



Broadcasting Decision CRTC 2005-218

Ottawa, 27 May 2005

Videotron (Regional) Ltd.

Gatineau, Gatineau (Buckingham sector), Thurso and
Montebello, Quebec and Rockland, Ontario

Application 2004-0718-1

Broadcasting Public Notice CRTC 2005-11

3 February 2005

Application for relief from sections 17 and 32 of the *Broadcasting Distribution Regulations*

*The Commission **approves** the application by Videotron (Regional) Ltd. to be relieved of the requirement to distribute CJMT-TV-2 (OMNI.2) Ottawa as part of the basic service beginning with the basic band (channels 2 to 13). OMNI.2 will be distributed on channel 41 as part of the high-penetration tier in analog mode and on channel 15 as part of the digital basic service in the Gatineau, Gatineau (Buckingham sector), Thurso, Montebello and Rockland service areas.*

The application

1. The Commission received an application by Videotron (Regional) Ltd. (Videotron), the licensee of the Class 1 cable broadcasting distribution undertakings (BDUs) serving Gatineau and Gatineau (Buckingham sector), Quebec, of the Class 2 BDU serving Rockland, Ontario and of the Class 3 BDUs serving Thurso and Montebello, Quebec. Videotron requested to be relieved, by condition of licence, of the requirements set out in sections 17 and 32 of the *Broadcasting Distribution Regulations* (the Regulations) that it distribute CJMT-TV-2 (OMNI.2) Ottawa as part of the basic service of each of these cable BDUs beginning with the basic band (channels 2 to 13). Instead, Videotron proposed to distribute OMNI.2 as part of the basic service of each of these cable BDUs, but on a channel outside the basic band.
2. Section 17(1) of the Regulations lists, in order of priority, the television programming services that must be distributed as part of the basic service of Class 1 and Class 2 BDUs and section 32(1) lists, in order of priority, the television programming services that must be distributed as part of the basic service of Class 3 BDUs. Sections 17(2) and 32(2) of the Regulations state that these services must be distributed on a channel beginning with the basic band.

Intervention

3. The Commission received a comment in connection with this application. In its intervention, Rogers Media Inc. (Rogers) opposed the distribution of OMNI.2 on channel 59 in analog mode. It argued that, while the service would be distributed as part of the basic service, distribution on channel 59 would be well beyond the discretionary tier of these systems. Rogers noted that if the OMNI.2 signal was distributed on channel 59, it would be subjected to an undue disadvantage in comparison with other local stations and with the U.S. networks. Rogers added that it was still negotiating with Videotron and that an agreement was forthcoming.

Applicant's reply

4. In its reply, Videotron advised the Commission that it had reached an agreement with Rogers on 12 March 2005. In accordance with this agreement, OMNI.2's signal would be distributed on channel 41 as part of the high-penetration tier in analog mode and on channel 15 as part of the digital basic service in the Gatineau, Gatineau (Buckingham sector), Thurso, Montebello and Rockland service areas. Videotron noted that, taking into account the penetration rate in analog mode and the distribution in digital mode, 82% of its subscribers would have access to OMNI.2 and that, on account of the roll-out of digital technology, this number would continue to increase.

The Commission's analysis and determination

5. The Commission is satisfied that the agreement reached by the parties regarding the channel placement of OMNI.2 is acceptable. The OMNI.2 signal will be distributed on channel 41 as part of the high-penetration tier in analog mode and on channel 15 as part of the digital basic service in the Gatineau, Gatineau (Buckingham sector), Thurso, Montebello, Quebec and Rockland, Ontario service areas. In light of the above, the Commission **approves** the application by Videotron (Regional) Ltd., and relieves the licensee, by **condition of licence**, of the requirements of sections 17 and 32 of the Regulations with respect to CJMT-TV-2 (OMNI.2) Ottawa.

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>