



## Broadcasting Decision CRTC 2007-56

Ottawa, 8 February 2007

**Frank Thibault, on behalf of a corporation to be incorporated**  
Niagara region, Ontario

*Application 2006-1008-1*  
*Public Hearing in the National Capital Region*  
*18 December 2006*

### **Niagara News TV – 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 licence will be issued once the applicant has met the requirements specified at the end of this decision.*

#### **The application**

1. The Commission received an application by Frank Thibault, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a regional, English-language Category 2<sup>1</sup> specialty programming undertaking to be known as Niagara News TV.
2. The applicant proposed to offer a service of particular interest to residents of the Niagara region, consisting of coverage of local news, sports, weather, entertainment and traffic. Provincial, national and international news and events would also be included.
3. All of the programming would be drawn from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*: 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. The applicant also requested the authority, by condition of licence, to broadcast up to nine minutes per hour of local advertising.
5. The Commission did not receive any interventions in connection with this application.

---

<sup>1</sup> 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.

## Commission's analysis and determinations

6. 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 application by Frank Thibault, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the regional, English-language, Category 2 specialty programming undertaking, Niagara News TV.
7. In light of the fact that the service will offer local programming, the Commission **approves** the licensee's request to broadcast up to nine minutes per hour of local advertising. A **condition of licence** to this effect is set out in the appendix to this decision.
8. The Commission reminds the applicant that if it wishes to enter at any time into an agreement with non-Canadian independent producers regarding the supply of programming or the use of a licence trademark, it must comply 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 Direction). Accordingly, the Commission has imposed a **condition of licence**, as set out in the appendix to this decision, that requires the licensee to file, for the Commission's review, a copy of any programming supply agreement or licence trademark agreement it intends to enter into with a non-Canadian party, in order to ensure that the licensee complies at all times with the Direction.
9. The licence will expire 31 August 2013, and will be subject to the **conditions** set out in Public Notice 2000-171-1, except paragraphs 4(a) and 4(d), as well as to the **conditions** set out in the appendix to this decision.

## Issuance of the licence

10. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
  - an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
  - 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 8 February 2010. 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 2007-56

### 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, except for condition 4d) which will not apply, and condition 4a) which is replaced by:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour, no more than nine (9) minutes of which may consist of local advertising.

2. The licensee shall provide a regional, English-language, Category 2 specialty programming service of particular interest to residents of the Niagara region, consisting of coverage of local news, sports, weather, entertainment and traffic. Provincial, national and international news and events will also be included.
3. The programming shall be drawn exclusively from the following categories, as set out in item 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
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

4. 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 Direction), 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 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.