



February 13th, 2015

John Traversy
Secretary General
Canadian Radio-television and Telecommunications Commission
Ottawa, Ontario K1A 0N2

via GC-KEY

RE: Bell Media's Procedural request dated Friday the 13th of February 2015
PIAC-CAC Part 1 on CraveTV
File: Broadcasting 2015-0141-1

Mr Traversy,

1. Vaxination Informatique is in receipt of Bell Media's procedural request to have the CraveTV process dismissed or returned to PIAC. It objects to Bell Media's request.
2. Bell Media argues that the Commission does not have the power to force CraveTV be made available to everyone. While Vaxination agrees in principle¹ that an incumbent should be able to create services such as CraveTV, the real issue is what regulatory treatment should such services be granted ? This warrants proper debate.
3. Should BDU authenticated services, primarily delivered over BDU infrastructure and STBs be treated as DMBUs with the DME0 advantages or as legacy BDU VOD services operating under the Vertical Integration rules ? In the later case, it is the content² which would be made available to other BDUs instead of the service itself. This warrants proper debate.
4. The Commission may recall that Bell Canada promised, during the Bell-Astral hearings that it would launch a Canadian competitor to Netflix. Whether CraveTV should be considered a competitor to Netflix warrants proper debate, especially if a BDU service with limited access acquires OTT rights specifically to prevent OTT services from competing.
5. Vaxination realises that currently pending #TalkTV decisions may or may not have material impact on this (and the Shomi) proceedings. However, Vaxination believes that even if these 2 processes need to be suspended at some stage, building the record now with actual facts on these services would help kick start whatever process would cause the processes to be suspended.

1 Agreeing in principle does not imply that Vaxination has evaluated the legal aspects and powers of the CRTC, it simply means that Vaxination *feels* the Commission should not force an incumbent to make their services available to all.

2 Shomi and CraveTV have been bragging openly on how they acquired exclusive rights to shows available only though their services which are not available to all Canadians.

6. While Vaxination reluctantly accepts the Commission's February 11th determination for its own February 9th procedural request in which the Commission decided to keep the 2 processes separate and not widen the scope to include discussion on DMEQ review, Vaxination still urges the Commission to issue interrogatories before the comments deadline so that intervenors can provide more meaningful input in their comments.

Conclusion

7. Vaxination objects to Bell Media's request to have the CraveTV process dismissed as it feels that pursuing with the process is important. As neither CraveTV nor Shomi are true OTT services available to every Canadian irrespective of ISP or BDU subscription, it is important for the Commission to confirm which regulatory framework applies to such services.
8. If Bell Media is so confident its CraveTV offering fits perfectly well within the regulatory framework it has chosen for it, then it should have no problem providing the Commission and intervenors with real facts that confirm Bell Media's opinions.

Regards,
Jean-François Mezei
Vaxination informatique

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