



Broadcasting Decision CRTC 2010-93

Route reference: 2009-796

Ottawa, 16 February 2010

Canadian Broadcasting Corporation
Across Canada

Application 2009-1395-6, received 20 October 2009

CBC SportsPlus – Licence amendment

1. The Commission **approves** the application by the Canadian Broadcasting Corporation to amend the broadcasting licence for the national, English-language Category 2 specialty television programming undertaking known as CBC SportsPlus in order to replace its current conditions of licence with the standard conditions set out in Broadcasting Regulatory Policy 2009-562 and to allow the service to be available for distribution in high definition format until the end of its licence term, consistent with the approach set out in Broadcasting Public Notices 2003-61, 2006-74 and 2008-100. The Commission did not receive any interventions regarding this application. The amended **conditions of licence** are set out in the appendix to this decision.

Implementation of the Accessibility Policy with respect to competitive Canadian mainstream sports and national news specialty services

2. The implementation of the Commission's determinations relating to the accessibility of services set out in Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy) was originally intended to be accomplished through the imposition of conditions of licence and expectations, where appropriate, at the time of licence renewal for existing licensees and as an element of the licensing process for new services.
3. However, in the case of those specialty services operating in the genres of mainstream sports and national news, which were opened up to competition among licensed Canadian specialty services in Broadcasting Public Notice 2008-100, the Commission considers it appropriate to establish standardized conditions of licence concerning the accessibility of programming to ensure that the Accessibility Policy is implemented in an equitable and competitively neutral manner for all new and existing services operating in these competitive genres, consistent with the Commission's approach for such services announced in Broadcasting Public Notice 2008-100. These conditions and expectations are set out in the appendix to this decision.

Captioning of advertising, sponsorship messages and promos

4. The Commission has taken into consideration the concerns raised by broadcasters relating to the feasibility of immediately captioning advertising, sponsorship messages and promos and will accordingly impose the following condition of licence on new services:

The licensee shall ensure that advertising, sponsorship messages and promos in the English and French languages are captioned by no later than the fourth year of the licence term.

5. However, to ensure that existing and new services are treated equitably and in a competitively neutral manner, the Commission expects the licensees of services whose licence renewal will be considered in the next two years to begin assessing how they will meet this requirement, and will consider imposing a condition of licence at their licence renewal that will take into account the time elapsed since the issuance of this decision.

Secretary General

Related documents

- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Regulatory framework for the licensing and distribution of high definition pay and specialty services*, Broadcasting Public Notice CRTC 2006-74, 15 June 2006
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003

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

Appendix to Broadcasting Decision CRTC 2010-93

Conditions of licence, expectations and encouragement

Conditions of licence

1. (a) The licensee shall provide a national, English-language specialty programming service that shall consist of programming dedicated to all aspects of sports with an emphasis on mainstream Canadian professional sports. The licensee may provide multiple feeds.

(b) Programming may be drawn from all program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.

(c) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming from the following categories: 7, 7(d), 7(e), 8(b) and 8(c).
2. (a) During each broadcast year, the licensee shall devote not less than 60% of the broadcast day and not less than 50% of the evening broadcast period to Canadian programming.

(b) The levels set out in subsection 2(a) shall be met on each feed offered by the service.
3. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-98, 22 June 1993, and in *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993, as may be amended from time to time:
 - (a) In each broadcast year of the licence term following the first year of operation, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 50% of the gross revenues derived from the operation of this service during the previous broadcast year.
 - (b) In each broadcast year of the licence term following the first year of operation, excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such a case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

(c) In each broadcast year of the licence term following the first year of operation, where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:

i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and

ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.

(d) Notwithstanding subsections 3(b) and 3(c), during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

4. (a) Subject to subsections 4(b) and 4(c), the licensee shall not distribute more than 12 minutes of advertising material during each clock hour.
 - (b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.
 - (c) In addition to the 12 minutes of advertising material referred to in subsection 4(a), the licensee may broadcast partisan political advertising during an election period.
 - (d) The licensee shall not distribute any advertising material other than national paid advertising.
5. 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.
6. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
 - adhere to the quality standards on closed captioning developed by the television industry's working groups, as amended from time to time and approved by the Commission; and

- have a monitoring system in place to ensure that closed captioning is included in its broadcast signal and that captioning reaches, in its original form, the distributor of that signal. “Original form” means that, at a minimum, captioning is not dropped, it is passed through (including in high definition), and the correct signal is captioned and broadcast.
7. The licensee shall provide audio description for all the key elements of information programs, including news programming.

For the purposes of this condition of licence, “audio description” refers to announcers reading aloud the textual and graphic information that is displayed on the screen during information programs.
 8. The licensee is authorized to make available for distribution a version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in HD.
 9. 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.
 10. The licensee shall adhere to the Canadian Association of Broadcasters’ *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
 11. The licensee shall adhere to the Canadian Association of Broadcasters’ *CAB Violence 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.

For the purposes of these conditions:

“broadcast day” and “clock hour” shall have the meaning set out in the *Television Broadcasting Regulations, 1987*;

“broadcast month” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast days in a month; and

“broadcast year” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcasting months in a 12-month period, beginning on 1 September in any year.

Expectations

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

The Commission expects the licensee to begin assessing how it will meet the requirement of ensuring that advertising, sponsorship messages and promos in the English and French languages are captioned. Accordingly, the Commission will consider imposing a condition of licence at the licence renewal for the service that will take into account the time elapsed since the issuance of this decision.

The Commission expects the licensee to acquire and make available described versions of programming, where possible.

With respect to described programming, the Commission expects the licensee 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
- make information available regarding the described programs that it will broadcast.

Encouragement

The Commission encourages the licensee to display the standard described video logo and air the audio announcement indicating the presence of described video, following each commercial break.