



Broadcasting Decision CRTC 2006-550

Ottawa, 22 September 2006

Rogers Sportsnet Inc.
Across Canada

*Application 2006-0647-8
Broadcasting Public Notice CRTC 2006-76
15 June 2006*

Licence amendment

*The Commission **approves** an application by Rogers Sportsnet Inc. to amend the conditions of licence of the national specialty programming service known as Rogers Sportsnet, to permit it to broadcast a limited amount of programming from category 7 - Drama and comedy. The licensee is required, by condition of licence, to ensure that programming from category 7 comprises no more than 5% of any broadcast week, that all category 7 programming is Canadian, and that all category 7 programming has sports as its central theme. The Commission also **approves** the licensee's proposal to delete condition of licence 1(c) which states that "material from category 7 shall be limited to non-dramatic feature films about sports and sports personalities."*

*In addition, the Commission **approves** the request for licence amendments that will allow the licensee to avail itself of the incentive program for English-language Canadian television drama set out in Incentives for English-language Canadian television drama, Broadcasting Public Notice CRTC 2004-93, 29 November 2004.*

The application

1. The Commission received an application by Rogers Sportsnet Inc. (Rogers) to amend the broadcasting licence of the national, English-language specialty programming undertaking known as Rogers Sportsnet (Sportsnet).
2. While Sportsnet is currently permitted to draw programming from category 7, such programming is limited to non-dramatic feature films about sports and sports personalities. Sportsnet noted that this condition was established when Sportsnet was first licensed, at a time when there was no separate category for documentary programs.
3. The licensee proposed to amend the conditions of licence that set out the nature of the service that Sportsnet provides in order to permit it to broadcast programming from category 7 - Drama and comedy. Rogers proposed to limit drama programming to 5% of the broadcast week, and to ensure that all programming drawn from category 7 would be

Canadian and related to sports. In addition, the licensee requested the deletion of the current condition of Sportsnet's licence 1(c) which states that "material from category 7 shall be limited to non-dramatic feature length films about sports and sports personalities."

4. Sportsnet stated that the proposed amendments would allow it to broaden its level of service to its viewers and to sports fans in general by increasing the variety of Canadian programming offered on Sportsnet.
5. Further, Rogers requested an amendment to Sportsnet's licence that would allow the licensee to avail itself of the incentive program for English-language Canadian television drama, as set out in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004 (Public Notice 2004-93), by adding the following condition:

In addition to the 12 minutes of advertising material during any clock hour in a broadcast day permitted by condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time.

6. The licensee also proposed to add the following preamble to its current condition of licence 3 in order to avail itself of the new flexibility with regard to Canadian program expenditure requirements set out in Public Notice 2004-93:

In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional Clarification Regarding the Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-174, 10 December 1993, and in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time:

Intervention

7. The Commission received one comment with respect to this application from Astral Television Networks, a division of Astral Broadcasting Group Inc. (Astral). The intervener stated that Sportsnet's ability to air Canadian programs from category 7 should be limited to programs in the sports genre, consistent with the current restrictions in Sportsnet's condition of licence 1(c).

Licensee's reply

8. Rogers agreed with Astral's comments that any condition of licence for category 7 programming on Sportsnet must make a specific reference to sports. The licensee stated that it had structured its application to ensure that all category 7 programming would have sports as its main theme and that it had proposed the phrase "sports as a main theme" to replicate language already applied to TSN. Rogers reiterated that its objective is to have the ability to carry sports-related programming from category 7.

Commission's analysis and determinations

Addition of drama to Sportsnet

9. The Commission considers that the addition of a limited amount of sports-related drama to the schedule of Sportsnet would be consistent with Sportsnet's mandate to provide a sports specialty service.
10. The Commission further notes that the sports specialty services, TSN and RDS, have been authorized to broadcast limited amounts of programming from category 7. Limitations similar to those proposed by Rogers were also placed on those services respecting Canadian programming, a 5% weekly programming limit, and the requirement that sports be a central theme.
11. The Commission further notes that no opposing interventions were received. With respect to the comments made by Astral, requesting that all category 7 programs on Sportsnet be Canadian and limited to the sports genre, the Commission notes that this is consistent with what the licensee has proposed.
12. The Commission therefore **approves** the licensee's proposal to amend its conditions of licence to permit Sportsnet to broadcast programming from category 7 - Drama and comedy. The licensee is required by **condition of licence**, to ensure that no more than 5% of any broadcast week is devoted to programming from category 7, that all category 7 programming is Canadian, and that all category 7 programming has sports as its central theme.
13. Consequently, the Commission also **approves** the licensee's proposal to delete condition of licence 1(c) which states "Notwithstanding the above, material from category 7 shall be limited to non-dramatic feature length films about sports and sports personalities."

Participation in the incentive program for television drama

14. In Public Notice 2004-93, the Commission announced an incentive program designed to increase the production and the broadcast of, the viewing to, and the expenditures on, high quality, original, Canadian drama programming. The Commission stated that a

licensee that meets the criteria of the drama incentive program would be permitted to broadcast additional minutes of advertising, beyond the limits set out in applicable regulations or conditions of licence. The Commission specified that such a licensee must apply for a condition of licence in order to avail itself of the incentive program.

15. As well, in Public Notice 2004-93, the Commission noted that the additional advertising minutes earned through the drama incentive program will be placed in popular foreign programs that already contain more than 14 minutes of program interruptions in each hour. The Commission is therefore satisfied that Canadian viewers will not experience an increase in program interruptions.
16. In light of the above, and the fact that the licensee will now be permitted to broadcast drama programming, the Commission **approves** the licensee's request for licence amendments that will allow Sportsnet to participate in the English-language Canadian television drama incentive program set out in Public Notice 2004-93, by adding the following **condition of licence**:

In addition to the 12 minutes of advertising material during any clock hour in a broadcast day permitted by condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time.

17. In addition, the Commission **approves** the application to amend Sportsnet's broadcasting licence in order to replace the preamble to the condition of licence setting out its requirements for Canadian programming expenditures with the following:

In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional Clarification Regarding the Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-174, 10 December 1993 and in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time:

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>