

Application to renew a broadcasting licence for a video-on-demand (VOD) programming undertaking - Form 145

Table 1 - Naming convention for the electronic documents

Document	Electronic file name
The Covering Letter (if any)	APP - Doc1 - Cover Letter
The Application Form	APP - Doc2 - Application form
Appendix 1 (optional)	APP - Doc3 - Appendix 1 - Supplementary brief
Appendix 2A	APP - Doc4 - Appendix 2A - Ownership information
Appendix 2B	APP - Doc5 - Appendix 2B - Control statement and agreements

1. General information

Name of service: Wightman Telecom Ltd VOD

Type of undertaking:

National () **Regional (X)**

If regional, specify the service area: **Western Ontario**

1.1 Identification of applicant

Name of legal entity who is authorized by the Commission to operate this undertaking:

Address: 100 Elora Road N

City: Clifford

Province/Territory: Ontario

Postal code: N0G 1M0

Telephone: 519-327-9268

Fax: 519-327-8010

Email: kgugan@wightman.ca

Contact person representing the applicant

(if there is no appointed designated representative under question 1.2)

Name: Kolos Gugan

Title: Controller

Telephone: 519-327-9268

Email: kgugan@wightman.ca

1.2 Appointment of designated representative

I, _____, the applicant, hereby designate _____ as my designated representative for and on my behalf and in my name to sign, file and complete (if necessary) an application with the Canadian Radio-television and Telecommunications Commission and to sign and file a reply with respect thereto and I do hereby ratify, confirm and adopt as my own act, such application and all replies made thereto.

Date:
At: Example: city, province
Signature (a signature is not required when submitting electronically):
Address of designated representative:
Title:
Telephone:
Fax:
Email:

1.3 Declaration of the applicant or its designated representative

I, Kolos Gugan , solemnly declare that:

- a. I am the designated representative of the applicant named in this application brief and as such have knowledge of all matters declared therein.
- b. The statements made in this application or in any document filed pursuant to any request for further information by the Commission are (will be) to the best of my knowledge and believed to be true in all respects.
- c. The opinions and estimates given in this application or in any document filed pursuant to any request for further information by the Commission are (will be) based on facts as known to me.
- d. I have examined the provisions of the *Broadcasting Act* and the broadcasting regulations and policies relevant to this application.

And I have signed

Signature (a signature is not required when submitting electronically):
Date:

Witnessed by

Signature (a signature is not required when submitting electronically):
Name:
Date:
At: Example: city, province

1.4 Procedural request

The *Canadian Radio-television and Telecommunications Commission Rules of Practice and Procedure* (the Rules of Procedure) allow an interested person to request that the Commission exercise a power under the Rules of Procedure or change the Rules of Procedure for a specific proceeding (sections 5 and 7). This is generally called a procedural request. You may consult *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC [2010-958](#), 23 December 2010, and *Guidelines on the CRTC Rules of Practice and Procedure*, Broadcasting and Telecom Information Bulletin CRTC [2010-959](#), 23 December 2010, for more information.

Is the applicant requesting that the Commission make an exception to its Rules of Procedure in the treatment of this application?

Yes () **No (X)**

If **yes**, please indicate which section of the Rules of Procedure you wish to vary and provide a detailed rationale as to why this request should be granted :

1.5 Application

The Commission will return the application if it has not been duly completed. The onus will be on the applicant to submit a complete application that provides all of the relevant information, to identify all regulatory issues raised in the application and to provide supporting documentation.

Kolos Gugan

100 Elora St N.

Clifford, Ontario

N0G 1M0

Email: kgugan@wightman.ca

Fax: 519-327-8010

Submit a website address or email address where an electronic copy of the application may be requested:

Website: www.wightman.ca

Email: Kgugan@wightman.ca

2. Ownership

2.1 Ownership information

[Appendix 2A:](#)

All applicant must complete section a) of Appendix 2A but **may be exempt** from completing section b of the Appendix).

To complete Appendix 2A, click on any of the links in this section.

1. [The licensee:](#)

The entity applying for the renewal of its Video-on-Demand (VOD) Programming Undertaking;

2. [The Shareholder Corporations:](#)

The parent corporation, the corporations which form part of the control chain, and all corporations or legal entities listed in table 2.2, holding directly or indirectly 10% or more of the voting interest of the corporation to which table 2.2 pertains.

You may be exempt from completing this section if all ownership information for each of the entities that form part of the control chain has been supplied within the last 12 months from the date of this application and accepted as satisfactory by the Commission. You must also ensure that:

- i. no changes have occurred since the last filing that would be subject to a notification requirement or prior approval by the Commission pursuant to the *Pay Television Regulations, 1990* (the Regulations);
- ii. no amalgamation has occurred; and

iii. the exemption statement in section a) of **Appendix 2A** has been completed.

2.1 Authorized Securities

Describe all categories of shares authorized to be issued.

Security Type	Number of Votes Per Share	Convertible (y/n)	Participating ⁽⁶⁾ (y/n)	Number of Shares Authorized	Number Issued and Outstanding
Common, No par value	1 vote per share	No	No	Unlimited, No Par Value	150

2.2 Shareholding

Supply the details for each shareholder holding 10% or more of the voting shares⁽⁵⁾, of the voting rights (if different from the voting shares), and of any other category of shares identified in the common shares⁽⁶⁾ definition. For the remaining shareholders, (those holding less than 10%) supply the total shares under "Others Canadian" and "Others Non-Canadian".

Security Type	Shareholder Name ⁽¹⁾	Complete Home Address or Legal Entity Jurisdiction	Canadian ⁽²⁾ (x)	Number of Shares Held	% Votes
Common, No par value	Wightman Holdings Inc., Ontario	100 Elora St. N. Clifford, Ontario, N0G 1M0	Yes	150	100%

2.3 Directors and Officers

Supply a list of the current/proposed directors and officers of the corporation ⁽³⁾ ⁽⁴⁾

Name of Directors/Officers ⁽¹⁾	Complete Home Address	Canadian ⁽²⁾ (x)	Directors Date of Appointment	Officer Position
Blair Wightman		Yes	July 31, 2012	Co-Chairman
Paul Wightman		Yes	July 31, 2012	Co-Chairman
Tom Sullivan		Yes	July 31, 2012	President, Secretary & CEO
Rob Figliuzzi		Yes	July 31, 2012	Executive VP, CFO, & Treasurer

Exemption:

The applicant hereby confirms that :

- All ownership information for each of the entities that form part of the control chain has been supplied within the last 12 months from the date of this application, and accepted as satisfactory by the Commission; and
- No changes have occurred since the last filing that would be subject to a notification requirement or prior approval by the Commission pursuant to the Regulations; and
- No amalgamation has occurred.

date of filing of last complete update: **2013/10/30**
YY/MM/DD

3. Conditions of licence

3.1 Compliance

- a. The undertaking as been and is being operated in compliance, over the licence term, with the provisions of its licence, the [Broadcasting Act](#), and all applicable regulations of the CRTC.

Yes (X) No ()

If **no**, provide the full details of any non-compliance during the licence term, including the reasons, any remedial action taken and, where applicable, the period of time expected before the undertaking is operating in compliance.

Date:

At:

Signature of licensee or its appointed agent (not required if submitting electronically):

- b. Outline how your service has adhered to each condition of licence, expectation and commitment, including the accepted benefits from any ownership transaction, as specified in your licence, in the decision attributing the current licence and in any applicable CRTC decision issued during the licence term.

Conditions of Licence

1. The licensee shall adhere to the *Pay Television Regulations, 1990*, as amended from time to time, with the exception of section 3(2)(d) pertaining to commercial messages and section 4 pertaining to logs and records.

Wightman has adhered to the Pay Television Regulations.

2. The licensee shall not include, as part of its video-on-demand offering, any program containing a commercial message except where:

a) the message was already included in a program previously broadcast by a Canadian programming service;

b) the program's inclusion as part of the video-on-demand offering is in accordance with the terms of a written agreement entered into with the operator of the Canadian programming service that broadcasts the program; and

c) the program is offered to subscribers on an on-demand basis at no charge.

Wightman has not included any commercial messages, except in any situations that are listed in items a-c.

3. The licensee shall maintain for a period of one year and submit to the Commission upon request a detailed list of the inventory available on each file server. The list must identify each program by programming category and by country of origin, and indicate the period of time that each program was on the server and available to subscribers.

Wightman has a detailed list of the inventory available for the past year of activity, and will continue to retain this information.

4. Except as authorized by the Commission, the broadcasting undertaking licensed herein shall be operated in fact by the licensee itself.

Wightman has operated the licensed broadcasting undertaking for its own use.

5. The licensee shall ensure that, at all times:

a) not less than 5% of the English-language feature films and not less than 8% of the French-language feature films in the inventory available to subscribers are Canadian;

b) the feature film inventory includes all new Canadian feature films that are suitable for VOD exhibition and meet the approved *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*; and

c) not less than 20% of all programming other than feature films in the inventory available to subscribers is Canadian.

Wightman inventory is primarily English Feature Films. All inventory is suitable for VOD exhibition and meets all requirements.

6. The licensee shall contribute 5% of its gross annual revenues to an existing Canadian program production fund administered independently of its undertaking.

For the purpose of this condition:

a) "gross annual revenues" shall be 50% of the total revenues received from customers of the broadcasting distribution undertaking distributing the video-on-demand service, when the video-on-demand service is a "related service";

b) a "related service" is one in which the broadcasting distribution undertaking distributing the video-on-demand service, or any of its shareholders owns, directly or indirectly, 30% or more of the equity of the video-on-demand service;

c) "gross annual revenues" shall be the total amount received from the broadcasting distribution undertaking distributing the video-on-demand service, when the video-on-demand service is not a "related service".

Wightman's VOD is a related service to the broadcasting distribution undertaking and will contribute 5% of gross annual revenues to the Small Market Local Programming fund.

7. The licensee shall ensure that not less than 25% of the titles promoted each month on its barker channel are Canadian titles.

Wightman does not have a barker channel.

8. The licensee shall remit to the rights holders of all Canadian feature films 100% of revenues earned from the exhibition of these films.

Wightman will remit 100% revenues earned from all Canadian Feature Films.

9. The licensee shall not enter into an affiliation agreement with the licensee of a broadcasting distribution undertaking unless the agreement incorporates a prohibition against linkage of its service with any non-Canadian discretionary service.

Wightman does not have any affiliation agreements requiring linkage with any non-Canadian discretionary service. The Wightman service is an IPTV digital service available to all customers with a set-top box. It is a standalone transactional service. It is not linked to any programming package.

10. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC [2007-54](#), 17 May 2007.

100% of Wightman content is captioned.

11. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

Wightman has adhered to the Equitable Portrayal Code.

12. The licensee shall adhere to the *Pay television and pay-per-view programming code regarding violence*, as amended from time to time and approved by the Commission.

Wightman has adhered to the Pay Television and Pay-per-view programming code regarding violence.

13. The licensee shall adhere to the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, as amended from time to time and approved by the Commission.

Wightman has adhered to the Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services.

Expectations

Program offering in both official languages

The Commission notes that the licensee did not commit to offer any programming in the French language. Nevertheless, the Commission expects the licensee to make its program offering available, to the maximum extent possible, to customers in both official languages.

Wightman does not offer any content in French at this time, however will

attempt to increase VOD content and include French language content.

Programming packages

The Commission expects the licensee to limit to one week the total period during which the programming in programming packages may be viewed.

Wightman confirms that no VOD programming packages are distributed for a period exceeding one week. All packages are created and provided to Wightman by licensed linear services.

Adult programming

The Commission expects the licensee to adhere to its internal policy on adult programming once reviewed and approved by the Commission. The Commission therefore expects the licensee to provide its proposed internal policy on adult programming at least one month prior to the implementation of the service. The Commission further expects that any future changes made by the licensee to its internal policy on adult programming will be submitted for Commission approval prior to their implementation.

Wightman has continually adhered to its internal policy on adult programming. The policy is attached and any future changes would be submitted to the Commission for approval.

Cultural diversity

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

Wightman is committed to reflecting the equity demographics of the province, including Aboriginal peoples and persons with disabilities.

Service to persons who are blind or whose vision is impaired

The Commission expects the licensee to provide an audio description of all programming that provides textual or graphic information, including programming broadcast on the barker channel. The Commission also expects the licensee to acquire and make available described versions of programming, where possible, and to ensure that its customer service responds to the needs of visually impaired customers.

Please see answer 4.4(c)

Encouragement

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.

Wightman In keeping with the Employment Equity Act and the Canadian Human Rights Act, Wightman is committed to further improving the representation of persons from designated groups who have historically been disadvantaged in the corporate workplace. This includes persons with disabilities, members of visible minorities, aboriginal persons and women.

By reflecting the diversity of our society, we can create a more rewarding workplace for all employees. It also makes good business sense: the better we mirror the communities in which we do business, the better positioned we are to serve our customers and their communities, fairly and sensitively.

3.2 Conditions of licence

In *Standard requirements for video-on-demand undertakings*, Broadcasting Regulatory Policy CRTC [2011-59](#), 31 January 2011 (Regulatory Policy [2011-59](#)) and in *Standard requirements for video-on-demand undertakings-Provision of an outlet for local expression, measures to control the loudness of commercial messages and annual filing of aggregate statistical data*, Broadcasting Regulatory Policy CRTC [2011-59-1](#), 8 May 2012 (Regulatory Policy [2011-59-1](#)) more specifically in the appendix, the Commission has set out the standard conditions of licence and expectations for VOD undertakings.

The applicant will adhere to the standard conditions of licence and expectations set out in Regulatory Policy [2011-59](#) and in Regulatory Policy [2011-59-1](#), by condition of licence.

Yes (X) No ()

If **no**, specify the conditions or expectations you propose to amend with a detailed rationale in support of any such amendment, including, where appropriate, financial evidence to support any exception to the standard conditions and expectations, and proposed wording for alternative conditions or expectations.

4. Programming

4.1 Independently-administered production fund(s)

Please indicate the name(s) of the independently-administered production fund(s) to which 5% of your annual gross revenues will be contributed.

Small Market Local Programming Fund

4.2 Language of service

Table 2 - Language of the service

Language	(√)
English	√
French	
Other (s):	
(Specify the language)	

Please confirm the primary language of the service, as identified on the broadcast licence.

4.3 Industry codes

Is the licensee a member in good standing of the Canadian Broadcast Standards Council?

Yes (X) No ()

4.4 Accessibility

- a. Please submit a description of the monitoring system that will be put in place to ensure that, for any signal that is closed captioned, the correct signal is captioned, the captioning is included in its broadcast signal, and this captioning reaches, in its original form, the distributor of that signal and, in the case of an over the air signal, the viewer. "Original form" means, at a minimum, that the captioning provided by the licensee reaches the distributor and the viewer unaltered, whether it is passed through in analog or in digital, including in high definition.

Wightman does not produce its own VOD content but purchases programming from content providers only in a post-production phase. Once content is purchased and provided to Wightman by rights holder, it is loaded directly onto Wightman owned servers. Prior to customer availability, Wightman performs a signal verification test. A sample of content is selected from the beginning, middle and end of the content asset to verify the presence of closed captioning, inclusion of content rating and appropriate advisories, sound quality and picture quality. If it is determined that closed captioning is not included in the sampled content, as expected, Wightman contacts the rights holder for further troubleshooting.

- b. As directed in paragraph 101 of *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom regulatory policy CRTC [2009-430](#), 21 July 2009 (the Accessibility Policy), please submit a description of the mechanisms and procedures that you will be putting in place regarding quality control of closed captioning, including procedures to ensure that closed captioning is present throughout the entire program. At a minimum, this description must set out the means by which the licensee intends to ensure that captioning errors are corrected before programming is rebroadcast.

Please see answer to question 4.4(b)

- c. As directed in the Accessibility Policy, in paragraph 122, the Commission expects:
- o broadcasters to display a standard described video logo and air an audio announcement indicating the presence of described video before the broadcast of each described program; and
 - o broadcasters to make information available regarding the described programs that they will broadcast.

Please describe how the licensee will fulfill these expectations.

When provided by VOD content providers, Wightman makes available the display of a described video logo and passes through an audio announcement indicating the presence of described video.

Wightman passes through the described video programming of all programming services that it distributes.

Wightman is currently investigating a new remote control featuring a one-button push activation for described video and tactile knobs on commonly accessed buttons, to address the needs of persons with vision and fine motor skill disabilities.

5. Employment equity

Information relating to employment equity is available in *Implementation of an employment equity policy*, Public Notice CRTC [1992-59](#), 1 September 1992 and *Amendments to the Commission's Employment Equity Policy*, Public Notice CRTC [1997-34](#), 2 April 1997.

The Commission requires responses to questions regarding Employment Equity on behalf of the licensee as a whole, with reference to all of its employees in aggregate, that is, total employees of all undertakings for which the licensee holds licences.

5.1 General questions on employment equity

- a. Is the licensee subject to the [Employment Equity Act](#) (applicable to federally-regulated employers with 100 or more employees)?

Yes () No (X)

If **yes**, do not complete the remainder of this section.
If **no**, proceed to question 5.1b).

- b. Outline examples of any measures (including hiring and training, apprenticeship programs, work arrangements, etc.) that you have or will put in place to address the equitable representation of the four designated groups (women, Aboriginal peoples, persons with disabilities and visible minorities).

Wightman Telecom Ltd. is an equal opportunity employer. Wightman has demonstrated its commitment to this policy in that it has within its current employees, members of visible minorities, persons with disabilities and currently women make up 41% of our staff in all levels of management and non-management.

6. Request for documents to be designated as confidential

Sections 30 to 34 of the *Rules of Practice and Procedure* set out a process by which parties to Commission proceedings may file information on the record of a public proceeding in confidence.

A party filing information can “designate” it as confidential at the time it is filed with the Commission (section 31) if it falls into one of the following categories:

- a. Information that is a trade secret
- b. Financial, commercial, scientific or technical information that is confidential and that is treated consistently in a confidential manner by the person who submitted it; or
- c. Information the disclosure of which could reasonably be expected :
 - i. To result in material financial loss or gain to any person;
 - ii. To prejudice the competitive position of any person; or
 - iii. To affect contractual or other negotiations of any person.

At the time that the party files the information it designates as confidential, it must provide an abridged version of the document along with an explanation of how the information falls into a category of information listed in section 31. The party must provide a detailed rationale to explain why the disclosure of the information is not in the public interest (section 32(1)).

The confidential version of the document must be filed separately and must be marked “CONFIDENTIAL” on each page. If the document is filed electronically, each file containing confidential information must include “CONFIDENTIAL” in the file name.

The abridged version of the document and the reasons for the designation of information as confidential will be placed on the public record of the proceeding.

Please consult the *Implementation of new Rules of Practice and Procedure*, Broadcasting and Telecom Regulatory Policy CRTC [2010-958](#), 23 December 2010, and the *Procedures for filing confidential information and requesting its disclosure in Commission proceedings*, Broadcasting and Telecom Information Bulletin CRTC [2010-961](#), 23 December 2010, for complete process for filing confidential information.

6.1 Request for documents to be designated as confidential

Are you requesting for some information to be designated as confidential?

Yes () **No (X)**

If **yes**, you must provide a detailed rationale to explain why the disclosure of the information is not in the public interest :

Book of supporting documents

Table 3 - Supporting documents

Appendix Number and Name	Appended (Yes or No)	Electronic File Name
Section 1: General information		
Internal Policy for Adult Programming	No	Schedule 6.17 Internal Policy for Adult Programming
Section 2: Ownership		
Appendix 2A: Ownership information		APP – Doc2 – Application Form

Appendix 2B: Corporate documents		Exempt
Additional documents		

CRTC 145 (2013-10-29) - VOD Renewal

*****End of Document*****