



Broadcasting Public Notice CRTC 2005-55

Ottawa, 7 June 2005

The Commission has received the following applications. The deadline for submission of interventions/comments is 12 July 2005.

Item Applicant and Locality

1. **Bell Canada**
Toronto, Hamilton/Niagara, Oshawa, Kitchener, London, Windsor, Ottawa, and surrounding area at each location in Ontario; and Montréal, Gatineau, Sherbrooke, Québec, and surrounding area at each location in Quebec
2. **Shaw Pay-Per-View Ltd.**
Western Canada
3. **Shaw Pay-Per-View Ltd.**
Western Canada

1. **Toronto, Hamilton/Niagara, Oshawa, Kitchener, London, Windsor, Ottawa, and surrounding area at each location in Ontario; and Montréal, Gatineau, Sherbrooke, Québec, and surrounding area at each location in Quebec**
Application No. 2005-0183-4

Application by **Bell Canada** to amend the regional licences of the terrestrial distribution undertakings serving the above-mentioned locations.

The licensee requests the addition of a condition of licence that would allow the licensee, at its option, to insert certain promotional material as a substitute for the "local availabilities" (i.e. non-Canadian advertising material) of non-Canadian satellite services.

The licensee agrees to conform to the following condition:

At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, the promotion of any future community channel that the licensee might operate, and for unpaid Canadian public service announcements. A maximum of 25% of the commercial availabilities may be made available for the promotion of the services and the discretionary programming packages, customer service information, channel realignment, cable FM service and additional cable outlets.

Licensee's address:

Bell Canada
 110 O'Connor Street
 Ottawa, Ontario
 K1P 1H1
 Fax: (613) 594-4579
 E-Mail: paul.g.armstrong@bell.ca

Examination of application:

At the licensee's address

Espace Bell
 892 St. Catherine Street West
 Montréal, Quebec

[\[Broadcasting intervention/comments form\]](#)

2. **Western Canada**
Application No. 2004-1398-0

Application by **Shaw Pay-Per-View Ltd.** to amend the licence of the regional English-language direct-to-home (DTH) pay-per-view (PPV) programming undertaking.

Under its current licence, the licensee may only distribute its service in British Columbia, Alberta, Saskatchewan, Manitoba, Yukon, Northwest Territories and Nunavut.

The licensee proposes an amendment to its licence to permit national distribution of its service by licensed DTH satellite distribution undertakings.

The licensee also indicated that if its service is approved for national distribution, it would also accept the following conditions of licence concerning French-language programming:

- the licensee shall maintain the channels in a ratio of French to English of 1:3, with a minimum of 5 French-language channels in addition to a French-language barker channel;
- with respect to French-language programming, the licensee shall, through its agreements with the licensees of DTH distribution undertakings, ensure that, in each broadcast year, the following is made available by these licensees to their PPV subscribers:

1. a minimum amount of 20 Canadian feature films in the original French-language version, or dubbed in French, which have been exhibited in theatres in French-language markets, including all new Canadian feature films suitable for PPV exhibition that meet the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*;
 2. a minimum amount of 12 Canadian-based events targeting the French-language market;
 3. yearly minimum percentages of Canadian programming as follows: 8% of feature film titles and 20% of all program titles other than feature films.
- with respect to French-language feature films, the licensee shall remit 100% of the gross revenues earned by the licensee from the exhibition of these films to distributors and providers, with a minimum of 60% to the programming providers; and
 - during the period from the commencement of operations as a national service to 31 August of that broadcast year, the licensee's performance with respect to commitments regarding French-language Canadian content in feature films and events will be assessed on a pro-rata basis.

Licensee's address:

Shaw Court
 Suite 900, 630-3rd Avenue South West
 Calgary, Alberta
 T2P 4L4
 Fax: (613) 234-2997
 E-Mail: cynthia.rathwell@sjrb.ca

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

3. **Western Canada
 Application No. 2004-1530-9**

Application by **Shaw Pay-Per-View Ltd.** (Shaw) to renew the licence of the regional English-language terrestrial pay-per-view (PPV) programming undertaking, expiring 31 August 2005.

The licensee proposes to renew under the same terms and conditions except as set out below.

Currently, Shaw is authorized to distribute its terrestrial PPV service to cable affiliates in western Canada. These affiliates include Shaw cable systems, as well as non-affiliated distributors.

As part of its renewal application, Shaw requests the authority to distribute its terrestrial PPV programming undertaking on a national basis.

Shaw notes its PPV service will continue to offer the PPV programming that currently comprises its regional PPV service, and will abide by the existing expectations and conditions of licence. Shaw will not acquire exclusive PPV rights.

To complement the authority to offer Shaw PPV on a national basis, Shaw would also make French-language PPV programming available to affiliates wishing to provide French-language PPV content to their customer bases. In this regard, the licensee indicated that it would accept the following conditions of licence:

If the licensee offers French-language programming, the licensee shall ensure that its agreements with the operators of licensed or exempt terrestrial distribution undertakings operating in francophone markets provide that, in each broadcast year, the following is made available by these licensees to their PPV subscribers:

a minimum of 20 Canadian feature films in the original French-language version, or dubbed in French, which have been exhibited in theatres in French-language markets, including all new Canadian feature films suitable for PPV exhibition that meet the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*;

a minimum of six French-language events in each of years one and two of operation, eight in each of years three and four, ten in each of years five and six, and twelve in year seven of operation, and

yearly minimum percentages of Canadian programming as follows: 8% of feature film titles, and 20% of all program titles other than feature films.

The licensee also proposes to amend its conditions of licence respecting its spending on Canadian programming. The current condition reads as follows:

the licensee must invest in the production of Canadian films over the course of the licence term, the greater of \$2.4 million or 30% of WPT's (WIC Premium Television Ltd.) share of the gross revenues derived from the exhibition of feature films and events distributed by the broadcasting distribution undertaking (BDU) affiliates of the PPV service. This investment shall be exclusive of any expenditures made by the licensee on the promotion of such films.

Instead, the licensee proposes to be governed by the same condition of licence generally applied to new PPV and VOD services, specifically to devote 5% of gross annual revenues, to an existing independently administered Canadian program production fund. For the purpose of this condition, Shaw also proposes that gross annual revenues be defined as set out in the appendix to Decisions CRTC 2000-733 to 2000-736 dated 14 December 2000. Accordingly, gross annual revenues would be deemed to be 50% of the total retail revenues received from customers. Approval of the applicant's request would result in a reduction of its financial contributions to support the development of Canadian programming.

Licensee's address:

Shaw Court
Suite 900, 630-3rd Avenue South West
Calgary, Alberta
T2P 4L4
Fax: (613) 234-2997
E-Mail: michael.ferras@sjrb.ca

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

Public Participation

Deadline for Interventions/Comments

12 July 2005

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the
Broadcasting Intervention/Comments Form
located below the description of each application within this public notice

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
(819) 994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

Important

All information submitted, including your email address, name and any other personal information as provided, will become part of the public record and can be viewed on the Commission's Web site.

Documents sent in electronic format will be put on the Commission's Web site exactly as we received them, and in the official language and format in which they are sent. Documents not received electronically will be scanned and put on the Web site.

Examination of Documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 – TDD: 994-0423
FAX: (819) 994-0218

Metropolitan Place

99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 – TDD: 426-6997
FAX: (902) 426-2721

205 Viger Avenue West

Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

55 St. Clair Avenue East, Suite 624

Toronto, Ontario M4T 1M2
Tel: (416) 952-9096

Kensington Building

275 Portage Avenue, Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 – TDD: 983-8274
FAX: (204) 983-6317

Cornwall Professional Building

2125 – 11th Avenue, Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue, Suite 520

Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 – TDD: 666-0778
FAX: (604) 666-8322

Secretary General

This document 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>