



## Broadcasting Decision CRTC 2011-287

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Route reference: 2009-36

Ottawa, 3 May 2011

### **William Sawchyn, on behalf of a corporation to be incorporated Across Canada**

*Application 2008-1306-5, received 29 September 2008  
Public Hearing in the National Capital Region  
30 March 2009*

### **The Country Channel – Category 2 specialty service**

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

#### **The application**

1. William Sawchyn, on behalf of a corporation to be incorporated (William Sawchyn OBCI), filed an application for a broadcasting licence to provide The Country Channel, a national, English-language Category 2 specialty service. The Country Channel would offer programming aligned to the interests and needs of rural Canadians, where rural Canadians are defined as individuals who live outside of large urban centers, in communities, and who predominantly make their living from the land and sea and/or through businesses that are directly associated with those that do.
2. The voting shares of William Sawchyn OBCI are to be equally held by Mr. William Sawchyn and Mr. John Phillips. Mr. Sawchyn will exercise effective control of William Sawchyn OBCI by virtue of his casting vote as Chairman of the board of directors.
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: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 11, 13 and 14.
4. The applicant proposed that no more than 10% of all programming broadcast during each broadcast week would be devoted to programming drawn from program category 7(d) and that no more than 10% of all programming broadcast during each broadcast year would be devoted to programming drawn from program categories 6(a) and 6(b) combined.

5. The Commission received several interventions in support of this application, an intervention offering general comments, as well as an intervention in opposition. The Commission considers that the intervention in opposition does not address issues of substance that would impact the consideration of this application. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's determination**

6. The Commission is satisfied that the application complies with the licensing framework set out in Public Notice 2000-6 and with all applicable terms and conditions announced in Public Notice 2000-171-1, as well as with the approaches relating to the distribution of digital television signals and the licensing and distribution of high definition pay and specialty services set out in Broadcasting Public Notices 2003-61 and 2006-74, respectively. Accordingly, the Commission **approves** the application by William Sawchyn, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking The Country Channel. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Accessibility issues**

7. The Commission notes that the present application was received on 29 September 2008, after the issuance of Broadcasting Public Notice 2007-54 (the Closed-Captioning Policy) but before the issuance of Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy). Therefore, the Commission imposes the **conditions of licence** provided in the Closed-Captioning Policy but not those provided in the Accessibility Policy. However, the Commission expects the licensee to abide by the remaining conditions, expectations and encouragements respecting Category 2 services, described in the appendix to Regulatory Policy 2010-355.

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
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *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 2011-287**

### **Terms, conditions of licence and expectation for the Category 2 specialty programming undertaking The Country Channel**

#### **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 filed an executed copy of the Shareholders' Agreement;
- 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 licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
3. The licensee shall provide a national, English-language Category 2 specialty programming service that would offer programming aligned to the interests and needs of rural Canadians, where rural Canadians are defined as individuals who live outside of large urban centers, in communities, and who predominantly make their living from the land and sea and/or through businesses that are directly associated with those that do.
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
  - 5 (b) Informal education/Recreation and leisure
  - 6 (a) Professional sports
  - (b) Amateur sports
  - 7 (a) Ongoing dramatic series
  - (b) Ongoing comedy series (sitcom)
  - (c) Specials, mini-series or made-for-TV feature films
  - (d) Theatrical feature films aired on TV
  - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
  - (g) Other drama
  - 8 (a) Music and dance other than music video program or clips
  - (b) Music video clips
  - (c) Music video programs
  - 9 Variety
  - 11 General entertainment and human interest
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
5. The licensee shall devote no more than 10% of all programming broadcast during each broadcast week to programming drawn from program category 7(d) and no more than 10% of all programming broadcast during each broadcast year to programming drawn from program categories 6(a) and 6(b) 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 that 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 12 a.m. or any other period approved by the Commission.

**Expectation**

The Commission expects the licensee to abide by the conditions, expectations and encouragements regarding Category 2 services, described in the appendix to *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.