



## Broadcasting Decision CRTC 2019-385

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Reference: 2019-107

Ottawa, 29 November 2019

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

*Public record for this application: 2018-0752-0*

### **Satellite relay distribution undertaking – Licence renewal**

1. The Commission **renews** the broadcasting licence for the satellite relay distribution undertaking (SRDU) operated by Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership (Bell), from 1 December 2019 to 31 August 2026.<sup>1</sup> The Commission did not receive any interventions regarding this application.
2. Bell requested that the current conditions of licence for its SRDU be maintained for the new licence term. The Commission finds that these conditions remain substantively appropriate given that they are generally consistent with the requirements of the policy framework for SRDUs set out in Public Notice 1998-60 and Broadcasting Regulatory Policy 2012-94. The **conditions of licence** for the licensee's SRDU are set out in the appendix to this decision.

Secretary General

### **Related documents**

- *Direct to home distribution undertakings and satellite relay distribution undertakings – Administrative renewals*, Broadcasting Decision CRTC 2019-267, 30 July 2019
- *Licensing and other issues relating to satellite relay distribution undertakings*, Broadcasting Regulatory Policy CRTC 2012-94, 14 February 2012
- *A Policy Framework for the Introduction of Competition to the Satellite Relay Distribution Industry*, Public Notice CRTC 1998-60, 23 June 1998

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

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<sup>1</sup> This broadcasting licence was administratively renewed from 1 September 2019 to 30 November 2019 in Broadcasting Decision 2019-267.

## Appendix to Broadcasting Decision CRTC 2019-385

### Conditions of licence for the satellite relay distribution undertaking operated by Bell ExpressVu Inc. (the general partner) and Bell Canada (the limited partner), carrying on business as Bell ExpressVu Limited Partnership

1. The licensee shall require all sales, marketing and customer service functions and staff to comply with written procedures established by the licensee designed to ensure that any confidential information obtained from a customer or potential customer of the licensee's satellite relay distribution undertaking or pertaining to product or service offerings of the satellite relay distribution undertaking remain confidential. At the Commission's request, the licensee shall file a copy of such procedures and any subsequent amendments with the Commission for prior approval.
2. The licensee shall adhere to the provisions of section 4 of the *Broadcasting Distribution Regulations*, as amended from time to time, in regard to any transfers of ownership or control.
3. Consistent with *A Policy Framework for the Introduction of Competition to the Satellite Relay Distribution Industry*, Public Notice CRTC 1998-60, 23 June 1998, subject to the requirement that it ensure that a majority of the television signals it distributes are Canadian programming services, the licensee is authorized to distribute via satellite to its affiliates the following television services:
  - a) the signal of any licensed conventional television programming undertaking;
  - b) the signal of any educational television programming service, the operation of which is the responsibility of any educational authority designated by the province in which the licensed area of the undertaking is located;
  - c) the signal of any U.S. over-the-air television programming undertaking included on the *Revised list of non-Canadian programming services and stations authorized for distribution*;
  - d) CPAC, the Parliamentary programming service and the proceedings of any provincial or territorial Legislative assembly;
  - e) Radio-France outre mer (RF01) Saint-Pierre and Miquelon; and
  - f) CTV Two Atlantic (formerly /A\ Atlantic; Atlantic Satellite Network (ASN)).

For the purposes of this condition, non-Canadian services of the same network affiliation will be counted as a single service.

4. The licensee is authorized to distribute to its affiliates via satellite the signal of any licensed conventional radio programming undertaking and any licensed pay audio undertaking.

5. The licensee shall provide its service to all of the following undertakings whose operators are willing to enter into affiliation agreements with it:
  - a) terrestrial broadcasting distribution undertakings (BDUs) that are licensed by the Commission or that are operating in accordance with an exemption order issued by the Commission; and
  - b) licensed direct-to-home (DTH) BDUs (for retransmission to DTH subscribers only).
6. The licensee shall not alter or delete a programming service in the course of its distribution except as the Bell ExpressVu direct-to-home broadcasting distribution undertaking is permitted under section 7 of the *Broadcasting Distribution Regulations*, as amended from time to time.
7. The licensee shall contribute a minimum of 5% of its gross annual revenues derived from broadcasting activities to the creation and presentation of Canadian programming.

For the purposes of this condition, contributions directed to a production fund shall be made on a monthly basis, within 45 days of each month's end. Funds allocated to subsidize the provision of decoder equipment are not eligible contributions.
8. a) The licensee shall not give an undue preference to any person, including itself, or subject any person to an undue disadvantage.  
  
b) In any proceeding before the Commission, the burden of establishing that any preference or disadvantage is not undue is on the licensee that gives the preference or subjects the person to the disadvantage.
9. If there is a dispute between the licensee and a distribution undertaking, whether operating by licence or by exemption order, concerning the terms under which programming services are or may be provided, then the licensee shall submit to a dispute resolution process if the Commission so requires.