to receive a free replacement STB, stating that internal processes are in place to allow its call centre agents to implement a STB exchange should an affected subscriber contact it. Bell ExpressVu further confirmed that it continues to have sufficient inventory on hand to accomplish this STB replacement.

Interventions

13. The Commission received an intervention commenting on the application by Bell ExpressVu from an individual. It did not receive any interventions regarding the applications by Star Choice and MTS. The public record for these applications can be found on the Commission’s website at www.crtc.gc.ca or by using the appropriate application number, provided above.
14. The individual submitted that all cable and satellite boxes should be compatible with the NPAS and that any box that is not compatible should be disabled, forcing the customer to receive a box capable of receiving alerts.

Commission’s analysis and decisions

15. Based on the evidence provided by the applicants, the Commission is of the view that the licensees have acted in good faith and have carried out their obligations with respect to ensuring that more of their customers are using STBs that are capable of receiving emergency alerts. The licensees have made efforts to contact impacted

customers and present them with options for migrating to new services, receiving new equipment or even changing service providers, as directed by the Commission. The licensees have also clearly explained to customers, through emails, on-screen messages and/or information on their websites, of the implications of not having STBs capable of receiving alerts, namely, that they may not be alerted to imminent dangers if they do not replace their legacy STBs. In spite of this, not all customers are interested in having equipment that is capable of receiving alerts or in changing their current equipment.

16. Since receiving an extension to the deadline for distributing emergency alert messages on 31 March 2015, each licensee has created internal processes to ensure that customers can contact them to obtain an NPAS-capable STB, or can change services to ensure they can receive emergency alerts. In light of the importance of full industry participation in the system and of safeguarding the lives of Canadians, the Commission considers that the licensees must continue their efforts in replacing all non-NPAS capable STBs. This includes ensuring that the internal processes referred to above are maintained until such time as all customers are equipped with STBs capable of receiving alerts. Moreover, the Commission requires that the licensees report to the Commission, on a monthly basis, the remaining number of affected subscribers.
17. Accordingly, the Commission **approves** the applications by Star Choice Television Network Incorporated, MTS Inc., and Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership, to be granted limited relief concerning the participation of their BDUs in the NPAS. The licensees shall adhere to the following **conditions of licence**:

Star Choice

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be received by subscribers who possess non-National Public Alerting System (NPAS) capable receivers identified as “Legacy 97,” “DSR 500” and “00.FE.” This exception shall continue until the licensee replaces all non-NPAS capable receivers with NPAS-capable receivers. The licensee shall continue its efforts to replace all non-NPAS capable receivers by maintaining internal processes to migrate customers off the above-mentioned receivers.

The licensee shall, until the date on which the solution for the distribution of emergency alerts is fully implemented, report to the Commission on a monthly basis, in writing, as to the remaining number of affected customers for its national direct-to-home broadcasting distribution undertaking Shaw Direct.

MTS

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be received by subscribers who possess non-National Public Alerting System (NPAS) capable receivers on its service branded “MTS Classic TV,” which uses the “Motorola/Next Level” platform. This exception shall continue until the licensee replaces all non-NPAS capable receivers with NPAS-capable receivers. The licensee shall continue its efforts to replace all non-NPAS capable receivers.

The licensee shall, until the date on which the solution for the distribution of emergency alerts is fully implemented, report to the Commission on a monthly basis, in writing, as to the remaining number of affected customers on its Classic TV service, which uses the “Motorola/Next Level” platform.

Bell ExpressVu

As an exception to subsection 7.2(2) of the *Broadcasting Distribution Regulations*, any alert that the licensee receives from the National Alert Aggregation and Dissemination System shall not be required to be received by subscribers who possess non-National Public Alerting System capable receivers identified as “PVR Model 5200.” This exception shall continue until the licensee replaces all non-NPAS capable receivers with NPAS-capable receivers. The licensee shall continue its efforts to replace all non-NPAS capable receivers by maintaining internal processes to migrate customers off the above-mentioned receivers.

The licensee shall, until the date on which the solution for the distribution of emergency alerts is fully implemented, report to the Commission on a monthly basis, in writing, as to the remaining number of affected customers using its PVR Model 5200.

Secretary General

Related documents

- *National direct-to-home broadcasting distribution undertaking and related video-on-demand service – Extension of deadline for the distribution of emergency alert messages*, Broadcasting Decision CRTC 2015-122, 31 March 2015
- *National direct-to-home broadcasting distribution undertaking – Extension of deadline for the distribution of emergency alert messages*, Broadcasting Decision CRTC 2015-120, 31 March 2015

- *Terrestrial broadcasting distribution undertaking serving Winnipeg and surrounding areas – Extension of deadline for the distribution of emergency alert messages, Broadcasting Decision CRTC 2015-118, 31 March 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*

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