



Broadcasting Decision CRTC 2014-173

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Route reference: 2013-536

Ottawa, 10 April 2014

OpenBroadcaster Inc.
Across Canada

*Application 2013-0431-0, received 4 March 2013
Public hearing in the National Capital Region
5 December 2013*

OBZONE – 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. OpenBroadcaster Inc. (OpenBroadcaster) filed an application for a broadcasting licence to operate OBZONE, a national, English-language specialty Category B service that would be devoted to airing 100% user-generated content contributed from the audience in the region it serves. The Commission did not receive any interventions in connection with this application.
2. OpenBroadcaster is owned and controlled by Robert G. Hopkins, its sole shareholder.
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: 5(a), 5(b) and 11(a).
4. OpenBroadcaster also requested that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to six minutes of local advertising.¹

¹ “Local advertising” is advertising that does not fall within the definition of national or regional advertising, that is, advertising by persons who provide goods or services in more than one market or province.

Commission's analysis and decisions

5. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address is whether the service should be authorized to broadcast local advertising.
6. The Commission's policy regarding the authorization to broadcast local advertising is associated with the broadcast of local content. The Commission generally permits specialty services, which for the most part are national in scope, to broadcast only national advertising. National, third-language specialty services are an exception to this policy and are generally granted authorization to broadcast local advertising. In regard to OpenBroadcaster's request in this regard, the Commission finds that OBZONE would not qualify to offer local advertising, since it would be licensed as a national, English-language (and not third-language) specialty Category B service, and since it would not broadcast local programming.

Conclusion

7. 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 OpenBroadcaster Inc. for a broadcasting licence to operate the national, English-language specialty Category B service, OBZONE. However, for the reasons set out above, the Commission **denies** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

8. 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 2014-173

Terms, conditions of licence, expectations and encouragements for the national, English-language specialty Category B service OBZONE

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 2020.

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.
2. In regard to the nature of service:
 - (a) The licensee shall provide a national, English-language specialty Category B service devoted to airing 100% user-generated content contributed from the audience in the region it serves.
 - (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:
 - 5 (a) Formal education and pre-school
 - (b) Informal education/Recreation and leisure
 - 11 (a) General entertainment and human interest
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.