



Broadcasting Decision CRTC 2007-207

Ottawa, 27 June 2007

**Bhupinder Bola, on behalf of a corporation to be incorporated
Across Canada**

*Application 2006-1562-7, received 30 November 2006
Public Hearing at Membertou, Nova Scotia
16 April 2007*

The Work TV Channel (WTC) – Category 2 specialty service

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

1. Bhupinder Bola, on behalf of a corporation to be incorporated, filed an application for a broadcasting licence to operate The Work TV Channel (WTC), a national English-language Category 2 specialty programming undertaking devoted to the world of work, jobs, unions, news and careers.
2. The Commission has implemented a competitive, open-entry approach to licensing Category 2 services. While the Commission does not consider the impact that a Category 2 service might have on an existing Category 2 service, it does seek to ensure that Category 2 services do not compete directly with any existing Category 1 or analog pay or specialty television service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question. Where appropriate, in setting conditions of licence, the Commission prevents or limits the broadcast of specific types of programming to ensure that the service is not nor will become directly competitive with any existing Category 1 or analog pay or specialty television service.
3. In the present case, the Commission received an intervention in connection with the application from Astral Television Networks, a division of Astral Broadcasting Group Inc. (Astral). Astral owns and operates The Movie Network and MPix, two English-language analog pay television programming undertakings that provide general interest theatrical movie-based services in eastern Canada. The intervener noted that the applicant had proposed no restrictions on its selections from the programming categories set out in the *Specialty Services Regulations, 1990*. Astral requested that the service be subject, by condition of licence, to a 15% limitation on programs from category 7(d) (Theatrical feature films aired on TV).

4. In its reply to Astral's intervention, the applicant stated that the Commission has previously licensed several Category 2 English-language services with either no limitation on category 7(d) programming or with a limitation on category 7(d) programming greater than that proposed by Astral. The applicant indicated that it would prefer that the Commission not impose any restriction on programming in this category, but that it would adhere to such a condition should the Commission find it necessary.

Commission's analysis and determinations

5. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by Bhupinder Bola, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national English-language Category 2 specialty programming undertaking The Work TV Channel (WTC). The terms and **conditions of licence** of the new undertaking are set out in the appendix to this decision.
6. However, the Commission notes that while the applicant named a number of Category 2 English-language services with either no restriction on category 7(d) programming or with a limitation on category 7(d) programming greater than that proposed by Astral, none shared the same nature of service as that of the proposed undertaking. In the present case, the Commission is of the view that the applicant's nature of service in and of itself is insufficiently defined to prevent the proposed service from competing directly with the services provided by Astral. Accordingly, the Commission considers that it would be appropriate to impose a 15% weekly limit on programs to be drawn from category 7(d). A **condition of licence** to that effect is set out in the appendix to this decision.

Secretary General

Related documents

- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000
- *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. 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>

Appendix to Broadcasting Decision CRTC 2007-207

Terms and conditions of licence for the Category 2 specialty programming undertaking, The Work TV Channel (WTC)

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. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 27 June 2010. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

The licence will expire 31 August 2013.

Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national English-language Category 2 specialty programming service devoted to the world of work, jobs, unions, news and careers.
3. 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
 - 3 Reporting and actualities
 - 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure

- 7 (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
 - (g) Other drama
 - 9 Variety
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. Not more than 15% of all programming broadcast during the broadcast week shall be drawn from category 7(d).
5. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.