



Broadcasting Decision CRTC 2007-263

Ottawa, 30 July 2007

Cogeco Cable Canada Inc.

Belleville, Brockville, Burlington, Chatham, Cobourg, Cornwall, Georgetown, Grimsby, Hamilton/Central-East, Hamilton/North-West, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Leamington, Niagara Falls, North Bay, Peterborough, Sarnia, St. Catharines and Windsor, Ontario

Application 2007-0115-3, received 24 January 2007

Public Hearing in the National Capital Region

28 May 2007

Class 1 regional licence for broadcasting distribution undertakings in Ontario

*The Commission **approves** the application by Cogeco Cable Canada Inc. (Cogeco) for a Class 1 regional broadcasting licence to operate cable broadcasting distribution undertakings serving the above-noted locations. The Commission also **approves** Cogeco's proposal for a zone-based approach to community programming, as well as various amendments and deletions of conditions of licence currently applicable under one or more of its existing Class 1 licences.*

Introduction

1. The Commission received an application by Cogeco Cable Canada Inc. (Cogeco) for a Class 1 regional broadcasting licence to operate cable broadcasting distribution undertakings (BDUs) serving the above-noted locations.
2. This is one of two decisions concerning Cogeco that the Commission is issuing today. The other decision brings under a Class 3 regional broadcasting licence Cogeco's other BDUs in Ontario, most of which were previously operated under separate licences.

A "zone-based" approach to community programming

3. As part of its application, Cogeco requested conditions of licence that would vary the application of certain provisions relating to community programming in sections 27, 27.1, 28 and 29 of the *Broadcasting Distribution Regulations* (the Regulations) in order to enable it to implement a zone-based approach to its community programming in Ontario (see Appendix 1). With the exception of the proposed zone 9 (Milton), which

does not have its own head end, Cogeco noted that each zone would include a Class 1 service area with its own head end and community programming studio facilities. Seven of the fourteen¹ proposed zones would consist of a single service area. The remaining zones would consist of one or more Class 1 systems with one or two smaller Class 3 service areas.

4. Cogeco clarified that it was not seeking to reduce the minimum levels of local community and community access television programming set out in section 27.1 of the Regulations, which requires Class 1 licensees, except as otherwise provided under a condition of licence, to devote not less than 60% of the programming distributed on the community channel in the licensed area in each broadcast week to local community television programming and not less than 30% thereof to community access television programming.
5. In order to implement its zone-based approach to community programming, Cogeco requested a condition of licence stipulating that, for the purposes of sections 27, 27.1, 28 and 29 of the Regulations, each of the proposed zones be considered a licensed area. Further, for the purpose of section 27.1(1) of the Regulations, “local community television programming” in relation to a licensed service area would constitute programming that would be reflective of the community and that would be produced by the licensee in the licensed area, by another licensee in the licensed area, by the members of the community served in the licensed area or by a community television corporation residing in the licensed area. Finally, for the purpose of section 27.1(3) of the Regulations, “community television access programming” would constitute programming produced by an individual, group or community television corporation residing within the licensed area.
6. In support of its application, Cogeco submitted that licensed areas do not always coincide with communities that share civic, economic and social interests and that its proposal for a zone-based approach to community programming in Ontario serves the public interest by allowing these areas to share local and community access programming from the greater community. Cogeco also indicated that its Class 3 undertakings in Ontario are small and located adjacent to or near Class 1 systems. As a result, the community programming distributed on these Class 1 systems would be relevant to the residents in the Class 3 licensed areas.
7. Cogeco further noted that the same practical and technical challenges apply for community programming in Ontario as in Quebec, New Brunswick, and Newfoundland and Labrador, where the Commission has approved a zone-based approach to community programming, particularly for Class 3 licensed areas that are interconnected with Class 1 licensed areas. Cogeco stated that the Class 3 undertakings in Ontario do not have the financial resources to support a separate community channel.

¹ In its original application, Cogeco proposed 15 zones, one of which included the systems of Pembroke, Chalk River and Deep River, Ontario. However, in Broadcasting Decision 2007-91, the Commission subsequently approved an application by Cogeco to have these systems exempted pursuant to Broadcasting Public Notice 2003-23 and Broadcasting Public Notice 2004-39.

Cogeco's other proposals

8. In its application, Cogeco also proposed various amendments and deletions of conditions of licence currently applicable under one or more of its existing Class 1 licences. Among other things, Cogeco proposed to harmonize the conditions of licence for Class 1 systems that are or will soon be fully interconnected with other Class 1 systems. The interconnected systems were described as the following: Burlington is interconnected with Georgetown; Hamilton/North-West with Grimsby; Hamilton/Stoney Creek with Hamilton/Central-East; Hamilton/North-West with Hamilton/Dundas; Windsor with Leamington; and Niagara Falls with St. Catharines. Cogeco noted that these changes would ensure that interconnected systems have the necessary conditions of licence to allow them to distribute the same or similar channel line-ups.

Interventions

9. The Commission received numerous interventions in support of this application.

Commission's analysis and determinations

Class 1 regional broadcasting licence

10. The Commission **approves** the application by Cogeco Cable Canada Inc. for a Class 1 regional broadcasting licence to operate Class 1 BDUs serving the following licensed areas: Belleville, Brockville, Burlington, Chatham, Cobourg, Cornwall, Georgetown, Grimsby, Hamilton/Central-East, Hamilton/North-West, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Leamington, Niagara Falls, North Bay, Peterborough, Sarnia, St. Catharines and Windsor, Ontario. The Commission also **approves** the proposed amendments and deletions to certain conditions of licence for these undertakings, including amendments and deletions to harmonize the conditions of licence for Class 1 systems that are or will soon be fully interconnected with other Class 1 systems. A complete list of the **conditions of licence** applicable to the licensee is appended to this decision.
11. The Commission notes that, in Broadcasting Decision 2007-64, it approved an application by Cogeco to amend the broadcasting licences for its Class 1 cable BDUs serving various locations in Ontario and Quebec in order to add a condition to each licence authorizing the licensee to distribute, at its option, the audio programming service of one or more licensed satellite subscription radio undertakings on a digital basis, subject to certain provisions. Accordingly, as requested by the licensee, this condition of licence is also reflected in Appendix 2 of this decision.

“Zone-based” approach to community programming

12. With regard to the licensee’s request that the Commission vary the application of certain provisions relating to community programming in sections 27, 27.1, 28 and 29 of the Regulations in order to enable it to implement a zone-based approach to its community programming in Ontario, the Commission evaluates these types of applications on a case-by-case basis, taking into account the particular circumstances of each case.
13. Having examined Cogeco’s arguments concerning the difficulties it has experienced in providing and maintaining quality community programming in its existing Class 1 and 3 licensed areas, the Commission considers that the proximity of the municipalities in several of Cogeco’s proposed zones would foster the creation of a community of interest at the local and regional levels and allow residents to be better informed of the activities and events taking place in their community. Furthermore, the interconnection of a large number of small Class 1 or 3 licensed areas with larger Class 1 BDUs would offer the public expanded programming and access to Cogeco’s community programming in their respective regions.
14. The Commission notes that, in accordance with the policy framework for community-based media set out in Broadcasting Public Notice 2002-61, programs produced in licensed areas within the same municipality are considered local community television programming in each such licensed area. Since the communities in proposed zones 7 (Hamilton) and 10 (Niagara) of the current application are part of the same regional municipality, they can already share local programming. Cogeco’s proposal would therefore not have an impact on the community programming in these service areas.
15. The Commission also recognizes that producing local community programming in small communities in different municipalities involves many challenges, including limited financial and human resources. Therefore, the Commission **approves** Cogeco’s request to combine its Class 1 licensed areas of Windsor and Leamington into one zone, i.e., zone 14 (Windsor).
16. In light of the above, and taking into account the absence of opposing interventions, the Commission considers it appropriate to authorize Cogeco to implement its zone-based community programming plan in its Ontario licensed areas. Accordingly, the Commission **approves** the licensee’s request for conditions of licence varying the application of certain provisions relating to community programming in sections 27, 27.1, 28 and 29 of the Regulations. The **conditions of licence** that will enable Cogeco to implement its zone-based approach are set out in Appendix 2 to this decision.

Suspension of non-simultaneous program deletion requirements

17. Requirements regarding non-simultaneous program deletion comparable to those set out in section 43 of the Regulations may be suspended, as set out in a condition of licence appended to this decision, upon approval of an executed agreement between the licensee and broadcasters that deals with issues related to the protection of program rights. Cogeco and the Canadian Association of Broadcasters entered into such an agreement with respect to its licensed systems on 28 November 2005. This agreement was extended by the parties on 9 November 2006 and was to terminate six months after the Commission issued its determinations in the proceeding initiated by Broadcasting Notice of Public Hearing 2006-5. The Commission notes that it issued its determinations for this proceeding in Broadcasting Public Notice 2007-53. The parties have agreed to extend their agreement on a month-to-month basis, where a new agreement is not concluded by the expiry date of the above agreement. Should the agreement be terminated, the Commission is to be advised forthwith.

Employment equity

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

Secretary General

Related documents

- *Class 3 regional licence for broadcasting distribution undertakings in Ontario*, Broadcasting Decision CRTC 2007-264, 30 July 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Revocation of licences – Exempted cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*, Broadcasting Decision CRTC 2007-91, 21 March 2007
- *Distribution of satellite subscription radio services*, Broadcasting Decision CRTC 2007-64, 15 February 2007
- *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006
- *Exemption order respecting cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers; and Amendment to the Broadcasting Distribution Regulations*, Broadcasting Public Notice CRTC 2004-39, 14 June 2004

- *Exemption of cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*, Broadcasting Public Notice CRTC 2003-23, 30 April 2003
- *Policy framework for community-based media*, Broadcasting Public Notice CRTC 2002-61, 10 October 2002

This decision is to be appended to the 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>

Appendix 1 to Broadcasting Decision CRTC 2007-263

Zones	Class 1 undertakings	Class 3 undertakings
1 – Belleville	Belleville	
2 – Brockville	Brockville	
3 – Burloak	Burlington Oakville	
4 – Chatham	Chatham	Wallaceburg
5 – Cobourg	Cobourg	
6 – Cornwall	Cornwall	Lancaster
7 – Hamilton	Hamilton/Central-East Hamilton/North-West Hamilton/Stoney Creek Hamilton/Dundas	
8 – Kingston	Kingston	Bath
9 – Milton	Georgetown	Rockwood
10 – Niagara	Niagara Falls St. Catharines Grimsby	Douglstown Smithville
11 – North Bay	North Bay	
12 – Peterborough	Peterborough	
13 – Sarnia	Sarnia	
14 – Windsor	Windsor Leamington	

Appendix 2 to Broadcasting Decision CRTC 2007-263

For the purposes of all the following terms and conditions, “Regulations” shall mean the *Broadcasting Distribution Regulations*.

Terms and conditions of licence applicable to all undertakings

Terms

Issuance of the licence

The Commission will issue a Class 1 regional broadcasting licence to Cogeco Cable Canada Inc. (Cogeco) to operate cable broadcasting distribution undertakings to serve the following licensed areas: Belleville, Brockville, Burlington, Chatham, Cobourg, Cornwall, Georgetown, Grimsby, Hamilton/Central-East, Hamilton/North-West, Hamilton/Dundas, Hamilton/Stoney Creek, Kingston, Leamington, Niagara Falls, North Bay, Peterborough, Sarnia, St. Catharines and Windsor, Ontario.

The licence will come into effect 1 September 2007 and will expire 31 August 2014.

Conditions of licence

1. The licensee is relieved from the requirements of section 17 of the Regulations with respect to TFO, a French-language educational television programming service, provided that it is distributed as part of the basic service.
2. The licensee is authorized to distribute, on a digital discretionary basis, the signal of WNYO-49 (Warner Brothers) Buffalo, New York.
3. The licensee is authorized to distribute the following signals on a digital discretionary basis:
 - any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*; and
 - a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network (hereafter referred to as the U.S. 4 + 1 signals).

The distribution on a discretionary basis on the licensee’s digital service of a second set of U.S. 4+1 signals and distant Canadian signals 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 upon its approval of an

executed agreement between the licensee and broadcasters. 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 signals and distant Canadian signals solely on the licensee's digital service.

4. 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 local availabilities may be used to provide subscribers with information regarding customer service and channel realignments and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.
5. The licensee is authorized to distribute, at its option, the audio programming service of any licensed satellite subscription radio undertaking on a digital basis. The distribution of satellite subscription radio signals is subject to the following provisions:
 - (i) Subject to the exception outlined in (ii) below, the licensee may not count the signals of conventional radio programming undertakings for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations unless a subscriber is already receiving at least 40 channels of one or more licensed pay audio programming undertakings.
 - (ii) A licensee is entitled to count the signals of conventional radio programming undertakings that a licensee is required to distribute under section 22 of the Regulations for the purpose of fulfilling the preponderance requirement set out in section 6(2) of the Regulations.
 - (iii) The Canadian-produced channels offered by the satellite subscription radio undertaking are deemed to be "Canadian programming services" for the purpose of section 6(2) of the Regulations.
6. For the purpose of section 27.1(1) of the Regulations and the current conditions of licence, each of the following zones shall be considered an authorized licensed area:

Zone 1 (Belleville): Belleville

Zone 2 (Brockville): Brockville

Zone 3 (Burloak): Burlington and Oakville

Zone 4 (Chatham): Chatham and Wallaceburg

Zone 5 (Cobourg): Cobourg

Zone 6 (Cornwall): Cornwall

Zone 7 (Hamilton): Hamilton/Central-East, Hamilton/North-West,

Hamilton/Stoney Creek, and Hamilton/Dundas

Zone 8 (Kingston): Kingston and Bath

Zone 9 (Milton): Georgetown and Rockwood

Zone 10 (Niagara): Niagara Falls, St. Catharines, Grimsby, Douglstown, and Smithville

Zone 11 (North Bay): North Bay

Zone 12 (Peterborough): Peterborough

Zone 13 (Sarnia): Sarnia

Zone 14 (Windsor): Windsor and Leamington

7. For the purpose of section 27.1(3) of the Regulations, “local community television programming” in relation to a licensed service area shall constitute programming that is reflective of the community and that is produced by the licensee in the licensed area, by another licensee in the licensed area, by the members of the community served in the licensed area or by a community television corporation residing in the licensed area.
8. For the purposes of sections 27, 28 and 29 of the Regulations, “community television access programming” shall constitute programming produced by an individual, group or community television corporation residing within the licensed area.

Conditions of licence applicable to specific undertakings

Belleville

9. The licensee is authorized to distribute, at its option, CITY-TV Toronto, Ontario on a discretionary basis.
10. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signal of CJOH-TV-6 Deseronto, Ontario on an unrestricted channel. Should the quality of the signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of the service on another channel.

Brockville

11. The licensee is authorized to distribute, at its option, CHCH-TV Hamilton, Ontario, CJOH-TV-8 Cornwall, Ontario and CHOT-TV Gatineau, Quebec as part of the basic service.
12. The licensee is authorized to distribute, at its option, CFJP-TV Montréal on a discretionary basis.
13. The licensee is relieved of the requirement of section 17 of the Regulations that it distribute the local signal of CKWS-TV-2 (CBC) Prescott, Ontario provided that it distribute the regional signal of CKWS-TV (CBC) Kingston, Ontario.

14. The licensee is authorized to distribute, at its option, WXYZ-TV (ABC) and WDIV (NBC) Detroit, Michigan and WTOL-TV (CBS) Toledo, Ohio as part of the basic service.

Burlington

15. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signals of CKCO-TV Kitchener and CBLT Toronto on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
16. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
17. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.
18. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the *Broadcasting Distribution Regulations*.
19. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York, on a discretionary basis.

Chatham

20. The licensee is authorized to distribute, at its option, CFMT-TV (OMNI.1) and CITY-TV Toronto and CHCH-TV Hamilton, Ontario as part of the basic service.
21. The licensee is authorized to distribute, at its option, WDIV-TV (NBC) Detroit, Michigan, WWJ-TV (CBS) Detroit, Michigan, and WEWS-TV (ABC) and WJW (FOX) Cleveland, Ohio as part of the basic service.
22. The licensee is authorized to distribute, at its option, WOIO (CBS) Cleveland, Ohio as part of the third analog tier.

Cobourg

23. The licensee is authorized to distribute, at its option, CITY-TV Toronto and CHCH-TV Hamilton, Ontario as part of the basic service.

24. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signal of CHEX-TV Peterborough on an unrestricted channel. Should the quality of the signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of the service on another channel.
25. The licensee is authorized to distribute, at its option, WXYZ-TV (ABC) and WDIV (NBC) Detroit, Michigan and WTOL-TV (CBS) Toledo, Ohio as part of the basic service.

Cornwall

26. The licensee is authorized to distribute, at its option, CIVM-TV Montréal, CHOT-TV Gatineau and CFJP-TV Montréal, Quebec as part of the basic service.
27. The licensee is authorized to distribute, at its option, WCAX-TV (CBS) and WVNY (ABC) Burlington, Vermont and WPTZ (NBC) Plattsburgh, New York as part of the basic service.

Georgetown

28. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.
29. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the Regulations.
30. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service.
31. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
32. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signals of CKCO-TV Kitchener and CBLT Toronto on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
33. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York as part of the basic service.

Grimsby

34. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.
35. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the Regulations.
36. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CFTO-TV (CTV) Toronto, Ontario, provided that it is distributed as part of the basic service.
37. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
38. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service.
39. The licensee is relieved of the requirement of section 25 of the Regulations to distribute CHCH-TV (IND) Hamilton and CBLT Toronto, Ontario on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
40. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York provided that it does not distribute the signals of WICU-TV (NBC) and WSEE-TV (CBS) Erie, Pennsylvania.

Hamilton/Central-East

41. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service. Cogeco and CKXT-TV agreed to the distribution of CKXT-TV on channel 16.
42. The licensee is relieved of the requirement of section 25 of the Regulations to distribute CKCO-TV Kitchener and CBLT Toronto, Ontario on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
43. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.

44. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the Regulations.
45. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York, as part of the basic service.

Hamilton/North-West

46. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
47. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service. Cogeco and CKXT-TV agreed to the distribution of CKXT-TV on channel 16.
48. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York provided that it does not distribute WQLN (PBS) Erie, Pennsylvania.

Hamilton/Dundas

49. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.
50. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the Regulations.
51. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service. Cogeco and CKXT-TV agreed to the distribution of CKXT-TV on channel 16.
52. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.

53. The licensee is relieved of the requirement of section 25 of the Regulations to distribute CKCO-TV Kitchener, CHCH-TV (IND) Hamilton and CBLT Toronto, Ontario on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
54. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York, provided that it does not distribute the signals of WICU-TV (NBC) and WSEE-TV (CBS) Erie, Pennsylvania.

Hamilton/Stoney Creek

55. The licensee may cease to distribute CFPL-TV London, Ontario on an analog channel of the basic service, provided that it distributes this signal in a digital format.
56. The licensee may substitute the signal of CKVR-TV Barrie, Ontario for that of a non-Canadian station when both are broadcasting identical programming, as an exception to the requirements of section 7 of the Regulations.
57. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario, provided that it is distributed as part of the basic service. Cogeco and CKXT-TV agreed to the distribution of CKXT-TV on channel 16.
58. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
59. The licensee is relieved of the requirement of section 25 of the Regulations to distribute CKCO-TV Kitchener, CHCH-TV (IND) Hamilton and CBLT Toronto, Ontario on unrestricted channels. Should the quality of any of the signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
60. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York, provided that it does not distribute WQLN (PBS) Erie, Pennsylvania.

Kingston

61. The licensee is authorized to distribute, at its option, CBOT Ottawa and CBLFT Toronto, Ontario as part of the basic service.
62. The licensee is authorized to distribute, at its option, CITY-TV Toronto, Ontario on a discretionary basis.

63. The licensee is relieved from the requirements of section 17 of the Regulations that it distribute, as part of its basic service, the programming service of a French-language television station owned and operated by the CBC and distributed to the licensee via satellite or microwave relay.
64. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signal of CJOH-TV-6 Deseronto, Ontario on an unrestricted channel. Should the quality of the signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of this service on another channel.
65. The licensee is authorized to distribute, at its option, WWNY-TV (CBS) Watertown, New York as part of the basic service.

Leamington

66. The licensee is authorized to distribute, at its option, CFPL-TV London, CHCH-TV Hamilton, and CFMT-TV and CITY-TV Toronto, Ontario as part of the basic service.
67. The licensee is authorized to distribute, at its option, WDIV (NBC), WWJ-TV (CBS) and WXYZ-TV (ABC) Detroit, Michigan, WTVG-TV (ABC), WNWO (NBC), WTOL-TV (CBS) and WGTE-TV (PBS) Toledo, Ohio, and WJW (FOX) Cleveland, Ohio as part of the basic service.
68. The licensee is relieved from the requirements of section 17 of the Regulations with respect to the community television station CFTV-TV Leamington, known as CFTV34, provided that it is distributed on channel 79 as part of the digital basic offering.

Niagara Falls

69. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario provided that it is distributed as part of the basic service.
70. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.

71. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signals of CICA-TV Toronto, the English-language educational television programming service operated by TVOntario, and TFO, a French-language educational television programming service, on unrestricted channels. Should the quality of these signals deteriorate significantly, the Commission expects the licensee to undertake immediate corrective action, including the distribution of these services on other channels.
72. The licensee is authorized to distribute, at its option, WIVB-TV (CBS), WGRZ-TV (NBC) and WNEQ-TV (PBS) Buffalo, New York and WJET-TV (ABC) Erie, Pennsylvania as part of the basic service.

North Bay

73. The licensee is authorized to distribute, at its option, CIII-TV-2 (Global) Bancroft, Ontario and CFTM-TV (TVA) Montréal, Quebec as part of the basic service.
74. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signal of CBLFT-7 Espanola, Ontario on an unrestricted channel. Should the quality of the signal deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of the service on another channel.
75. The licensee is authorized to distribute, at its option, WTVS (PBS), WDIV (NBC) and WXYZ-TV (ABC) Detroit, Michigan and WTOL-TV (CBS) Toledo, Ohio as part of the basic service.

Peterborough

76. The licensee is authorized to distribute, at its option, WNEQ-TV (PBS) Buffalo, New York, Ontario on the second discretionary tier.

Sarnia

77. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CFMT-TV-1 (OMNI.1) London, Ontario, provided that it is distributed as part of the basic service.

St. Catharines

78. The licensee is relieved of the requirements of section 17 of the Regulations with respect to the television station licensed to Crossroads Television System, provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.

79. The licensee is relieved of the requirements of section 17 of the Regulations with respect to CKXT-TV Toronto, Ontario provided that it is distributed as part of the basic service. Cogeco and CKXT-TV agreed to the distribution of CKXT-TV on channel 16.
80. The licensee is relieved of the requirement of section 25 of the Regulations to distribute the signals of CICA-TV Toronto, the English-language educational television programming service operated by TVOntario, and TFO, a French-language educational television programming service, on unrestricted channels. Should the quality of these signals deteriorate significantly, the Commission expects the licensee to undertake immediate corrective action, including the distribution of these services on other channels.
81. The licensee is authorized to distribute, at its option, WIVB-TV (CBS), WKBW-TV (ABC) and WGRZ-TV (NBC) Buffalo, New York, as part of the basic service.

Windsor

82. The licensee is authorized to distribute, at its option, CFPL-TV London, Ontario, CHCH-TV Hamilton, Ontario, and CFMT-TV and CITY-TV Toronto, Ontario as part of the basic service.
83. The licensee is authorized to distribute, at its option, WTOL-TV (CBS), WTVG (ABC), WNWO (NBC) and WGTE-TV (PBS) Toledo, Ohio, as part of the basic service.