



## Broadcasting Decision CRTC 2013-250

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Route reference: Part 1 application posted on 12 February 2013

Ottawa, 17 May 2013

### **Animal Planet Canada Company**

Across Canada

*Application 2013-0294-2*

### **Animal Planet – Licence amendments**

*The Commission **approves** an application by Bell Media Inc., on behalf of Animal Planet Canada Company, to add program categories to the list of categories from which it may draw programming for broadcast on the national, English-language specialty Category B service Animal Planet. The Commission also imposes **conditions of licence** relating to standard limitations on the amount of programming that can be drawn from certain program categories each broadcast month.*

#### **The application**

1. Bell Media Inc. (Bell), on behalf of Animal Planet Canada Company, filed an application to add the following program categories to the list of categories<sup>1</sup> from which it may draw programming for broadcast on the national, English-language specialty Category B service Animal Planet:
  - 3 Reporting and actualities
  - 4 Religion
  - 5 (a) Formal education and preschool
  - 6 (a) Professional sports
  - (b) Amateur sports
  - 7 (e) Animated television programs and films
  - (f) Programs of comedy sketches, improvisations, unscripted work, stand-up comedy
  - 8 (a) Music and dance other than music video programs or clips
  - (b) Music video clips
  - (c) Music video programs
  - 9 Variety
  
2. *In Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory Policy, Broadcasting Public Notice*

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<sup>1</sup> The full list of program categories is set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*.

CRTC 2008-100, 30 October 2008 (Broadcasting Public Notice 2008-100), the Commission established standard limitations on the amount of programming that can be drawn from certain program categories during each broadcast month. In this regard, the applicant stated that Animal Planet's nature of service along with the standard limitations of 10% per broadcast month for programming drawn from each of program categories 6(a) and 7(e), and from program categories 8(b) and 8(c) combined would ensure that the service does not become competitive with any existing Category A service.

3. The Commission received an intervention in opposition to this application from the Alliance of Canadian Cinema, Television and Radio Artists (ACTRA), to which the applicant replied. The public record for this proceeding can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

### **Commission's analysis and decision**

4. After examining the application in light of applicable regulations and policies, the Commission considers that the issue it must address is whether the addition of the above-noted program categories is consistent with Animal Planet's nature of service and the applicable Commission policies.
5. ACTRA submitted that permitting Animal Planet to draw programming from the proposed program categories would alter the service's fundamental nature of service.
6. In its reply to the intervention, Bell acknowledged that all programming, regardless of the program category from which it is drawn, must be consistent with a service's nature of service. It stated that the addition of certain program categories would in no way result in the dilution of Animal Planet's mandate.
7. Consistent with Broadcasting Public Notice 2008-100, the Commission considers that Animal Planet's nature of service along with the standard limitations of 10% per broadcast month for programming drawn from each of program categories 6(a) and 7(e), and from program categories 8(b) and 8(c) combined are sufficient to ensure that it does not become competitive with any existing Category A service.

### **Conclusion**

8. In light of the above, the Commission **approves** the application by Bell Media Inc., on behalf of Animal Planet Canada Company, to amend the broadcasting licence for the national, English-language specialty Category B service Animal Planet to add program categories to the list of categories from which it may draw programming for broadcast on the service. The service's **condition of licence 2(b)** shall now read as follows:

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:

- 1 News
- 2 (a) Analysis and interpretation  
(b) Long-form documentary
- 3 Reporting and actualities
- 4 Religion
- 5 (a) Formal education and preschool  
(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, improvisations, unscripted work, 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 Games shows
- 11 (a) General entertainment and human interest  
(b) Reality television
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

9. Further, consistent with Broadcasting Public Notice 2008-100, the Commission imposes the following **conditions of licence 2(d), 2(e) and 2(f)**:

d) The licensee shall devote not more than 10% of all programming broadcast during the broadcast month to programming drawn from program category 6(a).

e) The licensee shall devote not more than 10% of all programming broadcast during the broadcast month to programming drawn from program category 7(e).

f) The licensee shall devote not more than 10% of all programming broadcast during the broadcast month to programming drawn from program categories 8(b) and 8(c) combined.

10. The Commission reminds Animal Planet Canada Company that the onus lies on it, as the licensee of Animal Planet, to ensure that all the programming broadcast on its service is consistent with its nature of service.

Secretary General

*\*This decision is to be appended to the licence.*