



Broadcasting Decision CRTC 2005-516

Ottawa, 21 October 2005

Entertainment Without Limits Inc.
Across Canada

Application 2005-0439-1
Public Hearing in the National Capital Region
15 August 2005

PURE PLAY Clips Channel – 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 Entertainment Without Limits Inc. for a broadcasting licence to operate a national, English-language Category 2¹ specialty programming undertaking to be known as PURE PLAY Clips Channel.
2. The applicant proposed to offer a service that would be devoted exclusively to adult entertainment programming, consisting primarily of five- to fifteen-minute video clips of adult programming. The service would include adult entertainment films, talk shows, open line shows and other programming related to the theme of adult sexuality.
3. The applicant proposed to offer programming drawn from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 5(b) Informal education/Recreation and leisure; 7(d) Theatrical feature films aired on TV; 7(e) Animated television programs and films; 7(g) Other drama; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

5. 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

¹ 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.

application by Entertainment Without Limits Inc. for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking, PURE PLAY Clips Channel.

6. 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

7. 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. 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 21 October 2008. 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 2005-516

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, English-language Category 2 specialty programming undertaking devoted exclusively to adult entertainment programming, consisting primarily of five- to fifteen-minute video clips of adult programming.
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:
 - 5 (b) Informal education/Recreation and leisure
 - 7 (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - (g) Other drama
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. The service shall only be distributed at the specific request of the subscriber. Distributors are not permitted to package PURE PLAY Clips Channel in such a way that subscribers are obligated to purchase it in order to purchase any other programming service, other than an adult programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of PURE PLAY Clips Channel to subscribers that request it not to be receivable in their home, in either unscrambled or scrambled analog form.
5. The licensee shall adhere to Section D.3 of the *Industry code of programming standards and practices governing pay, pay-per-view and video-on-demand services*, Broadcasting Public Notice CRTC 2003-10, 6 March 2003.
6. The licensee shall adhere to its internal policy for adult programming as filed with the Commission.

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.