



Broadcasting Decision CRTC 2007-66

Ottawa, 16 February 2007

Hookup TV Networks Inc.
Across Canada

*Application 2006-0999-3
Public Hearing in the National Capital Region
18 December 2006*

Hook Up TV – 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. The licence will be issued once the applicant has met the requirements specified at the end of this decision.*

The application

1. The Commission received an application by Hookup TV Networks Inc. for a broadcasting licence to operate a national, English-language Category 2¹ specialty programming undertaking to be known as Hook Up TV.
2. The applicant proposed to offer a service that would be devoted to Canadian and international productions about relationships and dating. The service would consist of programming providing advice and entertainment in the realm of human relationships.
3. All of the programming would be drawn from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*: 5(b) Informal education/Recreation and leisure; 7(b) Ongoing comedy series (sitcoms); 7(c) Specials, mini-series or made-for-TV feature films; 7(d) Theatrical feature films aired on TV; 7(e) Animated television programs and films; 7(f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy; 10 Game shows; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.

Interventions

4. The Commission received a comment by Astral Television Networks (Astral), a division of Astral Broadcasting Group Inc., which commented on this application.

¹ The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

5. Astral noted that, under the Commission's licensing framework for new specialty and pay services, the Commission has, in authorizing Category 2 services, established restrictions on certain proposed services to ensure that they will not be directly competitive with existing pay, specialty and Category 1 digital channels. These limitations include specific restrictions on program categories and, in particular, restrictions on programming drawn from category 7(d). Astral stated that, in cases of previously authorized Category 2 services, the Commission has generally imposed a 15% limitation on category 7(d) programs. Astral submitted that, if the Commission approved the present application, it should also impose a condition of licence requiring a 15% limitation on programs drawn from category 7(d).
6. The applicant did not reply to Astral's intervention.

Commission's analysis and determination

7. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. In *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an existing analog pay or specialty service or an existing Category 1 service, although not with an existing Category 2 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.
8. In the Commission's view, the intervener's proposal to limit the amount of category 7(d) programs broadcast by Hook Up TV would define the service in a manner that is sufficiently specific to ensure that it would not directly compete with any analog pay specialty or existing Category 1 service. The Commission is also satisfied that such a limitation would be consistent with the Commission's approach in licensing previous Category 2 services.
9. Based on its examination of this application, the Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in *Introductory statement - Licensing of new digital pay and specialty services - Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by Hookup TV Networks Inc. for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking, Hook Up TV.
10. The Commission reminds the applicant that, if it wishes to enter at any time into an agreement with non-Canadian independent producers regarding the supply of programming or the use of a licence trademark, it must comply 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 Direction). Accordingly, the Commission

has imposed a **condition of licence**, as set out in the appendix to this decision, that requires the licensee to file, for the Commission's review, a copy of any programming supply agreement or licence trademark agreement it intends to enter into with a non-Canadian party, in order to ensure that the licensee complies at all times with the Direction.

11. The licence will expire 31 August 2013, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision, including a **condition** requiring a 15% limitation on category 7(d) programs.

Issuance of the licence

12. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
 - the applicant must file, within 60 days of the date of this decision, an executed copy of the by-laws for Hookup TV Networks Inc.;
 - 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 16 February 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.

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>

Appendix to Broadcasting Decision CRTC 2007-66

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 Canadian and international productions about relationships and dating. The service shall consist of programming providing advice and entertainment in the realm of human relationships.
3. The programming shall be drawn exclusively from the following categories, as set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 5 (b) Informal education/Recreation and leisure
 - 7 (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, improvisations, unscripted works, stand-up comedy
 - 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 each 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 Direction), 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* means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not 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.