



## Broadcasting Notice of Consultation CRTC 2016-147

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Ottawa, 21 April 2016

### Call for licence renewal applications

**Submission of renewal applications for broadcasting licences of terrestrial broadcasting distribution undertakings (BDUs) that will expire in 2016 and 2017; implementation of certain conditions of licence and review of practices in regard to the small basic service and flexible packaging requirements for all BDU licensees**

#### Section 1: Licences expiring in 2016 and 2017

##### Phase 1

1. In accordance with the new procedures announced in Broadcasting Information Bulletin 2015-116, the Commission requests that the licensees listed in Appendix 2 to this notice submit renewal applications for their licences expiring on 31 August 2016.
2. This renewal process will be limited in scope to the proposed imposition of certain conditions of licence related to the Wholesale Code, the Television Service Provider (TVSP) Code and participation in the Commissioner for Complaints for Telecommunications Services Inc. (CCTS) and to a review of practices in regard to the small basic service and flexible packaging requirements.
3. Licensees must confirm, by way of a letter to the Secretary General, whether they will abide by the following conditions of licence:

Effective 1 September 2016, the licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

Effective 1 September 2017, the licensee shall adhere to the Television Service Provider Code, set out in the appendix to *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016.

Effective 1 September 2017, the licensee shall be a participant in the Commissioner for Complaints for Telecommunications Services Inc.

4. Licensees wishing to be relieved of any of the requirements being imposed must provide a detailed rationale as to why this request should be granted.

5. In addition, as part of the renewal process, the Commission will review the licensees' practices in regard to the small basic service and flexible packaging requirements. Licensees listed in Appendix 2 to this notice must also respond to the Commission's questions set out in Appendix 1 to this notice.
6. Licensees must submit their renewal applications, including their responses to the questions set out in Appendix 1, by way of a letter to the Secretary General, **by no later than 5 May 2016**. The Commission will review the applications submitted and may request further information. The Commission will thereafter issue another notice of consultation, at which time interested persons will be given the opportunity to comment.
7. The Commission will only consider comments regarding the imposition of the conditions of licence listed in paragraph 3 and the review of licensees' practices in regard to the small basic service and flexible packaging requirements. The Commission will consider any other substantive issues that may exist with respect to the renewal of these licences (e.g. compliance issues) during Phase 2 as set out below and interested persons will have an opportunity to comment at the appropriate time.
8. Other than the addition of the conditions of licence set out in paragraph 3 above, and any conditions resulting from its review of the small basic service and flexible packaging requirements, which would be published for comment, the Commission intends to renew the licences under the same terms and conditions in effect under the current licences.
9. Licensees who do not wish to renew their licences beyond the 2016 expiry date indicated in this notice must advise the Commission in writing **by no later than 5 May 2016**.
10. The Commission intends to renew the licences for a one-year term, from 1 September 2016 to 31 August 2017.

## **Phase 2**

11. Further, in accordance with the new procedures announced in Broadcasting Information Bulletin 2015-116, the Commission requests that the licensees listed in Appendix 2 to this notice submit renewal applications for licences that will be expiring on 31 August 2017 as a result of the process outlined in Phase 1 above. The Commission also requests that licensees listed in Appendix 3 to the notice submit renewal applications for licences that will be expiring on 31 August 2017.
12. Licensees must file these renewal applications electronically by completing the "[Broadcasting Online Form and Cover Page](#)" using the secured service "My CRTC Account ([Partner Log In or GCKey Log In](#))."  
A sample of the application form can be viewed on the web page "[Application to renew a broadcasting licence for a distribution undertaking - Form 123](#)."
13. Licensees must submit these renewal application forms and related documents to the Commission **by no later than 31 August 2016**.

14. The Commission will review the applications submitted and may request further information. The Commission will thereafter issue another notice of consultation, at which time interested persons will be given the opportunity to comment on all aspects of the renewal applications.
15. Licensees who do not wish to renew their licences beyond the 2017 expiry date must advise the Commission in writing **by no later than 31 August 2016**.

## **Section 2: Licences expiring in 2017, 2018 and 2019**

16. In the Wholesale Code, TVSP Code and CCTS regulatory policies,<sup>1</sup> the Commission stated that it would implement related conditions of licence of its own motion, where possible. Therefore, the Commission intends to use its powers granted by paragraph 9(1)(c) of the *Broadcasting Act* (the Act) to impose, on its own motion, conditions of licence five years after the issuance or renewal of a licence. More specifically, the Commission would impose the three conditions of licence set out in paragraph 3 above with a delayed effective date that is at the point where the five years have passed. The list of licences and effective dates are set out in Appendix 4 to this notice.
17. Licensees must confirm adherence to the codes and participation in the CCTS by way of a letter to the Secretary General **by no later than 5 May 2016**. Those wishing to be relieved of any of the requirements being imposed must provide a detailed rationale as to why this request should be granted.
18. Further, the Commission will review the licensees' practices in regard to the small basic service and flexible packaging requirements. Therefore, licensees listed in Appendix 4 to this notice must also respond to the Commission's questions set out in Appendix 1 **by no later than 5 May 2016**.
19. Any further action resulting from this review would be published in a subsequent notice of consultation and interested persons would be given the opportunity to comment.

## **Questions**

20. Licensees that have questions related to the requested information and submission of the documents may contact a Commission specialist at 1-866-781-1911.

## **Reminder**

21. Pursuant to section 32 of the Act, unless otherwise exempt from the requirement to hold a licence, it is an offence to carry on a broadcasting undertaking without a licence. Failure to submit an application for renewal by the date specified in this notice may result in the licence expiring, after which the licensee would no longer have the authority to carry on a broadcasting undertaking.

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<sup>1</sup> Respectively, Broadcasting Regulatory Policies 2015-438 and 2016-1 and Broadcasting and Telecom Regulatory Policy 2016-102.

Secretary General

**Related documents**

- *Review of the structure and mandate of the Commissioner for Complaints for Telecommunications Services Inc.*, Broadcasting and Telecom Regulatory Policy 2016-102, 17 March 2016
- *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016
- *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015
- *New procedures for licence renewal applications*, Broadcasting Information Bulletin CRTC 2015-116, 31 March 2015

# Appendix 1 to Broadcasting Notice of Consultation CRTC 2016-147

## Questions

1. Since 1 March 2016, licensed broadcasting distribution undertakings (BDUs) have been required to offer to their subscribers a basic service that is priced at a single fee of no more than \$25 per month and that includes local and regional television stations, services designated by the Commission under section 9(1)(h) of the *Broadcasting Act*, designated educational services and other authorized programming services. Please provide the following information for each of your licensed service areas:
  - a. the composition of the basic service;
  - b. the monthly price for the basic service;
  - c. any additional products or services that consumers have to purchase in order to receive the basic service, including the specific retail rates for each (e.g., equipment; installation; additional services like an Internet service subscription, digital access fees, fees for high definition);
  - d. a list of any additional terms, costs, limitations and/or conditions that apply to subscribers of the basic package that differ from your other BDU subscribers (e.g., terms that would apply only to subscribers of the basic service, or that would apply differently to consumers subscribing to a first-tier offering); and
  - e. an explanation as to why the items identified in c. and d. above apply and how each of these is consistent with the Commission's determinations in the Let's Talk TV proceeding and the *Broadcasting Distribution Regulations* (the Regulations).
2. Since 1 March 2016, BDUs are also required to offer discretionary services to their subscribers either i) on a small package basis; or ii) on a stand-alone basis. Please provide the following information for each of your licensed service areas:
  - a. a description of how discretionary services are offered to subscribers;
  - b. the retail rates for each package of services or stand-alone offerings, including any possible discounts that would apply;
  - c. a list of any additional terms, costs, limitations and/or conditions that apply to the purchase of discretionary services by subscribers; and
  - d. an explanation as to why the items identified in c. above apply and how each of these is consistent with the Commission's determinations in the Let's Talk TV proceeding and the Regulations.

3. Please provide the following information for each of your licensed service areas:
  - a. the number of consumers that subscribed to the small basic service between 1 March and 30 April 2016, including:
    - i. the number of new subscribers that subscribed to the small basic service; and
    - ii. the number of existing subscribers that have switched to the new small basic service.
  - b. the total number of subscribers as of 30 April 2016.
4. The number of subscribers in 3.a. above that also subscribed to:
  - a. pick-and-pay programming services;
  - b. new small packages (including pick-a-pack options);
  - c. both pick-and-pay programming services and new small packages;
  - d. other telecommunications services (e.g. Internet, telephony, wireless) as part of a bundle.
5. For each of your licensed service areas, the number of new subscribers between 1 March and 30 April 2016 that have chosen the first-tier offering instead of the small basic service.
6. For each of your licensed service areas, the number of complaints received between 1 March and 30 April 2016 in regard to:
  - a. the small basic service;
  - b. new small packages (including pick-a-pack options); and/or
  - c. pick-and-pay programming services.

### **Filing confidential information on the record of a public proceeding**

Sections 30 to 34 of the *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* set out a process by which parties to Commission proceedings may file information on the record of a public proceeding in confidence. Please consult *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC 2010-958, 23 December 2010, and *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC 2010-961, 23 December 2010, for the complete process for filing confidential information.

## Appendix 2 to Broadcasting Notice of Consultation CRTC 2016-147

### Terrestrial broadcasting distribution undertakings for which the broadcasting licences will expire on 31 August 2016

Licensee	Locations
768812 Ontario Inc.	Sudbury, Ontario
Access Communications Co-operative Limited	Regina (including White City), Saskatchewan
Cogeco Cable Canada GP Inc. (the general partner) and Cogeco Cable Holdings Inc. (the limited partner), carrying on business as Cogeco Cable Canada LP	Belleville, Burlington, Georgetown, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Niagara Falls, Peterborough, Sarnia, St. Catharines and Windsor, Ontario
Cogeco Cable Canada GP Inc. and Cogeco Cable Holdings Inc., partners in a general partnership carrying on business as Cogeco Cable Québec General Partnership	Drummondville, Rimouski, Saint-Hyacinthe, Trois-Rivières and surrounding areas, Quebec
K-Right Communications Limited	Dartmouth and surrounding areas, Nova Scotia
	Halifax and surrounding areas, Nova Scotia
MTS Allstream Inc.	Winnipeg and surrounding areas, Manitoba
Pannu Media Inc.	Toronto, Ontario
Persona Communications Inc.	Sudbury, Ontario
Rogers Communications Canada Inc.	Allardville, Clair, Fredericton, Moncton, Rogersville and Saint John, and surrounding areas, New Brunswick; and Deer Lake and St. John's, and surrounding areas, Newfoundland and Labrador
	Barrie, Hamilton, Kitchener, London, Newmarket, Oshawa, Ottawa and Toronto, and surrounding areas, Ontario
Saskatchewan Telecommunications	Regina (which includes Pilot Butte and White City) and Saskatoon, Saskatchewan

Shaw Cablesystems Limited	Calgary, Alberta
	Edmonton, Alberta
	Fort McMurray, Alberta
	Lethbridge, Alberta
	Red Deer, Alberta
	Coquitlam, British Columbia
	Duncan, British Columbia
	Kelowna, British Columbia
	Langford, British Columbia
	Nanaimo, British Columbia
	New Westminster, British Columbia
	Vancouver (North and West), British Columbia
	Vancouver (Richmond), British Columbia
	Victoria, British Columbia
	White Rock, British Columbia
	Winnipeg, Manitoba
	Sault Ste. Marie, Ontario
Thunder Bay, Ontario	
Saskatoon, Saskatchewan	
Shaw Cablesystems (VCI) Limited	Edmonton, Alberta
	Winnipeg, Manitoba
TELUS Communications Inc., and 1219723 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company	Calgary, Edmonton (including St. Albert, Sherwood Park, Spruce Grove and Stony Plain), Fort McMurray, Grande Prairie, Lethbridge, Medicine Hat and Red Deer, Alberta
	Kamloops, Kelowna, Nanaimo, Penticton, Prince George, Terrace, Vancouver (including Lower Mainland and Fraser Valley), Vernon and Victoria, British Columbia



Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.	Gatineau (Aylmer, Gatineau, Hull) and surrounding areas, Quebec
	Québec and surrounding areas, Quebec
	Montréal, Quebec
	Montréal West, Quebec
	Terrebonne, Quebec

## Appendix 3 to Broadcasting Notice of Consultation CRTC 2016-147

### Terrestrial broadcasting distribution undertakings for which the broadcasting licences will expire on 31 August 2017

Licensee	Locations
2251723 Ontario Inc.	Barrie, Greater Toronto Area (including Ajax, Aurora, Bolton, Brampton, Caledon, Claremont, Etobicoke, Georgetown, King City, Markham, Milton, Mississauga, Nobleton, North York, Pickering, Richmond Hill, Scarborough, Toronto, Vaughan and Woodbridge), Hamilton-Niagara, Kingston, Kitchener-Waterloo, London, Oshawa, Ottawa, Peterborough, Sudbury, Thunder Bay, Windsor and their surrounding areas, Ontario
Atop Broadband Corp.	Greater Toronto Area (majority of), Ontario
Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.	Granby, Quebec
	Saguenay (Chicoutimi), Quebec
	Sherbrooke, Quebec

## Appendix 4 to Broadcasting Notice of Consultation CRTC 2016-147

### Terrestrial and direct-to-home broadcasting distribution undertakings for which the broadcasting licences are expiring after 31 August 2016

Licensees listed below must confirm adherence to the following conditions of licence related to the Wholesale Code, the Television Service Provider (TVSP) Code and participation in the Commissioner for Complaints for Telecommunications Services Inc. (CCTS):

Effective (*insert date set out in the chart below*), the licensee shall adhere to the Wholesale Code, set out in the appendix to *The Wholesale Code*, Broadcasting Regulatory Policy CRTC 2015-438, 24 September 2015, in its dealings with any licensed or exempt broadcasting undertaking.

Effective (*insert date set out in the chart below*), the licensee shall adhere to the Television Service Provider Code, set out in the appendix to *The Television Service Provider Code*, Broadcasting Regulatory Policy CRTC 2016-1, 7 January 2016.

Effective (*insert date set out in the chart below*), the licensee shall be a participant in the Commissioner for Complaints for Telecommunications Services Inc.

#### Licences expiring on 31 August 2017

Licensee	Locations	Wholesale Code - Proposed implementation date of condition of licence	TVSP Code - Proposed implementation date of condition of licence	CCTS - Proposed implementation date of condition of licence
2251723 Ontario Inc.	Barrie, Greater Toronto Area (including Ajax, Aurora, Bolton, Brampton, Caledon, Clarendon, Etobicoke, Georgetown, King City, Markham, Milton, Mississauga, Nobleton, North York, Pickering, Richmond Hill, Scarborough, Toronto, Vaughan	1 September 2017	1 September 2017	1 September 2017

	and Woodbridge), Hamilton-Niagara, Kingston, Kitchener-Waterloo, London, Oshawa, Ottawa, Peterborough, Sudbury, Thunder Bay, Windsor and their surrounding areas, Ontario			
Atop Broadband Corp.	Greater Toronto Area (majority of), Ontario	1 September 2017	1 September 2017	1 September 2017
Videotron Ltd. and 9227-2590 Québec inc., partners in a general partnership carrying on business as Videotron G.P.	Granby, Quebec	Implemented at Videotron's request	1 September 2017	1 September 2017
	Saguenay (Chicoutimi), Quebec	Implemented at Videotron's request	1 September 2017	1 September 2017
	Sherbrooke, Quebec	Implemented at Videotron's request	1 September 2017	1 September 2017

#### Licences expiring on 31 August 2018

Licensee	Locations	Wholesale Code - Proposed implementation date of condition of licence	TVSP Code - Proposed implementation date of condition of licence	CCTS - Proposed implementation date of condition of licence
AEBC Internet Corp.	Vancouver and Lower Mainland, British Columbia	1 September 2016	1 September 2017	1 September 2017
Beanfield Technologies Inc.	Toronto (East Bayfront and West Don Lands), Ontario	1 September 2018	1 September 2018	1 September 2018

Bell Canada (terrestrial)	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	1 September 2018	1 September 2018	1 September 2018
	Greater Sudbury, Hamilton/ Niagara, Kingston, Kitchener, London, Oshawa, Ottawa, Peterborough, Sault Ste. Marie, Stratford, Toronto, Windsor and their surrounding areas, Ontario	1 December 2016	1 September 2017	1 September 2017
	Chicoutimi, Drummondville (Centre-du-Québec region), Gatineau, Joliette (Lanaudière region), Jonquière, Montréal, Québec, Saint-Jérôme (Laurentides region), Sherbrooke, Trois-Rivières (Mauricie region) and their surrounding areas, Quebec	1 December 2016	1 September 2017	1 September 2017

TELUS Communications Inc., and 1219723 Alberta ULC and Emergis Inc. in partnership with TELUS Communications Inc. in TELE-MOBILE Company, partners in a general partnership carrying on business as TELUS Communications Company	Baie-Comeau, Gaspé, Montmagny, Mont-Tremblant, Rimouski, Sainte-Marie, Saint-Georges, Sept-Îles and surrounding areas, Quebec	1 December 2016	1 September 2017	1 September 2017
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#### Licences expiring on 31 August 2019

<b>Licensee</b>	<b>Locations</b>	<b>Wholesale Code</b> - <b>Proposed implementation date of condition of licence</b>	<b>TVSP Code</b> - <b>Proposed implementation date of condition of licence</b>	<b>CCTS</b> - <b>Proposed implementation date of condition of licence</b>
Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership (direct-to-home)	Across Canada	1 November 2017	1 November 2017	1 November 2017
Colba.Net Telecom Inc.	Montréal, Drummondville, Trois-Rivières, Gatineau, Sherbrooke and Québec, and their surrounding areas, Quebec	20 September 2017	20 September 2017	20 September 2017

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	15 April 2021	15 April 2021	15 April 2021
Star Choice Television Network Incorporated (direct-to-home)	Across Canada	1 November 2017	1 November 2017	1 November 2017
Zazeen Inc.	Toronto, Hamilton/Niagara, Oshawa, Kitchener, Ottawa, London and Windsor, and their surrounding areas, Ontario	1 September 2019	1 September 2019	1 September 2019
	Gatineau, Montréal, Québec and Sherbrooke, and their surrounding areas, Quebec	1 September 2019	1 September 2019	1 September 2019

**Note:** The effective dates of the conditions of licence were established based on the effective date of the licence, either as set out in the licensing or renewal decision, or on the date the licensee notified the Commission that it was prepared to commence operations.