



Filed Electronically

May 27, 2009

Mr. Robert A. Morin
Secretary General
Canadian Radio-television and
Telecommunications Commission
1 Promenade du Portage
Gatineau, Quebec
J8X 4B1

Dear Mr. Morin:

Re: Broadcasting Notice of Consultation CRTC 2009-173

1. This is the reply of Aboriginal Peoples Television Network Incorporated ("APTN") regarding the proposed terms for the exemption of cable broadcasting distribution undertakings serving fewer than 20,000 subscribers.

2. APTN is concerned regarding an amendment to the proposed Exemption Order that was suggested by the Canadian Cable Systems Alliance Inc. ("CCSA"). In essence, CCSA has suggested that services that are the subject of mandatory distribution by BDUs pursuant to section 9(1)(h) of the *Broadcasting Act*, be required to pay delivery costs for delivery of the programming signal to the head ends of exempt BDUs, regardless of the distribution technology employed by exempt BDUs.

3. APTN opposes this proposal. It will require services like APTN to support multiple distribution platforms to serve all possible existing and new technologies that may be deployed by BDUs for signal reception. This would place a considerable burden on 9(1)(h) services to respond to any technological changes that might be implemented in the future by BDUs. This is not feasible for non-commercial services such as APTN. Each separate technology and delivery path represents a material investment and the assumption of ongoing service charges. The costs to support multiple delivery platforms are measurable, potentially, in additional millions of dollars.

4. APTN supports (and has followed) the Commission's existing requirement that 9(1)(h) services should assume responsibility to deliver the programming service to BDUs. APTN has paid for the delivery costs for APTN's signal since APTN launched as a national service, and has put in place contractual arrangements to ensure continued

delivery. All BDUs are able to access APTN's signal (in three different regional feeds and in a HD feed format) at no additional charge to the BDU through APTN's primary means of satellite transmission.

5. Some BDUs may choose to obtain APTN signals by other means from satellite or terrestrial carriers that do not act as APTN's own primary source for transmission. APTN is not privy to the commercial arrangements that may allow BDUs to source APTN's signals from alternate service providers, although APTN may permit this practice to occur. BDUs that choose to use alternate delivery mechanisms should bear the cost of those mechanisms. APTN does not have the resources to pay for multiple alternate transmission paths to serve BDUs in whatever technologies they may wish to implement.

6. APTN strongly opposes the CCSA's proposal regarding amendments to section 20 of the proposed Exemption Order.

Yours truly,

A handwritten signature in black ink, appearing to read "Jean LaRose". The signature is fluid and cursive, with the first name "Jean" being more prominent than the last name "LaRose".

Jean LaRose
Chief Executive Officer