



Broadcasting Decision CRTC 2006-175

Ottawa, 28 April 2006

CanWest MediaWorks Inc. and Rogers Communications Inc., partners in a general partnership carrying on business as Prime TV Across Canada

*Application 2005-1133-8
Broadcasting Public Notice 2006-2
12 January 2006*

Prime TV – Licence amendment

*The Commission **approves** an application to amend the licence for Prime TV by adding category 4 to the list of program categories that may be broadcast by the service.*

The application

1. The Commission received an application by CanWest MediaWorks Inc. and Prime Television Holdco Inc., partners in a general partnership carrying on business as Prime TV (CanWest)¹, to amend the broadcasting licence for the national, English-language specialty programming undertaking known as Prime TV in order to add category 4 (Religion) to the list of programming categories from which the licensee may draw its programming.
2. CanWest indicated that programming drawn from category 4 would add diversity to Prime TV's schedule and would be of interest to the service's target audience. CanWest proposed a 10% weekly limit on the amount of programming from category 4 that would be broadcast. A 10% limit would represent a maximum of 12.6² hours weekly.
3. The licensee indicated that, in its view, the provision of balance programming would not be necessary, since Prime TV would broadcast only a limited amount of programming from Category 4.

¹ The application was filed by CanWest MediaWorks Inc. and Prime Television Holdco Inc., partners in a general partnership carrying on business as Prime TV. It has been transferred to CanWest MediaWorks Inc. and Rogers Communications Inc., partners in a general partnership carrying on business as Prime TV, following the approval of the acquisition of Prime TV by the new partners, as stated in *Prime TV – Acquisition of assets*, Broadcasting Decision CRTC 2006-55, 10 March 2006.

² In its application, CanWest indicated that a 10% limit would represent no more than 16.8 hours. However, in *Prime TV – Amendment to the definition of broadcast day*, Broadcasting Decision CRTC 2006-49, 24 February 2006, the Commission approved an application by CanWest to amend the definition of the term "broadcast day" for the purposes of the conditions of licence of Prime TV. That amendment has the effect of reducing the 10% weekly limit proposed, from 16.8 hours to 12.6 hours.



Interventions

4. Interventions in opposition to this application were submitted by Mr. Nick Westoll and Mr. Richard Di Santo. Mr. Westoll was of the opinion that the intent of the application is not consistent with the type of service that Prime TV offers. Mr. Di Santo expressed the view that “religion and/or religious programming has no place in television with the exception of channels specializing in such programming”.

Applicant’s reply

5. In response to Mr. Di Santo’s concerns, CanWest noted that the Commission’s Religious Policy (the Religious Policy) as set out in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993 allows for freedom of expression of religious beliefs, and that religious programming is not restricted to designated specialty channels.
6. The applicant did not reply to Mr. Westoll’s intervention.

Commission’s analysis and determination

7. The Commission’s policy with respect to the licensing of analog and Category 1 specialty services has been, and continues to be, that any such service may not be directly competitive with other analog or Category 1 specialty services in the type of programming it provides. In considering applications to amend the programming categories a licensee is permitted to broadcast, the Commission has sought to determine whether each particular modification would be consistent with the nature of the licensee’s service.
8. The Commission has determined that Category 4 programming can be consistent with a wide variety of genres, and that several specialty services have the authority to broadcast programming from that category.
9. However, the Commission notes that specialty services that are authorized to broadcast limited amounts of Category 4 are subject to the policy statement respecting balance programming as set out in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000. In that notice, the Commission indicated that:

any licensee that broadcasts programming drawn from Category 4 – Religion must abide by the balance policy set out in *Religious broadcasting policy* (Public Notice 1993-78), with the exception of single or limited point of view religious services licensed as fully discretionary services in accordance with that policy.
10. The Commission is satisfied that some programming from Category 4 (Religion) would not be inconsistent with Prime TV’s nature of service, and that the addition of Category 4 would provide the licensee with additional programming flexibility and diversity. Accordingly, the Commission **approves** the application by CanWest MediaWorks Inc.

and Rogers Communications Inc., partners in a general partnership carrying on business as Prime TV, to amend the broadcasting licence for Prime TV, in order to add category 4 (Religion) to the list of programming categories from which Prime TV may draw its programming, and to limit such programming to 10% of each broadcast week.

11. The amended condition of licence 1.(b) will read as follows:

1.(b) The programming must be drawn exclusively from the following categories, as set out in section 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 1 News
- 2 (a) Analysis and interpretation
- (b) Long form documentary
- 3 Reporting and actualities
- 4 Religion
- 5 (b) Informal education/Recreation and leisure
- 6 (a) Professional sports
- (b) Amateur sports
- 7 Drama and comedy
- (a) Ongoing dramatic series
- (b) Ongoing comedy series (sitcoms)
- (c) Specials, mini-series or made-for-TV feature films
- (d) Theatrical feature films aired on TV
- (e) Animated television programs and films
- (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
- (g) Other drama
- 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

12. In addition, as proposed by the licensee, the Commission is imposing, by **condition of licence**, a 10% weekly limit on the amount of programming from category 4 that can be broadcast:

1.(f) In each broadcast week, the licensee shall not devote more than 10% of the broadcast day to programs drawn from Category 4.

13. As noted above, with the exception of single or limited point of view religious services, when a licensee offers religious programming, it must adhere to the guidelines set out in the Religious Policy with respect to the provision of balance (section III.B.2.a) and ethics (section IV.). The Commission expects the licensee to provide balance programming, as defined in the Religious Policy and is imposing the following **condition of licence** with respect to ethics in religious programming.

The licensee shall adhere to the guidelines on ethics in religious programming as set out in section IV of *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, as 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>