



Broadcasting Decision CRTC 2006-363

Ottawa, 14 August 2006

Videotron Ltd.

Black Lake (Thetford Mines), Chapais, Chibougamau, Mont-Laurier,
Pohénégamook, Robertsonville, Rock Island, Beebe and Stanstead, Quebec

CF Cable TV Inc.

Armagh and Saint-Philémon, Cabano, Chute-aux-Outardes, Coaticook,
Colombier, Maniwaki, Saint-Cyrille-de-L'Islet, Saint-Damase-de-L'Islet,
Saint-Gabriel-de-Rimouski, Sainte-Perpétue/Tourville, Saint-Siméon,
Sault-au-Mouton and Saint-Paul-du-Nord, Quebec

Application 2006-0117-1

Broadcasting Public Notice CRTC 2006-70

6 June 2006

Videotron Ltd. – Licence amendment

*In this decision, the Commission **approves** an application by Videotron Ltd., on its own behalf and on behalf of its subsidiary CF Cable TV Inc., to amend the broadcasting licences for the cable broadcasting distribution undertakings (BDUs) serving the above-mentioned locations, in order to be relieved of the prohibition set out in section 7 of the Broadcasting Distribution Regulations as it pertains to the passing through of video description on an analog basis, as long as these cable BDUs are not fully interconnected with a Class 1 BDU.*

The application

1. The Commission received an application by Videotron Ltd., on its own behalf and on behalf of its subsidiary CF Cable TV Inc.¹ (collectively, Videotron), to amend the broadcasting licences for the cable broadcasting distribution undertakings (BDUs) serving the above-mentioned locations, in order to be relieved of the prohibition set out in section 7 of the *Broadcasting Distribution Regulations* (the Regulations) as it pertains to the passing through of video description on an analog basis, as long as these cable BDUs are not fully interconnected with a Class 1 BDU.

¹ In Broadcasting Public Notice CRTC 2006-70, 6 June 2006, the application for this licence amendment was inadvertently published as an application by Videotron Ltd. rather than by Videotron Ltd. and its subsidiary CF Cable TV Inc.

2. With respect to the obligations of BDUs, section 7 of the Regulations states:
 7. A licensee shall not alter or delete a programming service in a licensed area in the course of its distribution except
 - (a) as required or authorized under a condition of its licence or these Regulations;
 - (f) for the purpose of deleting a subsidiary signal, unless the signal is, itself, a programming service or is related to the service being distributed.
3. The Commission did not receive any interventions in connection with this application.

Background

4. In *Commission requirements for the pass-through of video description – Call for comments on the obligations of smaller broadcasting distribution undertakings*, Broadcasting Public Notice CRTC 2005-18, 25 February 2005, the Commission reminded licensees of BDUs of their obligation under the Regulations to pass through video description to their subscribers. Specifically, the Commission emphasized that Class 1 cable and direct-to-home (DTH) BDUs that have not already done so must upgrade their systems to permit them to pass through the video description included in the programming of television services.
5. The Commission, however, acknowledged that there were a number of challenges facing smaller BDUs with respect to their ability to receive programming with video description from television services and to pass such programming through to their subscribers (end-to-end delivery). The Commission noted that some smaller BDUs have not yet acquired the technical capability to implement end-to-end delivery and now face substantial costs to fulfil their obligations in this regard.
6. In light of the technical, operational and cost concerns associated with upgrading the systems of smaller BDUs to permit the pass-through of video description, the Commission called for comments regarding the most appropriate approach to take to achieve the full pass-through of video description to subscribers in the case of all Class 2, Class 3 and exempt cable BDUs, as well as by multipoint distribution system BDUs.
7. In *Distribution of video description by Class 2, Class 3 and exempt cable distribution undertakings (BDUs) and by multipoint distribution system BDUs*, Broadcasting Public Notice CRTC 2006-6, 19 January 2006, the Commission announced its determination to relieve exempt cable BDUs, as well as Class 2 and Class 3 cable BDUs that are not fully interconnected with Class 1 BDUs, of the requirement under the Regulations to pass through video description on an analog basis. The Commission invited all licensed non-interconnected Class 2 and Class 3 cable BDUs to submit an application to be relieved by condition of licence of this requirement.

Commission's determination

8. The Commission notes that the cable BDUs that are the subject of this application are not fully interconnected with a Class 1 BDU. For this reason and in light of the above, the Commission **approves** the application by Videotron Ltd., on its own behalf and on behalf of its subsidiary CF Cable TV Inc., to amend the broadcasting licences for the cable BDUs serving the above-mentioned locations, in order to be relieved of the prohibition set out in section 7 of the Regulations as it pertains to the passing through of video description on an analog basis.
9. Accordingly, the licensee is relieved, by **condition of licence**, from the requirement of section 7 of the *Broadcasting Distribution Regulations* solely as it pertains to the passing through of video description on an analog basis, as long as these cable BDUs are not fully interconnected with a Class 1 BDU.

Secretary General

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