



## Broadcasting Decision CRTC 2011-783

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Route reference: 2011-595

Ottawa, 16 December 2011

### **Rogers Broadcasting Limited, on behalf of a corporation to be incorporated Across Canada**

*Application 2011-1199-7, received 17 August 2011*

*Public hearing in the National Capital Region*

*21 November 2011*

### **FX Canada – Acquisition of assets**

1. The Commission **approves** the application by Rogers Broadcasting Limited (Rogers), on behalf of a corporation to be incorporated (Rogers OBCI), for authority to acquire from Rogers the assets of the specialty Category B service to be known as FX Canada<sup>1</sup> and for a broadcasting licence under the same terms and conditions as those set out in Broadcasting Decision 2011-103, with the exception that the standard conditions of licence set out in Public Notice 2000-171-1 will be replaced by the standard conditions of licence for Category B services set out Broadcasting Regulatory Policy 2010-786-1. The Commission did not receive any interventions concerning this application.
2. Rogers is wholly owned and controlled by Rogers Communications Inc.
3. Upon closing of the transaction, the new licensee, Rogers OBCI, will be a corporation whose voting shares will be held by a corporation to be incorporated (Holdco) (80%) and FX Networks, LLC (FX) (20%), a non-Canadian. The voting shares in Holdco will be held by Rogers (83.3%) and FX (16.7%).
4. The above transaction will not affect the effective control of the undertaking, which will continue to be exercised by Rogers Communications Inc.
5. Upon surrender of the broadcasting licence currently issued to Rogers Broadcasting Limited, the Commission will issue a broadcasting licence to the licensee authorized herein under the terms and **conditions** set out in the appendix to this decision.

Secretary General

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<sup>1</sup> The Commission notes that according to the agreement signed by Rogers and FX Networks, LLC, the service initially approved as Highwire is to be known as FX Canada.

## 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
- *Highwire – Category 2 specialty service*, Broadcasting Decision CRTC 2011-103, 17 February 2011
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001

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

## Appendix to Broadcasting Decision CRTC 2011-783

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

#### Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that an eligible Canadian corporation has been incorporated in accordance with the application in all material respects.

The licence will expire 31 August 2017.

#### 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 the entire genre of action and adventure, including selections from crime fiction, epic and heroic drama. It will consist of contemporary action and adventure films and series, mini-series, made-for-television movies, classic films and occasional magazine-style shows focusing on this genre and its stars.
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:
  - 2 (a) Analysis and interpretation
  - (b) Long-form documentary
  - 3 Reporting and actualities
  - 7 (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
  - (g) Other drama
  - 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 25% of all programming broadcast during the broadcast week shall be devoted to programs based on science fiction or fantasy themes.

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 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.