



Broadcasting Regulatory Policy CRTC 2009-562

Route reference: Broadcasting Public Notice 2008-100

Additional reference: Broadcasting Public Notice 2008-103

Ottawa, 4 September 2009

Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news

The Commission announces the standard conditions of licence for competitive Canadian mainstream sports and national news specialty services. The conditions of licence are set out in the appendices to this document.

The Commission is prepared to consider applications for broadcasting licences or licence amendments to operate specialty services in these genres subject to the standard conditions of licence. Any new entrants should file their applications as Category 2 services and expect that the standard conditions of licence will be imposed at licensing. Incumbents may apply for a licence amendment to replace their current obligations with the standard conditions of licence.

Introduction

1. In Broadcasting Public Notice 2008-100, the Commission announced, among other things, its intention to open up the genres of mainstream sports and national news to competition among licensed Canadian specialty services. The Commission stated that the specialty services currently operating in these genres – The Sports Network (TSN), Sportsnet, Le Réseau des sports (RDS), Newsworld, CTV Newsnet, Le Réseau de l'information (RDI) and Le Canal Nouvelles (LCN) (the incumbents) – are strong, healthy, highly popular and highly competitive.
2. The Commission indicated that competitive Canadian mainstream sports and national news specialty services (mainstream sports services and national news services) would be subject to the following:
 - a common and standard nature of service definition;
 - common Canadian programming exhibition and spending obligations, as well as original programming obligations, where appropriate; these would be set at levels consistent with conditions that currently apply to the incumbent service(s);

- no access rights (except where the service benefits from a mandatory distribution order under section 9(1)(h) of the *Broadcasting Act* (the Act),¹ although undue preference provisions (including the new reverse onus provision) would continue to apply (i.e., broadcasting distribution undertakings (BDUs) that dropped unaffiliated services in favour of affiliated services could be found to be conferring an undue preference);
 - no regulated wholesale fee (except where a rate is specified in a 9(1)(h) order²); and
 - continued genre exclusivity from non-Canadian and Category B services.
3. In Broadcasting Public Notice 2008-103, the Commission requested comments on proposed conditions of licence for competitive mainstream sports and national news services that reflect its determinations set out above. The Commission also indicated that it would impose on those services standard conditions of licence pertaining to advertising, closed captioning, described video and industry codes with respect to equitable portrayal, advertising to children and violence. All of the proposed conditions of licence were set out in appendices to Broadcasting Public Notice 2008-103.
 4. The Commission received comments from 12 parties in response to the call for comments. The parties included the owners of incumbent mainstream sports and national news services as well as other Canadian broadcasters. The public record for this proceeding is available on the Commission’s website at www.crtc.gc.ca under “Public Proceedings.”
 5. The parties generally supported the Commission’s decision to introduce competition in mainstream sports and national news services and commented on specific aspects of the proposed conditions of licence. In the following sections, the Commission addresses the comments received from these parties.

Exhibition of and expenditures on Canadian programming

Mainstream sports specialty services

6. The Commission proposed conditions of licence requiring competitive mainstream sports services to devote not less than 50% of the broadcast day and not less than 60% of the evening broadcast period to the exhibition of Canadian programming, and to expend, in each broadcast year, a minimum of 45% of gross revenues from the previous broadcast year on Canadian programming.

¹ In Broadcasting Decision 2007-246, the Commission issued mandatory orders requiring the distribution of CBC Newsworld and RDI in minority-language markets.

² In Broadcasting Public Notice 2006-23, the Commission determined that it would no longer regulate the wholesale rates for the digital distribution of the analog services.

Issues

7. CTVGlobemedia Inc. (CTVgm), the owner of TSN and RDS, and Rogers Media Inc. (Rogers), the owner of Sportsnet, sought the removal of the proposed Canadian content requirement for the evening broadcast period. These parties argued that peak viewing for sports services generally takes place during a live sporting event, regardless of the time of day it airs. CTVgm proposed that competitive mainstream sports services should instead be required to devote a minimum of 55% of the overall broadcast day to Canadian programming. Rogers proposed a minimum of 50% of the overall broadcast day.
8. The Canadian Film and Television Production Association (CFTPA) expressed concern that the proposed Canadian programming exhibition and expenditure requirements were too low. The CFTPA added that the proposed Canadian programming expenditure (CPE) requirement does not reflect the incumbent mainstream sports services' current average CPE requirement of 49.3%.

Commission's determinations

9. Currently, each of the incumbent mainstream sports services is subject to different licence requirements for the exhibition of Canadian programming over the broadcast day and in the evening broadcast period as set out in their respective conditions of licence. On average, these services must broadcast a minimum of 60% Canadian content over the broadcast day and a minimum of 56.6% during the evening broadcast period. Each of the incumbent mainstream sports services is also subject to condition of licence requirements for CPE. On average, these services must spend a minimum of 49.3% of the previous broadcast year's gross revenues on Canadian programming.
10. The Commission notes that a specific requirement for the evening broadcast period is intended to ensure adequate Canadian content during periods when most Canadians are watching television. Further, the proposed minimum Canadian content requirement for the evening broadcast period is no more stringent than any of the incumbent's current requirements. The Commission therefore determines that deletion of a specific requirement for the exhibition of Canadian programming during the evening broadcast period would not be appropriate at this time.
11. The Commission recognizes that, with the loss of access rights and genre protection, competitive mainstream sports services will face more business risk in a competitive environment. Nevertheless, the Commission finds that it is appropriate to require competitive mainstream sports services to abide by conditions of licence that reflect the incumbent services' current average requirements with respect to the exhibition of and expenditures on Canadian programming.
12. Accordingly, the standard conditions of licence set out in Appendix 1 to this document require the licensees to devote not less than 60% of the broadcast day and not less than 50% of the evening broadcast period to the exhibition of Canadian programming, and to expend, in each broadcast year, a minimum of 50% of gross revenues from the previous broadcast year on Canadian programming.

Mainstream national news services

13. The Commission proposed a condition of licence requiring competitive national news services to devote not less than 90% of the overall broadcast day to Canadian programming.
14. The Commission also proposed a condition of licence setting out CPE requirements for these services.

Issue

15. Most interveners supported the proposed Canadian content requirement. However, the CFTPA argued that a Canadian content level of 90% was too low for national news services.

Commission's determinations

16. The Commission notes that Newsworld and RDI are currently required, by condition of licence, to devote not less than 90% of the broadcast day to Canadian programming, while CTV Newsnet and LCN must currently broadcast 100% Canadian programming. The Commission further notes that a Canadian content requirement of 90% has allowed Newsworld and RDI to broadcast high-quality international current affairs programming including *BBC World News* and the documentaries of *Les grands reportages* and *The Passionate Eye*. In the Commission's view, a framework that continues to provide opportunities for foreign news programming should be maintained.
17. In light of the above, the Commission finds that the proposed condition of licence for the exhibition of Canadian programming on competitive mainstream national news services is appropriate and is retaining it in the standard conditions of licence set out in Appendix 2 to this document.
18. The incumbent mainstream national news services are not currently subject to conditions of licence for CPE because they broadcast a high level of Canadian content, often more than 90% of the broadcast day. The Commission erroneously proposed a CPE condition of licence for the competitive mainstream national news services. The Commission therefore is not imposing the proposed CPE condition of licence.

Nature of service definition

Multiple feeds on mainstream sports services

19. The Commission included an authorization to provide multiple feeds in the proposed condition of licence that defines the nature of service of competitive mainstream sports services.

Issue

20. Score Media Inc. (SMI) submitted that competition would be significantly undermined if mainstream sports services were permitted to use a multiple feed condition of licence to introduce multiple national sports channels. According to SMI, wealthy sports services could thereby monopolize the market by purchasing all the rights to major sporting properties. SMI therefore requested that the Commission impose limits on the number of feeds and on the level of differentiated programming and advertising that a single licensee may provide.
21. For its part, Maple Leaf Sports and Entertainment Ltd. (MLSE) submitted that multiple feed provisions can be particularly important to accommodate regional broadcast rights limitations.

Commission's determination

22. The intent of the existing provisions that allow the incumbent mainstream sports services to offer multiple feeds is to provide some distinct programming to serve different regions and to accommodate regional broadcast rights limitations. The Commission considers that authorizing competitive mainstream sports services to provide multiple feeds will continue to promote the broadcast of distinct regional sports programming. The Commission is also of the view that, in a competitive environment, as proposed in Broadcasting Public Notice 2008-100, it would not be appropriate to impose specific limits on the number of such feeds nor on the amount of distinct programming or advertising that can be broadcast.
23. The Commission finds that it is appropriate to include an authorization to provide multiple feeds in the condition of licence that defines the nature of service of competitive mainstream sports services. The Commission is therefore retaining this authorization in the standard conditions of licence set out in Appendix 1 to this document.

Multiple feeds on mainstream national news services

24. The Commission did not include an authorization to provide multiple feeds in the proposed condition of licence that defines the nature of service of competitive mainstream national news specialty services.

Issue

25. The Canadian Broadcasting Corporation (the CBC), the licensee of Newsworld and RDI, submitted that competitive mainstream national news services should have the same flexibility as sports services in offering multiple feeds. In the CBC's view, such a measure would promote a greater diversity and depth of Canadian voices.

Commission's determination

26. The Commission considers that, in the current regulatory and economic context, allowing multiple feeds for competitive national news services may create further financial pressure on conventional television networks. Local news continues to be an important component of the conventional television business model and allowing multiple regionally focused feeds would be imprudent at this time given the current financial situation of conventional television. Allowing multiple feeds for competitive national news specialty services may also result in undue competition with regional news specialty services, where genre protection still applies. This is likely to negatively affect the development of these regional news services and may also preclude the establishment of new ones.
27. The Commission finds that the proposed nature of service condition of licence for competitive national news specialty services is appropriate without an authorization to provide multiple feeds. The Commission therefore is retaining the proposed condition of licence in the standard conditions of licence set out in Appendix 1 to this document.

Amateur sports

Issue

28. The Canadian Olympic Committee (COC) noted that the proposed condition of licence setting out the standard nature of service definition for competitive mainstream sports specialty services does not include any specified minimum requirement for Canadian amateur sports. According to the COC, the incumbent sports services currently meet their coverage commitments for Canadian amateur sports because those commitments were imposed by condition of licence or expected of them at licence renewal. The COC expressed concern that, without conditions of licence requiring them to broadcast specific minimum levels of Canadian amateur sports, competitive mainstream sports services would likely reduce the amount of Canadian amateur sports programming they broadcast.

Commission's determination

29. The Commission's definitions of professional and amateur sports, published on the Canadian Program Certification Application form for live and live-to-tape sports events productions, were developed in consultation with CBC Sports and Sport Canada in 2002. They read as follows:

An event or tournament is generally considered to be professional where:

- (a) one or more of the participants is paid for his or her appearance; or
- (b) the participants are awarded prize money based on their performance; and
- (c) the goal of the organizers of the event or tournament is to generate a profit for other than a not-for-profit organization.

Amateur sports are defined as events or tournaments that are not considered to be professional.

30. The Commission has also referred to the concept of underrepresented sports, which it has indicated include university and amateur sports as well as sports featuring women and children.
31. TSN is the only incumbent sports service subject to a condition of licence concerning Canadian amateur sports programming. As set out in Decision 2001-734, TSN's most recent licence renewal decision,³ the licensee is required, by condition of licence, to expend \$5 million on Canadian amateur sports programming in the first year of its licence term and to increase that amount to no less than \$6 million in the final year. The Commission noted TSN's commitment to broadcast at least 1,400 hours of Canadian amateur sports programming each year. The Commission also set out an expectation that the licensee "broadcast Canadian amateur sports programming at a time that is attractive and convenient for subscribers, during the daytime and during the evening broadcast period" and encouraged the licensee "to provide 'live' distribution of Canadian amateur sports events whenever possible." The Commission set out the same expectation and encouragement for RDS in Decision 2001-735, its most recent licence renewal decision, but did not impose a condition of licence concerning amateur sports programming.⁴
32. In Broadcasting Decision 2004-11, the Commission noted Sportsnet's commitment since its inception in 1996 to devote at least 27% of the programming on each feed to underrepresented sports, such as university and amateur sports and sports featuring the participation of women and children. The Commission expected the licensee to continue to adhere to that commitment.
33. As discussed above, the Commission is imposing a standard condition of licence requiring that competitive mainstream sports services exhibit a high level of Canadian programming. The Commission is satisfied that this requirement will encourage the broadcast of amateur sports as it will be difficult to achieve these levels by broadcasting professional sports alone. The Commission nevertheless expects licensees of competitive mainstream sports services to reflect the full range of Canadian sports in their programming, including amateur and underrepresented sports.

Regional programming and minority language communities

Issue

34. The Fédération des communautés francophones et acadienne du Canada (FCFA) expressed concern that the proposed conditions of licence for competitive mainstream national news services do not contain any provisions for the reflection of Francophone linguistic minority communities in Canada. The FCFA questioned what impact the

³ Broadcasting Decision 2006-319 renewed TSN's licence administratively, from 1 September 2008 to 31 August 2009. Broadcasting Decision 2009-145 renewed its licence administratively, from 1 September 2009 to 31 August 2010.

⁴ Broadcasting Decision 2006-319 renewed RDS's licence administratively, from 1 September 2008 to 31 August 2009. Broadcasting Decision 2009-145 renewed its licence administratively, from 1 September 2009 to 31 August 2010.

proposed new conditions of licence would have on RDI's current obligations to reflect the Francophone reality outside Quebec.

Commission's determinations

35. RDI is currently subject to a condition of licence requiring that at least one-third of the original programs it distributes be regional productions so that it reflects the concerns of each of Canada's principal Francophone regions and avoids concentrating production in Montréal. The condition of licence reads:

RDI programming shall reflect the concerns of each of the principal Francophone regions in Canada identified by the CBC as: Atlantic Canada, Quebec, Ontario and Western Canada. To this end, the licensee shall ensure that at least one-third of all of the original programs distributed by RDI each broadcast year are regional productions either produced by the CBC's own stations in the regions or by RDI's regional associates. Each region concerned shall be identified in the program logs.
36. In Broadcasting Decision 2007-246, the Commission granted RDI a mandatory distribution order in English-language markets under section 9(1)(h) of the Act in large part because of its mandate to serve and reflect minority-language communities in Canada. In Broadcasting Public Notice 2008-100, the Commission stated that a competitive environment should not provide Canadians with less news diversity than they currently have.
37. In light of the above, the Commission considers that it may be appropriate in this instance to make an exception to its approach of imposing standard conditions of licence on all competitive specialty services. The Commission is of the preliminary view that RDI should be required, as a condition of maintaining its mandatory distribution order, to accept a unique and supplemental condition of licence identical to its current one quoted in paragraph 35 above. The Commission intends to impose this condition of licence unless RDI can demonstrate in its application to amend its broadcasting licence to reflect the standard conditions of licence set out in Appendix 2 to this document, why such a condition of licence should not be imposed. The proposed supplemental condition of licence is set out in Appendix 3 to this document.
38. In Broadcasting Decision 2007-246, the Commission granted Newsworld a similar distribution order to serve minority-language communities in French-language markets. The Commission has not previously deemed it necessary to impose a condition of licence on Newsworld regarding regional programming due to the larger number of English-language production centres in Canada. The Commission finds that it is not appropriate to impose such a condition of licence on Newsworld at this time. However, the Commission will re-examine this issue in the context of Newsworld's next licence renewal.

Regional news programming

Issue

39. Canwest Media Inc. (Canwest) cited the CP24 news service, which is regional in content but distributed nationally, and sought clarity regarding it and similar undertakings. Canwest recommended that the definition of “national news specialty service” in condition of licence 1(a) set out in Appendix 2 to Broadcasting Public Notice 2008-103 be clarified to denote that the word “national” applies to the content of the news provided and not the manner in which it is distributed.

Commission’s determination

40. In Broadcasting Public Notice 2008-100, the Commission specified that the proposed conditions of licence would apply to national news. The proposed condition of licence that defines the nature of service specifies that the focus of competitive mainstream national news services must be national. The Commission confirms that the intent of the proposed condition of licence is that “national” refers to the content of the news. Accordingly, to avoid confusion, the Commission has amended condition of licence 1(a) set out in Appendix 2 to this document.

Advertising limits

41. The Commission proposed a condition of licence limiting advertising material to 12 minutes during each clock hour.

Issues

42. CTVgm requested an amendment to the conditions of licence that would allow competitive mainstream sports services to distribute more than 12 minutes of advertising per clock hour during a live broadcast of a sporting event, provided the average amount of advertising in any given broadcast is 12 minutes per hour.
43. In Rogers’ view, the proposed 12-minute-per-hour limit should be eliminated entirely. Rogers argued that, because sports services would no longer benefit from genre protection or access rights, they should be given maximum flexibility in order to lessen the financial impact of the proposed changes. Rogers asked that, if advertising limits were maintained, they be increased to 14 minutes per clock hour.

Commission’s determinations

44. The Commission recently addressed the issue of advertising limits for specialty services in Broadcasting Public Notice 2008-100, where it stated that it would maintain such limits for specialty services to prevent a shift in advertising revenue from conventional stations to specialty services and a general reduction in advertising rates. While the Commission recognizes that competitive specialty services will operate in a different context from other specialty services without access rights and genre protection, it is of the view that services in the competitive genres are popular and are financially healthy enough to maintain strong advertising revenues with the 12-minute-per-hour limit.

45. The Commission notes CTVgm's request to average 12 minutes of advertising per clock hour over the entire broadcast day when live sporting events are aired. However, the Commission is of the view that the proposed condition of licence allowing advertising to be averaged over all the clock hours occupied by any single program already provides sufficient flexibility. The Commission therefore is retaining the proposed condition of licence in the standard conditions of licence set out in the appendices to this document.

Closed captioning

46. The Commission proposed a condition of licence requiring 100% captioning of programs over the broadcast day.

Issues

47. CTVgm requested that RDS be required to close caption only 50% of its programming in the year after the standard conditions of licence are approved and to increase that amount by 10% per year over the next five years. According to CTVgm, RDS needs this flexibility because of the limited availability of resources for closed captioning in French-language markets.

Commission's determinations

48. Under RDS's current conditions of licence, which are set out in Decision 2001-735, the licensee was required to caption 50% of all programming beginning in 2006. However, in that decision, the Commission advised the licensee that it would be required to caption 90% of its content in its next licence term, beginning in 2009.
49. Subsequently, in Broadcasting Public Notice 2007-54, the Commission stated that all English- and French-language broadcasters would be required to caption 100% of their programs over the broadcast day, with the exception of advertising and promos. The Commission added that, in light of the specific challenges associated with the captioning of French-language programming, it was prepared to consider requests to tailor the 100% requirement. In such cases, the onus would be on the broadcaster to demonstrate that it was impossible to meet the 100% captioning requirement.
50. Given these existing expectations and the potential for flexibility, the Commission is satisfied that 100% captioning requirements for all services in both official languages are reasonable and appropriate. At licensing, amendment or renewal, new entrants and incumbent services may apply to have the requirement tailored by providing specific financial justification for their request. The Commission is therefore retaining the proposed condition regarding closed captioning in the standard conditions set out in the appendices to this document.

Definition of the broadcast day

51. The Commission proposed that the broadcast day be defined as a 24-hour period beginning at six o'clock in the morning, or any other period approved by the Commission.

Issues

52. CTVgm and Rogers requested that they be allowed the option of choosing an 18-hour broadcast day. CTVgm, the owner of CTV Newsnet, argued that a 24-hour broadcast day would restrict the way it schedules programming on its service. As an example, it stated that a 24-hour broadcast day would prevent it from scheduling any foreign content for the remainder of the day if it broadcast foreign programming between 12 a.m. and 6 a.m. Rogers submitted that imposing regulatory commitments between 12 a.m. and 6 a.m. would add no value because there is little viewing during that period.

Commission's determinations

53. The Commission recognizes that applicants are usually given the option of choosing either an 18- or 24-hour broadcast day. However, the Commission considers that a common broadcast day should be established for competitive services. The Commission notes that currently one sports incumbent (Sportsnet) and three news incumbents (CTV Newsnet, Newsworld and RDI) have 18-hour broadcast days while two sports incumbents (TSN and RDS) and one news incumbent (LCN) have a 24-hour broadcast day. Because an 18-hour broadcast day would be consistent with the broadcast days of conventional television stations owned by the incumbents' parent companies, adopting an 18-hour broadcast day may facilitate the licence renewals by ownership group that are scheduled to take place in 2010.
54. In light of the above, the Commission determines that it is appropriate to adopt the definition of the broadcast day that has the same meaning as that set out in section 2 of the *Television Broadcasting Regulations, 1987*, i.e., an 18-hour broadcast day. The standard conditions of licence set out in the appendices to this document contain a definition of the broadcast day that reflects this determination.

Provision of service

Issues

55. CTVgm expressed concern that with rate and access guarantees eliminated for competitive national news services, foreign news channels might have a distinct and unfair advantage over Canadian news services, potentially offering their foreign channels as loss leaders in their contracts with BDUs. CTVgm further argued that BDUs could significantly reduce the rates for Canadian services or drop them entirely.
56. Bell Canada (Bell) raised a concern that a broadcaster might withhold its service from a BDU, noting that mainstream sports services with exclusive programming rights have a significant advantage over BDUs in negotiating terms and conditions for distribution.

Bell proposed a five-year transition period during which existing mainstream sports services would be required to offer their services to each BDU and to negotiate carriage terms fairly and in good faith.

Commission's determinations

57. With respect to the concerns raised by CTVgm, the Commission notes that, in Broadcasting Public Notice 2008-100, it stated that Canadians should not have less news diversity under the new approach than they currently have. Accordingly, if a BDU were to treat a Canadian service in the manner described by CTVgm, the Commission could consider the possibility of issuing a distribution order under section 9(1)(h) of the Act.
58. The Commission acknowledges the possibility raised by Bell that popular services may have an advantage over BDUs in negotiating terms and conditions. The Commission is satisfied, however, that any concerns about news diversity, undue preference or withholding of signals during a dispute will be addressed as outlined in Broadcasting Public Notice 2008-100 and Broadcasting and Telecom Information Bulletin 2009-38. The Commission does not consider additional measures to be appropriate or necessary given that dispute resolution procedures will remain available to the services in question.

Genre protection

Issue

59. Quebecor Media Inc. (QMI) requested the elimination of genre protection from Category 2 news services as it is of the view that there are now many more independent sources for news and information and that, as such, any potential resulting diminution of editorial voice would be minimized. QMI stated that it cannot accept any regulatory provision that would have the effect of protecting its own news service from those of new entrants. QMI controls TVA Group Inc., which is the licensee of LCN.

Commission's determinations

60. The Commission notes that the new competitive specialty services will have higher Canadian content and CPE requirements than Category 2 services. The Commission therefore finds it appropriate to continue to protect competitive mainstream sports and national news services from Category 2 services. New entrants may compete with mainstream sports and national news services by filing an application for a competitive licence and abiding by the associated requirements.

Implementation

61. In light of its commitment in Broadcasting Public Notice 2008-100 to implement the standard conditions of licence immediately, the Commission is now prepared to consider applications for licences subject to the conditions of licence set out in the appendices to this document. Until the regulatory revisions required to fully implement the policies set out in Broadcasting Public Notice 2008-100 come into effect, any new entrants should

file their applications as Category 2 services and expect that the standard conditions of licence will be imposed at licensing. Incumbents⁵ may apply for a licence amendment to replace their current obligations with the standard conditions of licence.

Secretary General

Related documents

- *Administrative renewals*, Broadcasting Decision CRTC 2009-145, 17 March 2009
- *Practices and procedures for staff-assisted mediation, final offer arbitration, and expedited hearing*, Broadcasting and Telecom Information Bulletin CRTC 2009-38, 29 January 2009
- *Proposed conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and mainstream national news – Notice of consultation*, Broadcasting Public Notice CRTC 2008-103, 30 October 2008
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *New digital specialty described video programming undertaking; Licence amendments; Issuance of various mandatory distribution orders*, Broadcasting Decision CRTC 2007-246, 24 July 2007
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Administrative licence renewals*, Broadcasting Decision CRTC 2006-319, 28 July 2006
- *Digital migration framework*, Broadcasting Public Notice CRTC 2006-23, 27 February 2006
- *Sportsnet – Licence renewal*, Broadcasting Decision CRTC 2004-11, 21 January 2004
- *Licence renewal for Le Réseau des sports*, Decision CRTC 2001-735, 29 November 2001

⁵ For its service RDI, the CBC must also request the addition of the supplementary condition of licence set out in Appendix 3 to this document.

- *Licence renewal for The Sports Network*, Decision CRTC 2001-734, 29 November 2001

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>.

Appendix 1 to Broadcasting Regulatory Policy CRTC 2009-562

Conditions of licence for competitive mainstream sports specialty programming undertakings

1. (a) The licensee shall provide a national, English- or French-language specialty programming service that shall consist of programming dedicated to all aspects of sports with an emphasis on mainstream Canadian professional sports. The licensee may provide multiple feeds.

(b) Programming may be drawn from all program categories set out in Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.

(c) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming from the following categories: 7, 7(d), 7(e), 8(b), 8(c).
2. (a) During each broadcast year, the licensee shall devote not less than 60% of the broadcast day and not less than 50% of the evening broadcast period to Canadian programming.

(b) The levels set out in subsection 2 (a) shall be met on each feed offered by the service.
3. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-98, 22 June 1993, and in *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993, as may be amended from time to time:
 - (a) In each broadcast year of the licence term following the first year of operation, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 50% of the gross revenues derived from the operation of this service during the previous broadcast year.
 - (b) In each broadcast year of the licence term following the first year of operation, excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such a case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

(c) In each broadcast year of the licence term following the first year of operation, where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:

- i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and
- ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.

(d) Notwithstanding subsections 3 (b) and 3 (c), during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

4. (a) Subject to subsections 4 (b) and 4 (c), the licensee shall not distribute more than 12 minutes of advertising material during each clock hour.

(b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.

(c) In addition to the 12 minutes of advertising material referred to in subsection 4 (a), the licensee may broadcast partisan political advertising during an election period.

(d) The licensee shall not distribute any advertising material other than national paid advertising.

5. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
6. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
7. The licensee shall adhere to the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.

8. The licensee shall adhere to the Canadian Association of Broadcasters' *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of these conditions:

“broadcast day” and “clock hour” shall have the same meaning as those set out in the *Television Broadcasting Regulations, 1987*;

“broadcast month” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast days in a month; and

“broadcast year” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcasting months in a 12-month period, beginning on 1 September in any year.

Appendix 2 to Broadcasting Regulatory Policy CRTC 2009-562

Conditions of licence for competitive mainstream national news programming undertakings

1. (a) The licensee shall provide a national, English- or French-language specialty programming service that shall consist of mainstream national news and information programming. The licensee shall provide updated news reports every 120 minutes.

(b) Programming may be drawn from all program categories set out in Schedule I of the Specialty Services Regulations, 1990, as amended from time to time.

(c) The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming from the following categories: 7, 7(d), 7(e), 8(b), 8(c).
2. During each broadcast year, the licensee shall devote not less than 90% of the broadcast day to Canadian programming.
3. (a) Subject to subsections 3 (b) and 3 (c), the licensee shall not distribute more than 12 minutes of advertising material during each clock hour.

(b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.

(c) In addition to the 12 minutes of advertising material referred to in subsection 3 (a), the licensee may broadcast partisan political advertising during an election period.

(d) The licensee shall not distribute any advertising material other than national paid advertising.
4. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
5. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

6. The licensee shall adhere to the Canadian Association of Broadcasters' *Broadcast Code for Advertising to Children*, as amended from time to time and approved by the Commission.
7. The licensee shall adhere to the Canadian Association of Broadcasters' *CAB Violence Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.

For the purposes of all these conditions, "broadcast day" and "clock hour" shall have the same meaning as those set out in the *Television Broadcasting Regulations, 1987*.

Appendix 3 to Broadcasting Regulatory Policy CRTC 2009-562

Supplementary condition of licence for Le Réseau de l'information

Le Réseau de l'information (RDI) programming shall reflect the concerns of each of the principal Francophone regions in Canada identified by the Canadian Broadcasting Corporation (CBC) as: Atlantic Canada, Quebec, Ontario and Western Canada. To this end, the licensee shall ensure that at least one-third of all of the original programs distributed by RDI each broadcast year are regional productions either produced by the CBC's own stations in the regions or by RDI's regional associates. Each region concerned shall be identified in the program logs.