



April 29, 2005

Canadian
Association of
Broadcasters

L'Association
canadienne des
radiodiffuseurs

VIA EMAIL

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Ms. Rhéaume:

**Re: Launch of mobile broadcasting services by Rogers Wireless, Bell
Mobility and LOOK Communications Inc.**

1. The Canadian Association of Broadcasters ("CAB") is writing with regard to recent announcements by Rogers Wireless ("Rogers"), Bell Mobility ("Bell") and LOOK Communications Inc. ("LOOK") concerning the imminent launch of mobile broadcasting services in Canada. For the reasons outlined below, the CAB requests the Commission to seek clarification as to the nature of these new broadcasting services in order to determine the appropriate form of regulation pursuant to the *Broadcasting Act* (the "Act").

Information available to date

2. In a press release issued on April 14, 2005 (attached as Appendix A), Rogers announced that it intended to provide Rogers' customers with "real-time access to live television programming" including exclusive Blue Jays content, news, sports and entertainment. According to the press release, the service will be delivered over Rogers' navigate mobile Internet service and is expected to be available in the second quarter of 2005.
3. Although the list of content providers is not confirmed, Rogers indicated that it will offer at least eight channels when it launches and that it is in discussions with several providers, including MSNBC, CP24, NBC On-Line, Discovery, TLC, The Weather Channel, MétéoMédia, NBC Mobile, Major League Baseball Highlights (featuring Blue Jays content), Comedy Time and Toon World. At least three of the proposed U.S. services (Discovery, Comedy Time and Toon World) are not currently authorized by the Commission for distribution in Canada. Moreover, these three services are competitive with licensed Canadian programming undertakings.

4. Rogers plan to use MobiTV, a software platform which is already being used to provide U.S. cellphone users with live feeds of television and on-demand content to their cellphones (currently available to Sprint, Cingular/AT&T Wireless and Midwest Wireless subscribers)¹. MobiTV was developed by Idetic, Inc., a privately held company based in Berkeley, California.²
5. On the same day, Bell made a similar announcement, stating that “the company has been working to secure unique Canadian content that will complement Idetic’s robust U.S. offering” and that it anticipated offering MobiTV at the beginning of May. According to press reports, Bell will offer more than a dozen channels, including Fashion TV, FOX Sports, and TLC³.
6. The press releases issued by Rogers and Bell provide only a cursory outline of the planned services, so the CAB does not yet have a full understanding of how Bell and Rogers intend to implement their respective services. Based on the information provided to date, however, both mobile television services would appear to constitute broadcasting and, as such, they would be subject to the jurisdiction of the Commission under the Act. The CAB notes that, at this time, neither Rogers nor Bell is licensed by the Commission to carry on such a broadcasting activity.
7. Moreover, if MobiTV intends to aggregate and deliver programming signals to broadcasting distribution undertakings (“BDUs”) for a fee, it would appear to be functioning as an unlicensed relay distribution undertaking (“RDU”). Since MobiTV is owned by Idetic Inc., a non-Canadian controlled company, it is not eligible to hold a broadcasting licence in Canada, nor is it eligible for exemption under the Commission’s exemption order respecting terrestrial RDUs.
8. On April 19, 2005 LOOK Communications Inc. (“LOOK”) also announced its strategy of becoming a mobile broadband multimedia service provider. LOOK has not specifically identified the content it plans to carry, but states it plans to provide over 80 channels of live video, data carousel broadcasting channels and over 100 channels of digital audio broadcasting. According to LOOK’s press release (attached as Appendix B), the service is expected to be launched in 2006.
9. In the case of LOOK, the CAB notes that it has a broadcasting licence allowing it to use its allocated MDS spectrum to deliver broadcasting signals. The change to mobile reception, however, would fundamentally alter the nature of the service and its competitive position. At a minimum, there should be public discussion of how and whether such a service can be licensed.

¹ See MobiTV website, <http://www.mobitv.com/about/company/index.html>

² See <http://www.idetic.com/company.html>

³ “Appearing soon on a cellphone near you: TV news and sports”, *Globeandmail.com* (15 April 2005), online at www.theGlobeandmail.com/servlet/story/LAC.20050415.RROGERS15/BNPrint//

Are the broadcasting services proposed by Bell and Rogers exempt under the New Media Exemption Order?

10. As neither Rogers nor Bell has applied for a broadcasting licence, it appears that both companies are planning to distribute MobiTV on the assumption that this service falls under the *New Media Exemption Order* ("Exemption Order") set out in Public Notice CRTC 1999-197. However, the CAB believes that there is considerable uncertainty as to whether the activities proposed by Bell and Rogers do in fact come clearly under the scope of the Exemption Order.
11. In the Exemption Order the Commission exempted "new media broadcasting undertakings", defined as undertakings that provide broadcasting services delivered and accessed over the Internet, in accordance with the interpretation of "broadcasting" set out in the 1999 *Report on New Media*, Broadcasting Public Notice CRTC 1999-94 ("New Media Report").
12. In the New Media Report, the Commission had determined that "some new media services fall under the Broadcasting Act's definitions of 'program' and 'broadcasting.' These include digital audio services and audio/visual signals." The Commission concluded, however, that regulation of such services was not necessary to achieve the objectives of the Act, taking into account the fact that Canadian content was flourishing on the Internet.
13. The Commission did not explicitly define "the Internet" when it issued the Exemption Order. It did, however, append a glossary to the New Media Report which provided the following description:

The Internet is a distribution system that is capable of handling a wide variety of data (text, pictures and sound) in any number of formats. ... The Internet is a distributed, inter-operable, packet-switched network

A distributed network has no one central repository of information or control, but is comprised of an interconnected web of "host" computers, each of which can be accessed from virtually any point on the network

An interoperable network uses "open protocols" ..., and allows multiple services to be provided to different users over the same network.

14. This description does not appear to preclude the use of mobile telephones as a point of contact to the Internet. The key question is the openness of the specific network with respect to the broadcast services available to its users, i.e. that any computer -- and hence any source of broadcasting -- that is available on the Internet should also be available to users of the mobile phone service. If a wireless operator offers only a limited subset of video or audio signals, then the user is not accessing "the Internet". It is therefore at the very least questionable as to whether this activity fits under the Exemption Order.

15. In addition, the CAB notes that several other factors may be at issue in the determination of exempt status. Does the use of a mobile phone terminal, using specialized or proprietary software over dedicated spectrum, constitute "accessing" the public Internet? If services offered to one group of mobile phone subscribers are not accessible to other Internet users, are they truly accessible via the Internet? These questions also need answers before the determination of the status of these services can be determined.

Would MobiTV be functioning as an unlicensed RDU?

16. Under the *Broadcasting Distribution Regulations*, an RDU is defined as "a distribution undertaking that receives the programming services of radio or television programming undertakings and distributes them only to one or more other distribution undertakings."
17. According to MobiTV's website, "the MobiTV service consists of a Java™ application that runs on your mobile phone and a network that broadcasts TV content. We work directly with TV stations and content providers and have licenses to broadcast the content you see." MobiTV provides a list of channels that it offers to U.S. subscribers.⁴
18. It appears therefore that MobiTV is contracting with content providers to provide and/or aggregate their signals, which it then converts and delivers in an encrypted form to a broadcasting distribution undertaking for a fee. This is precisely the function carried out by an RDU. However, an RDU may only distribute authorized services, and must distribute them without curtailment or alteration, except for narrowly specified exceptions not relevant in these circumstances.
19. As an RDU, MobiTV would be subject to either licensing by the Commission or to exemption under a relevant exemption order, if it were a Canadian owned or controlled company. Since MobiTV is owned by Idetic Inc., a privately held U.S. company based in California, it cannot be licensed under the Act, nor is it eligible to avail itself of the Commission's *Exemption Order Respecting Terrestrial Relay Distribution Network Undertakings* (Public Notice CRTC 2000-10).
20. The CAB believes therefore that MobiTV could be acting as an unlicensed, non-exempt RDU and, as such, would not be eligible to operate in Canada.

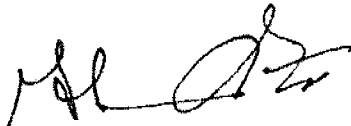
⁴ Namely: MSNBC, NBC Mobile, The Discovery Channel, TLC, ABC News Now, Fox Sports, CNBC, CSTV, Vegas Sports, Vegas Scoreline, CMC Music Channel, CMC Beat Lounge, Country Music Channel, Comedy Time, FashionTV, CNet, Discovery Kids, Toon World TV Classics, Discovery en español, C-SPAN and C-SPAN2.

The regulatory framework for mobile broadcasting services needs to be clarified

21. The CAB submits that the regulatory framework under which mobile broadcasting services would be offered in Canada is unclear. Based on information available, mobile services such as those proposed by Rogers and Bell do not appear to fall under the New Media Exemption Order, nor are they currently licensed under the Act. Similarly, the mobile broadband multimedia service proposed by LOOK does not appear to be authorized under its current broadcasting licence. Finally, the involvement of MobiTV with Rogers and Bell raises questions as to whether it would be operating an unlicensed, non-exempt RDU.
22. The CAB further submits that, from a broadcasting policy perspective, it is important to address this issue on an urgent basis. If the providers of mobile broadcasting services were permitted to operate without any licensing requirement or without having to adhere to any terms or conditions that the Commission might deem appropriate to further the objectives of the Act, then they would undermine the integrity of the regulatory framework that applies to licensed broadcasting undertakings. Ultimately, the potentially ubiquitous nature of mobile broadcasting services would raise issues of competitive equity, calling into question the regulatory obligations imposed on licensed undertakings.
23. For example, unlicensed mobile broadcasting services could carry non-Canadian services not otherwise authorized for distribution in Canada. As noted previously, Rogers intends to deliver at least three such services. If the Commission were to permit this, then it would, in effect, be permitting the creation of a new grey or black market, where subscribers could access signals not available elsewhere in Canada.
24. This in turn would give the providers of unlicensed mobile broadcasting services an undue competitive advantage in the marketplace, and could have a detrimental effect on the audiences and revenues of licensed Canadian services whose non-Canadian competitors are carried on the mobile service.
25. For all of these reasons, the CAB urges the Commission to act quickly to seek clarification as to the status of the mobile services proposed by Rogers, Bell and LOOK with respect to the regulatory framework that should apply to such services under the Act. As a first step, the CAB suggests that the Commission require Rogers, Bell and LOOK to file detailed information and plans regarding their respective mobile broadcasting services, so that all parties can obtain a full understanding of the proposed content of such services and how they will be assembled, packaged and delivered to subscribers.

26. Whatever public discussion ensues will involve consideration of what broadcasting services may be carried, but we believe that the Commission should make it clear to all potential operators and RDUs that, in advance of a determination of their status, no unauthorized or unlicensed broadcasting services, whether foreign or Canadian, should be made commercially available.
27. Given the imminent launch of these services in Canada, the CAB believes that time is of the essence in addressing these important questions. Were the services to launch without authorization, they may later be determined to have been broadcasting without a licence. Moreover, it would be very difficult to withdraw any ineligible broadcasting services from commercial distribution after they have been launched.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Glenn O'Farrell', written in a cursive style.

Glenn O'Farrell
President and CEO

Attachments (3)

APPENDIX A

Rogers first in Canada to announce the arrival of live television on your wireless phone

- Rogers and MobiTV deliver live TV to the palm of your hand -

TORONTO, and BERKELEY, CA, April 14 /CNW/ - Rogers Wireless and MobiTV today announced the arrival of Rogers Mobile Television in Canada, providing Rogers Wireless customers with real-time access to live television programming including exclusive Toronto Blue Jays content, news, sports and entertainment programming via Rogers Wireless' navigate mobile Internet service. The service is expected to be commercially available in the second quarter.

Rogers Mobile Television service is powered by MobiTV, the world's first network and platform providing live television on wireless phones. Rogers Wireless customers who subscribe to the service will be able to watch exclusive Toronto Blue Jays real-time highlight clips and the companies will offer live programming on at least eight channels, including that from Canadian content providers, at the time of launch. Discussions are ongoing with stations to be available on Rogers Mobile Television, including: MSNBC, CP24, NBC On-Line, Discovery, TLC, The Weather Channel, Meteo Media, NBC Mobile, Major League Baseball Highlights - featuring exclusive Blue Jays content, Comedy Time, and ToonWorld. Rogers will announce additional channels and channel line up details in the coming weeks.

At the time of launch, Rogers Mobile Television will be available to Rogers Wireless customers on several popular wireless phones models from Nokia, Motorola and Sony Ericsson.

"Rogers Mobile Television puts real-time television programming - including Toronto Blue Jays games - right into the hands of Rogers Wireless customers, wherever they are," said Ted Rogers, President and CEO, Rogers Communications Inc. "Rogers is proud to be the first in Canada to announce the arrival of live TV on your wireless phone- delivering a service that will satisfy sports fans, news junkies, music lovers or anyone who wants to be entertained while on the go."

"Rogers is the technology pioneer in Canada and has a long history of delivering innovative programming that matters to customers on their television sets. And, Rogers was the first to offer high speed Internet service for our customers' computers," said Philip B. Lind, Vice Chair, Rogers Communications Inc. "Today, working with MobiTV, Rogers has become the first provider in Canada to announce that it will deliver live programming on the third screen - a wireless device."

"As Canada's largest wireless provider and the country's only GSM network provider - the world standard for wireless communications - Rogers Wireless offers Canada's largest array of video-capable handsets," said Nadir Mohamed, President and CEO, Rogers Wireless Inc. "This combination of assets provides Rogers Wireless with a unique opportunity to provide customers with a truly mobile entertainment package."

"It's been just one short year since we launched MobiTV and, already, watching TV while on the move has become part of daily life for hundreds of thousands of cell phone users," said Philip Alvelda, Chairman and CEO of Idetic, Inc., the Company behind MobiTV.

"Launching MobiTV on Rogers Wireless' nationwide network is tremendous validation for the global appeal of live television on the cell phone. We're excited about providing Canadian wireless users a great mobile television experience."

Rogers Mobile Television can be purchased directly from a Rogers Wireless phone using Rogers Wireless' navigate mobile Internet service. After downloading the service the first time, Rogers Mobile Television will be accessible from the wireless phone's menu.

Rogers Mobile Television will be available for a promotional period for \$9.00/month plus additional data transport costs of between approximately \$10.00-\$15.00 depending on the wireless data package that the customer chooses. This cost includes both a subscription fee and access to channels. For more information about Rogers Mobile Television, please visit www.rogers.com/mobiletv.

APPENDIX B

LOOK COMMUNICATIONS REPORTS SECOND QUARTER 2005 RESULTS

TORONTO and MONTRÉAL, April 19, 2005 – Look Communications Inc. (TSX Venture: LOK.MV and LOK.SV) today reported its financial and operating results for the second quarter and six-month period ended February 28, 2005. As previously announced, Look changed its year-end to August 31 in order to standardize financial reporting periods with its parent company UBS. This change has resulted in second quarter 2005 ending on February 28, 2005 with comparative figures for the six months ended March 31, 2004.

Revenue for the three months ended February 28, 2005 was \$9.7 million and gross margin was \$4.9 million. For the three month period ended March 31, 2004, revenue was \$11.4 million and gross margin was \$6.1 million.

Revenue for the six months ended February 28, 2005 was \$19.7 million and gross margin was \$9.6 million. For the six month period ended March 31, 2004, revenue was \$23.4 million and gross margin was \$12.6 million.

The decline in revenue was the result of a lower subscriber base in 2005

EBITDA (earnings before interest, financing charges, income taxes, depreciation and amortization) for the three months ended February 28, 2005 was a negative \$88,000. For the three-month period ended March 31, 2004, EBITDA totaled \$37,000.

The net loss for the three months of 2005 was \$2.4 million, or \$0.02 per share compared to a net loss of \$1.7 million or \$0.05 per share in the three months of 2004.

EBITDA for the six months ended February 28, 2005 was negative \$1.2 million. For the six month period ended March 31, 2004, EBITDA totaled \$172,000. The net loss for the six months ending February 28, 2005 was \$5.2 million, or \$0.05 per share, compared to a net loss of \$3.4 million or \$0.11 per share in the six months ending March 31, 2004.

As at February 28, 2005, Look had 99,900 subscribers, compared to 104,700 subscribers at the end of November 30, 2004. Of the 4,800 reduction in subscriber count, 80% related to Residential Internet Dial-Up accounts, a decline which was anticipated in light of the ongoing industry-wide migration to high-speed Internet.

Look continues to aggressively pursue its new business strategy of becoming a Mobile Broadband Multimedia Service Provider. This Mobile Multimedia network is in beta test at present. The Mobile Multimedia network will first be launched in Toronto, then Montreal and eventually will cover the population-dense corridor from Windsor to Quebec City. The Mobile Multimedia network will provide over 80 channels of live video, data carousel

broadcasting channels and over 100 channels of digital audio broadcasting. Beta sites will be completed by June 2005 and the service is expected to be launched in 2006.

“We see the transition to mobile broadband as inevitable and services like mobile TV, Internet and voice communication are now being tested in single hand held devices throughout North America and actual services are being offered in Korea and some cities in Europe” said Gerald McGoey Vice Chairman and Chief Executive Officer. “Look is ideally positioned to offer these exciting new services. We have the necessary licensed spectrum to deliver mobile multimedia services and we have a broadcasting license which allows us to provide extensive content on news, sports, finance, weather and other programming.”

31 May 2005

Mr. Jay Thomson
Assistant Vice President
Broadband Policy
TELUS
45 O'Connor St., Floor 12
Ottawa, Ontario
K1P 1A4

Dear Mr. Thomson:

A recent article published in the Vancouver Sun on 14 May 2005, entitled *Telus wants you to watch where you're going*, reported on TELUS Mobility's plans to launch mobile television services by the end of this year.

TELUS is requested to provide the Commission with the following information with respect to the proposed service by 10 June 2005:

- 1) A detailed description of the proposed service, including the content, from whom the content is obtained, and how the service will be delivered to subscribers;
- 2) Whether or not TELUS considers this service to be broadcasting, with supporting rationale;
- 3) TELUS' views on what would be the appropriate form of regulation for this service, and in particular, TELUS' views on the applicability of the New Media Exemption Order; and
- 4) Any other information that TELUS considers relevant.

This information will serve to ascertain whether these activities constitute broadcasting and, if so, what type of regulatory framework would be appropriate.

Thank you for your co-operation with respect to this matter.

Sincerely,

Original signed by

Marc O'Sullivan
Executive Director
Broadcasting

cc. Cynthia Stockley
Director
Distribution and Competitive Policy
(819) 994-0924



TELUS
Floor 12, 45 O'Connor St.
Ottawa, Ontario
Canada K1P 1A4

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Jay Thomson
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Broadband Policy

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June 10, 2005

Mr. Marc O'Sullivan
Executive Director, Broadcasting
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Filed Electronically

Dear Mr. Sullivan:

1. This is in response to your letter dated 31 May 2005 requesting TELUS to provide information with respect to TELUS Mobility's plans to launch a mobile new media service and to comment on the appropriate form of regulation for such a service. We understand the Commission has sent similar letters to Bell Canada and Rogers Communications.
2. TELUS offers the following responses to the requests for information as set out in your letter. These responses contain commercially sensitive information. Accordingly, if the Commission chooses, at some future time, to place this information on the public record, TELUS hereby requests the opportunity to review its submission and abridge it where necessary.

Q1. A detailed description of the proposed service, including the content, from whom the content is obtained, and how the service will be delivered to subscribers.

Proposed Service:

3. TELUS Mobility intends to provide its customers the ability to view real time multimedia content via the mobile handset. This service will be enabled via an IP based client-server implementation that delivers a data stream to capable handsets from an Internet server.

Service Delivery:

4. Due to the lower bandwidth network speeds and more limited processing power available to mobile devices, multimedia content must be specifically converted/created to be compatible with and viewable on mobile handsets. These content conversion/creation requirements will vary from handset to handset for each wireless carrier. This conversion relates merely to the format in which the content is saved, similar to the various formats one can save multimedia content for PCs using different operating systems. Nevertheless, it is not anticipated that the service will deliver the same quality of content and range of features that would be available on a PC based solution. The video display will be limited to the screen size of the mobile handset and the images will be refreshed at a rate of 1-5 frames per second versus the minimum 24 frames per second rate delivered by more traditional technology.
5. Accordingly, while the content is available on the publicly accessible Internet (for a fee), it would only display properly on a mobile handset, just as some content on the Internet is designed for particular video card specifications and would not display properly on a PC without this precise piece of hardware.
7. In order to access the service, a customer must have a compatible mobile handset. To start using the service, the customer must download a Java Client (J2ME Application). This Client would be available for a monthly service fee. Once installed on the handset and paid for, a customer would then be able to stream multimedia data to their handset for viewing via the Java Client.
8. To access the service, the customer launches the Java Client Application which will initiate a request from the handset to a public IP address for the host server. The application connects via the Internet using TCP/IP over HTTP where the customer can select the multimedia content they wish to view. Once the content has been selected, the server sends the requested content over the Internet, again using TCP/IP over HTTP, to TELUS Mobility where it is redirected over the TELUS Mobility wireless network back to the customer's mobile handset for viewing.

Role of Partner Suppliers:

9. One or more partner suppliers would perform the following functions:
 - Provide the Java Client (J2ME Application)
 - Enter into arrangements with the multimedia content providers to obtain rights to distribute content in Canada.
 - Host the multimedia content server
 - Maintain and support the Java Client and content server
 - Convert source multimedia content into a format that can be delivered and viewed on a mobile handset

- Deliver the multimedia content to TELUS Mobility for re-direction/delivery to the mobile handset for viewing.

Content:

10. The technology solution will allow for the transmission of any multimedia content to the mobile handset on TELUS' current 1X and future DO networks. The list of potential content provided on the service could include, but is not limited to:

- Live Television Broadcasts
- Pre-Recorded Videos
- Music/Audio
- Non-Traditional TV Type Content Specifically Designed for Mobile Devices

11. Initial content will include digitized data feeds of live television broadcasts and pre-recorded videos. The following is a list of content expected to be available:

US Content	Canadian Content
FOX News	Much Music
MLB Highlights	Much More Music
The Learning Channel	Weather Network (English & French)
Comedy Time	MeteoMedia (French)
ToonWorld TV Classics	Star!

Q2. Whether or not TELUS considers this service to be broadcasting, with supporting rationale.

Q3. TELUS' views on what would be the appropriate form of regulation for this service, and in particular, TELUS' views on the applicability of the New Media Exemption Order.

12. To the extent TELUS Mobility's proposed mobile new media service will involve the transmission of programs by telecommunications for reception by the public by broadcasting receiving apparatus in the form of mobile handsets, it will constitute broadcasting.

13. The Commission thoroughly reviewed whether new media is "broadcasting" in its May 1999 New Media Report (Broadcasting Public Notice CRTC 1999-84, Telecom Public Notice CRTC 99-14). In the process leading to publication of that Report, the Commission used as a working definition for new media the following description:

New media can be described as encompassing, singly or in combination, and whether interactive or not, services and products that make use of video, audio, graphics and alphanumeric text; and involving, along with other, more traditional means of distribution, digital delivery over networks interconnected on a local or global scale.

Subsequently, in the Report, the Commission applied the term new media services to those services that are delivered by means of the Internet. Ultimately, the CRTC defined new media broadcasting undertakings in the New Media Exemption Order to mean undertakings which provide broadcasting services delivered and accessed over the Internet.

14. TELUS' proposed new mobile service will fall within all the Commission's definitions of new media and, in particular, will be covered by the New Media Exemption Order. The service will provide content accessible from and delivered via the Internet to anyone with a compatible phone and a subscription to TELUS Mobility's appropriate data service plan.
15. TELUS submits that, in order to be covered by the New Media Exemption Order, it is not necessary for the specific users of a mobile new media service to have access through their mobile phones to *all* the content available on the Internet. Rather, the reverse is true: specific content has to be available to all users of the Internet, although, as in this case, availability can be limited to paying customers (i.e. a subscription service) and to those who have purchased special receiving equipment.

Q4. Any other information that TELUS considers relevant.

16. The Commission concluded in the New Media Report that to impose licensing and regulation on new media undertakings would not contribute in any way to the development of new media services or to the benefits that they bring to Canadian users, consumers and businesses.
17. This conclusion remains appropriate in respect of mobile new media undertakings. Perhaps more importantly, licensing and regulation of mobile new media undertakings would not contribute in a material manner to the implementation of Canada's broadcasting policy.
18. In particular, given the small screen size, the low image resolution and audio quality, and the memory and battery life limitations of mobile handsets, these nascent mobile new media services will not compete with conventional broadcasting services and thus will not have an undue impact on the ability of licensed undertakings to fulfill their regulatory requirements. In fact, these services will complement conventional broadcasting services and may, enhance their ability to fulfill their regulatory requirements.

Contribution to the Canadian Broadcasting System

19. Mobile new media undertakings will provide Canadians with a new vehicle to obtain media content and will offer suppliers a new opportunity to develop and deliver both new content and content that complements conventional broadcast services, both strengthening the loyalty of existing viewers to conventional programs and broadcasters and helping to create new audiences for these programs and programming undertakings. Mobile new media services will provide Canadians with a valuable source for content that will be available to them regardless of their physical location, and this content will follow Canadians as they move about their day.
20. Market forces will ensure that Canadian content will have a prominence on mobile new media services. For mobile new media services to be successful, the content must be relevant to Canadians. As such, TELUS intends to offer significant Canadian content. Indeed it is anticipated that many Canadian broadcasters and other Canadian content providers will develop made-for-mobile content that will reflect, and therefore promote, their conventional programming. TELUS expects that a significant amount of new Canadian made-for-mobile content will be developed and distributed. For example, CHUM has indicated plans to provide mobile content and Canada's Airborne Entertainment is also providing mobile video content for mobile customers (e.g. clips from the *Just for Laughs* comedy festival.)
21. In addition, by providing an additional window for re-purposed or repackaged content, mobile new media services will have a beneficial impact on the creation of Canadian content. As such, there is no reason for the Commission to impose regulatory measures to stimulate the production and development of Canadian content for mobile new media services.
22. Finally, imposing regulatory requirements at this early juncture could threaten the future feasibility of mobile new media services. The industry is still very early in its growth stage and the actual economics remain uncertain. Mobile new media services need a supportive, unfettered environment in order to flourish and stimulate homegrown Canadian products and services.

Impact on Conventional Broadcasting Services

23. Mobile new media services will complement, not compete with, conventional broadcasting services. Video services will be formatted for viewing on a mobile device and, while it is anticipated that the ability of customers to receive video transmissions immediately regardless of their location will be of tremendous value, the viewing experience will in no way be comparable to the viewing service available on conventional TV. Conventional broadcasters will suffer no loss of viewing audiences, as use of mobile new services will likely be confined to times when television viewing is not possible. Customers will typically

consume this service when they could not otherwise view a traditional broadcast – while the customer is mobile (e.g. in a taxi, hotel lobby or airport).

24. Moreover, not only would mobile new media services not negatively impact television viewing audiences, the repurposing of programming in a form suitable for display on a mobile handset has the potential to extend the availability of this content to new users in new and unique times and locations, while at the same time providing new sources of revenue for rights holders. Mobile new media services will also provide a new medium for the development and delivery of programming to audiences. By virtue of the small screen size and other factors, it is thought that mobile new media services will create an alternate viewing pattern focused around short “bursts” of use, rather than detract from the viewing of conventional broadcasts.
25. TELUS does not expect new media services to replicate the big-screen experience due to:
- the limited screen size and picture resolution on mobile devices;
 - audio quality;
 - processing power;
 - memory/storage capacity;
 - battery life; and
 - the fact the device may also be used for telephony, data messaging, email, scheduling, etc.
- Indeed, TELUS does not anticipate that customers will want to look at the small screens for more than a few minutes at a time.
26. As indicated above, mobile new media services will provide a new medium for the development and delivery of programming to audiences, including broadening the audience for the transmission of repurposed conventional broadcasts (albeit in a short clip). This will enable broadcasters to amortize the costs of production over a larger audience.

Conclusion

27. The imposition of licensing and regulatory requirements would not contribute to the development of mobile television services or to the beneficial impact these services will have. Indeed, it could hamper the development and deployment of this new technology and limit the benefits these services can bring to the system.

Sincerely,

[original signed by]

Jay Thomson

cc Cynthia Stockley, CRTC

May 13, 2005

Mr. Don Woodford
Director
Bell Mobility
110 O'Connor St.
Ottawa, ON
K1P 1H1

Dear Mr. Woodford:

According to recent reports in various news publications, Bell Mobility (Bell) is planning to launch a mobile broadcasting service in collaboration with U.S.-based Idetic Inc.'s MobiTV. For instance, one article published in Cablecaster magazine on April 19, 2005, entitled *Bell Mobility to offer wireless TV in May*, reported, "This wireless java application, developed by Idetic Inc, is downloaded onto a users phone and allows them to see – right on the screen of their handset – live streams of audio-video content like sports, news, weather, entertainment and comedy".

Bell is requested to provide the Commission with the following information with respect to the proposed service by May 27, 2005:

- 1) A detailed description of the proposed service, including the content, from whom the content is obtained, how the service will be delivered to subscribers, and a complete description of the role of MobiTV with respect to the proposed service;
- 2) Whether or not Bell considers this service to be broadcasting, with supporting rationale;
- 3) Bell's views on what would be the appropriate form of regulation for this service, and in particular, Bell's views on the applicability of the New Media Exemption Order; and
- 4) Any other pertinent information that Bell considers relevant.

- 2 -

This information will serve to ascertain whether these activities constitute broadcasting and, if so, what type of regulatory framework would be appropriate.

Thank you for your co-operation with respect to this matter.

Sincerely,

Original signed by

Marc O'Sullivan
Executive Director
Broadcasting

cc. Cynthia Stockley
Director
Distribution and Competitive Policy
819-994-0924



22 June 2005

Ms. Cynthia Stockley
Director, Distribution and Competitive Policy
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Barry Chapman
Vice-President -
Regulatory Affairs

Dear Ms. Stockley:

1. I am writing in response to your letter of 8 June 2005 in which you requested an abridged version of my letter of 27 May 2005, an explanation as to why Bell Mobility is requesting confidentiality, and why the public would be best served by treating this information as confidential.
2. The abridged version is attached.
3. The text deleted from paragraph 4 identifies specific handsets capable of receiving this service, which Bell Mobility intends to introduce to the marketplace very shortly. The brands, models, and features of handsets to be introduced are generally held confidential in the highly competitive mobile telephone market, as prior disclosure gives competitors an opportunity to plan strategy in advance, thereby gaining a competitive advantage.
4. The text deleted from paragraph 7 relates to technical specifications of our service that could be used by competing parties to design, upgrade, or promote their services in such a way as to gain competitive advantage, thereby inflicting specific direct financial harm to Bell Mobility.
5. The text deleted from paragraphs 9 and 21 refer to the status of Bell Mobility's negotiations with certain Canadian broadcasters. This information could be used by our competitors or other broadcasters to gain insight into private negotiations and used to develop strategies or courses of action to advantage themselves, relative to Bell Mobility.
6. Bell Mobility submits that the fact that this service qualifies for the new media exemption order is by no means affected by the information deleted. Rather, the information was provided to assist the Commission to understand the nature of the service.

Bell Canada
110 O'Connor St., 6th Floor
Ottawa, Ontario K1P 1H1
Tel: (613) 785-6341
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E-Mail: bell.regulatory@bell.ca

7. Further Bell Mobility submits that the public interest can best be served by ensuring that the services are developed and introduced in a competitive environment, and by assuring that no party gains important insight into the others' strategy or technology through the Commission's request for information.

8. A machine-readable file copy of this submission is provided to the Commission via Internet email.

Yours truly,

(Original signed by Barry Chapman)

Barry Chapman
Vice-President, Regulatory Affairs

Attachment

*** End of Document ***



27 May 2005

Mr. Marc O'Sullivan
Executive Director, Broadcasting
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Barry Chapman
Vice-President -
Regulatory Affairs

Dear Mr. O'Sullivan:

1. I am writing in response to your letter of 13 May 2005 to Mr. Don Woodford in which you requested certain information regarding a video service that is provided on certain Bell Mobility handsets.

2. To help the Commission understand the nature of its service, Bell Mobility may be providing commercially sensitive information about its service that would normally be treated as confidential. Accordingly, if the Commission chooses, at some future time, to place this information on the public record, Bell Mobility respectfully requests the opportunity to review its submission and to abridge it where necessary.

Q1. A detailed description of the proposed service, including the content, from whom the content is obtained, how the service will be delivered to subscribers, and a complete description of the role of MobiTV with respect to the proposed service.

3. Bell Mobility's service is an internet application, delivered via a mobile browser, which allows subscribers to view audio-video content on the screen of certain models of mobile telephones. The video content is comparable to, but not necessarily identical to, live television feeds. From a subscriber standpoint, it operates as follows:

1. The subscriber initiates the mobile browser on his/her mobile telephone. This is the same browser that is used to gain access to other Internet applications.
2. The subscriber selects the "download it" category from the main mobile browser menu.
3. On the next menu the subscriber selects the "applications" category from the mobile browser menu.

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4. The subscriber selects, "MobiTV" from a menu of internet applications, causing the system to download the "MobiTV Client" application.
5. The subscriber goes to an application folder within the handset menu and launches the "MobiTV Client" that now resides in their mobile phone.
6. The subscriber waits while Bell Mobility authenticates the subscriber for billing purposes.
7. The subscriber chooses, from a menu, the audio-video stream that he or she wishes to view. The MobiTV java client sends a request to the URL for the MobiTV content server.
8. The audio-video stream is delivered via the Internet from the originating MobiTV content server to Bell Mobility and through Bell Mobility's wireless network to the handset. The content is "played" on the handset. The "player" software in the MobiTV application is a mobile equivalent of Windows Media player, or Real Video player, or any of the many other video players that are used on PCs to view audio-video content accessed over the Internet.
9. When the subscriber wishes to terminate the connection, he/she terminates the stream as he or she would terminate any other data application.

4. To obtain the service, a subscriber must have a compatible handset and pay a monthly subscription fee associated with the service. The subscriber must also pay for the "air time" associated with the data transmission. Bell Mobility intends to offer the service initially on ## handsets.

5. From a technical standpoint, the service operates no differently than any Internet media player application. When the subscriber selects a video stream from the menu MobiTV client on his handset, it is the equivalent, on the PC, of clicking on a view video option. Bell Mobility's system translates this request to an URL (IP address), and the request for a connection is initiated, from the Bell Mobility central office, through the public Internet. The server corresponding to the URL address (IP address) responds by streaming the video content back to the receiver.

6. Clearly, a mobile browser and video player do not have the technical features of the browsers and video players popularly used by consumers to view audio-video content through their personal computer connections to the Internet. The content therefore must be specially encoded to be compatible with the mobile browser and video player used by each mobile service provider that provided the service. This is consistent with the common practice of producing Internet content in various formats, such as content written for mobile browsers generally, or pages and content formatted for various PC browser or application versions and Internet connection speeds.

7. As a result, the video representation on Bell Mobility's mobile browser is of somewhat lower quality than currently available on the Internet. ## Moreover, the small size of the screens on the mobile handsets also has an impact on the video presentation.

Confidential sentence(s) or phrases deleted.

8. Bell Mobility's service will offer its subscribers a choice among several live video streams, which for the most part, are mirror images of live TV broadcasts. However, programming availability is only that for which the content provider has the necessary rights, which, as described below, limits the nature of content available.

9. The role of Idetic Inc.'s MobiTV ("Idetic") is to convert the video content to a format compatible with Bell Mobility's mobile browsers and handsets and to provide the servers, connections though the Internet, and subscriber authentication processes. Idetic also enters into arrangements with the video service providers (such as # #, or US-based services) to obtain rights to distribute content. Bell Mobility is in the process of signing an agreement with Idetic for access to certain video streams available on the Idetic servers.

10. Currently, Idetic has agreements with a narrow range of US-based broadcasters/video providers. The set of broadcaster-related services offered is limited in that the broadcaster must own the necessary rights to the programming. This requirement narrows the possible candidates for the service. In its negotiations with Idetic, Bell Mobility sought to offer a service that will be relevant to Canadian mobile users, and accordingly it has been working with Idetic and Canadian broadcasters with the intent of featuring Canadian content prominently in its service offering.

11. Some content may originate from Internet video providers that have no direct affiliation with broadcasters, and may actually be content specially developed for the mobile handset market because mobile viewers are likely to have interests and attention spans that differ significantly from a residential television viewer, and due to the technical limitations such as picture quality and screen size. All of the content, including that provided by broadcasters, will be provided via the internet.

Q2: Whether or not Bell considers this service to be broadcasting, with supporting Rationale.

Q3: Bell's views on what would be the appropriate form of regulation for this service, and in particular, Bell's views on the applicability of the New Media Exemption Order.

12. In Broadcasting Public Notice CRTC 1999-84 ("BPN 1999-84" or "the New Media decision"), the Commission found that Internet-delivered, non-customized audio/visual content that does not consist predominantly of alphanumeric text constitutes "broadcasting", as defined in Section 2 of the *Broadcasting Act*. Following this approach, the transmission of programs to the Bell Mobility handsets -- which is materially identical to many of the Internet broadcasting scenarios considered by the Commission in the New Media decision -- would also appear to constitute "broadcasting", within the meaning of the *Act*.

13. However, just as the Commission concluded at paragraphs 47 to 51 of BPN 1999-84, the Internet has given rise to new avenues and forms of expression and communication to Canadians. Bell Mobility's video streaming application is one of them. Bell Mobility's effort to obtain content from Canadian broadcasters to anchor its service is a demonstration that this Internet application is the manifestation of an Internet site that facilitates access to Canadian services.

Confidential sentence(s) or phrases deleted.

14. The Commission concluded in the New Media decision that imposing licensing on the transmission of programs over the Internet would not contribute to achieving the objectives of the *Broadcasting Act*, nor to its development, nor to the benefits it brings to Canadian users, consumers, and businesses. Accordingly, it issued the new media exemption order without terms or conditions in respect of all undertakings that provide broadcasting services over the Internet, in whole or in part in Canada. Bell Mobility's Internet application provides broadcasting service delivered and accessed over the Internet and therefore very clearly falls under this exemption.

15. To be clear, the only difference between the audio-visual services considered by the Commission in the New Media decision and Bell Mobility's wireless television application is that Bell Mobility's application employs wireless transmission for the "last mile" of the transmission path and uses wireless handsets as terminal devices. Bell Mobility notes that many other Internet applications and users, currently covered by the New Media exemption order, also rely on wireless connectivity as part of the transmission path, including users accessing the Internet via Wi-Fi hotspots or employing Bluetooth technology. With respect to the issue of terminal devices, the Commission explicitly found in the New Media decision that the nature of terminal device was not determinative of the regulatory treatment of the service provided using that device, based on the broad definition of "broadcasting receiving apparatus" found in the *Act*.

16. In fact, the New Media decision is noteworthy for its endorsement of the concept of technological neutrality. In that decision, the Commission found that neither the particular technology used for the delivery of signals over the Internet, nor the device used to receive those signals, were determinative of the applicability of the *Act*. Similarly, in the present case, neither the use of wireless transmission technologies nor wireless handsets/PDAs should be used to distinguish Bell Mobility's wireless TV application from other programming currently provided pursuant to the New Media exemption order. The objective of technological neutrality requires that notwithstanding minor differences in terminal device and transmission technology, Bell Mobility's wireless Internet-based video application should be treated in the same manner as other Internet content.

17. Indeed, Bell Mobility submits that it would be a perverse result if programming received over the Internet via a low-frame video stream on a 2 inch telephone or PDA screen was to be subject to a higher degree of regulation than programming received over the Internet via a wireline high-speed video stream (via cable or DSL modem) to a 17 inch video monitor.

18. In this regard, Bell Mobility notes that a wide variety of programs and programming services, which are not authorized for distribution in Canada via licensed broadcasting distribution undertakings, are currently available in streaming form via the Internet, sometimes free of charge and sometimes via subscription. Examples may be found by visiting the following hyperlinks, which are but a small sample of the streamed programming available via the Internet:

<http://www.byutv.org/streaming/>
<http://www.jumptv.com/index.ch2>
<http://www.webtvlist.com/>
<http://www.kctu.com/>

Q4: Any other pertinent information that Bell Mobility considers relevant.

19. As discussed previously, Bell Mobility's service will complement, not compete with regular television viewing. It will have a very limited picture capability (low refresh rate on a very

small screen), will be limited by the battery life of the handset, will offer a relatively narrow set of content, and therefore be in no way comparable to viewing quality or entertainment choices available on residential television. However, Bell Mobility anticipates that many of its subscribers will find the ability to receive live video transmissions regardless of their location, to be of value. It is well-suited to providing live news or sports information for commuters on public transit or persons sitting in waiting rooms, as an alternative to browsing thorough magazines. It is expected that viewers will maintain connections for only short periods of time. Should Canadian broadcasters choose to participate, the service will provide them with an opportunity to expand their brand and cement their relationship with their viewers.

20. It is also important to note that services of this kind are being introduced all over the world. MobiTV is currently available to mobile subscribers of several national mobile telephone providers in the United States. Similar applications are available from mobile telephone providers in Europe and Asia. Bell Mobility is not aware that these services are subject to regulation in any other nation. In order to remain competitive and at the forefront of mobile services offerings, Bell Mobility and its competitors are exercising the flexibility granted by the New Media Exemption Order, consistent with the *Broadcasting Act* and the Commission's prior determinations.

21. As noted previously, in order to make its service as relevant as possible to its subscribers and maximize its market appeal, Bell Mobility has been encouraging Canadian broadcasters to participate. ##

Conclusion

22. Bell Mobility's video service is a transmission of services and signals over the Internet, and therefore falls under the New Media Exemption Order. The service will have little, if any, impact on Canadian broadcasting services, since the transmission speed and screen size for the service mean that it will never be a substitute for broadcast television -- and in any event, would have even less impact than current broadcasting activities over the Internet. By contrast, Bell Mobility submits that its video service will provide Canadian broadcasters with a significant opportunity to strengthen their brands and audience loyalties via a wireless service that is complementary to their core undertaking.

Yours truly,

[Original signed by Barry Chapman]

Barry Chapman
Vice-President, Regulatory Affairs

cc: Cynthia Stockley, CRTC

*** End of Document ***

Confidential sentence(s) or phrases deleted.

May 13, 2005

Mr. Kenneth G. Engelhart
Vice President, Regulatory
Rogers Communications Inc.
333 Bloor Street East
Toronto, Ontario
M4W 1G9

Dear Mr. Engelhart:

In a press release issued April 14, 2005, Rogers Wireless (Rogers) announced its plans to launch a mobile broadcasting service powered by U.S.-based Idetic Inc.'s MobiTV. According to the press release, the service will provide "Rogers Wireless customers with real-time access to live television programming including exclusive Toronto Blue Jays content, news, sports and entertainment programming via Rogers Wireless' navigate mobile Internet service".

Rogers is requested to provide the Commission with the following information with respect to the proposed service by May 27, 2005:

- 1) A detailed description of the proposed service, including the content, from whom the content is obtained, how the service will be delivered to subscribers, and a complete description of the role of MobiTV with respect to the proposed service;
- 2) Whether or not Rogers considers this service to be broadcasting, with supporting rationale;
- 3) Rogers' views on what would be the appropriate form of regulation for this service, and in particular, Rogers' views on the applicability of the New Media Exemption Order; and
- 4) Any other pertinent information that Rogers considers relevant.

This information will serve to ascertain whether these activities constitute broadcasting and, if so, what type of regulatory framework would be appropriate.

Thank you for your co-operation with respect to this matter.

Sincerely,

Original signed by

Marc O'Sullivan
Executive Director
Broadcasting

cc. Cynthia Stockley
Director
Distribution and Competitive Policy
819-994-0924



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May 27, 2005

Ken Engelhart
Vice President
Regulatory

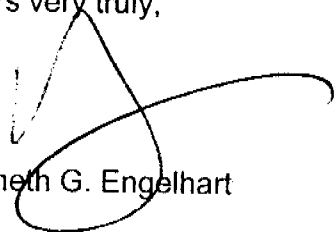
Marc O'Sullivan
Executive Director, Broadcasting
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Re: Rogers Wireless Mobile Video Service

Thank you for your letter of May 13, 2005, received in this office on May 18, 2005. We are pleased to respond to your questions and a copy of our response is attached.

Please feel free to contact me if you have any further questions or wish to discuss any issues regarding this service.

Yours very truly,



Kenneth G. Engelhart

cc. Cynthia Stockley – Director, Distribution and Competitive Policy

Att.
KGE/mf



RESPONSES TO CRTC QUESTIONS OF MAY 13, 2005
RE: Rogers Mobile Video Service

Q1. A detailed description of the proposed service, including the content, from whom the content is obtained, how the service will be delivered to subscribers, and a complete description of the role of MobiTV with respect to the proposed service.

A1. The service will provide Rogers Wireless customers with real-time access to television programming. Customers who wish to access the mobile video service must download the MobiTV video viewer to their wireless phone or other mobile device. Once this viewer is downloaded, it is stored in a storage folder on the mobile device.

When a customer wishes to view video content, they will use the video viewer to select the content they wish to see. A request is initiated from the customer's phone to a public IP address which is associated with a server operated by MobiTV in the United States. MobiTV provides video content to the server. Video content travels from the MobiTV server through the public Internet to a server in Canada and from there to the customer's wireless mobile device. The content can be accessed by any device which is equipped with the MobiTV video viewer, provided that the device has been authorized to receive the content. Customers are authorized to receive the content by payment of the appropriate monthly fee. The entire transmission of the video signal from the public IP address to the customer's device uses TCP/IP over HTTP.

Q2. Whether or not Rogers considers this service to be broadcasting, with supporting rationale.

A2. Broadcasting is defined in Section 2 of the *Broadcasting Act* to mean:

“any transmission of programs, whether or not encrypted, by radio waves or other means of telecommunication for reception by the public by means of broadcasting receiving apparatus, but does not include any such transmission of programs that is made solely for performance or display in a public place.”

Rogers considers that real time video streaming falls within the definition of broadcasting, within the meaning of the *Broadcasting Act*.

Q3. Rogers' views on what would be the appropriate form of regulation for this service, and in particular, Rogers' views on the applicability of the New Media Exemption Order.

A3. Rogers believes that our mobile video service fits squarely within the *Exemption Order for New Media Broadcasting Undertakings*. This order exempts broadcasting services delivered and accessed over the Internet. In this case, the service is both delivered over the Internet and accessed over the Internet. Accordingly, there is no need for the Commission to grant a further exemption order or license for the service.

Q4. Any other pertinent information that Rogers considers relevant.

A4. While Rogers has no further information that it considers relevant, it would be pleased to respond to any further questions which the Commission has.

*** End of Document ***

May 13, 2005

Mr. Michael Cytrynbaum
CEO
LOOK Communications
1755, René Levesque, est.
Bureau 201
Montréal, QC
H2K 4P6

Dear Mr. Cytrynbaum:

In press releases issued December 8, 2004 and April 19, 2005, LOOK Communications (LOOK) announced its plans to launch mobile video services in Ontario and Quebec. According to the December 8th press release, the service "will provide over 80 channels of live video, data carousel broadcasting channels and over 100 channels of digital audio broadcasting".

LOOK is requested to provide the Commission with the following information with respect to the proposed service by May 27, 2005:

- 1) A detailed description of the proposed service, the content, from whom the content is obtained and how the service will be delivered to subscribers;
- 2) Whether or not LOOK considers this service to be broadcasting, with supporting rationale;
- 3) In *Licence renewal for various multipoint distribution system undertakings*, Broadcasting Public Notice CRTC 2004-63, 16 August 2004 (PN 2004-63), the Commission stated, "The Commission considers that, should LOOK wish to make use of a technology or technologies other than MDS for the distribution of broadcasting services, it should return to the Commission with specific plans, in the context of a complete application requesting authority to proceed with their implementation, either under its current or a new licence."

Provide LOOK's views on the applicability of the above-noted statement from PN 2004-63 to the service in question;

- 4) LOOK's views on what would be the appropriate form of regulation for this service, and in particular, LOOK's views on the applicability of the New Media Exemption Order; and
- 5) Any other pertinent information that LOOK considers relevant.

This information will serve to ascertain whether these activities constitute broadcasting and, if so, what type of regulatory framework would be appropriate.

Thank you for your co-operation with respect to this matter.

Sincerely,

Original signed by

Marc O'Sullivan
Executive Director
Broadcasting

cc. Cynthia Stockley
Director
Distribution and Competitive Policy
819-994-0924



PAP

May 25, 2005

Mr. Marc O'Sullivan
Executive Director
Broadcasting
Canadian Radio-television and Telecommunications Commission

Dear Mr. O'Sullivan:

I am pleased to provide this response to your letter in respect of Look's announcement of plans to launch mobile video services in Ontario and Québec.

For convenience, your questions are reproduced below, together with Look's responses thereto.

1) *A detailed description of the proposed service, the content, from whom the content is obtained and how the service will be delivered to subscribers;*

Answer: Look plans to provide a mobile multi-media service (the "Mobile Service") to customers equipped with mobile receiving apparatus. The Mobile Service will use Look's MDS point-to-multipoint radio system to transmit content to its customers from licensed transmitters located in Look's licensed serving areas.

The precise content of the Mobile Service has yet to be finalized. However, Look presently anticipates that this service will include two types of content: Look's conventional, specialty and pay television signals, together with audio signals (the "Broadcasting Services"); and a data-casting service.

The Broadcasting Services will consist of signals of programming undertakings which Look is authorized to carry pursuant to its broadcasting licence and which will be delivered in a manner that conforms to the requirements of this licence, including those requirements of the *Broadcasting Distribution Regulations* to which Look is subject. Where necessary (i.e., where the retransmission regime does not apply) these signals will continue to be obtained from programming undertakings pursuant to contracts which Look currently has or will obtain with these programming undertakings. These signals will also be physically obtained by Look in the same manner as they are today, i.e., by means of a combination of off-air, dedicated fibre and satellite links. In other words, the Broadcasting Services will be obtained and distributed in the same fashion to Look's customers regardless of whether they are employing a mobile or stationary receiving apparatus.

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Look Communications Inc.
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Look anticipates that the data-casting service will consist of content sourced from the public Internet or from Internet content providers with whom Look will enter into contractual arrangements for the provision of that content. This content will include such information as stock quotations, weather and other material customized for reception by individual customers.

As stated above, both the Broadcasting Services and the data-casting service will be provided to customers using Look's MDS point-to-multipoint radio system. The Broadcasting Services will be transmitted using, where applicable, the 50% or more of Look's licensed spectrum that is required to be used for the transmission of licensed programming services, while the remainder of the services will be transmitted using the remaining portion of the licensed spectrum.

2) *Whether or not LOOK considers this service to be broadcasting, with supporting rationale;*

Answer: Look considers that the Broadcasting Services constitute broadcasting. The data-casting service would not constitute broadcasting, however, as the content currently planned for the data-casting service consists of visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text, and therefore does not constitute "programs" under the *Broadcasting Act*. To the extent that the content for the data-casting service changes to include such programs, Look would return to the Commission to the extent that such service does not fall within its existing licence or available exemption orders.

3) *In Licence renewal for various multipoint system undertakings. Broadcasting Public Notice CRTC 2004-63, 16 August 2004 (PN 2004-63), the Commission stated, "The Commission considers that, should LOOK wish to make use of a technology or technologies other than MDS for the distribution of broadcasting services, it should return to the Commission with specific plans, in the context of a complete application requesting authority to proceed with their implementation, either under its current or a new licence."*

Provide LOOK's views on the applicability of the above-noted statement from PN 2004-63 to the service in question;

Answer: Look notes that the reference from PN 2004-63 quoted in the question was in response to Look's request for permission to use alternatives to its MDS Spectrum for the distribution of broadcasting services. However, as Look will continue to use MDS technology and spectrum to distribute the Mobile Service, including the Broadcasting Services, Look considers that this statement is not applicable to the Mobile Service.



internet + tv

4) LOOK's views on what would be the appropriate form of regulation for this service, and in particular, LOOK's views on the applicability of the New Media Exemption Order;

Answer: Look is of the view that its current licence constitutes an appropriate form of regulation for the Broadcasting Services, and Look intends to implement these services in accordance with the terms thereof. In Look's view, the New Media Exemption Order would not be applicable to the Broadcasting Services.

With regard to the data-casting service, given that this does not constitute broadcasting, it is not necessary to consider the appropriate form of regulation for this service.

I trust the foregoing provides you with the information you are seeking. Please do not hesitate to contact me if you require anything further.

Yours very truly,

LOOK COMMUNICATIONS INC.

A handwritten signature in dark ink, appearing to read 'Gerald T. McGoey', is written over a faint, larger version of the same signature.

Gerald T. McGoey
Vice Chairman and Chief Executive Officer