



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

June 18, 2008

Via Epass

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Mr. Morin:

Re: Broadcasting Public Notice CRTC 2008-43, Item 1: Application by MTS Allstream Inc. (MTS) to renew the Class 1 licence of its cable broadcasting distribution undertaking serving Winnipeg, Manitoba

1. The Canadian Association of Broadcasters (CAB) is the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private radio and television stations, networks, specialty, pay and pay-per-view services. The goal of the CAB is to represent and advance the interests of Canada's private broadcasters in the social, cultural and economic fabric of the country.
2. The CAB is pleased to submit these comments concerning the above-noted licence renewal application by MTS.

The need to ensure consistency with the new BDU framework during the next licence term

3. The Commission recently reviewed the overall regulatory framework applicable to all broadcasting distribution undertakings (BDUs) in the context of a very comprehensive public proceeding on the distribution of programming services.
4. A number of important issues related to the BDU framework were canvassed during that proceeding. These included matters such as: the size and composition of the basic service; guidelines respecting the placement and grouping of basic service channels to avoid isolating individual basic channels in the midst of discretionary packages; revised policies respecting the distribution of distant Canadian and non-Canadian over-the-air services; the

incorporation of audit requirements and enhanced notification requirements in the *Broadcasting Distribution Regulations* (BD Regulations); and so on.

5. Within the next few months the Commission is expected to issue its policy findings, to be followed by a further process to determine the implementation details. The end result is expected to be revised policies and new BD Regulations governing the distribution of programming services, both Canadian and non-Canadian.
6. In this context, it is essential that the Commission not take any action as part of this licence renewal process that would have the effect of superseding the upcoming BDU framework determinations or exempting MTS from the application of that new framework.
7. In this regard, we note that MTS has applied for various conditions of licence that would be in effect for at least the first five years of the proposed new licence term.¹ **The CAB submits that, in making decisions on this licence renewal application and imposing new conditions of licence, the Commission should do so in a manner that will allow it to review and revise, as required, those conditions of licence that are inconsistent with the new BDU framework to be established by the Commission.**
8. The CAB appreciates the opportunity to participate in this licence renewal proceeding.

All of which is respectfully submitted this 18th day of June, 2008.

Sincerely,

Original signed by:

Jay Thomson
Vice-President, Regulatory and Policy

c.c. MTS Allstream Inc. (Email: iworkstation@mtsallstream.com)

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¹ Pursuant to s. 9(1)(c) of the *Broadcasting Act*, the Commission may not amend a condition of licence on its own motion until five years have expired since the issuance or renewal of a licence.