



Canadian Association of Broadcasters
Association canadienne des radiodiffuseurs

June 25, 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 2008-46, Item 2: Application by Access Communications Co-operative Limited (Access) to renew the Class 1 licence of its cable broadcasting distribution undertaking (BDU) serving Regina

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 Access.

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 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 Access from the application of that new framework.
7. In this regard, we note that Access 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.**

The distribution of multiple sets of US 4+1 signals

8. The CAB has reviewed the detailed channel listings for the Regina system. The carriage of multiple sets of US 4+1 signals raises questions about Access's compliance with the Commission's established policies respecting the distribution of a first and second set of US 4+1 signals.
9. Access distributes a first set of US 4+1 signals originating from several different markets – ABC, NBC and PBS from Detroit, CBS from Minneapolis and FOX from Boston. On its standard definition (SD) digital service, Access distributes a second set of US 4+1 signals originating from Seattle. Finally, on its HD digital service, Access distributes two additional sets of US 4+1 signals originating from unspecified markets in the eastern and western United States.
10. From the information provided in the application, it is impossible to verify if Access is in compliance with Commission's policy governing the distribution of the US 4+1 signals.
11. BDUs are generally permitted to distribute no more than two distinct sets of US 4+1 signals, the first set as part of the basic service and the second set as part of the optional digital service. The distribution of the first and second sets of US 4+1 signals by Access, as outlined above, appears to be consistent with this policy. The CAB submits, however, that the distribution of two additional sets of HD US 4+1 signals, if they originate from entirely different markets, would not be in compliance.
12. Commission policy permits the distribution of the upgraded HD versions of the SD US 4+1 services, provided that not less than 95% of the video and audio components of the HD and SD versions of the service are the same, exclusive of the commercial messages and of any

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.

part of the service carried on a subsidiary signal.² In Regina, this policy authorizes only the distribution of the HD versions of the SD US 4+1 signals that are carried. The originating markets of the HD US 4+1 signals actually distributed are not specified; if in fact they originate from different markets than the SD signals, then their carriage is not authorized and would have to be discontinued.

13. **The CAB urges the Commission to confirm its policy with respect to the distribution of multiple sets of US 4+1 signals, including SD and HD signals, and to ensure that Access fully complies with this policy.**
14. The CAB appreciates the opportunity to participate in this licence renewal proceeding.

All of which is respectfully submitted this 25th day of June, 2008.

Sincerely,

Original signed by:

Jay Thomson
Vice-President, Regulatory and Policy

c.c. Access Communications Co-operative Limited (Email: documents@accesscomm.ca)

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² Broadcasting Public Notice CRTC 2003-61 *The regulatory framework for the distribution of digital television signals*, paragraph 72.