



## Broadcasting Decision CRTC 2011-751

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Route reference: 2011-427

Additional reference: 2011-427-1

Ottawa, 7 December 2011

**Bell Media Inc.**

Across Canada

*Application 2011-0877-0, received 16 May 2011*

*Public hearing in the National Capital Region*

*19 September 2011*

### **SuperHero – Specialty Category B service**

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

#### **The application**

1. Bell Media Inc. (Bell) filed an application for a broadcasting licence to operate SuperHero, a national, English-language specialty Category B service that would offer programming from international markets featuring the latest trends in non-violent action, adventure, superheroes, comedy and interactivity. The service would reach an interactive level with programs on the games associated with action series as well as magazine shows to cover current comic book trends and the classics. The Commission did not receive any interventions in connection with this application.
2. Bell is a qualified corporation as defined in the *Direction to the CRTC (Ineligibility of Non-Canadians)*.
3. The applicant proposed to draw programming 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: 5(b), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 10, 11,<sup>1</sup> 12, 13 and 14.

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<sup>1</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.

4. To ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that it would accept a condition of licence according to which no more than 15% of all programming broadcast during the broadcast week would be drawn from program category 7(d).

### **Commission's decision**

5. 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 Bell Media Inc. for a broadcasting licence to operate the national, English-language specialty Category B service SuperHero. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminder**

6. 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**

- *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 2011-751

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

#### 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 that will offer programming from international markets featuring the latest trends in non-violent action, adventure, superheroes, comedy and interactivity. The service will reach an interactive level with programs on the games associated with action series as well as magazine shows to cover current comic book trends and the classics.
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:
  - 5 (b) Informal education/Recreation and leisure
  - 6 (b) Amateur sports
  - 7 Drama and comedy
    - (a) Ongoing dramatic 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, improvisation, unscripted works, stand-up comedy

- (g) Other drama
  - 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 15% of all programming broadcast during the broadcast week shall be drawn from program category 7(d).
5. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, including condition of licence 1, *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 no 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.