



Broadcasting Decision CRTC 2018-140

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Ottawa, 1 May 2018

Carol Anne O'Brien, Barrister & Solicitor
Across Canada

Public record for this application: 2017-1071-5

Addition of Shalom World to the *List of non-Canadian programming services and stations authorized for distribution*

*The Commission **approves** an application to add Shalom World to the List of non-Canadian programming services and stations authorized for distribution (the list). The revised [list](http://www.crtc.gc.ca) can be found on the Commission's website at www.crtc.gc.ca and may be obtained in hard copy on request.*

Application

1. The Commission received an application from Carol Anne O'Brien, Barrister & Solicitor (O'Brien), acting as the Canadian sponsor, to add Shalom World, a non-Canadian service, to the *List of non-Canadian programming services and stations authorized for distribution* (the list).
2. O'Brien described Shalom World as a 24-hour, English-language niche U.S. programming service featuring spiritual and religious programming reflecting and exploring the Catholic faith.

Intervention

3. The Commission received an opposing intervention from ZoomerMedia Limited (ZoomerMedia).
4. ZoomerMedia argued that Shalom World would be competitive with its Canadian services VisionTV, CIIT-DT Winnipeg and CHNU-DT Fraser Valley, as well as the unaffiliated Canadian discretionary service Salt + Light Television, contrary to Broadcasting Regulatory Policy 2015-96. Among other things, it noted that many programs broadcast on Shalom World appear similar in genre to those found on VisionTV, including the daily Catholic Mass.
5. ZoomerMedia also argued that the addition of a non-Canadian limited point-of-view religious service to the list would be contrary to Public Notice 1993-78 (the Religious Policy).

6. Finally, the intervener expressed concern that Shalom World might:
 - financially compensate broadcasting distribution undertakings (BDUs) in exchange for access to the basic service or another popular tier, giving it a higher penetration than VisionTV; and
 - solicit sponsorships and contributions from Canadian viewers, many of whom currently support programming broadcast on the above-noted Canadian services.

Applicant's reply

7. With respect to competition with Canadian services, O'Brien noted the following:
 - although both Shalom World and VisionTV broadcast the daily Catholic Mass, the featured masses will not be identical as they will take place in different locations and possibly under different rites;
 - over-the-air services are not protected from competition with non-Canadian services in the same way as Canadian pay and specialty services, and thus CIIT-DT and CHNU-DT should not be considered in assessing the competitiveness of Shalom World; and
 - Salt and Light Catholic Media Foundation, the owner of Salt + Light Television, and its representative Fr. Thomas Rosica were notified of the application and had an opportunity to express any concerns about potential competition from Shalom World, but filed no intervention in this proceeding, suggesting that they do not share the intervener's concerns.
8. Regarding the authorization of limited point-of-view services, O'Brien noted that the Religious Policy states that applicants seeking a licence to operate a religious specialty or pay programming undertaking with a limited point-of-view on matters of public concern will not be required to adhere to the balance policy. O'Brien also noted that limited point-of-view non-Canadian services, such as Eternal Word Television Network and Muslim Television Ahmadiyya, have been authorized for distribution and that the addition of Shalom World would increase the diversity of programming available to BDUs and their subscribers, consistent with Broadcasting Regulatory Policy 2015-96.
9. With respect to the solicitation of funding, O'Brien stated that it was her understanding that concerns about fundraising are not addressed by the Commission's policies regarding the addition of non-Canadian services to the list. However, she stated that Shalom World would be willing to ensure that the programs it produces or licenses comply with the guidelines on ethics for religious programming set out in section IV of the Religious Policy.

Regulatory framework

10. The Commission's general approach to the addition of non-Canadian English- and French-language services to the list is set out in Broadcasting Public Notice 2008-100. The Commission's general policy regarding the entry of non-Canadian services to Canada has been to authorize the distribution of those services that do not compete with Canadian discretionary services. The objective of this policy is to provide a measure of support to Canadian services so that they can fulfill their commitments and obligations with respect to Canadian programming and other objectives set out in the *Broadcasting Act*, while encouraging partnerships between Canadian and non-Canadian services in similar genres.
11. In assessing requests to authorize non-Canadian English- and French-language services for distribution in Canada, the Commission examines factors such as the genre and nature of service, the language of operation, the target audience and the extent to which the non-Canadian service may be a program supplier for a Canadian discretionary service. The Commission authorizes the distribution of such services on a case-by-case basis, relying on the comments filed to determine whether such services are competitive with Canadian discretionary services.

Commission's analysis

Competition with VisionTV

12. Although VisionTV and Shalom World are both religious programming services, the former is a multi-faith, multicultural and general entertainment programming service, while the latter is a limited point-of-view Catholic service. Thus while VisionTV broadcasts some programming reflecting and exploring the Catholic faith, it also offers programming from various other faiths, including Islam, Hinduism, Sikhism and Judaism, as well as non-Catholic Christian programming. VisionTV also devotes a significant part of its schedule to "cornerstone" programming consisting of general interfaith programs, as well as to general entertainment and documentary programs.
13. As a result, the amount of Catholic programming on VisionTV is limited. In particular, the Catholic masses identified by ZoomerMedia in its intervention account for only a small portion (approximately 5.5 hours) of its overall programming over a typical broadcasting week. By contrast, most of the programming broadcast on Shalom World consists of Catholic programming, but the daily Catholic masses represent only a small part of that programming. In light of these facts, the Commission is of the view that the level of overlap between the two services would be minimal. Accordingly, the Commission does not consider that Shalom World would be competitive with VisionTV.

Competition with CIIT-DT and CHNU-DT

14. As set out in Broadcasting Public Notice 2008-100 and Broadcasting Regulatory Policy 2015-96, when assessing requests for the addition of non-Canadian services to

the list, the Commission considers competition with Canadian discretionary services. However, the Commission's policy does not take into account competition with Canadian over-the-air television stations.

Competition with Salt + Light Television

15. ZoomerMedia provided very little evidence of specific overlap between Shalom World and Salt + Light Television beyond the fact that they both broadcast the daily mass. Further, the applicant confirmed that Salt and Light Catholic Media Foundation, the owner of Salt + Light Television, was served with a copy of the application, and yet it did not intervene in this proceeding. Accordingly, the Commission considers that this matter is not of concern to Salt and Light Catholic Media Foundation and that the addition of Shalom World to the list would not have a significant impact on Salt + Light Television.

Addition of non-Canadian limited point-of-view religious services to the list

16. While the Religious Policy states that the Commission will not license undertakings for the rebroadcast of non-Canadian radio or television religious services, it does not prevent the distribution of such services in Canada. In this regard, the Commission notes that it has previously approved the addition of other non-Canadian English-language limited point-of-view religious services to the list, namely Hope Channel TV, Peace TV and Eternal Word Television Network.

Distribution and packaging of Shalom World

17. Section 26(1)(c) of the *Broadcasting Distribution Regulations* (the Regulations) states that non-Canadian religious services may only be distributed on a discretionary basis. Accordingly, BDUs are not authorized to distribute non-Canadian religious services such as Shalom World on the basic service.
18. Further, the Religious Policy and section 26(2) of the Regulations specify that limited point-of-view religious services may only be offered in a package with other limited point-of-view religious services, other religious exempt services and/or other authorized non-Canadian religious services. Accordingly, contrary to VisionTV, which as an interfaith service may be packaged with non-religious services, Shalom World may not be packaged with non-religious services. As such, the Commission considers that it is unlikely that Shalom World will be placed in a higher penetration package than VisionTV.

Solicitation of funding

19. The solicitation of funds is not one of the factors taken into consideration by the Commission when assessing potential competition from non-Canadian services. Nonetheless, O'Brien indicated that Shalom World was willing to ensure that its programming complies with the guidelines on ethics for religious programming set out in section IV of the Religious Policy, which includes strict provisions regarding

the solicitation of funds for all Canadian and non-Canadian religious programs broadcast by Canadian licensees. More specifically, the guidelines stipulate that the wording and tone of any solicitations for funds shall not:

- place an undue responsibility on the viewer or listener to respond to the appeal;
- be alarmist in suggesting that the program may be discontinued in the absence of such a response;
- predict divine consequences of not responding or exaggerate positive results of responding; or
- intimidate the viewer or listener in any way.

20. The Commission notes that it would have the possibility of removing the service from the list should Shalom World not comply with the guidelines.

Conclusion

21. In light of all the above, the Commission considers that Shalom World would not be competitive with VisionTV or any other Canadian discretionary service and that its addition to the list would be consistent with the Religious Policy.
22. Accordingly, the Commission **approves** the application by Carol Anne O'Brien, Barrister & Solicitor to add Shalom World to the list. The revised [list](#) can be found on the Commission's website at www.crtc.gc.ca and may be obtained in hard copy on request.

Secretary General

Related documents

- *Let's Talk TV – A World of Choice – A roadmap to maximize choice for TV viewers and to foster a healthy, dynamic TV market*, Broadcasting Regulatory Policy CRTC 2015-96, 19 March 2015
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Religious broadcasting policy*, Public Notice CRTC 1993-78, 3 June 1993