



## Broadcasting Decision CRTC 2011-140

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Route reference: 2010-715

Ottawa, 2 March 2011

**David Johnston, on behalf of a corporation to be incorporated**  
Across Canada

*Application 2010-1024-8, received 22 June 2010*  
*Public Hearing in the National Capital Region*  
*26 November 2010*

### **Canadian Small Business Television (CSBTv) – Category 2 specialty service**

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

#### **The application**

1. David Johnston, on behalf of a corporation to be incorporated (David Johnston, OBCI), filed an application for a broadcasting licence to provide Canadian Small Business Television (CSBTv), a national, English-language Category 2 specialty programming undertaking devoted to providing information and entertainment for proprietors and employees of small businesses operating in Canada. The service would provide viewers with information on government programs that foster business development, as well as informal and continuing education programs for business owners, members of professional associations and their staff. It would also inform potential entrepreneurs on how to start, develop and grow their business. The Commission did not receive any interventions in connection with this application.
2. David Johnston, OBCI will be controlled by its sole shareholder, president and chief executive officer, Mr. David H. Johnston.
3. The applicant proposed to draw programming 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: 2(a), 2(b), 3, 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(g), 10, 11, 12, 13 and 14.
4. To ensure that the service would not be directly competitive with existing Category 1 or analog pay or specialty services, the applicant indicated that it would accept a condition of licence stating that no more than 15% of programming broadcast during the broadcast week on CSBTv shall originate from categories 7(a) through 7(g).

## 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 David Johnston, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking Canadian Small Business Television (CSBTV). 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 2011-140

### Terms and conditions of licence for the national, English-language Category 2 specialty programming undertaking Canadian Small Business Television (CSBTv)

#### 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 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 service devoted to providing information and entertainment for proprietors and employees of small businesses operating in Canada. The service will provide viewers with information on government programs that foster business development, as well as informal and continuing education programs for business owners, members of professional associations and their staff. It will also inform potential entrepreneurs on how to start, develop and grow their business.
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:
  - 2 (a) Analysis and interpretation
  - (b) Long-form documentary

- 3 Reporting and actualities
  - 5 (a) Formal education and pre-school
  - (b) Informal education/Recreation and leisure
  - 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
  - 10 Game shows
  - 11 General entertainment and human interest
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
5. No more than 15% of programming broadcast during the broadcast week on CSBTV shall originate from categories 7(a) through 7(g).
  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* 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.