



## Broadcasting Decision CRTC 2012-346

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Route reference: 2012-29

Ottawa, 26 June 2012

### Canadian Broadcasting Corporation Across Canada

*Application 2011-1456-1, received 1 November 2011  
Public hearing in the National Capital Region  
21 March 2012*

### Trésor – Specialty Category B service

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

#### The application

1. The Canadian Broadcasting Corporation (CBC) filed an application for a broadcasting licence to operate Trésor, a national, French-language specialty Category B service that would be devoted to television and film classics. The programming would include programs highlighting the CBC's archives as well as Canadian television heritage in general. The Commission received an intervention in support of this application.
2. 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: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(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.
3. 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 in each broadcast month to programming drawn from each of program categories 2(b), 6(a) and 7(e), as well as 8(b) and 8(c) combined.
  - All programming drawn from program category 7(d) broadcast by the licensee shall have been copyrighted at least 15 years prior to the year of broadcast.
  - At least 90% of all programming drawn from program categories 7, 8 and 9 broadcast by the licensee in each broadcast month shall have been copyrighted at least 10 years prior to the year of broadcast.

## Commission's analysis and decision

4. 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 proposed limit regarding programming drawn from program category 7(d). Specifically, the applicant has not set any limitations in terms of percentages for the broadcast of programming drawn from program category 7(d). However, the Commission is of the view that the condition of licence proposed by the applicant relating to the copyright protection of programming drawn from program category 7(d) combined with the nature of service are sufficient to ensure that the service Trésor will not directly compete with Category A and Category C services.
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 the Canadian Broadcasting Corporation for a broadcasting licence to operate the national, French-language specialty Category B service Trésor. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminder

6. The Commission reminds the applicant that the 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 2012-346

### Terms, conditions of licence, expectations and encouragements for the specialty Category B service Trésor

#### 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 licensee shall adhere to the conditions of licence set out in Appendix 1 to *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, as amended from time to time.
2. With respect to the nature of service:
  - (a) The licensee shall provide a national, French-language specialty Category B service devoted to television and film classics. The programming will include programs highlighting the Canadian Broadcasting Corporation's archives as well as Canadian television heritage in general.
  - (b) The licensee shall draw programming 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
    - 4 Religion
    - 5 (a) Formal education and pre-school  
(b) Informal education/Recreation and leisure
    - 6 (a) Professional sports  
(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
- 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 in each broadcast month to programming drawn from each of program categories 2(b), 6(a) and 7(e), as well as 8(b) and 8(c) combined.

(d) All programming drawn from program category 7(d) broadcast by the licensee shall have been copyrighted at least 15 years prior to the year of broadcast.

(e) At least 90% of all programming drawn from program categories 7, 8 and 9 broadcast by the licensee in each broadcast month shall have been copyrighted at least 10 years prior to the year of broadcast.

3. 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

### **Expectations**

The standard expectations applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.

### **Encouragements**

The standard encouragements applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.