



Broadcasting Decision CRTC 2012-390

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Route reference: 2012-29

Ottawa, 19 July 2012

1637191 Alberta Ltd.
Across Canada

Application 2011-1497-5, received 15 November 2011
Public hearing in the National Capital Region
21 March 2012

SUPERNATURAL 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. 1637191 Alberta Ltd. (1637191 Alberta) filed an application for a broadcasting licence to operate SUPERNATURAL TV, a national, English-language specialty Category B service that would be devoted to classic and contemporary series, movies and documentaries in the genre of the paranormal, including psychics, mediums, telekinesis, and other unexplained phenomena. The applicant indicated that the service would salute the genre from the golden age of television, along with more recent paranormal programs and international series. The Commission did not receive any interventions in connection with this application.
2. 1637191 Alberta is controlled by the trustees, Mr. Larry Day and Ms. Kirstie McLellan-Day, under the terms of a trust agreement.
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: 2(a), 2(b), 3, 5(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 9, 10, 11(a), 11(b), 12, 13 and 14.
4. To ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that not more than 15% of all programming broadcast during the broadcast week would be drawn from program category 7(d).

Commission's analysis and decisions

5. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address

relates to the proposed limitation on programming to be drawn from program category 7(d).

6. The Commission notes that the applicant's proposed programming limitation with respect to program category 7(d) is not consistent with the limitation set out in Broadcasting Public Notice 2008-100. The Commission considers, however, that the proposed limitation, in conjunction with the proposed nature of service, are sufficient to help ensure that SUPERNATURAL TV would not be or become directly competitive with existing Category A services.

Conclusion

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 1637191 Alberta Ltd. for a broadcasting licence to operate the national, English-language specialty Category B service SUPERNATURAL TV. The Commission also **approves** the applicant's request in regard to programming to be drawn from program category 7(d). The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

8. The Commission reminds the applicant that the 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
- *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 2012-390

Terms, conditions of licence, expectations and encouragements for the specialty Category B service SUPERNATURAL 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 Commission requires the applicant to file a copy of its amended and executed by-laws within 12 months of the date of this decision in order to comply with the *Direction to the CRTC (Ineligibility of non-Canadians)*.

The licence will expire 31 August 2018.

Conditions of licence

1. The licensee shall adhere to the conditions set out in Appendix 1 to *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. In regard to the nature of service:
 - (a) The licensee shall provide a national, English-language specialty Category B service devoted to classic and contemporary series, movies and documentaries in the genre of the paranormal, including psychics, mediums, telekinesis, and other unexplained phenomena. The service will salute the genre from the golden age of television, along with more recent paranormal programs and international series.
 - (b) 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
 - 5 (b) Informal education/Recreation and leisure
 - 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
- 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

(c) The licensee shall devote not more than 15% of all programming broadcast during the broadcast week is drawn from program category 7(d).

3. The service approved hereby is designated as a Category B service.

For the purposes of the conditions of this licence, “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.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.