



**Canadian
Association of
Broadcasters**

**L'Association
canadienne des
radiodiffuseurs**

October 24, 2005

Via e-mail

Ms. Diane Rhéaume
Secretary General
Canadian Radio-television and
Telecommunications Commission
Ottawa, Ontario
K1A 0N2

Dear Ms. Rhéaume:

**Re: Broadcasting Public Notice CRTC 2005-74-1: Call for
comments on a request by the Canadian Cable
Telecommunications Association to repeal section 22 of the
Broadcasting Distribution Regulations**

1. The Canadian Association of Broadcasters (CAB) – the national voice of Canada's private broadcasters, representing the vast majority of Canadian programming services, including private television and radio stations, networks and specialty, pay and pay-per-view television services – is pleased to submit these final comments in response to the above-noted Public Notice.
2. In its application, the Canadian Cable Telecommunication Association (CCTA) is requesting that the Commission eliminate the requirement for Class 1 and Class 2 BDUs to carry audio programming services. This requirement is currently set out in section 22 of the *Broadcasting Distribution Regulations* (BDU Regulations). Section 22 of the BDU Regulations requires Class 1 and Class 2 licensees to distribute the following audio programming services: (a) the programming services of all local radio stations; (b) the programming services of at least one French and English-language CBC radio station; and (c) a provincial educational radio programming service (where applicable).

3. In its submission filed on August 25, 2005, the CAB indicated its strong belief that that the issues and concerns raised by the CCTA in its application do not justify the repeal of section 22 of the BDU Regulations, as they do not and should not outweigh the provision of the Act that requires the carriage of local Canadian stations in their local market. Therefore the CAB recommended to the Commission to maintain the requirement for cable BDUs to carry all local audio programming services in their licensed markets.
4. However, as noted in its submission the CAB proposed, as a solution to the capacity issues raised by the CCTA, that cable BDUs move all the must-carry audio programming services identified in section 22, including all local radio stations in their local licensed area, from analog to their basic digital offering. The CAB indicated that, given the increasing penetration levels of digital cable, the carriage of local radio signals on digital basic has the potential to increase their accessibility and customer awareness. Such an option would not only progressively fulfill the broadcasting policy objective regarding the priority carriage of local stations, but it would also acknowledge the capacity objectives emphasized by the CCTA in their application.
5. The CAB continues to believe that the presence of all local radio stations on digital cable would be a competitive advantage for the cable industry. Not only would cable carry the full menu of local radio in a way that other platforms cannot, but it would benefit from the promotion that local radio stations would naturally give to their presence and channel position in cable's digital offering.
6. The CAB hopes that the cable industry will see their way clear to agreeing with CAB's compromise position, which after all produces great benefits in freeing of channel capacity, while continuing to support the basic principle on which cable has always been licensed – that all local services will be carried.
7. The CAB notes that the intervention from the Canadian Broadcasting Corporation (CBC) is not inconsistent with the CAB proposal. That is, the CBC says in paragraph 11 that:

“The transition to digital brings with it an Interactive Programming Guide (IPG), which lists the available the available radio stations which can be heard either directly on their television set or through a home theatre or stereo system connected to their digital set top box. Therefore, the migration to digital will also increase the interest of subscribers to access radio stations through cable.”

8. It is therefore implicit in the CBC submission that the CAB's proposal, which sustains section 22 but permits it to be fulfilled through digital carriage of local radio, would be compatible with the public broadcaster's objectives.
9. In addition, the intervention by CKUA explicitly support the CAB position by stating in paragraph 18 that the Commission should, "*requires these BDUs to include a digitized version of the over-the-air analogue transmissions of these Community and Campus radio stations as part of their basic service*".
10. The CAB appreciates the opportunity to participate in this proceeding.

Sincerely,

A handwritten signature in black ink, appearing to read 'D. Keeble'.

David Keeble
Senior Vice-President, Policy and Regulatory Affairs

c.c.: Michael Hennessy, President
Canadian Cable Television Association