



Broadcasting Decision CRTC 2012-32

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Route reference: Part 1 application posted on 7 October 2011

Ottawa, 23 January 2012

City West Cable and Telephone Corporation Across Canada

Application 2011-1350-6

Addition of Hope Channel TV to the list of non-Canadian programming services authorized for distribution

*The Commission **approves** an application to add Hope Channel TV to the List of non-Canadian programming services authorized for distribution and amends the list accordingly. The revised list is available on the Commission's website at www.crtc.gc.ca under "Broadcasting Sector."*

Introduction

1. The Commission received an application dated 22 September 2011 from City West Cable and Telephone Corporation (City West) to add Hope Channel TV, a non-Canadian English-language service, to the *List of non-Canadian programming services authorized for distribution* (the list).¹
2. City West described Hope Channel TV as a service providing diverse inspirational and educational programming to the Christian faith community.
3. The Commission's general approach to the addition of non-Canadian English- and French-language services to the list is set out in Public Notice 2000-173. Under this approach, the Commission assesses such requests in the context of its general policy, which, among other things, precludes the addition of a non-Canadian service that can be considered either totally or partially competitive with Canadian specialty or pay television services.
4. The Commission received an intervention in support of this application, as well as an intervention in opposition from an individual. The public record for this application can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

¹ In Broadcasting Regulatory Policy 2011-399, the Commission announced that, as of 1 September 2011, the lists of eligible satellite services available for distribution on a digital basis would be replaced with a consolidated list to be known as the *List of non-Canadian programming services authorized for distribution*.

Commission's analysis and decisions

5. The Commission relies primarily on the interventions filed to identify the Canadian pay and specialty services with which the service proposed to be added to the list might be totally or partially competitive and that therefore should be included in the assessment of the competitiveness of the service. Parties wishing to argue that a non-Canadian service should not be authorized for distribution in Canada are expected to provide detailed support for their position.
6. After examining the public record for this application in light of applicable policies and regulations, the Commission considers that the issues it must address are the following:
 - Would the service contribute to the Canadian broadcasting system?
 - Would the service compete with a Canadian pay or specialty service?

Contribution to the Canadian broadcasting system

7. The individual opposing the addition of Hope Channel TV to the list argued that the service would not contribute to the growth of Canadian broadcasting, since it does not have a studio or a media center in Canada. In its reply, City West noted that Hope Channel TV has, for years, regularly broadcast a Canadian program produced in Toronto called *It is written Canada*. It added that the service might be encouraged to produce more programming in Canada if it became available to all Canadian distributors.
8. The Commission notes that it does not require a non-Canadian service to own or operate a studio in Canada in order to be added to the list. The Commission has generally considered that non-Canadian services contribute to the Canadian broadcasting system by enhancing the diversity of programming available.

Competition with a Canadian pay or specialty service

9. The individual opposing the addition of Hope Channel TV further submitted that the service would be competitive with various Canadian faith-based services, such as The Miracle Channel, Grace TV and Vision TV. In its reply, City West argued that the application was not opposed by any Canadian Christian programming services. It noted that Hope Channel TV typically attracts a different audience and therefore does not materially fragment other religious audiences.
10. The Commission notes that the intervener did not submit any evidence (for example, a programming schedule) to demonstrate an overlap between the sponsored non-Canadian service and the relevant Canadian services. The fact that Hope Channel TV is a religious service does not necessarily render it competitive with other religious services. Some religious services broadcast multi-faith programming, while others are devoted to a specific faith. Further, the Commission notes that none of the services that the intervener named as being potentially competitive with Hope Channel TV

(The Miracle Channel, Grace TV and Vision TV) opposed the addition of this non-Canadian service to the list. Accordingly, the Commission considers that there is insufficient evidence to conclude that Hope Channel TV would be totally or partially competitive with a Canadian pay or specialty service.

Conclusion

11. In light of the above, the Commission **approves** the addition of Hope Channel TV to the *List of non-Canadian programming services authorized for distribution* and amends the list accordingly. The list is available on the Commission's website at www.crtc.gc.ca under "Broadcasting Sector" and may be obtained in hard copy on request.
12. The Commission reminds BDUs deciding to distribute Hope Channel TV that section 26(2) of the *Broadcasting Distribution Regulations* prohibits the distribution of single or limited point-of-view religious services and of authorized religious non-Canadian services, such as Hope Channel TV, in a package of programming services unless the other services in that package are one or more of those types of services.

Secretary General

Related documents

- *List of non-Canadian programming services authorized for distribution*, Broadcasting Regulatory Policy CRTC 2011-399, 30 June 2011
- *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000