



## Broadcasting Decision CRTC 2003-550

Ottawa, 6 November 2003

### Videotron ltée

Sherbrooke, Quebec

*Application 2002-0971-9*

*Public Hearing at Québec*

*8 April 2003*

### Licence renewal for a cable distribution undertaking at Sherbrooke

*The Commission renews the licence for the cable distribution undertaking serving Sherbrooke, from 1 December 2003 to 31 August 2010.*

1. The Commission received an application by Videotron ltée to renew the licence for the cable distribution undertaking serving Sherbrooke<sup>1</sup>.
2. The Commission received an opposing intervention from CTV Inc., on behalf of CTV Specialty Television Inc. (CTV), which was addressed to all the licence renewal applications by Vidéotron ltée and its subsidiary distribution companies that were on the agenda of the 8 April 2003 Public Hearing. CTV requested that the licences be renewed for a short term of no more than two years in light of ongoing disputes concerning the fees paid by Vidéotron ltée for the exhibition of the specialty services RDS, TSN and Discovery Channel operated by CTV.
3. The Commission notes that the resolution of such ongoing disputes is the subject of a separate process that is not part of the current proceeding.
4. The Commission **renews** the broadcasting licence for the Class 1 cable distribution undertaking at Sherbrooke, from 1 December 2003 to 31 August 2010.
5. The operation of this undertaking is regulated pursuant to the *Broadcasting Distribution Regulations* (the Regulations) and the licence will be subject to the **conditions** specified therein and in the appendix to this decision.
6. The licensee is relieved from the requirement of section 17(2) of the Regulations to distribute CBFT (SRC) Montréal on the basic band. The licensee will distribute this service on channel 18 of the basic service.

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<sup>1</sup> In *Administrative renewals*, Broadcasting Decision CRTC 2003-293, 21 July 2003, the Commission renewed the broadcasting licence for this undertaking until 30 November 2003.

7. The licensee is authorized to continue to distribute WVNY (ABC) Burlington, Vermont, as part of the basic service of its undertaking.
8. The licensee is authorized to continue to distribute CITY-TV (IND) Toronto, a distant Canadian signal, on a digital discretionary basis.
9. Further, the licensee is authorized to continue to distribute WFFF-TV (FOX) Burlington, Vermont, on a discretionary tier of its undertaking.
10. The licensee is also authorized to distribute, on a discretionary digital basis, a second set of U.S. 4+1 signals, so long as it complies with the following :

The distribution on a discretionary basis on the licensee's digital service of U.S. 4+1 signals, in addition to the set of such signals already carried by the system, is subject to the provision that, with respect to such signals, the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the Regulations. The Commission may suspend the application of this provision in respect of a signal, upon its approval of an executed agreement between the licensee and the broadcaster concerned. Such an agreement must deal with issues related to the protection of program rights arising in connection with the discretionary carriage of a second set of U.S. 4+1 solely on the licensee's digital service, as approved in this decision.

The Commission reminds the licensee that the simultaneous substitution requirements, as set out in section 30 of the Regulations, also apply with respect to the U.S. 4 + 1 signals.

11. Because this licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with Human Resources Development Canada, its employment equity practices are not examined by the Commission.

Secretary General

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

## Appendix to Broadcasting Decision CRTC 2003-550

### Conditions of licence

1. The licensee is relieved of the requirement of section 7 of the *Broadcasting Distribution Regulations* that, except as provided by a condition of licence, it not alter or delete the distant audio programming of CJFM-FM Montréal, delivered by optical fibre, in the course of its distribution. This condition of licence will permit the licensee to carry this service, without its subcarrier. The other provisions of section 7 shall continue to apply.
2. The licensee may, at its option, insert certain promotional material as a substitute for the "local availabilities" (i.e. non-Canadian advertising material) of non-Canadian satellite services. At least 75% of these local availabilities must be made available for use by licensed Canadian programming services for the promotion of their respective services, for the promotion of the community channel and for unpaid Canadian public service announcements. A maximum of 25% of the commercial availabilities may be made available for the promotion of discretionary programming services and packages, customer service information, channel realignments, cable FM service and additional cable outlets.
3. The licensee shall adhere to the provisions contained in *Cable television community channel standards*, Public Notice CRTC 1992-39, 1 June 1992, as amended from time to time and approved by the Commission.