



Broadcasting Decision CRTC 2009-619

Route reference: 2009-412

Ottawa, 6 October 2009

MusiquePlus inc.
Across Canada

Application 2009-0872-5, received 4 June 2009

MusiMax – Licence amendments

1. The Commission **approves** the application by MusiquePlus inc.¹ to amend the broadcasting licence for the national, French-language analog specialty programming undertaking known as MusiMax by adding program categories 1, 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(e), 7(f), 7(g) and 10, as set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time, to the list of categories from which it may draw programming.
2. The Commission received a comment from the Association québécoise de l'industrie du disque, du spectacle et de la vidéo. The public file for this process is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
3. The licensee stated that its application was made pursuant to *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008* (Broadcasting Public Notice 2008-100), in which the Commission stated that it would authorize Category A services (presently known as Category 1 analog pay and specialty services) to draw their programming from all program categories. The Commission is of the view that adding the program categories mentioned above is appropriate because this amendment complies with the objectives set out in that public notice.
4. The licensee stated that it was prepared to accept a condition of licence stipulating that no more than 10% of all programming broadcast during the broadcast month shall be drawn from each of categories 6(a) and 7(e).
5. Accordingly, the Commission replaces the current condition of licence 1. (b) with the following **condition of licence**:

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 In Broadcasting Notice of Consultation CRTC 2009-412, 8 July 2009, the Commission mistakenly indicated that the licensee was Astral Broadcasting Group Inc.

- 1 News
- 2 (a) Analysis and interpretation
- (b) Long-form documentary
- 3 Reporting and actualities
- 4 Religion
- 5 (a) Formal education and pre-school
- (b) Informal education/Recreation and leisure
- 6 (a) Professional sports
- (b) Amateur sports
- 7 Drama and comedy
- (a) Ongoing dramatic 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
- (f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy
- (g) Other drama
- 8 (a) Music and dance other than music video programs or clips
- (b) Music video clips
- (c) Music video programs
- 9 Variety
- 10 Game shows
- 11 General entertainment and human interest
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

6. To ensure that this amendment does not result in shifts that could cause MusiMax to compete with other Category A services, and consistent with the policy set out in Broadcasting Public Notice 2008-100, the Commission imposes the following **conditions of licence**:

The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming drawn from each of categories 6(a) and 7(e).

The licensee shall devote no more than 10% of all programming broadcast during the broadcast month to programming drawn from categories 7(a), 7(b), 7(f) and 7(g) combined.

7. Finally, given that the licensee will now be authorized to broadcast programs drawn from category 4 Religion, the Commission imposes the following **condition of licence**:

Where the licensee broadcasts religious programming as defined in the *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

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>.