



## Broadcasting Decision CRTC 2011-599

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Route reference: 2011-188

Ottawa, 20 September 2011

**Stingray Digital Group Inc.**  
Across Canada

*Application 2011-0335-8, received 3 February 2011*  
*Public hearing in the National Capital Region*  
*17 May 2011*

### **Concert TV – Specialty Category B service**

*The Commission **approves** an application for a broadcasting licence to operate a new specialty Category B service.*

#### **The application**

1. Stingray Digital Group Inc. (Stingray) filed an application for a broadcasting licence to operate Concert TV, a national, English-language Category 2<sup>1</sup> specialty programming undertaking that would be devoted to current and historical music concerts from a wide variety of music genres and related programming. The Commission did not receive any interventions in connection with this application.
2. Stingray is a private corporation owned by various shareholders and is controlled by its board of directors.
3. The applicant proposed to draw programming for the proposed service from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 5(b), 7(a), 7(c), 7(d), 7(g), 8(a), 8(b), 8(c), 9, 10, 11<sup>2</sup>, 12, 13 and 14.
4. In order to ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that it would accept the following conditions of licence:

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<sup>1</sup> As set out in Broadcasting Regulatory Policy 2011-455, as of 1 September 2011, Category 2 services are renamed Category B services.

<sup>2</sup> In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

- No more than 10% of all programming broadcast during the broadcast month shall be drawn from program category 2(b).
  - No more than 10% of all programming broadcast during the broadcast month shall be drawn from program categories 7(a), 7(c) and 7(d) combined.
  - No more than 10% of all programming broadcast during the broadcast month shall be drawn from program categories 8(b) and 8(c) combined.
5. Stingray proposed to broadcast up to 25% of its programming during the broadcast week in the French language.
  6. Additionally, Stingray proposed to offer a 3D version of its service once the technology becomes readily available.

### **Commission's determination**

7. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Accordingly, the Commission **approves** the application by Stingray Digital Group Inc. for a broadcasting licence to operate the national, English-language specialty Category B service Concert TV. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminder**

8. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the *Broadcasting Distribution Regulations*.

Secretary General

### **Related documents**

- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category “Reality television”*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*
- *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.*

## Appendix to Broadcasting Decision CRTC 2011-599

### Terms and conditions of licence for the specialty Category B service Concert TV

#### 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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2018.

#### Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011.
2. The licensee shall provide a national, English-language specialty Category B service devoted to current and historical music concerts from a wide variety of music genres and related programming.
3. The programming shall be drawn exclusively from the following program categories 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
  - 5 (b) Informal education/Recreation and leisure
  - 7 (a) Ongoing dramatic series  
(c) Specials, mini-series or made-for-TV feature films  
(d) Theatrical feature films aired on TV  
(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 (a) General entertainment and human interest  
(b) Reality television
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

- 4. No more than 10% of all programming broadcast during the broadcast month shall be drawn from program category 2(b).
- 5. No more than 10% of all programming broadcast during the broadcast month shall be drawn from program categories 7(a), 7(c) and 7(d) combined.
- 6. No more than 10% of all programming broadcast during the broadcast month shall be drawn from program categories 8(b) and 8(c) combined.
- 7. No more than 25% of all programming broadcast during the broadcast week shall be in the French language.
- 8. The licensee shall offer a 3-D version of the service once it becomes readily available.
- 9. The broadcasting undertaking licensed hereby is designated as a Category B service.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.