



Canadian
Association of
Broadcasters

L'Association
canadienne des
radiodiffuseurs

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May 2, 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 2006-35 – Application No. 2006-0169-2 by Bell ExpressVu Limited Partnership to add a condition of licence for the video on demand (VOD) programming undertaking known as Vu! On Demand

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, Bell ExpressVu has proposed to add a condition of licence to its video-on-demand (VOD) licence that would prohibit it from distributing programming that contains any commercial message except if the message is already included in a program previously aired by a Canadian television programming undertaking and is subsequently offered on an on-demand basis at no additional charge to the subscriber.
3. As requested by Bell ExpressVu, that amendment would be consistent with amendments approved by the Commission with respect to Rogers Communications and Groupe Archambault.
4. The CAB has no objection to Bell ExpressVu's proposed condition of licence, provided that it reflects the specific conditions noted above.

5. The CAB notes, however, that this application represents yet another example of how the nature of VOD is evolving as it becomes an increasingly important element of the Canadian broadcasting system.
6. The VOD licences currently held by broadcasting distribution undertakings will expire between 2007 and 2010. 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 licensing, advertising and program rights issues and related questions about the currency of the regulatory framework for VOD.
7. As the marketplace for VOD services continues to develop beyond that originally envisaged, 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 of the regulatory framework to ensure that it remains relevant in light of the changing nature of VOD services.
8. The CAB appreciates the opportunity to participate in this proceeding.

Sincerely,

A handwritten signature in cursive script that reads "Wayne Charman".

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

c.c. Bell ExpressVu (bell.regulatory@bell.ca)

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