



## Broadcasting Decision CRTC 2009-737

Route reference: 2009-461

Additional references: 2009-461-2, 2009-461-3 and 2009-461-4

Ottawa, 1 December 2009

### Rogers Broadcasting Limited

Across Canada

*Application 2009-0541-6, received 26 March 2009*

*Public Hearing in the National Capital Region*

*29 October 2009*

### The Biography Channel – Acquisition of assets (corporate reorganization)

1. The Commission **approves** the application by Rogers Broadcasting Limited (Rogers) for authority to acquire, as part of a corporate reorganization, the assets of the English-language specialty programming undertaking known as The Biography Channel and for a new broadcasting licence to continue the operation of the undertaking under the same terms and conditions as those in effect under the current licence issued to The Biography Channel (Canada) Corp. (Biography Corp.). The Commission did not receive any interventions in connection with this application.
2. The Commission notes that the transaction approved in this decision was in fact effected in January 2007 through the wind up of both Biography Corp. (the licensee of The Biography Channel at that time) and 3773205 Canada Inc. (3773205 Canada) into Rogers. (At the time of the transaction, Biography Corp. was a corporation wholly owned by 3773205 Canada, which in turn was wholly owned by Rogers.) Upon completion of the transaction, Biography Corp. and 3773205 Canada ceased to exist, allowing Rogers to become the licensee of The Biography Channel.
3. The corporate reorganization did not affect the effective control of The Biography Channel, which continued to be exercised by Rogers.
4. The Commission notes that the above-mentioned transaction was subject to a prior approval requirement pursuant to subsection 10(4) of the *Specialty Services Regulations, 1990* (the Regulations). The Commission reminds Rogers that full compliance with the Regulations is required at all times.
5. Upon surrender of the current licence issued to The Biography Channel (Canada) Corp., the Commission will issue a new licence to Rogers Broadcasting Limited. The licence will expire on 31 August 2010, the current expiry date, and will be subject to the same terms and **conditions** as those set out in the current licence.

6. In *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009 (Broadcasting and Telecom Regulatory Policy 2009-430), the Commission stated its intention to impose on television broadcasters and broadcasting distribution undertakings, at the time of their licence renewals, conditions of licence relating to accessibility provisions. Accordingly, the Commission will consider imposing such conditions of licence on The Biography Channel at the time of the licence renewal for this service. In the meantime, the Commission expects The Biography Channel to adhere, as soon as possible, to the applicable accessibility requirements specified in Broadcasting and Telecom Regulatory Policy 2009-430.

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>.*