



Broadcasting Decision CRTC 2021-190

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Reference: Part 1 application posted on 20 January 2021

Ottawa, 2 June 2021

Stingray Group Inc.
Across Canada

Public record for this application: 2021-0010-6

Stingray HITS – Licence amendment

The Commission **approves** an application by Stingray Group Inc. to change the national English-language discretionary service Stingray HITS into a French-language service.

In addition, the Commission imposes a new condition of licence requiring that French-language video clips make up at least 50% of all video clips broadcast by the service each broadcast year and that all other programming elements, including advertising, station identifiers and all other content be in French. In this regard, the licensee indicated in its application that it would agree to a condition of licence requiring that the designation of Stingray HITS correspond to the intentions and operational reality of the channel.

Background

1. In *Stingray Hits – Licensing of a discretionary service*, Broadcasting Decision CRTC 2020-90, 10 March 2020 (Broadcasting Decision 2020-90), the Commission approved an application from Stingray Group Inc. (Stingray) for a broadcasting licence to operate the then-exempt national discretionary service Stingray HITS as a licensed service.
2. At the time, the Commission concluded that since the service would broadcast mainly English-language programming, it was appropriate to designate Stingray HITS as an English-language service.

Application

3. The Commission has the authority, under section 9(1) of the *Broadcasting Act* (the Act), to issue licences for terms not exceeding seven years and subject to such conditions related to the circumstances of the licensee as the Commission deems appropriate for the implementation of the broadcasting policy set out in section 3(1) of the Act, and to amend these conditions at the request of the licensee.
4. On 8 January 2021, Stingray submitted an application to amend the broadcasting licence of Stingray HITS so that it would be designated as a French-language service.

5. Stingray indicated that since Stingray HITS was launched, its intention was always to offer a pop music video clip service for the French-language market. It added that both the programming and the packaging (i.e. the presentation) of the service attest to this intention. Stingray HITS has always targeted a Francophile audience, and the service is distributed and marketed as a French-language service in Francophone markets.
6. Stingray indicated that all programming elements of the service, including advertising, station identifiers and all other content, would be in French. It specified that the regulatory requirements imposed on the service in Broadcasting Decision 2020-90 would remain unchanged.
7. Stingray stated that in the absence of a French-language designation, it would struggle to benefit from access rules as an independent programming undertaking not associated with a broadcasting distribution undertaking.
8. Stingray indicated that it would agree to an additional condition of licence requiring that French-language video clips make up at least 50% of all video clips broadcast each broadcast year, to ensure that the designation of Stingray HITS corresponds to the intentions and operational reality of the channel.
9. The Commission did not receive any interventions in regard to this application.

Commission's analysis and decision

10. In the application that resulted in the publication of Broadcasting Decision 2020-90, Stingray did not indicate the broadcast language for the proposed service. However, Stingray stated that the service was intended for the Francophone market. In addition, it proposed musical programming centred on popular video clips from the last 20 years. Stingray also indicated that it broadcast 40% of its video clip programming in French, and that it intended to eventually broadcast all programming other than video clips in French.
11. In Broadcasting Decision 2020-90, the Commission stated that no regulation or standard condition of licence allowed it to determine the linguistic designation of a service. In paragraph 10 of that decision, the Commission stated the following:

In general, the designation of the language of a service relates to the language of the programming that it broadcasts. As such, the Commission considers that the language designation of a service is that in which the service predominantly broadcasts.
12. The Commission also noted that the services MusiMax and MusiquePlus, which offered service of similar nature to that of Stingray HITS, were designated as French-language services and were required to ensure that French-language video clips comprised at least 50% of the total number of video clips that each of those services broadcast during each broadcast month.
13. In Broadcasting Decision 2020-90, the Commission therefore concluded that it was appropriate to designate Stingray HITS as an English-language service.

14. Regarding the current application, the Commission finds that the additional condition of licence proposed by Stingray addresses the concerns raised by the Commission in Broadcasting Decision 2020-90. By imposing the condition of licence set out in paragraph 16 below, the Commission will ensure that the service broadcasts majority French-language programming, thereby justifying the service's French-language designation. In addition, all other programming elements of the service will be in French, including advertising, station identifiers and all other content.
15. In light of the above, the Commission **approves** the application by Stingray Group Inc. to change the national English-language discretionary service Stingray HITS into a French-language discretionary service.
16. In addition, the Commission imposes a **condition of licence** requiring that French-language video clips make up at least 50% of all video clips broadcast by the service each broadcast year and that remaining programming elements, including advertising, station identifiers and all other content be in French.

Secretary General

This decision must be appended to the licence.