



Broadcasting Decision CRTC 2010-396

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Route reference: 2009-803

Ottawa, 18 June 2010

Canadian Broadcasting Corporation Across Canada

*Application 2009-1396-4, received 20 October 2009
Public Hearing in the National Capital Region
22 February 2010*

Radio-Canada Sports – Category 2 specialty service

1. The Commission **approves** the application by the Canadian Broadcasting Corporation (CBC) for a broadcasting licence to operate Radio-Canada Sports, a national, French-language Category 2 specialty programming undertaking devoted to the broadcast of programs dealing with the various aspects of sports and in particular Canadian mainstream professional sports, as well as under-represented and amateur Canadian sports.
2. The CBC indicated that its application was in conformity with Broadcasting Public Notice 2008-100, which provides for competition between Canadian services operating in the genres of mainstream national news and sports. In this regard, it indicated that its application was made pursuant to Broadcasting Regulatory Policy 2009-562 and committed to conform to the standardized conditions of licence set out therein.
3. The CBC indicated that 50% of its programming would be offered in high definition (HD) format. In accordance with Broadcasting Public Notice 2008-100, it requested authorization to offer an HD version of its service for a term of over three years.
4. The Commission is satisfied that the application complies with the framework set out in Broadcasting Public Notice 2008-100, as well as with all applicable terms and conditions announced in Broadcasting Regulatory Policy 2009-562. The terms and **conditions of licence** are set out in the appendix to this decision.
5. The Commission received interventions in support of the application, as well as a comment by Shaw Communications Inc. (Shaw). Shaw did not oppose the application but wished to state for the record its concern that any new Category 2 service must be licensed in a manner that is consistent with the streamlined, flexible framework introduced in Broadcasting Public Notice 2008-100. Specifically, Shaw indicated that the Commission should explicitly state that new Category 2 services cannot be granted mandatory distribution orders under section 9(1)(h) of the *Broadcasting Act* and cannot become Category 1 services with access rights. The CBC did

not reply to this intervention. The interventions have been put on the public file, which can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Implementation of the Accessibility Policy with respect to competitive Canadian mainstream sports and national news specialty services and other matters

6. The Commission notes that in Broadcasting Regulatory Policy 2009-562-1, also issued today, it has amended the standard conditions of licence for competitive Canadian mainstream sports and national news specialty services to include standardized conditions of licence concerning accessibility of programming, as well as the standard authorization to make available for distribution an upgraded version of a service in HD format. Accordingly, the Commission considers that the licence should also be subject to the terms and conditions set out in Broadcasting Regulatory Policy 2009-562-1.

Reminder

7. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

Related documents

- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2010-396

Terms and conditions of licence for the Category 2 specialty programming undertaking Radio-Canada Sports

Terms

A licence will be issued once 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 18 June 2013. 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 2016.

Conditions of licence

1. The licence will be subject to the conditions set out in Appendix 1 to *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010.
2. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall ensure that advertising, sponsorship messages and promos in the English and French language are closed captioned by no later than the fourth year of the licence term.
3. 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.