



Broadcasting Decision CRTC 2016-83

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Reference: Part 1 application posted on 10 September 2015

Ottawa, 3 March 2016

Shaw Television G.P. Inc. (the general partner) and Shaw Media Global Inc. (the limited partner), carrying on business as Shaw Television Limited Partnership

Province of British Columbia

Application 2015-1061-0

BC News 1 – Licence amendments

*The Commission **approves** a request to amend a nature of service condition of licence for the regional, English-language specialty Category B service BC News 1 so that it may draw programming from all program categories for broadcast on the service.*

*Further, the Commission **approves** requests to delete the condition of licence prohibiting the service from broadcasting live sporting events, and to add a condition of licence limiting the amount of live professional sports programming that the service may broadcast.*

*The Commission **denies** a request to amend BC News 1's condition of licence setting out its nature of service definition. Instead, and consistent with its decisions stemming from the elimination of its genre exclusivity policy, the Commission has deleted that condition of licence.*

Background

1. In Broadcasting Regulatory Policy 2015-86, the Commission stated that it would eliminate its genre exclusivity policy, which limited programming services to offering certain types of programming (that is, a “nature of service”) and in some cases precluded other services from offering that programming. Consequently, it no longer enforces conditions of licence relating to nature of service, with certain exceptions, such as the condition of licence relating to the broadcast of live professional sports programming by services other than mainstream sports services.
2. It further stated that licensees are to provide the Commission with a name and a brief description of the service, to be listed on the Commission’s website, and update this information any time it changes. This will allow both Canadians and the Commission to continue having basic information about the discretionary services in operation.

Application

3. Shaw Television G.P. Inc. (the general partner) and Shaw Media Global Inc. (the limited partner), carrying on business as Shaw Television Limited Partnership (Shaw), filed an application relating to the regional, English-language specialty Category B service BC News 1. Shaw proposed to amend the following nature of service condition of licence for the service:¹
 - 2.(a) The licensee shall provide a regional, English-language specialty Category B service that will offer a mix of local and regional news, traffic, weather, business, sports and entertainment information devoted to serving residents of British Columbia, with a special focus on the Vancouver/Victoria Extended Market, as defined by the Broadcast Bureau of Measurement (BBM) Canada.
4. Specifically, it proposed that the condition of licence read as follows:

The licensee shall provide a national English-language discretionary service primarily focused on News programming.
5. The licensee requested this amendment rather than the deletion of the condition of licence and the provision of a brief description of the service.
6. Shaw also requested an amendment to condition of licence 2.(b), which relates to the program categories from which it may draw programming for broadcast on the service, so as to allow it to draw programming from all program categories.
7. In addition, the licensee requested the deletion of the following condition of licence relating to the broadcast of sports programming:
 - 2.(c) The licensee shall not broadcast live coverage of sporting events.
8. Finally, it requested the addition of a condition of licence limiting the amount of professional sports programming that the service may broadcast to 10% of the broadcast month.
9. Shaw stated that the above requests are consistent with the Commission's decisions stemming from its elimination of the genre exclusivity policy.
10. In a letter to Shaw dated 11 September 2015, Commission staff requested further information regarding the proposed revised nature of service condition of licence for BC News 1. In its reply letter of 18 September 2015, Shaw confirmed that BC News 1 would continue to focus on local and regional news and would remain primarily devoted to serving residents of British Columbia. It noted that the application was not intended to classify the service as a Category C mainstream news

¹ BC News 1's current conditions of licence are set out in the appendix to Broadcasting Decision 2012-394.

service.² It further noted that it did not oppose describing the service as “regional” rather than “national.”

Interventions and reply

11. The Commission received an intervention from the Forum for Research and Policy in Communications (FRPC), to which the licensee replied. The public record for this application can be found on the Commission’s website at www.crtc.gc.ca or by using the application number provided above.
12. The FRPC submitted that Shaw’s application is incomplete as the licensee, after replying to the letter sent by Commission staff, did not provide amended wording for condition of licence 2.(a), leaving it unclear what type of programming would be offered by the service. It further submitted that this application is inconsistent with another Shaw application (2015-0701-3³) for BC News 1, in which the licensee requested an exemption from the requirement to meet quality standards for closed captioning for the service, so that it may implement a closed captioning pilot project. Specifically, it noted Shaw’s statements to the effect that programming changes would result from the amendments proposed in the present application, but that no programming changes would result should the other application be approved.
13. In reply, Shaw reiterated that this application is consistent with Broadcasting Regulatory Policy 2015-86. It stated that it has described the programming that would be offered by BC News 1 and provided two options for the description of the service. In its view, the application is complete. In regard to its other application, Shaw reiterated that it was related to closed captioning and would not itself result in programming changes for the service.

Commission’s analysis and decisions

14. The requested amendment to condition of licence 2.(b) allowing the licensee to draw programming from all program categories for broadcast on BC News 1 is consistent with Broadcasting Regulatory Policy 2015-86. In regard to the requested deletion of condition of licence 2.(c) and the addition of a new condition of licence limiting the amount of sports programming that may be broadcast, as set out in the above-noted policy, the 10% limit applies to “live” professional sports, which grants licensees greater flexibility than if it referred simply to “professional sports.” Accordingly, the proposed condition of licence shall be amended to refer to “live” professional sports.
15. In regard to condition of licence 2.(a), the Commission stated in Broadcasting Regulatory Policy 2015-86 that it would not generally enforce conditions of licence that tie a service to a specific programming genre. Since the requested condition of

² The standard conditions of licence, expectations and encouragement for Canadian discretionary services operating as national news services are set out in the appendix to Broadcasting Regulatory Policy 2015-436.

³ This Part 1 application was posted on the Commission’s website on 9 July 2015.

licence is of this type, it would not be enforced. Accordingly, it would not be appropriate to approve Shaw's request. Rather, in accordance with Broadcasting Regulatory Policy 2015-86, in which it stated that licensees may apply to delete their nature of service conditions of licence, the Commission finds it appropriate to delete condition of licence 2.(a).

16. In light of the above, the Commission **approves** the licensee's request to amend the broadcasting licence for BC News 1 by amending condition of licence 2.(b). That **condition of licence** shall now read as follows:

The licensee may draw programming from all of the program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time.

17. Further, the Commission **approves** the licensee's request to delete condition of licence 2.(c) and to add the following **condition of licence**:

The licensee shall devote not more than 10% of the programming broadcast during the broadcast month to live professional sports programming, which falls under program category 6(a) Professional sports.

18. The Commission **denies** the licensee's requested amendment to condition of licence 2.(a). In accordance with Broadcasting Regulatory Policy 2015-86, the Commission has deleted that condition of licence.

19. In regard to the description of the service to be provided pursuant to Broadcasting Regulatory Policy 2015-86, Shaw initially proposed to refer to BC News 1 as a national service in its requested amendment to condition of licence 2.(a). However, as noted above, it did not oppose describing the service as "regional" as BC News 1 would continue to focus on regional news and would remain primarily devoted to serving residents of British Columbia. Accordingly, the description of the service to be listed on the Commission's website pursuant to Broadcasting Regulatory Policy 2015-86 will read as follows:

The licensee shall provide a regional English-language discretionary service primarily focused on News programming.

Secretary General

Related documents

- *Revised standard conditions of licence for Canadian discretionary services operating as national news services*, Broadcasting Regulatory Policy CRTC 2015-436, 23 September 2015
- *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015

- *Global News Plus BC – Specialty Category B service*, Broadcasting Decision CRTC 2012-394, 20 July 2012

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