

24 October 2005

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

Re: **Broadcasting Public Notice CRTC 2005-74-1, Call for comments on a request by the CCTA to repeal section 22 of the *Broadcasting Distribution Regulations***

Dear Ms. Rhéaume:

1. The Canadian Broadcasting Corporation/Radio-Canada (CBC/Radio-Canada) is pleased to provide the following additional comments in response to Broadcasting Public Notice CRTC 2005-74-1, calling for comments on a request submitted by the Canadian Cable Telecommunications Association (CCTA) to repeal section 22 of the *Broadcasting Distribution Regulations* (the BDU Regulations).
2. For the reasons set out in our August 25, 2005 intervention, CBC/Radio-Canada **strongly opposes** CCTA's application to repeal section 22 of the BDU Regulations.
3. CCTA's position on tuning to local stations via cable TV is misleading. There is simply no credible data or evidence to support CCTA's position that few cable subscribers access radio services via their cable TV service. Using the recognized data that is available from the BBM's national Spring 2005 survey, over 25% of Canadians aged 12 and over receive AM and FM radio signals via cable TV.
4. CBC/Radio-Canada would also like to clarify that it has not agreed to waive its right to basic analog carriage. The Canadian Association of Broadcasters (CAB) has proposed that BDUs move all the must-carry audio-programming services identified in section 22 from analog to digital. We remain of the view that the Canadian broadcasting system and the public interest would be better served if the Commission consider applications by broadcasting

distribution undertakings (BDUs) seeking relief from the requirement to distribute certain services pursuant to section 22 of the BDU Regulations on a case-by-case basis. This would enable the Commission to consider any potential capacity and interference issues on a system-by-system basis.

5. Digital-only distribution of CBC/Radio-Canada's radio services during the transition period is not acceptable, as it would curtail access to our radio services. The mandatory carriage requirement of CBC/Radio-Canada's radio stations by cable BDUs helps the public broadcaster achieve its public broadcaster mandate as set out in the *Broadcasting Act*. We urge the Commission to maintain the current requirement for cable BDUs to carry the local CBC/Radio-Canada audio programming services in their markets, and in those markets where there are no local radio stations, at least one English-language radio station and at least one French-language radio station owned and operated by CBC/Radio-Canada.
6. CBC/Radio-Canada appreciates this opportunity to provide its comments.

Yours truly,



Bev Kirshenblatt
Senior Director, Regulatory Affairs

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