



Broadcasting Decision CRTC 2011-37

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Ottawa, 21 January 2011

Canadian Broadcasting Corporation
Across Canada

Application 2010-0554-6, received 1 April 2010

CBC News Network – Licence amendment

*The Commission **denies** an application by the Canadian Broadcasting Corporation to amend the broadcasting licence for the national specialty service CBC News Network in order to permit it to distribute news programming unique to British Columbia on a separate feed of CBC News Network.*

Introduction

1. The Commission received an application by the Canadian Broadcasting Corporation (CBC) to amend the broadcasting licence for the national specialty programming undertaking CBC News Network (formerly known as CBC Newsworld) in order to permit it to distribute news programming unique to British Columbia on a separate feed of CBC News Network.
2. The CBC stated the change would enhance the quality and relevance of its national news service and give audiences in British Columbia an opportunity to access more regionally relevant news programming. It further stated that the ability to include regional news programming would also address the longstanding issue of National Hockey League (NHL) playoffs, which run from mid-April to mid-June each year and pre-empt the local news programming of CBUT Vancouver.
3. In order to implement this change, the CBC requested a condition of licence that would permit it to provide separate regional programming in place of its national service, with the hours devoted to such regional programming not exceeding 10% of the licensee's programming over the broadcast day. Further, all programming available on the proposed regional feed would continue to be subject to the service's existing conditions of licence, including the restriction that all advertising be paid national advertising.
4. The Commission received a comment on the application from Bell Canada, as well as an intervention in opposition from Canwest Television Limited Partnership (Canwest). The public record can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. In Broadcasting Regulatory Policy 2009-562, as amended by Broadcasting Regulatory Policy 2009-562-1, the Commission set out standard conditions of licence for competitive mainstream national news and sports services¹ and determined that it would be inappropriate to allow competitive news services to offer multiple feeds. After examining the present application in light of applicable regulations and policies, and taking into account the interventions received and the licensee's reply, the Commission considers that the issue to be addressed in its determinations is whether the CBC has presented sufficient evidence to warrant an exception to Broadcasting Regulatory Policy 2009-562-1.
6. In its intervention, Canwest submitted that approval of the CBC's application would result in a deviation from recently established standard conditions of licence for the mainstream national news genre, and would call into question the appropriateness of existing initiatives to standardize and streamline the broadcasting system. It further submitted that it would encourage more deviations in other markets by other television broadcasters.
7. Canwest also argued that there is no economic rationale to grant the CBC's request as CBC News Network is healthy and enjoys unparalleled mandatory carriage nationwide.
8. Finally, Canwest submitted that the CBC's self-imposed scheduling conflicts relating to NHL playoff games should not justify the request, given that viewers already have multiple ways of accessing this programming, including news simulcast on CHEK-TV Victoria as well as identical live and on-demand exhibition of this programming on the CBC's website.
9. The Commission finds that the arguments put forth by Canwest in its intervention have merit. Further, it notes that the situation the CBC seeks to address is of limited duration and that steps have already been taken by the licensee, including the simulcast of CBUT's programming on CHEK-TV, to ensure that the programming affected by the broadcast of NHL playoff games is made available to viewers. Consequently, the Commission is not convinced that an exception to Broadcasting Regulatory Policy 2009-562-1 is warranted in this case.

Conclusion

10. In light of the above, the Commission **denies** the application by the Canadian Broadcasting Corporation to amend the broadcasting licence for the national specialty programming undertaking CBC News Network in order to permit the service to

¹ In paragraph 271 of Broadcasting Public Notice 2008-100, the Commission introduced competition between Canadian services operating in the genres of mainstream sports and national news, and identified CBC News Network (i.e. CBC Newsworld) as a mainstream national news service.

distribute news programming unique to British Columbia on a separate feed of CBC News Network.

Secretary General

Related documents

- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009, as amended by *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008