



Broadcasting Decision CRTC 2011-450

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Ottawa, 28 July 2011

AEBC Internet Corp.

Vancouver and Lower Mainland, British Columbia

Application 2010-1653-5, received 9 November 2010

Public Hearing in the National Capital Region

5 April 2011

Terrestrial broadcasting distribution undertaking to serve Vancouver and the Lower Mainland

*The Commission **approves** the application by AEBC Internet Corp. for a broadcasting licence to operate a terrestrial broadcasting distribution undertaking to serve Vancouver and the Lower Mainland, British Columbia.*

The application

1. The Commission received an application by AEBC Internet Corp. (AEBC) for a broadcasting licence to operate a terrestrial broadcasting distribution undertaking (BDU) to serve Vancouver and the Lower Mainland, British Columbia. The Commission did not receive any interventions concerning this application.
2. AEBC is a corporation owned and controlled by its sole shareholder and sole director, Mr. Tony Lum.
3. AEBC requested authorization to:
 - distribute, at its option, CHEK-TV (IND) Victoria and CIVI-TV (A) Victoria as part of its discretionary service;
 - distribute, at its option, as part of the basic service, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, and KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time;
 - distribute, on a digital discretionary basis, any of the distant Canadian television signals set out in the *List of non-Canadian programming services authorized for distribution* 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 second set of U.S. 4+1 signals);

- distribute, at its option, KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of its basic service; and
 - distribute, at its option, a special programming service consisting of ethnic and multicultural programs.
4. AEBC also stated its willingness to accept a condition of licence requiring that it provide one or more simple means of accessing described programming, whether in an open or embedded format. It also committed to meet the requirements regarding customer service and information set out in Broadcasting and Telecom Policy 2009-430 (the Accessibility Policy).

Commission's analysis and determinations

5. Based on the examination of the application, the Commission has identified the following issues to be addressed in its determinations:
- distribution of CHEK-TV (IND) Victoria and CIVI-TV (A) Victoria as part of the discretionary service;
 - distribution of U.S. 4+1 signals as part of the basic service;
 - distribution of distant Canadian television signals and a second set of U.S. 4+1 signals;
 - distribution of KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of the basic service;
 - distribution of a special programming service consisting of ethnic and multicultural programs.

Distribution of CHEK-TV (IND) Victoria and CIVI-TV (A) Victoria

6. The Commission notes that section 17(1)(c) of the *Broadcasting Distribution Regulations* (the Regulations) requires that a licensee must carry on the basic service the programming services of all local television stations. Since CHEK-TV (IND) Victoria is a local station in Vancouver, the licensee will be obligated to distribute CHEK-TV on the basic service.
7. Given that CIVI-TV (A) Victoria, has a transmitter in Vancouver (CIVI-TV-2), the signal must also be carried on the basic service.

Distribution of U.S. 4+1 signals as part of the basic service

8. The Commission notes that it has already authorized BDUs to distribute, as part of the basic service, the U.S. 4+1 signals or the signals of another affiliate of the same network located in the same time zone as that of the licensed area. The authorization requested by the applicant is consistent with authorizations previously granted by the Commission in similar cases.
9. Accordingly, the Commission authorizes AEBC to distribute, at its option, as part of the basic service, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, and KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time. A **condition of licence** to that effect is set out in the appendix to this decision.

Distribution of distant Canadian television signals and a second set of U.S. 4+1 signals

10. As previously announced in Broadcasting Notice of Consultation 2010-931, the Commission intends to amend the Regulations. The amended Regulations, which will be effective 1 September 2011, will address the distribution of distant Canadian signals by a terrestrial BDU and the distribution of a second set of U.S. 4+1 signals.
11. Accordingly, the Commission finds that the distribution of distant Canadian signals and a second set of U.S. 4+1 signals on a digital discretionary basis should be done in accordance with the regime to be established in the amended Regulations.

Distribution of KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of the basic service

12. The Commission notes that it has already authorized BDUs to distribute as part of the basic service the signals KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington. The authorization requested by the applicant is consistent with authorizations previously granted by the Commission in similar cases.
13. Accordingly, the Commission authorizes AEBC to distribute, at its option, KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of its basic service. A **condition of licence** to that effect is set out in the appendix to this decision.

Distribution of a special programming service consisting of ethnic and multicultural programs

14. The Commission notes that it has already authorized BDUs to distribute a special programming service consisting of ethnic and multicultural programs. The authorization requested by the applicant is consistent with authorizations previously granted by the Commission in similar cases.

15. Accordingly, the Commission authorizes AEBC to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. A **condition of licence** to that effect is set out in the appendix to this decision.

Conclusion

16. In light of the above, the Commission **approves** the application by AEBC Internet Corp. for a broadcasting licence to operate a terrestrial broadcasting distribution undertaking to serve Vancouver and the Lower Mainland. The operation of this undertaking will be regulated pursuant to the *Broadcasting Distribution Regulations*. The licence will be subject to the **conditions** specified therein, as well as to the **conditions of licence** set out in the appendix to this decision.

Other matters

General authorizations for broadcasting distribution undertakings

17. The Commission notes that, under the conditions specified in its licence, a licensee is also authorized to distribute any service and to undertake any activity authorized in Broadcasting Regulatory Policy 2009-546, as amended from time to time, under the terms and conditions set out therein.

Implementation of the Commission's determinations regarding accessibility of services

18. In the Accessibility Policy, the Commission stated its intention to impose on BDUs a number of requirements and expectations pertaining to customer service, access to described video and accessibility of programming.
19. Further, in Broadcasting Regulatory Policy 2010-622, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate community channels to caption 100% of original licensee-produced programming by the end of the licence term. The Commission also indicated that it expects licensed BDUs to ensure that 100% of original access programming on the community channel is captioned by the end of the licence term. Finally, the Commission stated that it intended to impose conditions of licence requiring licensed BDUs that operate a community channel to provide audio description for all information programs and for news programming (that is, the voice-over of key textual, graphic design and still image elements, such as phone numbers, stock information or weather maps that are posted on the screen).
20. AEBC stated that it is prepared to accept a condition of licence requiring it to provide one or more simple means of accessing described programming, whether in an open or embedded format. Such means must require little or no visual acuity. A **condition of licence** to that effect is set out in the appendix to this decision.
21. Also, consistent with the Accessibility Policy and as committed to by the applicant, AEBC is required to provide and promote specified information in an accessible manner, to ensure the accessibility of specified customer service functions, and to

ensure that use of alternate avenues of customer service do not result in a disadvantage to persons with disabilities.

22. In addition, consistent with the Accessibility Policy, the Commission expects AEBC to ensure that subscribers are able to identify programming with described video in the electronic program guide, and to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up. The Commission further encourages the licensee to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.
23. The Commission notes that it may impose further conditions of licence respecting accessibility matters five years into the licence term, if deemed appropriate.

Mandatory distribution of 9(1)(h) services

24. The Commission reminds the applicant that it will be required to distribute within its licensed area all services licensed for mandatory carriage as part of the basic service of distribution undertakings pursuant to section 9(1)(h) of the *Broadcasting Act*.

Secretary General

Related documents

- *Community television policy*, Broadcasting Regulatory Policy CRTC 2010-622, 26 August 2010
- *Call for comments on amendments to the Broadcasting Distribution Regulations*, Broadcasting Notice of Consultation CRTC 2010-931, 10 December 2010
- *General authorizations for broadcasting distribution undertakings*, Broadcasting Regulatory Policy CRTC 2009-546, 31 August 2009
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2011-450

Terms, conditions of licence, requirements, expectations and encouragements

Terms

Issuance of the broadcasting licence to operate a terrestrial broadcasting distribution undertaking to serve Vancouver and the Lower Mainland, British Columbia.

The operation of this undertaking will be regulated pursuant to the *Broadcasting Distribution Regulations* and all related policies.

A licence will be issued once the applicant has:

- informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 24 months from the date of this decision, unless a request for an extension of time is approved by the Commission before **28 July 2013**. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date; and
- filed, at the same time it informs the Commission that it is ready to commence operations, a website address where its distribution grid is posted.

The licence will be effective 1 September 2011 and will expire 31 August 2018.

Conditions of licence

1. The licensee is authorized to distribute, at its option, as part of the basic service, KIRO-TV (CBS), KING-TV (NBC) and KOMO-TV (ABC) Seattle, and KCPQ (FOX) Tacoma and KCTS-TV (PBS) Seattle, or alternatively for each signal, the signal of a different affiliate of the same network located in the same time zone as that of the licensed area and included in the *List of non-Canadian programming services authorized for distribution*, as amended from time to time.
2. The licensee is authorized to distribute, at its option, KVOS-TV (IND) Bellingham and KSTW (IND) Tacoma/Seattle, Washington, as part of its basic service.
3. The licensee is authorized to distribute, at its option, a special programming service consisting of ethnic and multicultural programs. The licensee shall not distribute as part of this special programming service any commercial message other than sponsorship credits combining no more than the logo, name, address, telephone number and type of activity or profession of the sponsor. The sponsorship credits may contain sound and/or visual images, whether moving or fixed. The sponsorship credits shall have no purpose other than to acknowledge, in a concise and direct manner, the sponsor's contribution and shall at no time constitute a detailed description or promotional device.

The Commission reminds the licensee that no paid public service announcements may be distributed as part of the special programming service consisting of ethnic and multicultural programs, other than those whose content conforms to the above-stated description of a permissible sponsorship credit.

4. The licensee shall provide one or more simple means of accessing described programming, whether in an open or embedded format, that requires little or no visual acuity.

Requirements

The licensee is required to promote information on all of its disability-specific services and products, in the accessible manner(s) of its choice.

The licensee is required to incorporate an easy-to-find home page link to the special needs/disability sections of its website, if its website includes such sections.

The licensee is required to make the information on its website accessible to the point of providing reasonable accommodation for persons with disabilities by 23 July 2012 (examples of what the Commission considers to be reasonable accommodations are listed in paragraph 66 in the Accessibility Policy).

The licensee is required to ensure that, where customer service functions on its website are not accessible, persons with disabilities will not incur a charge or otherwise be disadvantaged if they use an alternate avenue of customer service.

The licensee is required to make accessible any customer service functions that are available solely over its website by 23 July 2012.

The licensee is required to make its general call centers accessible to the point of providing reasonable accommodation to persons with disabilities by:

- a) training customer service representatives in handling enquiries from persons with disabilities and familiarizing them with the service provider's products and services for persons with disabilities; and
- b) making its Interactive Voice Response systems accessible.

Expectations

The Commission expects the licensee to ensure that subscribers are able to identify programming with described video in the electronic program guide.

The Commission expects the licensee to make information available in alternative formats to subscribers regarding, among other things, the programming and services offered and the channel line-up.

The Commission expects the licensee to ensure that 100% of original access programming is captioned by the end of the licence term.

Encouragements

The Commission encourages the licensee to ensure that its set-top boxes are accessible to subscribers with vision and fine motor skill disabilities.

Employment equity

In accordance with *Implementation of an employment equity policy*, Public Notice CRTC 1992-59, 1 September 1992, the Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources.