



Broadcasting Public Notice CRTC 2006-104

Ottawa, 18 August 2006

The Commission has received the following applications. The deadline for submission of interventions/comments is 22 September 2006.

Item Applicant and Locality

1. **Rogers Cable Communications Inc.**
Across Canada
2. **Aurora Cable TV Limited**
Aurora, Ontario

1. **Across Canada** **Application No. 2006-0987-8**

Application by **Rogers Cable Communications Inc.** to amend the licences of its national, English-language direct-to-home (DTH) pay-per-view (PPV) programming undertaking, and of its national, English-language terrestrial PPV programming undertaking.

The licensee proposes to add a condition of licence that would prohibit it from distributing programming that contains any commercial message except if the message is already included in a program previously aired by a Canadian television programming undertaking and is subsequently offered on an on-demand basis at no charge to the subscriber.

To this end, the licensee proposes that the condition of licence pertaining to adherence to the *Pay Television Regulations, 1990*, be amended as follows:

The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of section 3(2)(d) (commercial messages).

The licensee also proposes to add the following condition of licence:

The licensee shall not include as part of its DTH PPV / terrestrial PPV offering any program containing a commercial message except where:

- a) the message was already included in a program previously broadcast by a Canadian programming service;
- b) the program's inclusion as part of the DTH PPV / terrestrial PPV offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcast the program; and
- c) the program is offered to subscribers at no charge.

The licensee is of the view that the addition of this programming to its PPV services would result in an increase in use of its PPV services by its subscribers and in return would benefit the Canadian programming services offering the programs.

Licensee's address:

333 Bloor Street East
9th Floor
Toronto, Ontario
M4W 1G9
Fax: 416-935-4875
E-Mail: cable.regulatory@rci.rogers.com

Examination of application:

333 Bloor Street East
7th Floor
Toronto, Ontario

[\[Broadcasting intervention/comments form\]](#)

2. **Aurora, Ontario**
Application No. 2006-0971-1

Application by **Aurora Cable TV Limited** to amend the licence of its cable distribution undertaking serving Aurora.

The licensee proposes to add the following condition of licence:

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 made available for the promotion of discretionary

programming services and packages, customer service information, channel realignments, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.

This proposal is consistent with the Commission's new policy for the use of local availabilities as set out in *Promotion of non-programming services using local availabilities*, Broadcasting Public Notice CRTC 2006-69, 2 June 2006.

Licensee's address:

350 Industrial Parkway South
P.O. Box 547
Aurora, Ontario
L4G 3L6
Fax: 905-727-7407
E-Mail: lmorrison@aci.on.ca

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

Public Participation

Deadline for Interventions/Comments

22 September 2006

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the
Broadcasting Intervention/Comments Form
located below the description of each application within this public notice

or

by mail to
CRTC, Ottawa, Ontario K1A 0N2

or

by fax at
819-994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

Important notice

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.

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.

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.

Examination of Documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

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Secretary General

This document 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>