



## Broadcasting Decision CRTC 2011-114

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Route reference: 2010-715

Ottawa, 21 February 2011

**Canadian Broadcasting Corporation**  
Across Canada

*Application 2010-1023-0, received 22 June 2010*  
*Public Hearing in the National Capital Region*  
*26 November 2010*

### **Sens – Category 2 specialty service**

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty service.*

#### **The application**

1. The Canadian Broadcasting Corporation (CBC) filed an application for a broadcasting licence to operate Sens, a national, French-language Category 2 specialty programming undertaking. The applicant stated that the programming would be devoted to scientific discoveries, the environment, nature and human health. The Commission received interventions in support of this application.
2. The applicant proposed to draw programming for the proposed service from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13, 14 and 15.
3. The applicant stated that it would accept a condition of licence according to which it should devote not more than 10% of the programming broadcast over the broadcast month to programming drawn from each of program categories 6(a), 7(d) and 7(e), as well as 8(b) and 8(c) combined.
4. In addition, since the applicant intends to broadcast long-form documentaries, and given the proposed nature of service, the applicant requested that it be exempted from the standard requirement seeking to limit the amount of programming drawn from program category 2(b) to 10% of the broadcast month.
5. The applicant also stated that it is prepared to accept and adhere to the standard conditions of licence set out in the Broadcasting Regulatory Policy 2010-355.

## Commission's analysis and determinations

6. After examining the application in light of the applicable regulations and policies, the Commission considers that the issues to be addressed in its determinations are the following:
  - the exemption regarding the broadcast of programming drawn from program category 2(b) Long-form documentary; and
  - the broadcast of programming drawn from program category 15 Filler programming.

### Exemption regarding the broadcast of programming drawn from program category 2(b)

7. The Commission considers that granting such an exemption to Sens, given the proposed nature of service, would not result in shifts that could make Sens directly competitive with other Canadian Category 1 services.

### Broadcast of programming drawn from program category 15

8. In regard to the applicant's request to broadcast programming drawn from program category 15, the Commission notes that in Public Notice 2000-171, it withdrew this program category from almost all of the nature of service descriptions for Category 2 services. It considered that all programming drawn from program category 15 should be categorized more specifically under other categories and logged as such.

## Conclusion

9. In light of the above, the Commission is satisfied that the application complies with the frameworks set out in Public Notice 2000-6 and Broadcasting Public Notice 2008-100, with the approaches set out in Broadcasting Public Notices 2003-61 and 2006-74, and with all applicable terms and conditions set out in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by the Canadian Broadcasting Corporation for a broadcasting licence to operate the national, French-language Category 2 specialty programming undertaking Sens. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminder

10. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

## Related documents

- *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*
- *Regulatory framework for the licensing and distribution of high definition pay and specialty services, Broadcasting Public Notice CRTC 2006-74, 15 June 2006*
- *The regulatory framework for the distribution of digital television signals, Broadcasting Public Notice CRTC 2003-61, 11 November 2003*
- *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.*

## Appendix to Broadcasting Decision CRTC 2011-114

### Terms and conditions of licence for the national, French-language Category 2 specialty programming undertaking Sens

#### Terms

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

- 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 and has submitted a service launch date to the Commission. 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.

The licence will expire on 31 August 2017.

#### 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 licence will be subject to the conditions set out in *Implementation of the Accessibility Policy with respect to Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.
3. The licensee shall provide a national, French-language Category 2 specialty programming undertaking that offers programming devoted to scientific discoveries, the environment, nature and human health.
4. The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - 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 drama 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
5. The licensee shall devote not more than 10% of the programming broadcast over the broadcast month to programming drawn from each of program categories 6(a), 7(d) and 7(e), as well as from program categories 8(b) and 8(c) combined.
  6. 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.
  7. The licensee is authorized to make available for distribution a version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in HD.

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 6:00 a.m., or any other period approved by the Commission.