



Broadcasting Decision CRTC 2007-237

Ottawa, 18 July 2007

Mountain Cablevision Limited

Hamilton and surrounding areas, Ontario

Application 2006-1559-4, received 29 November 2006

Broadcasting Public Notice CRTC 2007-26

13 March 2007

Class 1 Cable distribution undertaking at Hamilton – Licence amendment and licence renewal

*The Commission **approves** an application to amend the broadcasting licence for the Class 1 cable broadcasting distribution undertaking serving Hamilton, Ontario and its surrounding areas, by replacing the conditions of licence pertaining to the distribution of WQLN (PBS) Erie, Pennsylvania and of WNEQ-TV (PBS) Buffalo, New York.*

*The Commission also **renews** the broadcasting licence for this undertaking from 1 September 2007 to 31 August 2014.*

Licence amendment

1. The Commission **approves** the application by Mountain Cablevision Limited (Mountain) to amend the broadcasting licence for its Class 1 cable broadcasting distribution undertaking (BDU) serving Hamilton, Ontario and its surrounding areas, by replacing the current conditions of licence pertaining to the distribution of WQLN (PBS) Erie, Pennsylvania and of WNEQ-TV (PBS) Buffalo, New York, which read as follows:

The licensee is authorized to continue to distribute, at its option, the programming service of WQLN (PBS) Erie, Pennsylvania, received over the air, as part of the basic service.

The licensee is authorized to continue to distribute the programming service of WNEQ-TV (PBS) Buffalo, New York, received over the air, as part of the basic service of the Hamilton portion of its cable system, so long as it does not distribute the signal of WQLN (PBS) Erie, Pennsylvania.

by the following **conditions of licence**:

The licensee is authorized to distribute the programming service of WNEQ-TV (PBS) Buffalo, New York, received over the air, as part of the basic service.

The licensee is also authorized to distribute the programming service of WQLN-TV (PBS) Erie, Pennsylvania, received over the air, on a digital discretionary basis. This condition of licence does not apply to the Hamilton portion of the undertaking's licensed area.

Licence renewal

2. The Commission **renews** the broadcasting licence for the Class 1 cable BDU serving Hamilton, Ontario and surrounding areas from 1 September 2007 to 31 August 2014.
3. In Broadcasting Decision 2002-279, the Commission approved a request by Mountain to distribute, on a digital discretionary basis, a second set of signals that provides the programming of the four U.S. commercial networks (CBS, NBC, ABC, FOX) and of the non-commercial PBS network (collectively, the U.S. 4+1 signals), as well as any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services*. This approval was subject to the provision that the licensee adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the *Broadcasting Distribution Regulations* (the Regulations). The Commission also noted in Broadcasting Decision 2002-279 that the above provision may be suspended upon its approval of an executed agreement, as described in that decision, between the licensee and broadcasters.
4. In Broadcasting Decision 2006-692, the Commission announced that Canadian Cable Systems Alliance Inc. (CCSA), on behalf of Mountain and various other licensees, had reached such an agreement with the Canadian Association of Broadcasters (CAB). As such, the application of the above-mentioned provision was suspended for Mountain as well as for the other licensees.
5. The Commission reminds the licensee that, in the event that the agreement between the CCSA and the CAB is terminated at any time, the provision will no longer be suspended, and the licensee will once again be required, in accordance with this provision, to adhere to the requirements regarding non-simultaneous program deletion set out in section 43 of the Regulations. Should the agreement be terminated, the Commission is to be advised forthwith.
6. The Commission did not receive any interventions in connection with this application.
7. The operation of this undertaking is regulated pursuant to the Regulations. The licence will be subject to the **conditions** set out therein, as well as to the **conditions** set out in the appendix to this decision.

Employment equity

8. 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

Related documents

- *Suspension of the provision set out in the decisions listed in the appendix to the present decision relating to the requirements for non-simultaneous program deletion, Broadcasting Decision CRTC 2006-692, 21 December 2006*
- *Distribution of additional signals on a discretionary digital basis, Broadcasting Decision CRTC 2002-279, 5 September 2002*

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 2007-237

Terms and conditions of licence

Terms

The licence will expire 31 August 2014.

Conditions of licence

1. The licensee is authorized to distribute, at its option, CKVR-TV Barrie, received over the air, as part of the basic service.
2. The licensee is relieved of the requirements of section 17 of the *Broadcasting Distribution Regulations* with respect to the television station licensed to Crossroads Television System provided that it is distributed as part of the basic service on a cable channel that is no higher than channel 36.
3. The licensee is relieved of the requirement of section 25 of the *Broadcasting Distribution Regulations* to distribute the signals of CHCH-TV Hamilton, CBLT Toronto and CKCO-TV Kitchener on unrestricted channels. Should the quality of these signals deteriorate significantly, the licensee shall immediately undertake any necessary corrective action, including the distribution of these services on other channels.
4. The licensee is authorized to originate a video games service as a special programming service, offered on a discretionary basis, subject to the conditions listed in *Licence amendments concerning the distribution of a video games service*, Decision CRTC 95-920, 21 December 1995.
5. The licensee is authorized to distribute the programming service of WNEQ-TV (PBS) Buffalo, New York, received over the air, as part of the basic service.
6. The licensee is also authorized to distribute the programming service of WQLN-TV (PBS) Erie, Pennsylvania, received over the air, on a digital discretionary basis. This condition of licence does not apply to the Hamilton portion of the undertaking's licensed area.
7. The licensee is authorized to distribute, on a digital discretionary basis, the signal of WNYO-49 (Warner Brothers) Buffalo, New York, received over the air.

8. 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 (hereafter 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 any of the distant Canadian television signals set out in the *List of Part 3 eligible satellite services* 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 television signals solely on the licensee's digital service.

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

9. 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 used to provide subscribers with information regarding customer service and channel realignments and for the promotion of discretionary programming services and packages, cable FM service, additional cable outlets and non-programming services, including Internet and telephone services.