



Broadcasting Public Notice CRTC 2003-65

Ottawa, 5 December 2003

Call for comments – Proposed amendment to the *Broadcasting Distribution Regulations*

Removal of the requirement for Class 2 cable broadcasting distribution undertakings to provide basic service to unserved households

1. Section 48 in Part 5 of the *Broadcasting Distribution Regulations* (the Regulations), currently includes a requirement that Class 1 and 2 cable broadcasting distribution undertakings (BDUs) provide basic service to unserved households that meet certain criteria and that they install any facilities necessary to provide this service. This is the only section in Part 5 that applies to Class 2 licensees. Section 48 currently reads:
 48. Except as otherwise provided under a condition of its licence, each Class 1 and Class 2 licensee shall
 - (a) install the distribution system necessary for the provision of its basic service at a household or premises within a reasonable time after a request for the service is received from a member of the household or an owner or operator of the premises, if the household or premises are
 - (i) situated in a residential area within the licensed area, and
 - (ii) provided with water or sewer services by a municipal or other public authority;
 - (b) *at the* request of a member of a household or an owner or operator of premises referred to in paragraph (a), install the subscriber drop and provide the basic service to that household or those premises, unless the member, owner or operator has not complied with the licensee's request for payment of
 - (i) an amount not greater than the amount of the non-recurring costs to be reasonably incurred by the licensee for the installation or reconnection of the subscriber drop, determined in accordance with *Circular No. 354 to All Class 1 & 2 Cable Licensees*, published by the Commission on November 29, 1988,

- (ii) the licensee's fee for the provision of the basic service for one month to that household or those premises, or
- (iii) an overdue debt for the provision of basic service that the member, owner or operator owes to the licensee; and

(c) provide the basic service to a subscriber as long as the subscriber pays in advance the fee for each month of the basic service.

2. Section 47 in Part 5 of the Regulations sets out a method by which a Class 1 licensee can apply to be relieved of all of the requirements of Part 5 of the Regulations, including the section 48 requirement that it provide service and install facilities as described above, and to be relieved, as well, of other requirements related to the rates charged by Class 1 cable BDUs. Class 2 BDUs, which generally serve fewer subscribers than Class 1 BDUs, are unable to apply to be relieved of the requirements of Part 5 of the Regulations.
3. In *Exemption of cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*, Broadcasting Public Notice CRTC 2003-23, 30 April 2003 (Public Notice 2003-23), the Commission announced its intention to amend section 48 of Part 5 of the Regulations to remove the requirement for Class 2 BDUs to provide basic service and to install the necessary facilities.
4. A copy of the proposed *Regulations Amending the Broadcasting Distribution Regulations* is appended to this public notice.

Call for comments on the proposed amendment

The Commission invites comments that address the issues and questions set out in this notice. The Commission will accept comments that it receives on or before **5 January 2004**.

The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

Interested parties can file their comments to the Secretary General of the Commission by using ONE of the following formats:

- [Intervention/Comments form](#) available from the Commission's web site by indicating and selecting the public notice number under the *Decisions, Notices and Orders* section

OR

- **by electronic mail to** procedure@crtc.gc.ca

OR

- **by mail to**
CRTC, Ottawa, Ontario, K1A 0N2

OR

- **by fax at**
(819) 994-0218

Submissions longer than five pages should include a summary.

Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

The Commission will make comments filed in electronic form available on its web site at www.crtc.gc.ca but only in the official language and format in which they are submitted. Such comments may be accessed in the *Public Proceedings* section of the CRTC web site. Copies of all comments, whether filed on paper or in electronic form, will also be placed on the public examination file.

The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Central Building
Les Terrasses de la Chaudière
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Kensington Building
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Secretary General

This document is available in alternate format upon request and may also be examined at the following Internet site: <http://www.crtc.gc.ca>

(CG-I/GC-I)

REGULATIONS AMENDING THE BROADCASTING DISTRIBUTION REGULATIONS

AMENDMENT

1. The portion of section 48 of the *Broadcasting Distribution Regulations*¹ before paragraph (a) is replaced by the following:

48. Except as otherwise provided under a condition of its licence, each Class 1 licensee shall

COMING INTO FORCE

2. These Regulations come into force on the day on which they are registered.

¹ SOR/97-555