



## Broadcasting Decision CRTC 2008-113

Ottawa, 28 May 2008

### **Ultimate Indie Productions Inc.** Across Canada

*Application 2007-1320-8, received 18 September 2007*  
*Public Hearing in Vancouver, British Columbia*  
*25 February 2008*

### **Everything Expecting – Category 2 pay television service**

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 pay television programming undertaking.*

1. Ultimate Indie Productions Inc. filed an application for a broadcasting licence to operate Everything Expecting, a national, English-language Category 2 pay television programming undertaking that would offer programming targeting expectant mothers and families and would cover all things related to pregnancy, maternity and infants, including nutrition, exercise, physical, mental and emotional well-being, fashion, homewares and lifestyle. The service would offer practical advice as well as entertainment programming focusing on pregnancy, maternity and infant care. The applicant indicated that no more than 10% of all programming broadcast during the broadcast year would be drawn from category 7 (Drama and comedy) and that all programming from category 7 would be related to pregnancy, maternity and infant care.
2. The applicant also proposed to devote, in each year of operation, 35% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.
3. The Commission did not receive any interventions in connection with this application.
4. The Commission notes that the applicant requested to draw programming from category 14 (Infomercials, promotional and corporate videos). Pursuant to the *Pay Television Regulations, 1990*, category 14 is not applicable to pay television services as licensees are not permitted to distribute programming that contains infomercials and promotional and corporate videos.
5. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1 and in Broadcasting Public Notice 2007-54. Accordingly, the Commission **approves** the application by Ultimate Indie Productions Inc. for a broadcasting licence to operate the national, English-language Category 2 pay television programming undertaking Everything Expecting. The terms and **conditions of licence** are set out in the appendix to this decision.

Secretary General

**Related documents**

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *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. 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 2008-113

### Terms and conditions of licence for the Category 2 pay television programming undertaking Everything Expecting

#### 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. 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 28 May 2011. 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.

The licence will expire 31 August 2014.

#### Conditions of licence

1. The licence shall 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 and *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
2. The licensee shall provide a national, English-language Category 2 pay television service devoted to programming related to pregnancy, maternity and infants, including nutrition, exercise, physical, mental and emotional well-being, fashion, homewares and lifestyle. The service shall offer practical advice as well as entertainment programming focusing on pregnancy, maternity and infant care.
3. The programming shall be drawn exclusively from the following categories, set out in item 6 of Schedule I to the *Pay Television 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 (a) Formal education and pre-school
  - (b) Informal education/Recreation and leisure
  - 7 Drama and comedy
    - (a) Ongoing drama 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, improvisations, unscripted works, stand-up comedy
    - (g) Other drama
  - 10 Game shows
  - 11 General entertainment and human interest
  - 12 Interstitials
  - 13 Public service announcements
4. The licensee shall devote no more than 10% of all programming broadcast during the broadcast year to programming drawn from category 7.
  5. All programming from category 7 shall be related to pregnancy, maternity and infant care.
  6. 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.
  7. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines with respect to the provision of balance and ethics in religious programming set out in sections III.B.2.a) and IV of that public notice, as amended from time to time.
  8. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993, in *Additional clarification regarding the reporting of Canadian programming expenditures*, Public Notice CRTC 1993-174, 10 December 1993, and in *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC 2004-93, 29 November 2004, as may be amended from time to time:

- a) In each broadcast year of the licence term following the first year of operation, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 25% of the subscription revenues derived from the operation of this service during the previous broadcast year. In the first broadcast year of the licence term, the licensee shall expend on the acquisition of and/or investment in Canadian programs an amount equal to or greater than \$1,000.
- b) In each broadcast year of the licence term following the first year of operation, excluding the final year, the licensee may expend an amount on Canadian programs that is up to ten percent (10%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such a case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.
- c) In each broadcast year of the licence term following the first year of operation, where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:
  - i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and
  - ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.
- d) Notwithstanding paragraphs (b) and (c) above, during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.

For the purposes of these conditions:

“broadcast day” means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission;

“broadcast month” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast days in a month;

“broadcast year” means the total number of hours devoted by the licensee to broadcasting during the aggregate of the broadcast months in a 12-month period, beginning on September 1 in any year;

“expend” and “expenditure” means actual cash outlay.