



Broadcasting Decision CRTC 2011-687

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Route reference: 2011-336

Ottawa, 4 November 2011

TELETOON Canada Inc.
Across Canada

Application 2011-0347-3, received 14 February 2011
Public hearing in the National Capital Region
18 July 2011

TELETOON Kapow! – Specialty Category B service

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

The application

1. TELETOON Canada Inc. (Teletoon) filed an application for a broadcasting licence to operate TELETOON Kapow!, a national, English-language Category 2¹ specialty programming undertaking that would be devoted to programming from international markets, featuring the latest trends in non-violent action, adventure, superheroes, comedy and interactivity. The service's interactivity would be achieved via programs on games associated with action series as well as magazine shows that cover current comic book trends and classics in comic books. The Commission did not receive any interventions in connection with this application.
2. Teletoon is equally owned by Corus Entertainment Inc. and Astral Media Inc., and is controlled by its board of directors.
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: 5(b), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 10, 11², 12 and 13.

¹ As set out in Broadcasting Regulatory Policy 2011-455, as of 1 September 2011, Category 2 services are renamed Category B services.

² 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 a condition of licence stating that no more than 15% of all programming broadcast during the broadcast week shall be drawn from program category 7(d) Theatrical feature films aired on TV.

Commission's decision

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 TELETOON Canada Inc. for a broadcasting licence to operate the national, English-language specialty Category B service TELETOON Kapow!. 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*.

Secretary General

Related documents

- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011
- *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 2011-687

Terms and conditions of licence for the specialty Category B service TELETOON Kapow!

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 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 devoted to programming from international markets, featuring the latest trends in non-violent action, adventure, superheroes, comedy and interactivity. The service's interactivity will be achieved via programs on games associated with action series as well as magazine shows that cover current comic book trends and classics in comic books.
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:
 - 5 (b) Informal education/Recreation and leisure
 - 6 (b) Amateur sports
 - 7 Drama and comedy
 - (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
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy

- (g) Other drama
- 10 Game shows
- 11 (a) General entertainment and human interest
- (b) Reality television
- 12 Interstitials
- 13 Public service announcements

4. No more than 15% of all programming broadcast during the broadcast week shall be drawn from program category 7(d).
5. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.