



## Broadcasting Decision CRTC 2012-531

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Route reference: 2012-212

Ottawa, 2 Octobre 2012

**MOTV Média Inc.**

Across Canada

*Application 2012-0170-7, received 9 February 2012*

*Public hearing in the National Capital Region*

*7 June 2012*

### **MOTV – Specialty Category B service**

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

#### **The application**

1. MOTV Média Inc. (MOTV Média) filed an application for a broadcasting licence to operate MOTV, a national, French-language specialty Category B service that would be devoted to personal development in the sense of leadership, motivation and self-transcendence. The service would focus on the interests and needs of a wide audience composed of men and women of all ages.
2. MOTV Média is a corporation controlled by Patrick Isaac.
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: 2(a), 2(b), 4, 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 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 adhere to the following conditions of licence:
  - The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programs drawn from category 2(b).
  - The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programs drawn from category 4.
  - The licensee shall devote no more than 20% of all programming broadcast during the broadcast month to programs drawn from each of categories 7(d) and 7(e).

5. The Commission received one comment in connection with this application. The comment is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and decisions**

6. As also stated by the intervener, the Commission notes that the applicant proposed a limit of 20% per broadcast month in regard to each of program categories 7(d) and 7(e), which does not adhere to the standard limit of 10% per broadcast month for those categories, as set out in Broadcasting Public Notice 2008-100. The applicant stated that the exception to the standard limit of 10% of the broadcast month for categories 7(d) and 7(e) would allow for greater flexibility to present motivating and inspiring feature films devoted to biographies and life experiences, all topics related to the motivational character of the service.
7. The Commission is of the view that the rationale provided by the applicant is not sufficient to ensure that the service would not compete with existing Category A and Category C services, and in particular with Super Écran, a national, French-language pay television Category A service of which the programming consists primarily of feature films. Moreover, the Commission considers that categories 7(d) and 7(e) are not central to the proposed service's nature of service. Accordingly, the Commission finds it appropriate to reduce the maximum percentage of programming to be drawn from each of program categories 7(d) and 7(e) to 10% of the broadcast month.

### **Conclusion**

8. The Commission is satisfied that the application 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 MOTV Média Inc. for a broadcasting licence to operate the national, French-language specialty Category B service MOTV. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminder**

9. 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 2012-531**

### **Terms, conditions of licence, expectations and encouragements for the specialty Category B service MOTV**

#### **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 2019.

#### **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.
2. In regard to the nature of service:
  - (a) The licensee shall provide a national, French-language specialty Category B service devoted to personal development in the sense of leadership, motivation and self-transcendence. The service will focus on the interests and needs of a wide audience composed of men and women of all ages.
  - (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:
    - 2 (a) Analysis and interpretation
    - (b) Long-form documentary
    - 4 Religion
    - 5 (a) Formal education and pre-school
    - (b) Informal education/Recreation and leisure
    - 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
  - 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 10% of all programming broadcast during the broadcast month to programs drawn from category 2(b).
  - (d) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programs drawn from category 4.
  - (e) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programs drawn from each of categories 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” means the period of up to 18 consecutive hours, beginning each day not earlier than six o’clock in the morning and ending no later than one o’clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.

## **Expectations**

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.