



Broadcasting Decision CRTC 2005-504

Ottawa, 19 October 2005

Astral Broadcasting Group Inc.
Across Canada

Application 2005-0422-6
Public Hearing in the National Capital Region
15 August 2005

Canal Justice – Category 2 specialty service

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

The application

1. The Commission received an application by Astral Broadcasting Group Inc. (Astral) for a broadcasting licence to operate a national, French-language specialty Category 2¹ specialty programming undertaking to be known as Canal Justice.
2. The applicant proposed to offer programming devoted to exploring the justice system (civil, criminal, military, etc.): major trials, legal and police procedure and investigations, fraud and swindling, legal firms, coroners, forensic pathology, etc. Astral proposed to broadcast justice-related news magazines, documentaries, dramas, and reality television shows. All of the programming would be drawn from the following categories, as set out in Schedule 1 of the *Specialty Services Regulations, 1990* : 2(a) Analysis and interpretation ; 2(b) Long-form documentary ; 3 Reporting and actualities ; 7(a) Ongoing drama series ; 7(b) Ongoing comedy series (sitcoms) ; 7(c) Specials, mini-series or made-for-TV feature films ; 7(d) Theatrical feature films aired on TV ; 11 General entertainment and human interest ; 12 Interstitials ; 13 Public service announcements ; and 14 Infomercials, promotional and corporate videos.
3. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

4. 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,

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.

the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an analog pay or specialty or existing Category 1 service, although not with an existing Category 2 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.

5. The Commission notes the applicant's statement in the application that there is a potential for an overlap that could account for 10% of the broadcast week between the proposed service and two existing French-language services, namely, the specialty service known as Canal D and the Category 1 service known as Mystère. Nevertheless, in the present case, the Commission is satisfied that Canal Justice's proposed nature of service is sufficiently specific to ensure that it will not be directly competitive with any analog pay or specialty or existing Category 1 service.
6. The Commission is satisfied that the application 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 Astral Broadcasting Group Inc. for a broadcasting licence to operate the national, French-language Category 2 specialty programming undertaking, Canal Justice.
7. The licence will expire 31 August 2012, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

Issuance of the licence

8. 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 19 October 2008. 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 in **PDF format** or in **HTML** at the following Internet site: <http://www.crtc.gc.ca>*

Appendix to Broadcasting Decision CRTC 2005-504

Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national, French-language Category 2 specialty programming undertaking offering programming devoted to exploring the justice system (civil, criminal, military, etc.): major trials, legal and police procedure and investigations, fraud and swindling, legal firms, coroners, forensic pathology, etc.
3. The programming shall 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:
 - 2 (a) Analysis and interpretation
 - (b) Long-form documentary
 - 3 Reporting and actualities
 - 7 (a) Ongoing drama series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. All feature films drawn from category 7(d) broadcast by the licensee must have been copyrighted for at least seven years before the date of broadcast.

For the purposes of the conditions of this licence, including condition of licence no.1, *broadcast day* refers to the 24-hour period beginning each day at 4 a.m., or any other period approved by the Commission.