



Broadcasting Decision CRTC 2012-229

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Route reference: 2011-675

Additional reference: 2011-675-3

Ottawa, 20 April 2012

Jean-Yves Roux, on behalf of a corporation to be incorporated Across Canada

*Application 2011-1072-5, received 12 July 2011
Public hearing in Miramichi, New Brunswick
16 January 2012*

CNV – CANAL NOUVELLE VISION – Specialty Category B service

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

*The Commission **denies** the applicant's request relating to the broadcast of local advertising.*

The application

1. Jean-Yves Roux, on behalf of a corporation to be incorporated (Jean-Yves Roux (OBCI)), filed an application for a broadcasting licence to operate CNV – CANAL NOUVELLE VISION (CNV), a national, French-language specialty Category B service that would be devoted mainly to the lifestyles, cultures and concerns of different Christian communities, as well as to intercultural relations within our society, through the broadcast of entertainment, information, discussion and spiritual teaching programs. The Commission did not receive any interventions in connection with this application.
2. Jean-Yves Roux (OBCI) will be controlled by Jean-Yves Roux, pursuant to the terms of the Unanimous Shareholders' Agreement.
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, 4, 5(a), 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11(a), 11(b), 12, 13 and 14.

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:
 - The licensee shall devote no more than 10% of all programming broadcast each broadcast month to programming drawn from program category 7(d).
 - The licensee shall devote no more than 50% of all programming broadcast each broadcast month to programming drawn from program categories 8(b) and 8(c) combined. All programs drawn from these categories must be devoted exclusively to Christian music video clips.
5. Jean-Yves Roux (OBCI) requested that it be authorized to devote up to 6 of the 12 minutes of advertising material permitted during each clock hour to the broadcast of local advertising.¹

Commission's analysis and decision

6. The Commission notes that the limitations proposed by the applicant are consistent with those set out in Broadcasting Public Notice 2008-100, with the exception of the limits regarding programming drawn from categories 2(b), 7(e) and 8(b) and 8(c) combined. The Commission also notes that the applicant has not set out any limitations for the broadcast of programming drawn from categories 2(b) and 7(e) and that up to 50% of all programming broadcast each broadcast month will be drawn from categories 8(b) and 8(c) combined. However, in Broadcasting Public Notice 2008-100, the Commission established a standard limitation of 10% of the broadcast month for the broadcast of programming drawn from categories 2(b) and 7(e), as well as 8(b) and 8(c) combined. Given that the applicant has not provided sufficient evidence to support its application for an exception to the 10% limit established for the broadcast of programming drawn from categories 2(b) and 7(e), the Commission imposes a **condition of licence** limiting the programming drawn from categories 2(b) and 7(e) based on the limitations set out in Broadcasting Public Notice 2008-100.
7. With regard to the broadcast of programming drawn from categories 8(b) and 8(c) combined, the Commission notes that the applicant justified its application for an exception by explaining that the music broadcast would be exclusively Christian, which it defined as follows: "Music, from all genres (categorized as religious), emphasizing Christian ideology, biblical principles and the messages conveyed in the Gospels." As a result, the applicant was of the view that the service would not be competitive with other Canadian music networks. The Commission considers that the above-mentioned definition will be sufficient to ensure that CNV will not be directly competitive with existing Category A services, given the restrictive nature of the type of music that the service will be allowed to broadcast. The Commission notes that the

¹ "Local advertising" is advertising that does not fall within the definition of national or regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

limitation proposed by the applicant for its programming drawn from categories 8(b) and 8(c) combined is high and that the applicant stated its willingness to accept a condition of licence imposing a minimum percentage for the broadcast of French-language video clips. Accordingly, the service will be required to comply with the standard conditions of licence set out for music video services in Broadcasting Regulatory Policy 2010-786-1, as well as the following condition of licence:

The licensee shall devote to French-language video clips a percentage of the total number of video clips broadcast in each broadcast month according to the following schedule: a minimum of 15% in the first year of operation, a minimum of 20% in the second year of operation and a minimum of 25% in the third and subsequent years of operation.

8. 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 Jean-Yves Roux, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national French-language specialty Category B service CNV – CANAL NOUVELLE VISION. The terms and **conditions of licence** are set out in the appendix to this decision.
9. Furthermore, the Commission notes that Jean-Yves Roux, on behalf of a corporation to be incorporated, will not broadcast local or regional programming, that the proposed service is not an ethnic or third-language service and as such does not qualify to offer local advertising. Accordingly, the Commission **denies** the applicant's request for authorization to broadcast up to six minutes per hour of local advertising.

Reminder

10. 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

- *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
- *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 2012-229

Terms and conditions of licence for the specialty Category B service CNV – CANAL NOUVELLE VISION

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 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, including the conditions of licence for music video services only.
2. a) The licensee shall provide a national, English-language specialty Category B service devoted mainly to the lifestyles, cultures and concerns of different Christian communities, as well as to intercultural relations within our society, through the broadcast of entertainment, information, discussion and spiritual teaching programs.

b) 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
 - 4 Religion
 - 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
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (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

c) The licensee shall devote no more than 10% of all programming broadcast each broadcast month to programs drawn from each of program categories 2(b), 7(d) and 7(e).

d) The licensee shall devote no more than 50% of all programming broadcast each broadcast month to programs drawn from program categories 8(b) and 8(c) combined. All programs from these categories must be devoted exclusively to Christian music video clips. The music broadcast must be exclusively Christian and must correspond to the following definition:

Music, from all genres (categorized as religious), emphasizing Christian ideology, biblical principles and the messages conveyed in the Gospels.

3. Of the total number of video clips broadcast in each broadcast month, the licensee shall devote the following percentages to the broadcast of French-language video clips:
 - a minimum of 15% in the first year of operation;
 - a minimum of 20% in the second year of operation; and
 - a minimum of 25% in the third and subsequent years of operation.
4. The service approved hereby is designated as a Category B service.

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.