



Broadcasting Decision CRTC 2011-120

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Route reference: 2010-715

Ottawa, 22 February 2011

Rogers Broadcasting Limited

Across Canada

Application 2010-1135-3, received 13 July 2010

Public Hearing in the National Capital Region

26 November 2010

Epic TV – Category 2 specialty service

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

The application

1. Rogers Broadcasting Limited (Rogers) filed an application for a broadcasting licence to operate Epic TV, a national, English-language Category 2 specialty programming undertaking that would be devoted to classic television programming. The Commission did not receive any interventions in connection with this application.
2. Rogers is wholly owned and controlled by Rogers Communications Inc.
3. 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: 7(a), 7(b), 7(c), 7(d), 7(g), 9, 10, 11, 13 and 14.
4. To ensure that the proposed service would not be competitive with any existing Category 1 or analog pay or specialty services, the applicant proposed the following conditions of licence:
 - Except as provided below, all programming from categories 7, 8 or 9 shall have been copyrighted at least 15 years prior to the broadcast year in which it is aired by the service.
 - All programming from category 7(d) shall have been copyrighted at least 25 years prior to the broadcast year in which it is aired by the service.
 - No more than 20% of all programming broadcast during the evening broadcast period and no more than 20% of all programming broadcast during the broadcast day shall be drawn from category 7(d).

Commission's determination

5. 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 Rogers Broadcasting Limited for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking Epic TV. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

6. 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

- *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
- *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 2011-120

Terms and conditions of licence for the national, English-language Category 2 specialty programming undertaking Epic TV

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 provided the Commission with a launch date for the service. 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 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, English-language Category 2 specialty programming undertaking devoted to classic television programming.
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:
 - 7 (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
 - (g) Other drama
- 9 Variety
- 10 Game shows
- 11 General entertainment and human interest
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

5. Except as provided below, all programming from categories 7, 8 or 9 shall have been copyrighted at least 15 years prior to the broadcast year in which it is aired by the service.
6. All programming from category 7(d) shall have been copyrighted at least 25 years prior to the broadcast year in which it is aired by the service.
7. No more than 20% of all programming broadcast during the evening broadcast period and no more than 20% of all programming broadcast during the broadcast day shall be drawn from category 7(d).
8. 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.
9. 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* means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.