



## Broadcasting Decision CRTC 2012-365

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Route reference: 2012-29

Ottawa, 6 July 2012

**1637191 Alberta Ltd.**

Across Canada

*Application 2011-1498-3, received 15 November 2011*

*Public hearing in the National Capital Region*

*21 March 2012*

### **The Crime Network – Specialty Category B service**

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

#### **The application**

1. 1637191 Alberta Ltd. (1637191 Alberta) filed an application for a broadcasting licence to operate The Crime Network, a national, English-language specialty Category B service that would be devoted to procedural crime dramas, documentaries and movies, primarily from the 60's, 70's and 80's, along with recent dramas and international series where the theme is crime stories. The Commission did not receive any interventions in connection with this application.
2. 1637191 Alberta is controlled by the trustees, Mr. Larry Day and Ms. Kirstie McLellan-Day, pursuant to the terms of a trust 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, 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 9, 10, 11(a), 11(b), 12, 13 and 14.
4. The applicant indicated that 100% of the programming broadcast on The Crime Network would be in the English language.
5. 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 would be drawn from program category 7(d).

## Commission's analysis and decision

6. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address relates to the proposed limitation on programming to be drawn from program category 7(d).
7. The Commission notes that the applicant's proposed programming limitation with respect to program category 7(d) is not consistent with the limitation set out in Broadcasting Public Notice 2008-100. The Commission considers, however, that the proposed limitation, in conjunction with the proposed nature of service, are sufficient to help ensure that The Crime Network would not be or become directly competitive with existing Category A services.

## Conclusion

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 1637191 Alberta Ltd. for a broadcasting licence to operate the national, English-language specialty Category B service, The Crime Network. The terms and **conditions of licence** are set out in the appendix to this decision.

## Reminder

9. 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 2012-365

### Terms, conditions of licence, expectations and encouragements for the specialty Category B service The Crime Network

#### 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 Commission requires the applicant to file within 12 months of the date of this decision a copy of its amended and executed by-laws in order to comply with the *Direction to the CRTC (Ineligibility of non-Canadians)*, at all times.

The licence will expire 31 August 2018.

#### Conditions of licence

1. The licensee shall adhere to the conditions 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. In regards to the nature of service:
  - (a) The licensee shall provide a national, English-language specialty Category B service devoted to procedural crime dramas, documentaries and movies, primarily from the 60's, 70's and 80's, along with recent dramas and international series where the theme is crime stories.
  - (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
    - 5 (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

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 not more than 15% of all programming broadcast during the broadcast week to programming drawn from program category 7(d).

3. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, “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 no 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.

### **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.