



## Broadcasting Decision CRTC 2011-498

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Route reference: 2011-55

Ottawa, 16 August 2011

### **2256247 Ontario Limited**

Across Canada

*Application 2010-1777-3, received 2 December 2010*

*Public hearing in the National Capital Region*

*5 April 2011*

### **Live Music Channel – Specialty Category B service**

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

#### **The application**

1. 2256247 Ontario Limited (2256247 Ontario) filed an application for a broadcasting licence to operate Live Music Channel, a national, English-language Category 2<sup>1</sup> specialty programming undertaking that would be dedicated predominantly to live music concerts, including live-to-air and live-to-tape concerts and concert-related programming. Programming would include complementary programs related to concerts and performers, including videos, events coverage documentaries, films, interviews, news and commentaries. The Commission did not receive any interventions in connection with this application.
2. 2256247 Ontario is wholly owned by Toronto Maple Leafs Network Ltd., a corporation controlled by its 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), 7(a), 7(c), 7(d), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14.<sup>2</sup>

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<sup>1</sup> As set out in Broadcasting Notice of Consultation 2008-100, as of 31 August 2011, Category 2 services will be renamed Category B services.

<sup>2</sup> In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

4. To ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that it would accept the following conditions of licence:
  - No more than 10% of all of its programming broadcast during the broadcast week from program categories 7(a), 7(c) and 7(d) combined; and
  - No more than 10% of all of its programming broadcast during the broadcast week be drawn from program categories 8(b) and 8(c) combined.

### **Commission's determination**

5. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Accordingly, the Commission **approves** the application by 2256247 Ontario Limited for a broadcasting licence to operate the national, English-language specialty Category B service Live Music Channel. 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 requirements set out in the *Broadcasting Distribution Regulations*.
7. The Commission also reminds the applicant that all programming broadcast must remain consistent with the narrative description of the service that it provided to the Commission with its application and with the nature of service conditions of licence set out in the appendix to this decision.

Secretary General

### **Related documents**

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category “Reality television”*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *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 2011-498

### Terms and conditions of licence for the specialty Category B service Live Music Channel

#### 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 take effect 1 September 2011 and will expire 31 August 2018.

#### Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011.
2. The licensee shall provide a national, English-language specialty Category B service dedicated predominantly to live music concerts, including live-to-air and live-to-tape concerts and concert-related programming. Programming would include complementary programs related to concerts and performers, including videos, events coverage documentaries, films, interviews, news and commentaries.
3. 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
  - 7 (a) Ongoing dramatic series  
(c) Specials, mini-series or made-for-TV feature films  
(d) Theatrical feature films aired on TV  
(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 (a) General entertainment and human interest
    - (b) Reality television
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
4. No more than 10% of all programming broadcast during the broadcast week shall be drawn from program categories 7(a), 7(c) and 7(d) combined.
  5. No more than 10% of all programming broadcast during the broadcast week shall be drawn from program categories 8(b) and 8(c) combined.

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 a.m. or any other period approved by the Commission.