



Broadcasting Decision CRTC 2004-104

Ottawa, 10 March 2004

Cogeco Cable Canada Inc.

Fergus, Grimsby, Hamilton¹, Niagara Falls
and St. Catharines, Ontario

Cogeco Cable Halton Inc.

Georgetown, Ontario

Application 2003-1260-4

Broadcasting Public Notice CRTC 2003-64

5 December 2003

Relief from section 17 of the *Broadcasting Distribution Regulations*

*In this decision, the Commission **approves** the application by Cogeco Cable Canada Inc. and Cogeco Cable Halton Inc. to be relieved of the requirement to distribute CKXT-TV Toronto as part of the basic service beginning with the basic band (channels 2 to 13). CKXT-TV must still be distributed as part of the basic service, but may be distributed outside of the basic band.*

1. The Commission received an application by Cogeco Cable Canada Inc. and Cogeco Cable Halton Inc. (collectively referred to as Cogeco), the licensees of the Class 1 and Class 2 cable broadcasting distribution undertakings (BDUs) serving the locations noted above. Cogeco requested to be relieved, by condition of licence, of the requirement set out in section 17 of the *Broadcasting Distribution Regulations* (the Regulations) that it distribute CKXT-TV Toronto as part of the basic service beginning with the basic band (channels 2 to 13). Instead, Cogeco proposed to distribute CKXT-TV as part of the basic service, but on a channel outside the basic band. Specifically, Cogeco proposed to distribute CKXT-TV on channel 16 on each of the above-mentioned systems.
2. Section 17(1) of the Regulations lists, in order of priority, the television programming services that must be distributed as part of the basic service of Class 1 and Class 2 BDUs. Section 17(2) of the Regulations states that these services must be distributed on a channel beginning with the basic band.

¹ Cogeco Cable Canada Inc. operates four cable broadcasting distribution undertakings in Hamilton.

3. CKXT-TV is an English-language television station operated by Craig Media Inc. Under the provisions of the Regulations, CKXT-TV is entitled to carriage on a channel beginning with the basic band as part of the basic service of Cogeco's Class 1 and Class 2 cable BDU's serving the locations noted above. Craig Media Inc. has, however, agreed to waive its right to carriage on a channel beginning with the basic band of these cable BDUs and supports the distribution arrangements proposed by Cogeco.
4. The Commission did not receive any interventions in connection with this application.
5. Based on the evidence available to it, the Commission is satisfied that Cogeco and Craig Media Inc. have reached an acceptable agreement regarding the channel placement of CKXT-TV and that the signal will continue to be carried as part of the basic service of the cable BDUs noted above. Accordingly, the Commission **approves** the application by Cogeco Cable Canada Inc. and Cogeco Cable Halton Inc., and relieves the licensees, by **condition of licence**, of the requirements of section 17 of the regulations with respect to CKXT-TV Toronto provided that it is distributed as part of the basic service.

Secretary General

This decision is to be appended to each licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>