



Broadcasting Public Notice CRTC 2008-115

Ottawa, 3 December 2008

Regulatory policy

Addition of LUXE.TV to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add LUXE.TV to the lists of eligible satellite services for distribution on a digital basis and amends the lists of eligible satellite services accordingly. The revised lists are available on the Commission's website at www.crtc.gc.ca under "Industries at a Glance."*

Introduction

1. The Commission received a request dated 13 June 2008 from Videotron Ltd. (Videotron) for the addition of LUXE.TV, a French-language satellite service originating from Luxembourg, to the lists of eligible satellite services for distribution on a digital basis (the digital lists).
2. Videotron described the service as an international channel offering programming dedicated to shows, magazines and documentaries all related to the world of luxury.
3. In Broadcasting Public Notice 2008-89, the Commission called for comments on the proposed addition of LUXE.TV to the digital lists. The Commission received one comment in support of Videotron's request.

Commission's analysis and determinations

4. The Commission's approach to the addition of English- and French-language non-Canadian services is set out in Public Notice 2000-173. Under this approach, proposals for the inclusion of a non-Canadian service on the lists are assessed in the context of the Commission's policy that generally precludes the addition of new non-Canadian satellite services if the Commission determines them to be either totally or partially competitive with Canadian specialty or pay television services, including all specialty and pay television programming undertakings whose licence applications have been approved by the Commission.
5. The Commission uses a case-by-case approach to determine whether or not a non-Canadian service proposed for addition to the lists would be competitive with an authorized Canadian service. Factors considered by the Commission in its assessment of the competitiveness of a non-Canadian service include the nature of the service, language of operation, the genres of programming provided, and the target audience. The Commission also considers relevant the extent to which a proposed non-Canadian service may be a program supplier for an authorized Canadian service.

6. The Commission assesses the factors noted above in order to determine the amount of overlap between the sponsored non-Canadian service and the relevant Canadian services and thus the extent to which the non-Canadian service might compete with the Canadian services. The more significant the overlap, the more likely it is that the non-Canadian service will be found to be competitive with the Canadian services.
7. In Broadcasting Public Notice 2008-89, the Commission stated that it would rely primarily on the comments filed to identify the Canadian pay and specialty services with which LUXE.TV might be totally or partially competitive and which therefore should be included in the assessment of the competitiveness of the service. The Commission asked that parties wishing to argue that LUXE.TV would be competitive name the specific Canadian pay or specialty service(s) with which they considered the service would compete and provide details to support their views, such as comparisons as to nature and genre of service, programming schedule, programming sources and supply, and target audience.
8. In the present case, the Commission has received only one comment with respect to Videotron's request, and this comment supports the addition of LUXE.TV to the digital lists. Based on the record of the proceeding, the Commission concludes that LUXE.TV would not be competitive with any Canadian pay or specialty service.
9. In light of the above, the Commission **approves** the addition of LUXE.TV to the digital lists and amends the lists of eligible satellite services accordingly. The lists of eligible satellite services are available on the Commission's website at www.crtc.gc.ca under "Industries at a Glance" and may be obtained in hard copy on request.

Secretary General

Related documents

- *Call for comments on the proposed addition of LUXE.TV to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2008-89, 7 October 2008
- *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000

This document 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>.