



Broadcasting Decision CRTC 2012-444

PDF version

Route reference: 2012-126

Ottawa, 16 August 2012

L'Autre TV inc.
Across Canada

Application 2012-0012-0, received 5 January 2012

Public hearing in Toronto, Ontario

7 May 2012

L'Autre TV – Specialty Category B service

*The Commission **approves** an application for a broadcasting licence to operate a specialty Category B service.*

The application

1. L'Autre TV inc. filed an application for a broadcasting licence to operate L'Autre TV, a national, French-language specialty Category B service that would be devoted to families from the communities of diversity found in Quebec, with a focus on second, third and fourth generations in the content as well as in the choice of hosts, and that would be open to the host society. The Commission received interventions in support of this application.
2. L'Autre TV inc. is controlled by its majority shareholder Ms. Madeleine Bégon pursuant to the Shareholders Agreement dated 15 February 2011.
3. The applicant proposed to draw programming from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11(a), 11(b), 12, 13 and 14.
4. To ensure that the proposed service would not be directly competitive with existing Category A and C services, the applicant indicated that it would accept the following conditions of licence:
 - The licensee shall devote no more than 15% of all programming broadcast during the broadcast month to programming drawn from program category 2(b). This portion of the program schedule will consist of short and long-form independent documentaries that are not broadcast on other channels and that directly address the needs, realities and concerns expressed by the communities of diversity

primarily, as well as of the host society, in a spirit of sharing enhanced with foreign content.

- The licensee shall devote no more than 15% of all programming broadcast during the broadcast month to programming drawn from program category 6(a). This part of the schedule will consist of the broadcast of sports activities (training camps, competitions, and championships from here or from the countries of origin of the communities of diversity and in which the communities express interest). These activities will be broadcast and commented on in collaboration with league officials, teams, training schools in the domain.
- The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming drawn from each of program category 7(d) and 7(e).
- The licensee shall devote no more than 15% of all programming broadcast during the broadcast month to programming drawn from program categories 8(b) and 8(c) combined. These videos will consist of world music and rhythms including video clips and music videos not distributed by other, mainly French-language services.

Commission's analysis and decisions

5. The Commission notes that the applicant proposed a limit of 15% per broadcast month for program category 6(a). This limit is not consistent with the standard limitation of 10% per broadcast month set out in Broadcasting Public Notice 2008-100. The Commission considers that the applicant's description set out in its condition of licence –“broadcast of sporting activities (training camps, competitions, and championships from here or from the countries of origins of the communities of the diversity and in which the communities express interest)”– is not sufficiently restrictive to ensure that the service will not become directly competitive with sports specialty Category C services. The Commission therefore finds it appropriate to apply the standard limit of 10% per broadcast month to program category 6(a) to ensure that the service will not become competitive with any Category C service.
6. The Commission also notes that the applicant proposed limits of 15% per broadcast month for program category 2(b) as well as program categories 8(b) and 8(c) combined. These limits do not comply with the standard limit of 10% set out in Broadcasting Public Notice 2008-100. The Commission considers, however, that the additional descriptions proposed in its conditions of licence, combined with the nature of service, are sufficient to ensure that the service will not directly compete with existing Category A and C services.

Conclusion

7. The Commission is satisfied that the application, combined with the modifications stated above, complies with all applicable policies, terms and conditions, including

those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100 and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Accordingly, the Commission **approves** the application by L’Autre TV inc. for a broadcasting licence to operate the national, French-language specialty Category B service L’Autre TV. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

8. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the *Broadcasting Distribution Regulations*.

Secretary General

Related documents

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2012-444

Terms, conditions of licence, expectations and encouragements for the specialty Category B service L'Autre TV

Terms

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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2018.

Conditions of licence

1. The licensee shall adhere to the conditions set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.
2. In regard to the nature of service:
 - (a) The licensee shall provide a national, French-language specialty Category B service devoted to families from the communities of diversity found in Quebec, with a focus on second, third and fourth generations in the content as well as in the choice of hosts, and that is open to the host society.
 - (b) The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 3 Reporting and actualities
 - 4 Religion
 - 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 Drama and comedy

- (a) Ongoing dramatic series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 (a) General entertainment and human interest
 - (b) Reality television
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
- (c) The licensee shall devote no more than 15% of all programming broadcast during the broadcast month to programming drawn from program category 2(b). These programs shall consist of short and long-form independent documentaries that are not broadcast on other channels and that directly address the needs, realities and concerns expressed by the communities of diversity primarily, as well as of the host society, in a spirit of sharing enhanced with foreign content.
- (d) The licensee shall devote no more than 15% of all programming broadcast during the broadcast month to programming drawn from program categories 8(b) and 8(c) combined. These programs shall consist of world music and rhythms including video clips and music videos not distributed by other, mainly French-language services.
- (e) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming drawn from each of program categories 6(a), 7(d) and 7(e).
3. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, “broadcast day” refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.

Expectation

The standard expectations applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and*

specialty services – Corrected Appendices 1 and 2, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, as amended from time to time.