



Broadcasting Decision CRTC 2012-600

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Route reference: 2012-370

Ottawa, 30 October 2012

Paul Girouard, on behalf of a corporation to be incorporated
Across Canada

Application 2012-0523-7, received 17 April 2012

Public hearing in Montréal, Quebec

10 September 2012

Hockey TV – Specialty Category B service

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

The application

1. Paul Girouard, on behalf of a corporation to be incorporated (OBCI), filed an application for a broadcasting licence to operate Hockey TV, a national English-language specialty Category B service that would be devoted exclusively to all aspects of the game of hockey, including hockey news, coverage of professional and amateur games, analysis and interpretation of hockey news and events, hockey-related documentaries, the replaying of classic games, interviews, magazine shows and training and instructional programming. The Commission did not receive any interventions regarding this application.
2. Paul Girouard (OBCI) will be controlled by its sole shareholder and director Paul Girouard.
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, 5(b), 6(a), 6(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 or C services, the applicant indicated that it would accept a condition of licence requiring it to devote no more than 10% of all programming broadcast during the broadcast month to programming drawn from each of program categories 2(b) and 7, as well as a condition of licence requiring it not to broadcast any live coverage of National Hockey League games.

Commission's analysis and decision

5. The Commission notes that the proposed limit of 10% for program categories 2(b) and 7 is consistent with the standard limit established in Broadcasting Public Notice 2008-100. The Commission notes that the applicant did not propose a limit on programming drawn from category 6(a) Professional sports. However, the Commission considers that the very focused nature of the service and the proposed restriction regarding live coverage of National Hockey League games will ensure that the service will not be directly competitive with Category A or C services. As such, the Commission is of the view that a limit on category 6(a) programming is not necessary.
6. 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 Paul Girouard, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national English-language specialty Category B service Hockey TV. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

7. 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 2012-600

Terms, conditions of licence, expectations and encouragements for the specialty Category B service Hockey TV

Terms

A licence will be issued once the applicant has satisfied the Commission with supporting documentation that the following requirements have been met:

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- 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 English-language specialty Category B service devoted exclusively to all aspects of the game of hockey, including hockey news, coverage of professional and amateur games, analysis and interpretation of hockey news and events, hockey-related documentaries, the replaying of classic games, interviews, magazine shows and training and instructional programming.
 - (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
 - 5 (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
 - 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 programming drawn from each of program categories 2(b) and 7.
- (d) The licensee shall not broadcast any live coverage of National Hockey League games.

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 and encouragements

The standard expectations and 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.