



## Broadcasting Decision CRTC 2018-312

PDF version

References: Part 1 licence renewal applications posted on 27 November 2017

Ottawa, 24 August 2018

**Hollywood Suite Corp. and Hollywood Suite Inc.**  
Across Canada

*Public record for these applications: 2017-0836-4, 2017-0839-8, 2017-0840-6 and 2017-0843-9*

### Hollywood Suite services – Licence renewal

*The Commission **renews** the broadcasting licences for the discretionary services Hollywood Suite 70s Movies, Hollywood Suite 80s Movies, Hollywood Suite 90s Movies and Hollywood Suite 2000s Movies from 1 September 2018 to 31 August 2023.*

#### Applications

1. Hollywood Suite Corp. and Hollywood Suite Inc. (collectively, the applicant) filed applications to renew the broadcasting licences for the national, English-language specialty Category B services Hollywood Suite 70s Movies, Hollywood Suite 80s Movies, Hollywood Suite 90s Movies and Hollywood Suite 2000s Movies. The current licences expire 31 August 2018.
2. The applicant confirmed that it would adhere to the standard requirements for discretionary services set out in Appendix 2 to Broadcasting Regulatory Policy 2016-436.
3. For each service, the applicant requested the deletion of certain conditions of licence pertaining to the definition of the nature of service. It also proposed to adhere to a condition of licence requiring it to devote at least 10% of gross annual revenues to the acquisition of and investment in Canadian programming for each of the services.

#### Interventions

4. The Commission received a comment from the Shaw Rocket Fund regarding children's programming and a joint intervention filed by Rogers Media Inc., Corus Entertainment Inc. and Bell Media Inc. regarding described video requirements. The applicant did not reply to the interventions.

#### Commission's analysis and decisions

5. The applicant's request to delete certain conditions of licence pertaining to the nature of the services is consistent with the new standard requirements as well as the Commission's elimination of genre exclusivity in Broadcasting Regulatory Policy 2015-86.

6. In Broadcasting Regulatory Policy 2015-86, the Commission indicated that all licensed English-language discretionary services will be subject to a Canadian programming expenditure (CPE) requirement and that those requirements would be established in a case-by-case manner and be based on historical levels. However, the Commission indicated that, for new services or services with historical levels lower than 10% of the service's revenues from the previous broadcast year, it would impose requirements of at least 10%. In the Commission's view, this level represents an attainable floor for any discretionary service and ensures minimal levels of contribution to the creation and presentation of Canadian programming. The applicant stated that it would adhere to a minimum 10% CPE requirement. The Commission reviewed the services' financial data and is of the view that 10% is an appropriate minimum requirement. Accordingly, a **condition of licence** to that effect is set out in the appendix to this decision.
7. The Commission considers it appropriate to encourage the reflection of Indigenous peoples in the broadcasting system. Specifically, the licensee will receive a 50% credit towards its CPE requirements for expenditures on Canadian programming produced by Indigenous producers, up to a maximum (expenses plus credit) of 10% of the licensee's overall CPE requirement when combined with the credit discussed below regarding official language minority community (OLMC) reflection. Only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit.
8. The Commission is also of the view that a similar credit could encourage greater onscreen reflection of OLMCs in the broadcasting system. Consequently, the licensee will receive a 25% credit against its CPE requirements for expenditures on Canadian programming produced by OLMC producers, up to a maximum (expenses plus credit) of 10% of the licensee's overall CPE requirement when combined with the credit discussed in the preceding section on Indigenous reflection. Once again, only programming costs counting towards CPE as defined in Public Notice 1993-93 will be considered eligible for the credit. Further, the OLMC producer must be an independent producer as defined by the Commission and (i) if in the province of Quebec, the original language of the production must be English or (ii) if outside of the province of Quebec, the original language of the production must be French.
9. Accordingly, **conditions of licence** reflecting these determinations are set out in the appendix to this decision.

## Conclusion

10. In light of the above, the Commission **renews** the broadcasting licences for the national, English-language discretionary services Hollywood Suite 70s Movies, Hollywood Suite 80s Movies, Hollywood Suite 90s Movies and Hollywood Suite

2000s Movies<sup>1</sup> from 1 September 2018 to 31 August 2023. The terms and **conditions of licence** for these services are set out in the appendix to this decision.

## Reminders

11. Section 8 of the *Discretionary Services Regulations* requires, among other things, that except as otherwise provided under a condition of its licence, a licensee shall provide to the Commission, within 30 days after the end of each month, the program log or record of its programming for the month.
12. The Commission reminds the licensee that the program logs must be accurate and must be kept in a form that is acceptable to the Commission.

Secretary General

## Related documents

- *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016
- *Let's Talk TV: The way forward – Creating compelling and diverse Canadian programming*, Broadcasting Regulatory Policy CRTC 2015-86, 12 March 2015
- *The reporting of Canadian programming expenditures*, Public Notice CRTC 1993-93, 22 June 1993

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

---

<sup>1</sup> In Broadcasting Regulatory Policy 2015-86, the Commission announced that it would consolidate television programming service licences into three broad categories. According to this simplified approach, specialty Category B services are now designated as discretionary services.

## **Appendix to Broadcasting Decision CRTC 2018-312**

### **Terms, conditions of licence, expectations and encouragements for the national, English-language discretionary services Hollywood Suite 70s Movies, Hollywood Suite 80s Movies, Hollywood Suite 90s Movies and Hollywood Suite 2000s Movies**

#### **Terms**

The licences will take effect 1 September 2018 and expire 31 August 2023.

#### **Conditions of licence**

1. The licensee shall adhere to the conditions of licence set out in Appendix 2 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016, as well as to the conditions set out in the broadcasting licence for the undertaking.
2. The licensee shall, in each broadcast year, devote not less than 10% of the previous year's gross annual revenues of the undertaking to the acquisition of or investment in Canadian programming.
3. Subject to condition 4, the licensee may claim, in addition to its expenditures on Canadian programming:
  - a. a 50% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an Indigenous producer and claimed as Canadian programming expenditures during that broadcast year;
  - b. a 25% credit against its Canadian programming expenditure requirements for expenditures made on Canadian programming produced by an official language minority community producer and claimed as Canadian programming expenditures during that broadcast year. The licensee may claim the credit if:
    - i. the programming is produced in the province of Quebec and the original language of production is English; or
    - ii. the programming is produced outside the province of Quebec and the original language of production is French.
4. The licensee may claim the credits calculated in accordance with condition 3 until the expenditures made on Canadian programming produced by Indigenous producers and by official language minority community producers, including credits, reach a combined maximum of 10% of the Canadian programming expenditure requirement for the undertaking.

5. In regard to expenditures on Canadian programming:
  - (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming that is up to 5% less than the minimum required expenditure for that year calculated in accordance with condition of licence 2; in such case the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.
  - (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming that is greater than the minimum required expenditure, the licensee may deduct that amount from the minimum required expenditure in one or more of the remaining years of the licence term.
  - (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming, at a minimum, the total of the minimum required expenditures calculated in accordance with condition of licence 2.
6. In the two years following the end of the previous licence term, the licensee shall report and respond to any Commission enquiries relating to the expenditures on Canadian programming made by the licensee for that term.
7. The licensee is responsible for any failure to comply with the requirements relating to expenditures on Canadian programming that occurred during the previous licence term.

## **Definitions**

For purposes of these conditions:

“Indigenous producer” means an individual who self-identifies as Indigenous, which includes First Nations, Métis or Inuit, and is a Canadian citizen or resides in Canada, or an independent production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and are Canadian citizens or reside in Canada. In regard to the definition of “independent production company,” “Canadian” includes a person who self-identifies as Indigenous and resides in Canada, whereas “Canadian company” includes a production company in which at least 51% of the controlling interest is held by one or more individuals who self-identify as Indigenous and reside in Canada.

“Official language minority community producer” means a company that meets the definition of “independent production company” and that:

- a. if operating in the province of Quebec, produces original English-language programming, or

- b. if operating outside of the province of Quebec, produces original French-language programming.

### **Expectations**

The standard expectations applicable to this licensee are set out in Appendix 2 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.

### **Encouragements**

The standard encouragements applicable to this licensee are set out in Appendix 2 to *Standard requirements for television stations, discretionary services, and on-demand services*, Broadcasting Regulatory Policy CRTC 2016-436, 2 November 2016.