



Broadcasting Decision CRTC 2008-305

Ottawa, 7 November 2008

CTVglobemedia Inc., on behalf of its subsidiary 4358350 Canada Inc.
Across Canada

Application 2008-0872-7, received 19 June 2008
Broadcasting Public Notice CRTC 2008-64
18 July 2008

MuchMusic – Licence amendments

*The Commission **approves** an application to amend the broadcasting licence for the English-language specialty television service known as MuchMusic by adding to the list of program categories from which it may draw programming and by amending the condition of licence relating to Canadian content obligations.*

Introduction

1. The Commission received an application by CTVglobemedia Inc. (CTVgm), on behalf of its subsidiary 4358350 Canada Inc., to amend the broadcasting licence for the English-language specialty television programming undertaking known as MuchMusic in order to add to the list of program categories that may be broadcast by the service. The licensee also requested the amendment of condition of licence 6 in order to calculate Canadian content obligations over the broadcast year rather than the broadcast week.
2. CTVgm proposed to add category 9 (Variety) and category 10 (Game shows) to the list of program categories from which it may draw programming to be broadcast on MuchMusic. CTVgm indicated that it would be prepared to accept a condition of licence limiting the amount of such programming broadcast each week to 15% and 10% respectively.
3. With regard to the calculation of its Canadian content obligation, the licensee indicated that calculating its Canadian content obligation over the broadcast year rather than the broadcast week would allow for more scheduling flexibility and would be consistent with conditions of licence imposed on other specialty services.
4. The Commission received comments from the Canadian Film and Television Production Association (CFTPA), the Canadian Independent Record Production Association (CIRPA), the Canadian Recording Industry Association (CRIA) and Mr. Robert Foerster as well as interventions in support of the application. The public record of this proceeding is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. Although CRIA, CIRPA and the CFTPA expressed some concerns about the addition of program categories 9 and 10, the Commission is of the view that their addition is acceptable given the nature of service definition of MuchMusic, which requires that the programming consist predominantly of music and music-related programming. Further, CTVgm confirmed in reply that all such programming would indeed be music-related.
6. The interveners who filed comments were also concerned that the amendment to the condition of licence relating to the exhibition of Canadian content would permit CTVgm to disproportionately schedule its Canadian content during lower viewing periods. CFTPA recommended that the Commission set an expectation that the licensee ensure a reasonable distribution of Canadian programming throughout the broadcast schedule and that Canadian programming is not disproportionately scheduled during lower viewing periods such as the summer months and Saturday nights. CRIA also specifically requested that the calculation and scheduling of Canadian content over the broadcast year rather than the broadcast week not apply to programs from categories 8(b) (music video clips) and 8(c) (music video programs).
7. In reply, CTVgm stated that it does not intend to schedule Canadian programming during lower viewing periods and that it is prepared to accept an expectation ensuring a reasonable distribution of Canadian programming throughout the broadcast schedule. As well, the licensee noted that the proposed amendment applies only to the distribution of Canadian programs (condition of licence 6) and not to the exhibition of music video clips (condition of licence 2) or to the exhibition of Canadian music videos (condition of licence 7). CTVgm also noted that measuring the exhibition of Canadian programming over the broadcast year rather than the broadcast week would allow for parity with all other English-language analog specialty services who are already calculating their Canadian content on a yearly basis.
8. In light of the above, the Commission is satisfied that CTVgm has adequately addressed the concerns raised by the interveners with regard to the calculation of Canadian content over the broadcast year rather than the broadcast week as well as the addition of programming from category 9 (Variety) and category 10 (Game shows) to MuchMusic's schedule.
9. Accordingly, the Commission **approves** the application by CTVglobemedia Inc., on behalf of its subsidiary 4358350 Canada Inc., to amend the broadcasting licence for the English-language specialty television programming undertaking known as MuchMusic, in order to add category 9 (Variety) and category 10 (Game shows) to the list of program categories that may be broadcast by the service and to amend the condition of licence relating to Canadian content obligations.

10. The licence will be subject to the following **condition**:

No more than 15% of all programming broadcast during the broadcast week shall be drawn from category 9 (Variety) and no more than 10% of all programming broadcast during the broadcast week shall be drawn from category 10 (Game shows).

11. In addition, the **condition of licence** relating to Canadian content obligations and related expectation shall read as follows:

6. The licensee shall devote to the distribution of Canadian programs not less than

(a) 60% of the broadcast year and

(b) 50% of the time from 6:00 p.m. to midnight (Eastern time) during each broadcast year.

Expectation

The Commission expects the licensee to maintain a reasonable distribution of Canadian programming throughout the broadcast schedule and to ensure that Canadian programming is not disproportionately scheduled during lower viewing periods.

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>.