



Broadcasting Decision CRTC 2019-386

PDF version

Reference: 2019-107

Ottawa, 29 November 2019

Shaw Satellite Services Inc.
Across Canada

Public record for this application: 2018-0766-1

Satellite relay distribution undertaking – Licence renewal

1. The Commission **renews** the broadcasting licence for the satellite relay distribution undertaking (SRDU) operated by Shaw Satellite Services Inc. (Shaw), from 1 December 2019 to 31 August 2026.¹ The Commission did not receive any interventions regarding this application.
2. Shaw 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.²

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

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

² The current conditions of licence for this SRDU are set out in Broadcasting Decision 2012-607. In regard to the conditions set out in the appendix to the present decision, the Commission has deleted from condition of licence 9, and added to condition of licence 8, specific information relating to the timing and eligibility of contributions to the creation and presentation of Canadian programming that are directed to production funds given that this information pertains to the requirement set out in condition of licence 8.

- *Shaw satellite relay distribution undertaking – Licence renewal, Broadcasting Decision CRTC 2012-607, 31 October 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.

Appendix to Broadcasting Decision CRTC 2019-386

Conditions of licence for the satellite relay distribution undertaking operated by Shaw Satellite Services Inc.

1. The licensee shall maintain independent sales, marketing and customer service functions and staff for its satellite relay distribution undertaking.
2. 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.
3. 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.
4. 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) TVO and TFO Toronto, the Ontario Legislative Assembly Proceedings, CPAC (IND) Ottawa, Télé-Québec (STQ) Montréal and the Quebec National Assembly Proceedings;
 - b) CTV Two Atlantic (formerly /A\ Atlantic; Atlantic Satellite Network (ASN));
 - c) the signal of any Canadian or non-Canadian conventional television programming undertaking;
 - d) Indigenous-produced television programs, on a part-time basis, on satellite channels used for the distribution of Canadian television services.

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

5. Subject to the requirement that it ensure that a majority of the radio signals it distributes are Canadian programming services, the licensee is authorized to distribute via satellite to its affiliates the signal of any Canadian or non-Canadian conventional radio programming undertaking.
6. 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 from licensing granted by the Commission; and
 - b) licensed direct-to-home (DTH) BDUs (for retransmission to DTH subscribers only).
7. The licensee shall not delete or alter the programming services that it distributes to broadcasting distribution undertakings in any manner from the form in which they are transmitted for public reception by the originating broadcasters, with the exception of alterations that are incidental to the transmission of the services using digital video compression technology and except as may be authorized or required by the Commission in writing.
8. 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 are required to 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.

9. The licensee shall file a report for the Commission's approval, within three months of the date of this decision, identifying the recipient(s) of its contributions to the creation and presentation of Canadian programming, as well as the projected annual amounts that the licensee intends to allocate to each of those recipients and the timing of such contributions, if the contribution is to a recipient other than a production fund.
10. 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.
11. 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.