



Canadian
Association of
Broadcasters

L'Association
canadienne des
radiodiffuseurs

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February 16, 2006

Sent via email

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

Dear Ms. Rhéaume:

Re: Broadcasting Public Notice CRTC 2006-2 – Application No. 2005-1274-0 by TELUS Communications Inc. (TELUS) for an amendment to its VOD licence that would permit it to carry programming containing commercial messages

1. The Canadian Association of Broadcasters (CAB) – the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, networks and specialty, pay and pay-per-view television services – is pleased to submit its comments in relation to the above-noted application.
2. In its application, TELUS has requested an amendment to its video-on-demand (VOD) licence that would permit it to carry programming containing commercial messages. As requested by TELUS, that amendment would be consistent with amendments approved by the Commission with respect to Rogers Communications and Groupe Archambault. Those amendments permit the licensees to carry programming containing commercial messages so long as (i) the programming is obtained from a Canadian programming service, (ii) written consent is obtained from the programming service, and (iii) the program is offered to subscribers at no charge.
3. The CAB has no objection to TELUS's proposed amendment to its VOD licence, provided that it reflects those specific conditions.

4. The CAB notes that all of the VOD licences currently held by BDUs will expire between 2007 and 2010. The CAB further notes that requests for amendments pertaining to the nature of programming that can be carried on these VOD services are an indication that the nature of VOD is evolving as it becomes an increasingly important element of the Canadian broadcasting system.
5. When originally licensed, these VOD services were conceived primarily as additional windows for the broadcast of feature films. Today, they have become windows for a variety of programming categories, raising questions about the currency of the regulatory framework for VOD.
6. As the marketplace for VOD services continues to evolve, the CAB submits that, before engaging in the renewal process for existing VOD licensees, it would be appropriate for the Commission to undertake a review the regulatory framework to ensure that it remains relevant in light of the changing nature of VOD services. .
7. The CAB appreciates the opportunity to participate in this proceeding.

Sincerely,



Wayne Charman
Vice-President, Television and Specialty & Pay Services

c.c. TELUS Communications Inc. (ann.mainville-neeson@telus.com)

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