



Broadcasting Regulatory Policy CRTC 2009-129

Ottawa, 10 March 2009

Addition of CNN International to the lists of eligible satellite services for distribution on a digital basis, and name changes for certain services

*The Commission **approves** a request to add CNN International to the lists of eligible satellite services for distribution on a digital basis and amends the lists accordingly. It also revises the lists to reflect name changes for certain services. The revised lists are available on the Commission's website at www.crtc.gc.ca under "Broadcasting Sector."*

Introduction

1. The Commission received a request dated 30 May 2008 from Shaw Communications Inc. (Shaw) for the addition of CNN International (CNNI), a non-Canadian, English-language satellite service originating in the United States, to the lists of eligible satellite services for distribution on a digital basis (the digital lists).
2. Shaw described the service as a 24 hour-per-day, professionally produced, satellite-delivered, advertiser-supported video programming service in the English language predominantly consisting of news, information and special features. According to Shaw, CNNI focuses on international news, current affairs and business programming reported by staff of various international backgrounds.
3. The Commission's general 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.
4. 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, taking into account factors such as 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.
5. In Broadcasting Public Notice 2008-76, the Commission called for comments on the proposed addition of CNNI to the digital lists pursuant to the approach described above. The Commission stated that it would rely primarily on the comments filed to identify the Canadian pay and specialty services with which CNNI 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

CNNI would be competitive should therefore name the specific Canadian pay or specialty service or services 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.

6. In Broadcasting Public Notice 2008-76, the Commission noted that parties requesting that a non-Canadian service be added to the digital lists are required to provide a statement from the service provider that it has obtained all necessary rights for distribution of its programming in Canada. Further, services are added to the digital lists subject to a requirement to this effect, among other things. In this case, CNNI stated that it had not yet obtained all the necessary rights but undertook to ensure that all such rights would be obtained before its signal is made available in Canada. The Commission stated that it was prepared to seek comment on the request on the basis of this statement. However, the Commission added that it would require confirmation that CNNI does in fact have all the necessary rights before actually adding the service to the digital lists. The Commission notes that Shaw filed the required undertaking on 3 February 2009.

Comments received

7. The Commission received only two comments, both of which came from individuals who supported the addition of CNNI to the digital lists.

Commission's analysis and determinations

8. The Commission notes that the comments received in this proceeding supported the addition of CNN International to the digital lists. The Commission further notes that, in Broadcasting Public Notice 2008-100, it stated that, effective immediately, it would be predisposed to authorize non-Canadian news services for distribution in Canada, absent clear evidence, as determined by the Commission, that they would violate Canadian regulations, such as those regarding abusive comment. Since no clear evidence was presented to raise concerns regarding considerations such as abusive comment, the Commission **approves** the addition of CNN International 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 "Broadcasting Sector" and may be obtained in hard copy on request.

Other matters

9. The Commission notes the following changes to the names of some Canadian services on the lists of eligible satellite services, and is amending the lists to reflect these changes.
 - Learning and Skills Television of Alberta is now ACCESS
 - Atlantic Satellite Network (ASN) is now "A" Atlantic

- Open Learning Agency (Knowledge Network) is now Knowledge

Secretary General

Related documents

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Call for comments on the proposed addition of CNN International (CNNI) to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2008-76, 3 September 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>.