Canadian Radio-television and Telecommunications Commission
Conseil de la radiodiffusion et des télécommunications canadiennes

Broadcasting Decision CRTC 2014-457

PDF version

Route reference: 2014-102

Ottawa, 4 September 2014

Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership
Chicoutimi and Jonquière, Quebec

Application 2014-0055-6, received 21 January 2014
Public hearing in Toronto, Ontario
13 May 2014

Regional broadcasting licence for terrestrial broadcasting distribution undertakings to serve Chicoutimi and Jonquière, Quebec

*The Commission **approves** an application for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings to serve Chicoutimi and Jonquière.*

Application

1. Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership (Bell Aliant) filed an application for a regional broadcasting licence to operate terrestrial broadcasting distribution undertakings (BDUs) to serve Chicoutimi and Jonquière, Quebec. The Commission did not receive any interventions regarding this application.

2. Bell Aliant is controlled by BCE Inc., which in turn is controlled by its board of directors.

3. The applicant requested authorization to distribute the following U.S. 4 + 1 signals[1] as part of the basic service: WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT-TV (FOX) Boston, Massachusetts, and WMED-TV (PBS) Calais, Maine, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission.

[1] This refers to the set of signals that provide the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and the non-commercial PBS network.

4. Bell Aliant also indicated its willingness to accept a condition of licence requiring it to provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity. It further committed to meet the requirements regarding customer service and information set out in Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy).

Commission's analysis and decisions

5. The Commission notes that the authorization to distribute the U.S. 4 + 1 signals on the basic service, as requested by the applicant, is consistent with authorizations previously granted by the Commission in similar cases. Accordingly, the Commission authorizes Bell Aliant to distribute the services identified in its application, at its option, as part of the basic service. A **condition of licence** to this effect is set out in the appendix to this decision.

6. In light of all of the above, the Commission **approves** the application by Bell Aliant Regional Communications Inc., (the general partner), as well as limited partner with 6583458 Canada Inc. (the limited partners), carrying on business as Bell Aliant Regional Communications, Limited Partnership for a regional broadcasting licence to operate terrestrial BDUs to serve Chicoutimi and Jonquière. The licensee shall adhere to the **conditions** specified therein, as well as to the terms and **conditions of licence** set out in the appendix to this decision.

Other matters

General authorizations for broadcasting distribution undertakings

7. The Commission notes that subject to any conditions specified in a BDU's licence, a BDU is also authorized to distribute any service and to undertake any activity authorized in Broadcasting Regulatory Policy 2011-522, as amended from time to time, under the terms and conditions set out therein.

Implementation of the Commission's determinations regarding accessibility of services

8. In the Accessibility Policy, the Commission stated its intention to impose on BDUs a number of requirements and expectations pertaining to customer service, access to described video[2] and accessibility of programming. The Commission notes the applicant's indication that it would adhere to a condition of licence requiring it to provide one or more simple means of accessing described programming and its commitment to meet the requirements regarding customer service and information set out in the Accessibility Policy. **Conditions of licence**, requirements and expectations to improve accessibility are set out in the appendix to this decision.

[2] "Video description" or "described video" refers to the narrative description of a program's key visual elements for the purpose of allowing persons who are blind or who have a visual impairment to understand what is occurring on the screen.

9. Further, in Broadcasting Regulatory Policy 2010-622, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate community channels to caption 100% of original licensee-produced programming by the end of the licence term. The Commission also indicated that it expected licensed BDUs to ensure that 100% of original access programming[3] on the community channel is captioned by the end of the licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate a community channel to provide audio description for all information programs and for news programming (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen). **Conditions of licence** and expectations to this effect are set out in the appendix to this decision.

Mandatory distribution of 9(1)(*h*) services

10. The Commission reminds the applicant that it will be required to distribute within its licensed service areas all services licensed for mandatory carriage as part of the basic service of distribution undertakings pursuant to section 9(1)(*h*) of the *Broadcasting Act*.

Employment equity

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

Secretary General

Related documents

- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2011-522, 24 August 2011
- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

** This decision is to be appended to the licence.*

[3] The *Broadcasting Distribution Regulations* define "community access television programming" as "programming produced by an individual, group or community television corporation residing within the licensed area of a cable distribution undertaking."

Appendix to Broadcasting Decision CRTC 2014-457

Terms, conditions of licence, requirements, expectations and encouragement for the terrestrial broadcasting distribution undertakings to serve Chicoutimi and Jonquière, Quebec

Terms

The operation of these undertakings will be regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

A licence will be issued once the applicant has:

- informed the Commission in writing that it is prepared to commence operations. The undertakings must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **4 September 2016**. To ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date; and

- filed, at the same time it informs the Commission that it is ready to commence operations, a website address (or addresses) where its distribution grids that are in compliance with current regulations and applicable conditions of licence are posted for each of its licensed service areas.

The licence will expire 31 August 2021.

Conditions of licence

1. The licensee shall adhere to the conditions of licence set out in *General conditions of licence for terrestrial (cable, digital subscriber line, multipoint distribution system) and direct-to-home (DTH) satellite broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2009-547, 31 August 2009, including the general conditions of licence for terrestrial broadcasting distribution undertakings set out in Appendix 1 to that regulatory policy.

2. The licensee is authorized to distribute, as part of the basic service, the signals of WBZ-TV (CBS), WHDH-TV (NBC), WCVB-TV (ABC), WFXT-TV (FOX) Boston, Massachusetts, and WMED-TV (PBS) Calais, Maine, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included on the *List of non-Canadian programming services authorized for distribution*, as amended from time to time and approved by the Commission.

3. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.

4. The licensee shall caption 100% of original licensee-produced programming on the community channel by the end of the licence term.

5. The licensee shall provide audio description for all the key elements of information programs, including news programming on its community channel (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).

Requirements

The licensee is required to promote information on all of its disability-specific services and products, in the accessible manner(s) of its choice.

The licensee is required to incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.

The licensee is required to make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities (examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009).

Where customer service functions on its website are not accessible, the licensee is required to ensure that persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.

The licensee is required to make accessible any customer service functions that are available solely over its website.

The licensee is required to make its general call centers accessible to the point of providing reasonable accommodation to persons with disabilities by:

a) training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider’s products and services for persons with disabilities; and

b) making its Interactive Voice Response systems accessible.

Expectations

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that 100% of original access

programming aired on its community channel is captioned by the end of the licence term.

Encouragement

The Commission encourages the licensee to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.