



Broadcasting Decision CRTC 2006-614

Ottawa, 31 October 2006

Rogers Cable Communications Inc.

Various locations in New Brunswick, Newfoundland and Labrador, and Ontario

Application 2006-1139-4

Broadcasting Public Notice CRTC 2006-123

27 September 2006

Rogers cable distribution undertakings – Licence amendment

1. The Commission **approves** the application by Rogers Cable Communications Inc. (Rogers), to amend the licences of its various cable broadcasting distribution undertakings in New Brunswick, Newfoundland and Labrador, and Ontario, by extending the suspension of the requirement for it to perform program deletion under sections 42(1)(b) and 43(1) of the *Broadcasting Distribution Regulations*, pursuant to the terms set out in its conditions of licence.
2. Rogers indicated that it is currently negotiating an agreement with Canadian programming services, represented by the Canadian Association of Broadcasters (CAB), with respect to the appropriate terms for future distribution of distant Canadian signals and the suspension of program deletion requirements. In the licensee's view, the proposed extension would permit it and the CAB to take into account the Commission's determinations in the proceeding initiated by *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006, in negotiating the above-mentioned agreement.
3. The Commission did not receive any interventions in connection with this application.
4. The existing condition of licence relating to relief from program deletion requirements reads as follows:

The licensee is authorized to distribute the following signals on a digital discretionary basis:

- any of the Canadian distant television signals set out in the *List of Part 3 eligible satellite services*. This includes any of the signals that the licensee is distributing as of 16 May 2005 as well as any other Canadian distant signal on that list provided that the licensee receives the signal from a licensed satellite relay distribution undertaking and distributes the signal in accordance with the Commission's distant signals policy, as set out in *Structural Public Hearing*, Public Notice CRTC 1993-74, 3 June 1993; and

- a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals (that is, a set of U.S. 4+1 signals in addition to the set of such signals already carried by the system) and Canadian distant signals is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations*. The Commission suspends the application of this provision, for a period ending 12 August 2006, subject to the requirement that the licensee pay the following monthly fees to the Canadian Association of Broadcasters, on behalf of affected broadcasters, in lieu of performing non-simultaneous program deletion: \$0.50 for each subscriber who receives Canadian distant television signals on a digital discretionary basis and \$0.25 for each subscriber who receives a second set of U.S. 4+1 signals on a digital discretionary basis.

5. The Commission hereby replaces the condition set out above for each of Rogers' Class 1 and Class 2 undertakings with the following **condition of licence**:

The licensee is authorized to distribute the following signals on a digital discretionary basis:

- any of the Canadian distant television signals set out in the *List of Part 3 eligible satellite services*. This includes any of the signals that the licensee is distributing as of 16 May 2005 as well as any other Canadian distant signal on that list provided that, subject to any related policies, decisions, or regulations the Commission may make at a future date, the licensee receives the signal from a licensed satellite relay distribution undertaking and distributes the signal in accordance with the Commission's distant signals policy, as set out in *Structural Public Hearing*, Public Notice CRTC 1993-74, 3 June 1993; and
- a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals (that is, a set of U.S. 4+1 signals in addition to the set of such signals already carried by the system) and Canadian distant signals is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in Section 43 of the *Broadcasting Distribution Regulations*. The Commission suspends the application of this provision, for a period ending on a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, subject to the requirement that the licensee pay the

following monthly fees to the Canadian Association of Broadcasters, on behalf of affected broadcasters, in lieu of performing non-simultaneous program deletion: \$0.50 for each subscriber who receives Canadian distant television signals on a digital discretionary basis and \$0.25 for each subscriber who receives a second set of U.S. 4+1 signals on a digital discretionary basis.

6. In addition, the Commission hereby replaces the condition set out above for each of Rogers' Class 3 undertakings with the following **condition of licence**:

- The licensee is authorized to distribute, on a digital discretionary basis, a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4+1 signals).

The distribution on a discretionary basis on the licensee's digital service of a second set of U.S. 4+1 signals (that is, a set of U.S. 4+1 signals in addition to the set of such signals already carried by the system) is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in Section 43 of the *Broadcasting Distribution Regulations*. The Commission suspends the application of this provision, for a period ending on a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, subject to the requirement that the licensee pay the monthly fee of \$0.25 for each subscriber who receives a second set of U.S. 4+1 signals on a digital discretionary basis to the Canadian Association of Broadcasters, on behalf of affected broadcasters, in lieu of performing non-simultaneous program deletion.

Secretary General

This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>