



Broadcasting Decision CRTC 2014-451

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Route reference: 2014-26

Ottawa, 2 September 2014

2380393 Ontario Inc.
Across Canada

Application 2013-1464-0, received 4 November 2013
Public hearing in the National Capital Region
8 April 2014

EDGEsport – Specialty Category B service

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

Application

1. 2380393 Ontario Inc. (2380393 Ontario) filed an application for a broadcasting licence to operate EDGEsport, a national, English-language specialty Category B service devoted solely to extreme sports and pastimes, such as freestyle MotoX, rock climbing, wakeboarding, skateboarding, base jumping, surfing and BMX bike racing. Extreme sports are defined as those sports that are non-traditional or non-conventional athletic endeavours, which are performed at a high degree of intensity or risk. The Commission did not receive any interventions in connection with this application.
2. 2380393 Ontario is owned by 2380392 Ontario (80.5%) and Trans World International, Inc., dba IMG Media (19.5%), a non-Canadian corporation. 2380392 Ontario is wholly owned by Anthem Media Group Inc., a corporation ultimately controlled by Leonard Asper.
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: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 7(a), 7(c), 7(d), 7(e), 8(b), 10, 11(a), 11(b), 12, 13 and 14.
4. 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:
 - No more than 10% of programming during the broadcast month will be drawn from each of the following categories: 2(b), 7(a), 7(d), 7(e) and 8(b).

- No more than 10% of programming during the broadcast month will be comprised of live event professional sports programming.
 - The service will not provide coverage of traditional competitive sports, such as baseball, basketball, football, hockey, tennis or golf.
5. The applicant indicated that it would not be feasible for the service to abide by the Commission's standard limitation of no more than 10% of the broadcast month for programming drawn from program category 6(a) Professional sports.

Commission's analysis and decision

6. In Broadcasting Public Notice 2008-100, the Commission stated that it will generally impose a standard limitation of 10% of the broadcast month on programming drawn from program category 6(a) for new Category B services. With respect to EDGEsport, the Commission is satisfied that the service's proposed nature of service, which focuses on professional sports other than conventional sports, such as hockey, baseball, etc., will be sufficient to ensure that the service will not compete directly with existing Category A and C services.
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 2380393 Ontario Inc. for a broadcasting licence to operate the national, English-language specialty Category B service EDGEsport. 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 2014-451

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

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 2021.

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 regard to the nature of service:
 - (a) The licensee shall provide a national, English-language specialty Category B service devoted solely to extreme sports and pastimes, such as freestyle MotoX, rock climbing, wakeboarding, skateboarding, base jumping, surfing and BMX bike racing. Extreme sports are defined as those sports that are non-traditional or non-conventional athletic endeavours, which are performed at a high degree of intensity or risk.
 - (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:
 - 1 News
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 3 Reporting and actualities
 - 5 (b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 (a) Ongoing dramatic series

- (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - 8 (b) Music video clips
 - 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 not devote more than 10% of the programming during the broadcast month to programs drawn from each of the following categories: 2(b), 7(a), 7(d), 7(e) and 8(b).
- (d) The licensee shall not devote more than 10% of the programming during the broadcast month to live event professional sports programming.
- (e) The licensee shall not provide coverage of traditional competitive sports, such as baseball, basketball, football, hockey, tennis or golf.

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.