



## Broadcasting Decision CRTC 2006-118

Ottawa, 4 April 2006

**Cookie Jar Entertainment Inc., on behalf of a corporation to be incorporated**  
Across Canada

*Application 2005-0821-0*

*Public Hearing in the National Capital Region*

*16 January 2006*

### **Télévision éducative Cookie Jar – Category 2 specialty service**

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

#### **The application**

1. The Commission received an application by Cookie Jar Entertainment Inc., on behalf of a corporation to be incorporated (Cookie Jar), for a broadcasting licence to operate a national, French-language Category 2<sup>1</sup> specialty programming undertaking to be known as Télévision éducative Cookie Jar.
2. The applicant proposed to offer formal educational programming. Programming would generally consist of core educational programs and interactivity or education through interaction, in areas such as, but not limited to, language, mathematics, science and technology. This core curriculum programming would be consistent with prevailing educational standards established by competent educational authorities from time to time. The educational programming would place significant emphasis on interactivity and would be directed at a target audience of children from pre-kindergarten age to grade 6 and their teachers, educators, parents and caregivers. Approximately 65% of the programming would target children from pre-kindergarten to grade 6 and their teachers and educators. Approximately 35% of the programming would target parents and caregivers of these children and would include programming such as expert advice, activities and homework, among others. Overall, the programming broadcast by the service would focus on curriculum specified strands and/or achievement levels paying special attention to the roles and responsibilities of teachers, educators, parents and caregivers, in addition to the target audience of children.

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<sup>1</sup> The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

3. All of the programming would be drawn from the following categories, as set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 5(a) Formal education and pre-school; 5(b) Informal education/Recreation and leisure; 7(a) Ongoing drama series; 7(b) Ongoing comedy series (sitcoms); 7(c) Specials, mini-series, made-for-TV feature films; 7(e) Animated television programs and films; 8(a) Music and dance other than music video programs or clips; 8(b) Music video clips, 8(c) Music video programs; 9 Variety; 10 Game shows; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. In addition, the applicant stated that it would abide by the following conditions of licence:
  - (a) The applicant shall devote 70% of its programming to categories 5(a) and 5(b) as measured over the broadcast week for the months of September through June.
  - (b) The applicant shall devote 70% of its programming to categories 5(a) and 5(b) as measured over the broadcast month for the months of July and August.
  - (c) The applicant shall neither solicit nor broadcast any advertising except in the case of program sponsorship. Such statements may incorporate the name of the sponsor, the business address, hours of business and a brief general description of the types of services or products that the sponsor provides, including the price, name and brand name of the product. Such statements must not contain references to convenience, durability or desirability or contain other comparative or competitive references.
  - (d) The applicant shall broadcast no more than 10% of its programming from category 8 as measured over the broadcast week.
  - (e) Not less than 50% of the applicant's category 5(a) and 5(b) programming shall be comprised of five to ten-minute programming segments.
  - (f) All programs broadcast between 6 a.m and 9 p.m. shall have as their target audience children from pre-kindergarten to grade 6.

## **Interventions**

5. The Commission received numerous interventions in support of this application, including one that commented on the application. The comment was filed by the New Media Business Alliance and expressed general support for any application that would serve to enhance the availability and visibility of interactive content.

## Commission's analysis and determination

6. The Commission notes that, in order to avoid duplication with the existing specialty service VRAK.TV, owned by Astral Broadcasting Group Inc., and TELTOON/TÉLÉTOON, owned by TELETOON Canada Inc., the applicant would abide by the aforementioned conditions of licence. The Commission is of the view that the nature of service proposed for Télévision éducative Cookie Jar as well as the restrictions proposed by the applicant, give the service a sufficiently unique character to avoid any direct competition with VRAK.TV, TELETOON/TÉLÉTOON or with any other existing analog pay or specialty or Category 1 service. The Commission also notes that it received no interventions opposing this application.
7. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by Cookie Jar Entertainment Inc., on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national, French-language Category 2 specialty programming undertaking, Télévision éducative Cookie Jar.
8. The licence will expire 31 August 2012, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

## Issuance of the licence

9. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
  - an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
  - 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. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 4 April 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Decision CRTC 2006-118

### Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national, French-language Category 2 specialty programming service focusing on formal educational programming. Programming will generally consist of core curriculum educational programs and interactivity, or education through interaction, in areas such as, but not limited to, language, mathematics, science and technology. This core curriculum programming will be consistent with prevailing educational standards established by competent educational authorities from time to time.
3. The programming shall be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - 2 (a) Analysis and interpretation
  - (b) Long-form documentary
  - 3 Reporting and actualities
  - 5 (a) Formal education and pre-school
  - (b) Informal education/Recreation and leisure
  - 7 (a) Ongoing drama series
  - (b) Ongoing comedy series (sitcoms)
  - (c) Specials, mini-series or made-for-TV feature films
  - (e) Animated television programs and films
  - 8 (a) Music and dance other than music video programs or clips
  - (b) Music video clips
  - (c) Music video programs
  - 9 Variety
  - 10 Game shows
  - 11 General entertainment and human interest
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos

4. No more than 10% of all programming broadcast during the broadcast week shall be drawn from category 8.
5. No more than 15% of all programming broadcast during the broadcast week shall be drawn from category 7.
6. No less than 70% of all programming broadcast during the broadcast week from September to June, inclusive, shall be drawn from categories 5(a) and 5(b).
7. No less than 70% of all programming broadcast during the broadcast month from July to August, inclusive, shall be drawn from categories 5(a) and 5(b).
8. No less than 50% of programming from category 5(a) and 5(b) shall be comprised of 5 to 10 minute segments.
9. All programs broadcast between 6 a.m and 9 p.m. shall have as their target audience children from pre-kindergarten to grade 6.
10. Not less than 65% of programming shall target children from pre-kindergarten to grade 6 and their teachers and educators.
11. The licensee shall neither solicit nor broadcast any advertising except in the case of program sponsorship. The Commission will permit simple statements of sponsorship that identify the sponsors of a program or of the station. Such statements may incorporate the names of the sponsor, the business address, hours of business and a brief general description of the types of services or products that the sponsor provides, including the price, name and brand name of the product. Such statements must not contain references to convenience, durability or desirability or contain other comparative or competitive references.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.