



Broadcasting Decision CRTC 2007-132

Ottawa, 10 May 2007

Stuart Media Group Inc.
Across Canada

Application 2007-0032-9, received 9 January 2007
Broadcasting Public Notice CRTC 2007-10
27 January 2007

CGTV – Licence amendment

*The Commission **approves** an application to amend the broadcasting licence for CGTV (originally approved under the name of The Gaming Channel), by adding to the list of program categories that may be broadcast by the service.*

Introduction

1. The Commission received an application by Stuart Media Group Inc. (Stuart Media) to amend the broadcasting licence for the national, English-language Category 2 specialty programming undertaking CGTV (originally approved under the name The Gaming Channel), in order to add to the list of program categories that may be broadcast by the service.
2. The licensee proposed to broaden its nature of service by amending condition of licence 1.(b) set out in *The Gaming Channel*, Broadcasting Decision CRTC 2001-549, 4 September 2001, which stipulates that the programming broadcast by CGTV must be drawn from categories 1, 2(a), 2(b), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(e), 7(f), 7(g), 10, 11, 12, 13 and 14, as set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*. Specifically, Stuart Media requested authority to also broadcast programming drawn from category 7(d) Theatrical feature films aired on TV.
3. The licensee submitted that the addition of programming drawn from category 7(d) would fall well within CGTV's longstanding nature of service mandate and would allow for a positive enhancement of the viewing experience for subscribers. The licensee also agreed to accept a condition of licence limiting the amount of programming to be drawn from category 7(d) to 15% of its programming broadcast during the broadcast week.
4. The Commission received one intervention in opposition to this application from Channel Zero Inc. (Channel Zero). Stuart Media did not reply to this intervention.

Commission's analysis and determinations

5. After examining the application and the intervention, the Commission finds that the issue is whether it is appropriate for this service, which focuses on gaming, to be authorized to broadcast theatrical feature films aired on television.
6. Channel Zero submitted that Stuart Media did not provide any valid reason for the addition of category 7(d) programming other than suggesting that not requesting authority to broadcast programming from this category was an oversight in its original application. Channel Zero was also of the view that the licensee did not provide any justification on how the proposed addition of programming from category 7(d) would add diversity to the Canadian broadcasting system.
7. Channel Zero further argued that the licensee's request to add category 7(d) to the list of CGTV's authorized program categories would not be consistent with the licensee's nature of service. The intervener also questioned the licensee's proposal to accept a 15% limitation on programs drawn from category 7(d), given that the 15% limitation, if fully exploited, would dramatically change the nature of CGTV's programming.
8. The Commission notes that in the following decisions, Category 2 specialty services similar to CGTV were authorized to draw programming from category 7(d): *The Players Channel – Category 2 specialty service*, Broadcasting Decision CRTC 2006-545, 21 September 2006; *The Wagering Network – Category 2 specialty service*, Broadcasting Decision CRTC 2005-578, 5 December 2005; and *Gambling TV – Category 2 specialty service*, Broadcasting Decision CRTC 2005-555, 24 November 2005. The Commission therefore considers that the addition of a limited amount of programming drawn from category 7(d) would be consistent with CGTV's nature of service.
9. Channel Zero also submitted that the Commission, should it approve the present application, should also impose a limit on programs drawn from category 7(d) to the broadcast of one movie per week, with a limited repeat cycle. The intervener also submitted that, should the application be approved, Stuart Media should be required to broadcast one Canadian feature-length film for every foreign feature film that it broadcasts. However, the Commission considers that Stuart Media's proposal to limit the amount of programming drawn from category 7(d) to 15% of its programming broadcast during the broadcast week is appropriate and consistent with prior decisions issued by the Commission and, therefore, that the limitations proposed by Channel Zero are not required.
10. Accordingly, the Commission **approves** the application by Stuart Media Group Inc. to amend the broadcasting licence for the national, English-language Category 2 specialty programming undertaking CGTV, by adding program category 7(d) to the list of categories from which the licensee may draw its programming.

11. The amended condition of licence 1.(b) now reads as follows:

1.(b) The programming shall be drawn exclusively from the following 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
- 5 (b) Informal education/Recreation and leisure
- 6 (a) Professional sports
 - (b) Amateur sports
- 7 Drama and comedy
 - (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
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
- 10 Game shows
- 11 General entertainment and human interest
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

12. In addition, as proposed by the licensee, the licence will be subject to the following **condition of licence**:

1.(d) No more than 15% of all programming broadcast during the broadcast week shall be drawn from category 7(d).

13. The Commission reminds the licensee that, as is the case for programming drawn from the other programming categories, any theatrical feature film aired on CGTV must conform to condition of licence 1.(a), which requires that all programming broadcast on the service be related to gaming.

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>