



Broadcasting Decision CRTC 2010-882

PDF version

Route reference: 2010-649

Additional references: 2010-649-1, 2010-649-2

Ottawa, 26 November 2010

TVA Group Inc. and Sun Media Corporation, partners in a general partnership to be constituted and to carry on business as Sun TV News General Partnership Across Canada

Application 2010-1188-2, received 26 July 2010

Sun TV News – Competitive mainstream national news service

*The Commission **approves** an application by TVA Group Inc., on behalf of itself and Sun Media Corporation, partners in a general partnership to be constituted and to carry on business as Sun TV News General Partnership, for a broadcasting licence to operate Sun TV News, a national, English-language Category 2 specialty service that will be subject to the standard **conditions of licence**, expectations and encouragement for competitive mainstream national news services set out in Broadcasting Regulatory Policy 2009-562-1.*

The application

1. The Commission received an application by TVA Group Inc., on behalf of itself and Sun Media Corporation, partners in a general partnership to be constituted and to carry on business as Sun TV News General Partnership, for a broadcasting licence to operate a national, English-language Category 2 specialty television programming undertaking to be known as Sun TV News.
2. Sun Media Corporation and TVA Group Inc., both controlled by Quebecor Media Inc., will respectively own 49% and 51% of the partnership's interest.
3. The applicant stated that the application was in accordance with the Commission's regulatory framework for competitive mainstream national news services set out in Broadcasting Regulatory Policy 2009-562-1 and that it would accept the standard conditions of licence set out therein.
4. The applicant had argued that it required an exception to Broadcasting Regulatory Policy 2009-562-1 in the form of short-term and time-limited mandatory access from broadcasting distribution undertakings for a maximum period of three years. However, as announced in Broadcasting Notice of Consultation 2010-649-1, the

applicant submitted an amendment to its application withdrawing the request for time-limited mandatory access, which the Commission accepted.

5. The Commission received interventions supporting, opposing and commenting on the application. The interventions and the applicant's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

6. The Commission notes that the applicant stated that it would accept the standard conditions of licence for competitive mainstream national news services set out in Broadcasting Regulatory Policy 2009-562-1, including the conditions requiring a licensee to adhere to the various industry codes relating to broadcast standards. The Commission also notes that the applicant will be subject to various industry codes, including the *RTNDA Code of Journalistic Ethics* and the *Journalistic Independence Code*, as a member of the Canadian Broadcast Standards Council. Finally, the Commission notes that the applicant is no longer requesting an exception to Broadcasting Regulatory Policy 2009-562-1 in the form of mandatory access rights.
7. In Broadcasting Public Notice 2008-4, the Commission reiterated the importance of maintaining and enhancing the plurality of editorial voices in local and national markets and ensuring that Canadians are exposed to an appropriate plurality of those voices. The Commission is of the view that the licensing of additional competitive mainstream national news services is one means of achieving this objective.
8. In light of the above, the Commission determines that the application as amended is consistent with Broadcasting Regulatory Policy 2009-562-1. Accordingly, the Commission **approves** the application by TVA Group Inc., on behalf of itself and Sun Media Corporation, partners in a general partnership to be constituted and to carry on business as Sun TV News General Partnership, for a broadcasting licence to operate a national, English-language Category 2 specialty television programming undertaking to be known as Sun TV News. The licence will be subject to the terms and **conditions** set out in the appendix to this decision, as well as the expectations and encouragement in Broadcasting Regulatory Policy 2009-562-1.
9. As noted in Broadcasting Regulatory Policy 2009-562, until the regulatory revisions required to fully implement the policies set out in Broadcasting Public Notice 2008-100 come into effect, new entrants are being licensed as Category 2 services. The Commission will shortly be issuing a notice of consultation setting out the proposed regulatory revisions to implement the policies set out in Broadcasting Public Notice 2008-100. In that notice of consultation, competitive Canadian mainstream sports and national news specialty services will be designated as Category C services.
10. The Commission notes that after the regulatory changes needed to implement Broadcasting Public Notice 2008-100 come into effect on 1 September 2011, Sun TV News will operate as a Category C service.

11. Given the pace of change in the broadcasting environment, the Commission has announced its intention to impose five-year rather than seven-year licence terms for licences controlled by larger broadcasting groups.¹ It is the Commission's view that this approach is equally relevant to competitive services. Accordingly, the licence term for Sun TV News will be five years.

Secretary General

Related documents

- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Diversity of voices – Regulatory policy*, Broadcasting Public Notice CRTC 2008-4, 15 January 2008

**This decision is to be appended to the licence.*

¹ *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010.

Appendix to Broadcasting Decision CRTC 2010-882

Terms and conditions of licence for the Category 2 specialty programming undertaking Sun TV News

Terms

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

- a partnership has been constituted 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 no later than 48 months from the date of this decision, unless a request for an extension of time is approved by the Commission. 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 Appendix 2 to *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010.
2. The licensee shall adhere to the *Journalistic Independence 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.
3. The licensee shall operate as a Category 2 specialty service until 1 September 2011 and thereafter as a Category C service.
4. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall ensure that advertising, sponsorship messages and promos in the English and French language are closed captioned by no later than the fourth year of the licence term.
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, within 30 days of its execution, for the Commission's review, a copy of any programming supply agreement and/or licence or trademark agreement it has entered into with a non-Canadian party. In addition, the Commission may request any additional document(s) that could affect the control of the programming or management of the service.