



## Broadcasting Decision CRTC 2004-313

Ottawa, 3 August 2004

**Storm Entertainment Inc.**  
Across Canada

*Application 2003-0888-4*  
*Public Hearing in the National Capital Region*  
*17 May 2004*

### **Canadian Info Channel – Category 2 specialty service**

*In this decision, the Commission **approves** the operation of a new Category 2 specialty television service.*

#### **The application**

1. The Commission received an application by Storm Entertainment Inc. (Storm), for a broadcasting licence to operate a national, English- and French-language Category 2<sup>1</sup> specialty television service to be known as Canadian Info Channel.
2. The applicant proposed to offer a service that would be dedicated solely to the broadcast of information about government programs and services.

#### **Intervention**

3. Cable Public Affairs Channel Inc. (CPAC) filed an intervention raising concerns about the nature of the proposed service. CPAC is the licensee of an English- and French-language public affairs programming service that provides coverage of conferences and hearings of government departments and agencies, as well as coverage of special events and public inquiries. The in-depth public affairs programming consists of interviews, talk shows and in-depth reviews of key national events and policy issues. CPAC also operates an exempt programming service that provides coverage of the proceedings and committees of the House of Commons.

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<sup>1</sup> The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

4. CPAC's primary objection to this application was the proposal to include in the programming of Canadian Info Channel material drawn from Category 3 Reporting and actualities. CPAC argued that programming from Category 3 could include coverage of political conventions, award dinners, political debates and fundraising programming, and expressed the view that inclusion of such material would be inconsistent with the nature of service as described by Storm. CPAC noted the applicant's intention not to focus on political discussions leading to the development of government policy or programs, but rather to provide information enabling users to access established programs and services.
5. CPAC suggested that, if Canadian Info Channel is permitted to broadcast Category 3 programming, such material should be limited in scope. The intervener suggested the following wording:

The licensee may broadcast programming drawn from Categories 3, 5(b), 12 and 13, provided that programming drawn from Category 3 will be limited to programming that provides useful information about government programs and services intended for users of those programs and services, and will not include political conventions or debates.

6. CPAC also proposed an alternative description for Canadian Info Channel's nature of service. CPAC stated that, since Canadian Info Channel would not provide conventional public affairs programming providing analysis and interpretation of civic affairs, or programming that reports on or provides coverage of political events, such as political conventions and debates, symposia, speeches and similar events, the following description would be appropriate:

The licensee will provide a national, English-language and French-language Category 2 specialty television service dedicated solely to the broadcast of programming providing information to assist potential beneficiaries of the programs and services that are available from or through the departments, agencies and other administrative bodies of the Government of Canada or of provincial or territorial governments. At least 20% of the programming broadcast on the service each broadcast week will be produced in the French language.

#### **The applicant's reply**

7. Storm stated that it had no objection to the nature of service suggested by CPAC as noted above, and that it would accept, as a condition of licence, a description limiting the type of material to be drawn from Category 3.

## The Commission's analysis and determination

8. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. In *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an existing pay, specialty or Category 1 service, although the Commission does not consider the impact that a new Category 2 service might have on an existing Category 2 service.
9. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question.
10. In the Commission's view, the amended description of Canadian Info Channel's nature of service set out above, together with a limitation on the type of Category 3 programming to be broadcast on the service would ensure that Canadian Info Channel's proposed service would not be directly competitive with CPAC or any other existing specialty, pay or Category 1 service.
11. Based on its examination of this application, including the factors noted above, the Commission is satisfied that it is in conformity with all applicable terms and conditions announced in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by Storm Entertainment Inc. to operate the national, English- and French-language Category 2 specialty television service to be known as Canadian Info Channel.
12. The licence will expire 31 August 2010, and will be subject to the conditions set out in Public Notice 2000-171-1, as well as to the **conditions of licence** set out in the appendix to this decision.

## Issuance of the licence

13. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
  - the applicant has entered into a distribution agreement with at least one licensed distributor; and

- 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 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 3 August 2007. 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.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Decision CRTC 2004-313

### Conditions of licence

1. The licensee shall provide a national, English- and French-language Category 2 specialty television service dedicated solely to the broadcast of programming providing information to assist potential beneficiaries of the programs and services that are available from or through the departments, agencies and other administrative bodies of the Government of Canada or of provincial or territorial governments. At least 20% of the programming broadcast on the service each broadcast week shall be produced in the French language.
  
2. The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:  
  
3 Reporting and actualities  
5 (b) Informal education/Recreation and leisure  
12 Interstitials  
13 Public service announcements
  
3. Programming drawn from Category 3 Reporting and actualities will be limited to programming that provides information about government programs and services intended for users of those programs and services, and will not include coverage of political conventions or debates.

For the purposes of the conditions of this licence, *broadcast day* refers to the 24-hour period beginning at 6:00 a.m. each day.