



Broadcasting Decision CRTC 2011-88

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Route reference: 2010-715

Ottawa, 11 February 2011

7340362 Canada Inc. (a Remstar subsidiary)

Across Canada

Application 2010-1017-3, received 27 September 2010

Public Hearing in the National Capital Region

26 November 2010

Pure 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. 7340362 Canada Inc. (7340362 Canada) (a Remstar subsidiary) filed an application for a broadcasting licence to provide Pure TV, a national, niche French-language Category 2 specialty programming undertaking that would be devoted to health-related programming. The service would broadcast programs about hospital life and various recent developments regarding medical science, pharmaceutical products and alternative health care, as well as general information programs relating to healthy nutrition, physical exercise and well-being. The Commission did not receive any interventions in connection with this application.
2. 7340362 Canada is wholly owned by Remstar Broadcasting Inc., a corporation jointly owned and controlled by Julien and Maxime Rémillard.
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: 2(a), 2(b), 3, 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(g), 11, 12, 13 and 14.
4. 7340362 Canada indicated that no more than 15% of the programming broadcast during each broadcast month would be devoted to programming drawn from program categories 7(a), 7(b), 7(c), 7(d) and 7(g) combined.
5. It also indicated that 100% of its programming would be offered in high definition (HD) format.

Commission's determination

6. 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 7340362 Canada Inc. for a broadcasting licence to operate the national, niche French-language Category 2 specialty programming undertaking Pure TV. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

7. 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, Broadcasting 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 2011-88

Terms and conditions of licence for the Category 2 specialty programming undertaking Pure 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, niche French-language Category 2 specialty programming service that will be devoted to health related programming and that will broadcast programs about hospital life and various recent developments with regard to medical science, pharmaceutical products and alternative health care, as well as general information programs relating to healthy nutrition, physical exercise and well-being.
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 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
- (g) Other drama

- 11 General entertainment and human interest
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

5. The licensee shall devote not more than 15% of the programming broadcast during each broadcast month to programming drawn from program categories 7(a), 7(b), 7(c), 7(d) and 7(g) 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 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.