



## Broadcasting Decision CRTC 2003-503

Ottawa, 15 October 2003

### **Learning and Skills Television of Alberta Limited Across Canada**

*Application 2002-0828-2  
Public Hearing in the National Capital Region  
14 July 2003*

### **Zoomer – Category 2 specialty service**

*In this decision, the Commission **denies** the application for a licence to operate a new Category 2 specialty television service.*

### **The application**

1. The Commission received an application by Learning and Skills Television of Alberta Limited (Learning and Skills), for a broadcasting licence to operate an English-language Category 2<sup>1</sup> specialty television service to be known as Zoomer.
2. The applicant proposed a programming service that would feature lifestyle, entertainment, educational and special interest programming. The service would be directed to mature adults in pre- and early-retirement who wish to stay physically, mentally and socially active and engaged.

### **Interventions**

3. The Commission received 11 interventions in connection with this application: ten in support and one in opposition.
4. The supporting interventions were from independent producers and from potential viewers.
5. The opposing intervention was filed by Global Television Network (Global), on behalf of the partners of the national English-language specialty television service known as Prime TV. The intervener stated that Prime TV offers programming targeted to men and women 50 years of age and over and includes a mix of new information programs of relevance to the target audience, combined with entertainment programs from the past.

---

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

6. Global opposed the application because it considered that the proposed service would compete directly with Prime TV. Global submitted that the programming that would be offered by Zoomer would be essentially “identical” to that which is presently provided by Prime TV and that it would appeal primarily to the same audience as Prime TV’s target audience. The intervener also considered that it would be difficult to determine how the applicant would select programming for its service because the proposed nature of service was extremely broad.

### **The applicant’s reply**

7. In its response to Global’s concerns, Learning and Skills argued that there are a limited number of programs on Prime TV in the genre proposed by Zoomer. Learning and Skills further maintained that its proposed service would provide diversity in programming for the 50+ age group that would complement that offered by Prime TV. Moreover, it noted that the proposed service would have a limited impact on Prime TV as it would be a Category 2 digital service with limited distribution.

### **The Commission’s analysis and conclusion**

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. While the Commission does not consider the impact that a new Category 2 service might have on an existing Category 2 service, it does seek to ensure that newly licensed Category 2 services do not compete directly with any existing pay or specialty television service, including any new Category 1 digital service.
9. 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 digital service. 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 present case, the Commission considers that the applicant’s proposed definition of its nature of service is very broad, providing it with considerable flexibility to adjust its programming. This could allow the proposed service to become directly competitive with Prime TV and other services. The Commission also finds that the proposed service would target the same audience as that currently served by Prime TV and could have a significant negative impact on the intervener’s service.

11. Based on the foregoing, the Commission concludes that the proposed Category 2 service would compete directly with the existing analog specialty television service of Prime TV. Accordingly, the Commission **denies** the application by Learning and Skills Television of Alberta Limited for a broadcasting licence to operate the Zoomer programming service.

Secretary General

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