



Broadcasting Decision CRTC 2021-121

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Reference: Part 1 application posted on 7 January 2021

Ottawa, 29 March 2021

Rogers Communications Canada Inc.

Various locations in Ontario

Public record for this application: 2020-0879-7

Licensed broadcasting distribution undertakings serving various locations in Ontario – Licence amendment relating to the obligation to distribute OMNI television stations as part of the basic service

*The Commission **approves** the application by Rogers Communications Canada Inc. to be relieved from the obligation to distribute the signals of OMNI television stations as part of the basic service of its licensed terrestrial broadcasting distribution undertakings (BDU) serving various locations in Ontario. These BDUs will instead distribute the Ontario regional feed of the OMNI Regional service, which will provide the same programming, as part of the basic service.*

Background

1. In Broadcasting Decision 2017-152, the Commission approved in part an application by Rogers Media Inc. (Rogers Media) to operate a national, multilingual multi-ethnic discretionary service, to be known as OMNI Regional, for a licence term beginning on 1 September 2017 and ending on 31 August 2020. Pursuant to Broadcasting Order 2017-153, set out in Appendix 2 to Broadcasting Decision 2017-152, OMNI Regional was to be distributed on the basic service of licensed broadcasting distribution undertakings (BDU).
2. Following that decision, the Commission issued Broadcasting Notice of Consultation 2017-154, in which it called for applications from persons wishing to operate a national, multilingual multi-ethnic television service offering news and information programming as well as other programming that, if licensed, would receive mandatory distribution on the digital basic service. As a result of that proceeding, in Broadcasting Decision 2019-172, the Commission approved an application by Rogers Media to operate a new, national, multilingual multi-ethnic discretionary service that would be known as OMNI Regional and that would be granted mandatory distribution on the digital basic service. The Commission granted the new service a three-year licence term, ending 31 August 2023, which aligned the service's licence expiry date with that of other services benefitting from mandatory distribution.

3. OMNI Regional has four regional feeds specifically tailored to ethnic Canadians living in British Columbia, Alberta, Ontario and Quebec. The feeds in British Columbia, Alberta and Ontario mirror the programming offered on the OMNI stations in those provinces. For the feed serving Quebec (which is branded as “ICI Québec”), International Channel/Canal International supplies much of the programming.
4. In markets where an OMNI television station is operating as a local or regional station, Rogers Media had proposed that the distribution order for OMNI Regional be structured in such a way as to provide BDUs with the option to substitute OMNI Regional for the OMNI conventional television station as part of the basic service. In Broadcasting Decision 2017-152, the Commission stated that BDUs were free to request an exception should they wish to be relieved of the obligation to carry OMNI stations as part of the basic service.

Application

5. The Commission has the authority, pursuant to section 9(1) of the *Broadcasting Act* (the Act), to issue licences subject to such conditions related to the circumstances of the licensee as the Commission deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act and to amend any condition on application by the licensee.
6. Rogers Communications Canada Inc. (RCCI) filed an application to amend the regional broadcasting licence for its terrestrial BDUs serving various locations in Ontario in order to be relieved from the requirement under sections 16.1 and 17(1) of the *Broadcasting Distribution Regulations* (the Regulations) to distribute the OMNI television stations as part of the basic service. As an alternative, these BDUs would distribute the Ontario regional feed of OMNI Regional as part of the basic service, as required by Broadcasting Order 2017-153. The requested relief would take effect upon the launch of OMNI Regional and expire when the mandatory distribution order is no longer in effect. The Commission did not receive any interventions in regard to this application.
7. In regard to its licensed terrestrial BDUs serving Ontario, RCCI requested the addition of the following condition of licence:

As an exception to sections 16.1 and 17(1) of the *Broadcasting Distribution Regulations*, in markets where an OMNI television station is operating as a local or regional television station, the licensee is not required to distribute the OMNI television station as part of the basic service. This condition will come into effect upon the launch of the OMNI Regional discretionary service and will expire if the mandatory order for the distribution of OMNI Regional is no longer in effect.

8. RCCI submitted that approval of this application would provide it with the ability to cease distributing the signal of OMNI.2 (CJMT-DT Toronto) as part of the basic service of its licensed BDUs serving various locations in Ontario, where OMNI.2 would be considered a local or regional television station.

Commission's analysis

9. The Commission considers that the present application is consistent with Broadcasting Decision 2017-152, in which it stated that BDUs could request an exception should they wish to be relieved of the obligation to carry OMNI television stations as part of the basic service where they are also required to distribute OMNI Regional. The present application is also consistent with similar requests made by Shaw Communications Inc.¹ and by Quebecor Media Inc.,² which were approved by the Commission in Broadcasting Decisions 2017-321 and 2017-322, respectively, and is similar to a request by Bell Canada, which was approved in Broadcasting Decision 2020-356. In the Commission's view, requiring BDUs to carry essentially duplicate programming services would constitute an inefficient use of their networks.

Conclusion

10. In light of the above, the Commission **approves** the application by Rogers Communications Canada Inc. to amend the regional broadcasting licence for its terrestrial BDUs serving various locations in Ontario in order to be relieved from the requirement under sections 16.1 and 17(1) of the Regulations to distribute the OMNI television stations as part of the basic service. Accordingly, the Commission imposes the following **condition of licence** on those terrestrial BDUs:

As an exception to sections 16.1 and 17(1) of the *Broadcasting Distribution Regulations*, in markets where an OMNI television station is operating as a local or regional television station, the licensee is not required to distribute the OMNI television station as part of the basic service. This condition will come into effect upon the launch of the OMNI Regional discretionary service and will expire if the mandatory order for the distribution of OMNI Regional is no longer in effect.

Secretary General

Related documents

- *Various terrestrial broadcasting distribution undertakings – Licence renewals*, Broadcasting Decision CRTC 2020-356, 22 October 2020
- *Licensing of a national, multilingual multi-ethnic discretionary service*, Broadcasting Decision CRTC 2019-172 and Broadcasting Order CRTC 2019-173, 23 May 2019
- *Various broadcasting distribution undertakings – Licence amendments*, Broadcasting Decision CRTC 2017-322, 31 August 2017

¹ On behalf of Shaw Cablesystems Limited and Shaw Cablesystems (VCI) Limited, and on behalf of Star Choice Television Network Incorporated.

² On behalf of Videotron Ltd. and 9227-2590 Quebec Inc., partners in a general partnership carrying on business as Videotron G.P.

- *Various licensed and exempt broadcasting distribution undertakings – Licence amendments and exemption*, Broadcasting Decision CRTC 2017-321, 31 August 2017
- *Call for applications for a national, multilingual multi-ethnic television service offering news and information programming*, Broadcasting Notice of Consultation CRTC 2017-154, 15 May 2017, as amended by Broadcasting Notice of Consultation CRTC 2017-154-1, 27 July 2017
- *OMNI Regional – National, multilingual multi-ethnic discretionary service*, Broadcasting Decision CRTC 2017-152 and Broadcasting Order CRTC 2017-153, 15 May 2017

This decision is to be appended to the licence.