



Broadcasting Public Notice CRTC 2006-114

Ottawa, 8 September 2006

Call for comments on the proposed addition of XXL to the lists of eligible satellite services for distribution on a digital basis

1. The Commission received a request dated 29 May 2006 from Videotron Ltd. (Videotron) for the addition of XXL, a non-Canadian service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Videotron described the services as follows: [translation]

XXL is a non-Canadian service from France, entirely in the French language and offering adult content. Programming comprises mainly erotic films, series and magazine programs distributed over a four-hour block that will be repeated throughout the broadcast day, seven days a week.

2. The Commission's approach to requests for the addition of non-Canadian English- and French-language services to the digital lists was set out initially in *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000 (Public Notice 2000-173). In Public Notice 2000-173, the Commission indicated that it would assess such requests in the context of its general policy which, among other things, precludes the addition of a non-Canadian satellite service that can be considered either totally or partially competitive with Canadian specialty or pay television services. In applying this policy, the Commission stated that it would take into account all specialty and pay television programming services whose licence applications had been approved by the Commission, including all of the launched and unlaunched Category 1 and Category 2 specialty and pay television services.
3. Public Notice 2000-173 also set out specific information that the Canadian sponsors must file in support of their requests.
4. The Commission will rely primarily on the comments filed in identifying the Canadian pay and specialty services with which XXL might compete, and which therefore should be included in its assessment of the competitiveness of the service. Parties wishing to argue that XXL would be competitive should therefore name the specific Canadian pay or specialty services with which they consider XXL would compete, and provide details, such as a programming comparison, to support their views.

5. The Commission notes that according to the description provided by Videotron, this service will offer mainly adult programming. Accordingly, in addition to general comments, the Commission is seeking comments on whether it should apply the same distribution requirements as those applied to the non-Canadian satellite service “Playboy TV.” The requirements are set out in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2005-119, 14 December 2005, and in *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2005-120, 14 December 2005.

Call for comments

6. The Commission calls for comments on Videotron’s request for the addition of XXL to the digital lists. Parties submitting comments on the request should also submit a true copy of their comments to the Canadian sponsor, Videotron, at the following address:

Quebecor Media Inc.
Regulatory Affairs
465 McGill Street
5th floor
Montréal, Quebec
H2Y 4A6
Fax: 514-380-4664
E-mail: regaffairs@quebecor.com

7. Proof that comments have been sent to Videotron must accompany the original version of the comments sent to the Commission.
8. Comments on Videotron’s request must be received by the Commission no later than **10 October 2006**. A copy of the comments must be received by Videotron no later than the deadline for receipt of comments by the Commission.
9. Videotron may file a written reply to any comments received concerning its request. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **24 October 2006**.
10. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

11. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
819-994-0218

12. Submissions longer than five pages should include a summary.

13. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

14. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

15. Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

16. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

17. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following
Commission offices during normal business hours**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building

Les Terrasses de la Chaudière

1 Promenade du Portage, Room 206

Gatineau, Quebec K1A 0N2

Tel: 819-997-2429

Fax: 819-994-0218

Metropolitan Place

99 Wyse Road

Suite 1410

Dartmouth, Nova Scotia B3A 4S5

Tel: 902-426-7997

Fax: 902-426-2721

205 Viger Avenue West

Suite 504

Montréal, Quebec H2Z 1G2

Tel: 514-283-6607

55 St. Clair Avenue East

Suite 624

Toronto, Ontario M4T 1M2

Tel: 416-952-9096

Kensington Building

275 Portage Avenue

Suite 1810

Winnipeg, Manitoba R3B 2B3

Tel: 204-983-6306

TDD: 204-983-8274

Fax: 204-983-6317

Cornwall Professional Building

2125 - 11th Avenue

Room 103

Regina, Saskatchewan S4P 3X3

Tel: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: 780-495-3224

530-580 Hornby Street
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Secretary General

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