



Broadcasting Public Notice CRTC 2006-108

Ottawa, 24 August 2006

The Commission has received the following application. The deadline for submission of interventions/comments is 13 September 2006.

Item Applicant and Locality

- Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership**
Across Canada

- Across Canada**
Application No. 2006-1010-7

Application by **Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership** to amend the licence of its direct-to-home satellite distribution undertaking.

The licensee proposes to replace its condition of licence relating to relief from program deletion requirements, which reads:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until 12 August 2006, so long as the licensee:

(a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence.

(b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:

(i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year; and

(ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006.

with the following condition, which would extend the application of this condition of licence:

The application of sections 42(1)(b) and 43(1) of the Regulations is suspended until a date six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, so long as the licensee:

(a) fulfils all of the measures set out in the Schedule that is appended to these conditions of licence.

(b) contributes the amount set out below to a new, independently administered fund to assist small market, independently owned broadcasters in meeting their commitments to local programming as set out in *Contributions to Canadian Programming by Broadcasting Distribution Undertakings*, Broadcasting Public Notice CRTC 2003-38, 16 July 2003, when such a fund is established and, before such time, places the required contribution in trust in an interest-bearing account, to be conveyed with interest to such fund when it is established:

(i) in the broadcast years ending 31 August 2004 and 31 August 2005, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in each year;

(ii) in the period ending 12 August 2006, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 1 September 2005 and ending 12 August 2006; and

(iii) in the period ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5, an amount not less than 0.4% of its gross revenues derived from broadcasting activities in the period beginning 13 August 2006 and ending six months after the Commission releases its determination pursuant to Broadcasting Notice of Public Hearing CRTC 2006-5.

The licensee notes that it is currently negotiating an agreement with Canadian programming services, as represented by the Canadian Association of Broadcasters, with respect to the appropriate terms for future distribution of distant Canadian signals and the suspension of program deletion requirements. In the licensee's view, granting the requested extension would permit it and the CAB to take into account the Commission's

determinations in the proceeding initiated by *Review of certain aspects of the regulatory framework for over-the-air television*, Broadcasting Notice of Public Hearing CRTC 2006-5, 12 June 2006, in negotiating the above-mentioned agreement.

Licensee's address:

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6th Floor
Ottawa, Ontario
K1P 1H1
Fax: 613-560-0472
E-Mail: bell.regulatory@bell.ca

Examination of application:

At the licensee's address

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

Public Participation

Deadline for Interventions/Comments

13 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>