



Broadcasting Decision CRTC 2004-414

Ottawa, 17 September 2004

TrackVu Inc.
Across Canada

*Application 2003-1906-3
Public Hearing in the National Capital Region
7 June 2004*

TrackVu Horse Racing – 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 TrackVu Inc. for a broadcasting licence to operate a national, English-language Category 2¹ specialty television service to be known as TrackVu Horse Racing.
2. The applicant proposed to offer a service that would be devoted exclusively to live and taped horse races, including both thoroughbred and harness races, broadcast from racetracks in Canada and around the world. The service would include commentary and analysis as well as features of interest to horse racing fans.

The intervention

3. The Commission received an opposing intervention to this application from Mr. Graham Fournier, who expressed his views on how this service might affect the horse racing industry. The applicant did not respond to the intervention.

The Commission's analysis and determination

4. Based on its examination of this application, 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 TrackVu Inc. for a broadcasting licence to operate the English-language Category 2 specialty television service, TrackVu Horse Racing.

¹ 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.

5. The licence will expire 31 August 2011, 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

6. 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 17 September 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 2004-414

Conditions of licence

1. The licensee shall provide a national, English-language Category 2 specialty television service devoted to live and taped horse races, including both thoroughbred and harness races broadcast from tracks in Canada and around the world.
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:
 - 1 News
 - 2 (a) Analysis and interpretation
 - 3 Reporting and actualities
 - 6 (a) Professional sports
 - (b) Amateur sports
 - 12 Interstitials

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.