



Broadcasting Decision CRTC 2007-119

Ottawa, 26 April 2007

Videotron Ltd.
Mont-Laurier, Quebec

*Application 2006-1153-4
Public Hearing in the National Capital Region
29 January 2007*

Cable broadcasting distribution undertaking

*The Commission **approves** the application by Videotron Ltd. for a broadcasting licence to continue the operation of the Class 2 cable broadcasting distribution undertaking serving Mont-Laurier, Quebec, subject to the conditions set out in the appendix to this decision and in the licence.*

The application

1. The Commission received an application by Videotron Ltd. (Videotron) for a broadcasting licence to continue the operation of the Class 2 cable broadcasting distribution undertaking (BDU) serving Mont-Laurier, Quebec.
2. In *Revocation of licence – Exempted cable broadcasting distribution undertakings that serve between 2,000 and 6,000 subscribers*, Broadcasting Decision CRTC 2004-344, 13 August 2004, the Commission revoked the broadcasting licence issued to Videotron for the BDU serving Mont-Laurier, pursuant to *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 (Public Notice 2004-39).
3. Given that the BDU serving Mont-Laurier is no longer operating its head-end and is now interconnected with the Videotron BDU serving Montréal, Quebec, the BDU serving Mont-Laurier no longer complies with the terms of the exemption order appended to Public Notice 2004-39 and must therefore obtain a broadcasting licence to continue its operations.
4. Videotron is also seeking approval to distribute certain signals. The signals identified by the Videotron application are set out in the appendix to this decision.

Interventions

5. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

6. The Commission notes that the exemption order appended to Public Notice 2004-39 no longer applies to the BDU serving Mont-Laurier since it is now interconnected with the Videotron BDU serving Montréal. Accordingly, the Commission **approves** the application by Videotron Ltd. for a broadcasting licence to continue the operation of the Class 2 cable broadcasting distribution undertaking serving Mont-Laurier, Quebec.

Issuance of the licence

7. The Commission will issue a Class 2 broadcasting licence to continue the operation of the cable BDU serving Mont-Laurier, Quebec.
8. The rules applicable to Class 2 licensees shall apply to this undertaking, including those relating to distribution on a digital basis. The operation of this undertaking will be regulated pursuant to the *Broadcasting Distribution Regulations*. The licence will expire 31 August 2013 and will be subject to the **conditions** specified therein, as well as to the conditions set out in the appendix to this decision.

Employment equity

9. 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

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 to Broadcasting Decision CRTC 2007-119

Conditions of licence

1. The licensee is authorized to distribute, at its option, as part of the basic service, WVNY (ABC), WCAX-TV (CBS) and WETK-TV (PBS) Burlington, Vermont, and WCFE-TV (PBS) and WPTZ (NBC) Plattsburgh, New York.
2. The licensee is authorized to distribute, at its option, WFFF-TV (FOX) Burlington, Vermont, and WUTV (FOX) Buffalo, New York, on a discretionary tier.
3. The licensee is authorized to distribute, on a discretionary basis, any of the Canadian television signals set out in the *List of Part 3 eligible satellite services* included in *Revised lists of eligible satellite services*, as amended from time to time.
4. 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 (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 *Broadcasting Distribution Regulations*. The Commission may suspend the application of this provision, with respect to the signals to be distributed, 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.

The Commission reminds the licensee that the simultaneous substitution requirements set out in section 30 of the *Broadcasting Distribution Regulations* apply also in the case of U.S. 4+1 signals and distant Canadian signals.

5. 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 third set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) (referred to as the U.S. commercial network signals).

The distribution on a discretionary basis on the licensee's digital service of a third set of U.S. commercial network 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 *Broadcasting Distribution Regulations*. The Commission may suspend the application of this provision, with respect to the signals to be distributed, 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 third set of U.S. commercial network signals and distant Canadian signals solely on the licensee's digital service.

The Commission reminds the licensee that the simultaneous substitution requirements set out in section 30 of the *Broadcasting Distribution Regulations* apply also in the case of U.S. commercial network signals and distant Canadian signals.

6. The licensee shall not distribute to any subscriber more than two sets of U.S. commercial network signals.