



## Broadcasting Decision CRTC 2008-79

Ottawa, 9 April 2008

### **Rogers Cable Communications Inc.**

Ontario, New Brunswick, and Newfoundland and Labrador

*Application 2007-1841-3, received 13 December 2007*

*Broadcasting Public Notice CRTC 2008-10*

*21 January 2008*

### **Cable broadcasting distribution undertakings – Licence amendment**

*The Commission **approves** the application by Rogers Cable Communications Inc. (Rogers) to amend the regional licences for its cable broadcasting distribution undertakings serving various locations in Ontario, New Brunswick, and Newfoundland and Labrador to be relieved of the requirement to pass through video description for services distributed on an analog basis. Rogers is relieved of this requirement subject to its providing, upon request, a complimentary digital set-top box to its analog cable subscribers who are blind or who have a visual impairment to enable these subscribers to access video description on a digital basis.*

### **Introduction**

1. The Commission received an application by Rogers Cable Communications Inc. (Rogers) to amend the regional licences for its cable broadcasting distribution undertakings (BDUs) serving various locations in Ontario, New Brunswick, and Newfoundland and Labrador by adding the following condition of licence:

The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* as it pertains to the passing through of video description on an analog basis. This authority is subject to its providing, upon request, a complimentary digital set-top box to its analog cable subscribers who are blind or who have a visual impairment to enable these subscribers to access video description on a digital basis.

2. The Commission received two interventions in opposition to this application.
3. The interveners raised the issue that viewers with visual impairments should not be forced to obtain a digital set-top box in order to receive video description. The interveners also noted that although the digital set-top box would be complimentary, the operation of a digital set-top box is an additional complication for viewers with visual impairments. One of the interveners suggested that the requirement to pass through video description on an analog basis would not be a burden or hardship for Rogers. Rather, according to the intervener, the application was motivated by Rogers' desire to maximize profits. The intervener further submitted that complimentary set-top boxes for accessing video description should not be limited to blind or visually impaired subscribers but should be made available to any subscriber who requested it.

4. In response to these interventions, Rogers submitted that the Commission recognized the technical and economic challenges associated with passing through video description in the analog format in *Distribution of video description by Class 1 cable broadcasting distribution undertakings (BDUs), direct-to-home BDUs and satellite relay distribution undertakings*, Broadcasting Public Notice CRTC 2007-101, 12 September 2007 (Broadcasting Public Notice 2007-101). In that notice, the Commission concluded that given that most Canadian BDUs are migrating to digital platforms, it may not be appropriate to require distributors that are currently not providing video description on their analog systems to carry video description on analog platforms. With respect to those programming services (i.e. over-the-air television stations) for which Rogers currently passes through video description to its customers on the analog platform, Rogers stated that it would continue to pass through this programming on this basis as long as it offers an analog cable service. Finally, Rogers indicated that it had taken steps to simplify the process with respect to accessing described video programming on digital.

### **Commission's analysis and determination**

5. In Broadcasting Public Notice 2007-101, the Commission found that it would be appropriate to relieve Class 1 cable BDUs of the requirement to pass through video description programming on an analog basis provided that they offer complimentary set-top boxes to their subscribers who are blind or who have a visual impairment to enable those subscribers to access video description programming on a digital basis. Accordingly, the Commission stated that it would consider applications by Class 1 cable BDUs, either individually or through their industry associations, to be relieved, by condition of licence, of the requirement to pass through video description for services distributed on an analog basis.
6. The Commission notes Rogers' assurances that it will continue to pass through the video description programming of over-the-air television stations on the analog platform for as long as the analog cable service is provided. Therefore, a subscriber does not need to use a digital set-top box in order to continue to receive the described video programming that he or she is currently receiving. The Commission also notes that the licensee has taken steps to simplify the process to access video description programming on the digital set-top box. The Commission considers that these steps largely address the concerns raised by interveners.
7. Finally, the Commission recognizes that most Canadian BDUs are migrating to digital distribution. In light of this ongoing transition, the Commission remains of the view expressed in Broadcasting Public Notice 2007-101 that it would not be appropriate to require the pass through of video description on an analog basis, provided that distributors offer complimentary set-top boxes to their subscribers who are blind or who have a visual impairment to enable those subscribers to access video description programming on a digital basis.

8. Accordingly, the Commission **approves** the application by Rogers Cable Communications Inc. to amend the regional licences for its cable BDUs serving various locations in Ontario, New Brunswick, and Newfoundland and Labrador, as set out in its application, by adding the following **condition of licence**:

The licensee is relieved from the requirement of section 7 of the *Broadcasting Distribution Regulations* as it pertains to the passing through of video description on an analog basis, subject to its providing, upon request, a complimentary digital set-top box to its analog cable subscribers who are blind or who have a visual impairment to enable these subscribers to access video description on a digital basis.

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>.*