



## Broadcasting Decision CRTC 2011-94

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Route reference: 2010-715

Ottawa, 14 February 2011

**Airborne Mobile Inc.**  
Across Canada

*Application 2010-1392-9, received 18 August 2010*  
*Public Hearing in the National Capital Region*  
*26 November 2010*

### **TxT-TV – Category 2 specialty service**

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty service.*

#### **The application**

1. Airborne Mobile Inc. filed an application for a broadcasting licence to operate TxT-TV, a national English-language Category 2 specialty programming undertaking that would offer content that inspires and provokes viewer participation and content contributions. The service would provide content directed to all adults aged 18 and older and would provide a platform for moderated interactive conversation on various topics and interactive games. All programming would focus on user contributions of varying nature (for example, text, audio, video and data transmissions) and the content focus would cover a wide range of topics, games and subject matter. The Commission did not receive any interventions in connection with this application.
2. The applicant proposed to draw programming for the service from the following program categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 2(a), 5(b), 6(b), 7(e), 7(f), 8(b), 8(c), 9, 10, 11, 12, 13 and 14.

#### **Commission's analysis and determination**

3. The Commission has implemented a competitive, open-entry approach to licensing Category 2 services. While the Commission does not consider the potential impact that a Category 2 service might have on an existing Category 2 service, it does seek to ensure that Category 2 services do not compete directly with any existing Category 1 or analog pay or specialty television service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question. Where appropriate, in setting conditions of licence, the Commission prevents or limits the broadcast of specific

types of programming to ensure that the service is not nor will become directly competitive with any existing Category 1 or analog pay or specialty television service.

4. Although the applicant did not propose limits to the programming categories from which it intends to draw, the Commission considers that the nature of the proposed service is sufficiently defined to prevent it from competing directly with existing Category 1 or analog pay or specialty services. However, the Commission notes that all of the programming broadcast must be directly related to the definition of the nature of the service.
5. The Commission is satisfied that the application complies with the licensing framework set out in Public Notice 2000-6 and Broadcasting Public Notice 2008-100, the approaches set out in Broadcasting Public Notices 2003-61 and 2006-74 and all applicable terms and conditions announced in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by Airborne Mobile Inc. for a broadcasting licence to operate the national English-language Category 2 specialty programming undertaking TxT-TV. The terms and **conditions of licence** are set out in the appendix.

### **Reminder**

6. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

### **Related Documents**

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory Policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Regulatory framework for the licensing and distribution of high definition pay and specialty services*, Broadcasting Public Notice CRTC 2006-74, 15 June 2006
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

*\*This decision is to be appended to the licence.*

## Appendix to Broadcasting Decision CRTC 2011-94

### Terms and conditions of licence for the Category 2 specialty programming undertaking TxT-TV

#### Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- 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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2017.

#### 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 licence will be subject to the conditions set out in *Implementation of the Accessibility Policy with respect to Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.
3. The licensee shall provide a national English-language Category 2 specialty programming service devoted to content that inspires and provokes viewer participation and content contributions. The service will provide content directed to all adults aged 18 and older and will provide a platform for moderated interactive conversation on various topics and interactive games. All programming will focus on user contributions of varying nature (for example, text, audio, video and data transmissions) and the content focus will cover a wide range of topics, games and subject matter.
4. The programming shall be drawn exclusively from the following program categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - 2 (a) Analysis and interpretation
  - 5 (b) Informal education/Recreation and leisure
  - 6 (b) Amateur sports
  - 7 (e) Animated television programs and films

- (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
  - 8 (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
5. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.