



Broadcasting Decision CRTC 2019-95

PDF version

Reference: Part 1 application posted on 21 December 2018

Ottawa, 3 April 2019

Shaw Cablesystems Limited
Kelowna, British Columbia

Public record for this application: 2018-1113-3

Terrestrial broadcasting distribution undertaking serving Kelowna – Licence amendment

*The Commission **approves** the application by Shaw Cablesystems Limited to amend the broadcasting licence for its terrestrial broadcasting distribution undertaking serving Kelowna, British Columbia, to be authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.*

Introduction

1. Shaw Cablesystems Limited (Shaw) filed an application to amend the broadcasting licence for its terrestrial broadcasting distribution undertaking (BDU) serving Kelowna, British Columbia, to be authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington. To do so, Shaw proposed to add the following condition of licence:

The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.
2. KVOS-TV is an independent television station unaffiliated with any of the major 4+1 U.S. television networks (ABC, CBS, FOX, NBC and PBS). In addition to its main channel entitled Heroes and Icons, KVOS-TV transmits the subchannels Movies, MeTV, Decades and StartTV.
3. Shaw requested authorization to distribute MeTV, which is described as a network that airs a variety of general interest classic television programs from the 1950s through to the early 1990s.
4. The applicant indicated that all of its other terrestrial BDUs serving British Columbia are subject to the above-mentioned condition of licence and that at least one additional BDU¹ is authorized, by condition of licence, to offer KVOS-TV.

¹ In Broadcasting Decision 2012-152, the Commission authorized TELUS Communications Inc., and 1219823 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, to distribute KVOS-TV in Kelowna.

5. The Commission received an intervention commenting on the application from an individual, to which the applicant replied.

Intervention and reply

6. The individual submitted that Shaw's terrestrial BDU serving Victoria, British Columbia, distributes KVOS-TV (Heroes and Icons) rather than KVOS-TV (MeTV).
7. In its reply, Shaw confirmed that in January 2018, KVOS-TV made changes that resulted in MeTV moving to a KVOS-TV subchannel. The applicant submitted that after having learned about this change, it took measures to ensure that its Victoria BDU was distributing KVOS-TV (MeTV) to comply with its condition of licence.

Commission's analysis

8. In Broadcasting Decision 2011-106, the Commission set out criteria to assess future applications to distribute non-Canadian multicast television services. In the case of a general interest service, the Commission indicated that it would consider the impact of that service on Canadian general interest conventional television stations in terms of both audience fragmentation and advertising revenues, as well as the impact on other Commission policies, including those regarding the distribution of U.S. 4+1 signals.
9. The Commission notes that CHBC-DT (Global) is the only local television station operating in Kelowna. CHBC-DT is owned by Corus Entertainment Inc., which, like Shaw, is ultimately owned by JR Shaw.
10. The Commission also notes that Shaw requested to distribute only the MeTV subchannel of KVOS-TV and that no interventions were filed by Canadian television stations, including CHBC-DT, or Canadian discretionary services.
11. Given that KVOS-TV does not sell advertising in Kelowna and that Canadian local television stations can request simultaneous substitution over comparable programming broadcast on KVOS-TV, the Commission finds that its distribution in Kelowna would not have any measurable impact on audience fragmentation or advertising revenues. Further, the Commission finds that the distribution of KVOS-TV (MeTV) in Kelowna would not raise any issues regarding Commission policies or regulations.
12. With respect to the intervention filed by an individual, the Commission is satisfied that Shaw took appropriate actions, once it learned of the changes made by KVOS-TV, to ensure that it continued to distribute KVOS-TV (MeTV), as authorized by its condition of licence for its BDU serving Victoria.

Conclusion

13. In light of all of the above, the Commission **approves** the application by Shaw Cablesystems Limited to amend the broadcasting licence for its terrestrial BDU serving Kelowna, British Columbia, to be authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.
14. Shaw Cablesystems Limited's BDU serving Kelowna will be subject to the following **condition of licence**:

The licensee is authorized to distribute, on a discretionary basis, KVOS-TV (MeTV) Bellingham, Washington.

Secretary General

Related documents

- *Regional broadcasting licence for terrestrial broadcasting distribution undertakings serving communities in British Columbia – Licence amendment*, Broadcasting Decision CRTC 2012-152, 15 March 2012
- *Licence amendment relating to the distribution of the multicast service ThinkBright and Well Television by certain terrestrial broadcasting undertakings*, Broadcasting Decision CRTC 2011-106, 18 February 2011

This decision is to be appended to the licence.