



Broadcasting Decision CRTC 2011-113

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Route reference: 2010-888

Ottawa, 21 February 2011

Astral Broadcasting Group Inc.
Across Canada

Application 2010-1604-8, received 27 October 2010

Playhouse Disney Télé – Licence amendment

*The Commission **denies** an application by Astral Broadcasting Group Inc. to amend the broadcasting licence for the national, French-language Category 2 specialty service Playhouse Disney Télé in order to add program category 15 Filler programming to the list of categories from which it is authorized to draw programming.*

The application

1. The Commission received an application by Astral Broadcasting Group Inc. (Astral) to amend the broadcasting licence for the national, French-language Category 2 specialty programming undertaking Playhouse Disney Télé (formerly Vrak Junior) in order to add program category 15 Filler programming to the list of categories from which it is authorized to draw programming. The Commission did not receive any interventions in connection with this application.
2. The licensee is currently authorized to draw programming from the following categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 2(a), 2(b), 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14.
3. Astral indicated that Playhouse Disney Télé is a service that targets a preschool audience and that does not broadcast any advertising. Consequently, it maintained that it has to draw upon a variety of filler programming to fill the waiting time between the programs it broadcasts.

Commission's analysis and determinations

4. After reviewing the application in light of applicable policies and regulations, the Commission is of the view that the issue to be addressed in its determinations relates to the broadcast of programs drawn from category 15.
5. In regard to Astral's request to broadcast programming from program category 15, the Commission notes that in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000 (Public

Notice 2000-171), it removed this program category from almost all of the nature of service descriptions for Category 2 services. It considered that all programming drawn from program category 15 should be categorized more specifically under other categories and logged as such.

6. The Commission is also concerned by the possibility that the licensee of a Category 2 service may seek to fulfill part of its Canadian programming broadcast requirements through the broadcast of programs drawn from category 15. The approval of the present application would in this regard constitute a precedent and be contrary to the Commission's approach as set out in Public Notice 2000-171.
7. In light of the above, the Commission **denies** the application by Astral Broadcasting Group Inc. to amend the broadcasting licence for the national, French-language, Category 2 specialty programming undertaking Playhouse Disney Télé in order to add program category 15 Filler programming to the list of categories from which it is authorized to draw programming.

Secretary General