



## Broadcasting Decision CRTC 2009-95

Route reference:

Broadcasting Notice of Public Hearing 2008-13

Additional references:

Broadcasting Notices of Public Hearing 2008-13-3

Ottawa, 26 February 2009

### **Gérald Dominique, on behalf of a corporation to be incorporated**

Province of Quebec

*Application 2008-1024-3, received 25 July 2008*

*Public Hearing in the National Capital Region*

*16 December 2008*

### **Je me souviens – Category 2 specialty service**

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking to serve the province of Quebec.*

#### **Introduction**

1. Gérald Dominique, on behalf of a corporation to be incorporated (OBCI), filed an application for a broadcasting licence to offer Je me souviens, a regional French-language Category 2 specialty programming service. The service would be dedicated to the broadcast of obituary notices, notices of hospitalization and messages of thanks and prayers, mainly in alphanumeric format, that would be read on air. The Commission did not receive any interventions in connection with this application.
2. Gérald Dominique, OBCI is a corporation that will be wholly controlled by Gérald Dominique.
3. The applicant plans to offer programming exclusively from categories 1, 2(a), 3, 4, 12, 13, 14 and 15, as set out in section 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.
4. The applicant also requested authority to broadcast up to six minutes per hour of local or regional advertising.
5. In response to a question from the Commission, the applicant agreed to offer closed captioning for the hearing impaired for 100% of its programming other than that essentially consisting of alphanumeric information read on the air.

## **Commission's analysis and determination**

6. The Commission considers that the application raises the following questions:
- Should the service be authorized to broadcast local and regional advertising?
  - Should the service be authorized to broadcast category 15 programming?

### **Should the service be authorized to broadcast local and regional advertising?**

7. In Public Notice 2000-171-1, the Commission stated that Category 2 services must not broadcast any paid advertising material other than national paid advertising. The Commission has granted exceptions to this principle for the licensees of Category 2 third-language ethnic services and for the licensees of services that broadcast local and regional programming.
8. The Commission notes that the applicant indicated in its application that most of its programming schedule would be composed of alphanumeric information read on air. Section 2(1) of the *Broadcasting Act* defines a “program” as “sounds or visual images, or a combination of sounds and visual images, that are intended to inform, enlighten or entertain, but [...] not [...] visual images, whether or not combined with sounds, that consist predominantly of alphanumeric text.”
9. In the present case, the applicant plans to operate a French-language regional undertaking to serve the province of Quebec. The Commission notes that the alphanumeric information that would be read on air would be of a local and regional nature. However, since this programming does not reflect the definition of “program,” the Commission considers that there is insufficient evidence that the service would offer local programming. Consequently, the applicant will not be authorized to broadcast local and regional advertising.

### **Should the service be authorized to broadcast category 15 programming?**

10. In regard to the applicant's request to broadcast category 15 programming, in Public Notice 2000-171, the Commission removed category 15 from almost all of the Category 2 nature of service descriptions. The Commission notes that all programming drawn from category 15 can be categorized more particularly under other categories and should be logged as such. For this reason, the Commission is not prepared to authorize the broadcast of programming from category 15.

## **Conclusion**

11. The Commission is satisfied that the application is in conformity with all applicable terms and conditions set out in Public Notice 2000-171-1. Consequently, the Commission **approves** the application by Gérald Dominique, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the regional French-language

Category 2 specialty programming undertaking Je me souviens. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

**Related documents**

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

*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>.*

## Appendix to Broadcasting Decision CRTC 2009-95

### Terms and conditions of licence for the Category 2 specialty programming undertaking *Je me souviens*

#### Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- the applicant has entered into a distribution agreement with at least one licensed distributor; and
- the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event during the 36 months following the date of this decision, unless a request for an extension of time is approved by the Commission before 26 February 2012. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

The licence will expire 31 August 2015.

#### Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee must provide a regional French-language Category 2 specialty programming service that offers programming devoted to the broadcasting of obituary notices, notices of hospitalization, messages of thanks and prayers, mainly in alphanumeric format, that will be read on air.
3. The programming will be drawn exclusively from the following categories set out in section 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - (1) News
  - (2)(a) Analysis and interpretation
  - (3) Reporting and actualities
  - (4) Religion
  - (12) Interstitials
  - (13) Public service announcements
  - (14) Infomercials, promotional and corporate videos

4. The licensee shall caption 100% of its programs over the broadcast day, other than that essentially consisting of alphanumeric information read on the air, consistent with the approach established in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
5. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.
6. Where the licensee broadcasts religious programming as defined in *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.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.