



Broadcasting Public Notice CRTC 2005-91

Ottawa, 19 September 2005

Distribution of The Military Channel – Call for comments

The Commission calls for comments on a request from the Canadian Cable Telecommunications Association (CCTA) to amend the lists of eligible satellite services to reflect a change in name of the non-Canadian satellite service Discovery Wings to The Military Channel. The CCTA has submitted that the Commission's current authorization to distribute Discovery Wings extends to The Military Channel.

Background

1. The Commission periodically publishes lists of eligible satellite services (the lists)¹ that set out various Canadian and non-Canadian programming services received via satellite that may be distributed by broadcasting distribution undertakings (BDUs).
2. In *Call for comments on proposals by sponsors for the addition of non-Canadian satellite services to a digital list of eligible satellite services*, Public Notice CRTC 2001-33, 2 March 2001 (Public Notice 2001-33), the Commission called for comments on a request by the Canadian Cable Telecommunications Association (the CCTA) to add a non-Canadian service called Discovery Wings to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Public Notice 2001-33 described Discovery Wings as follows:

A 24-hour programming service in the English language devoted exclusively to aviation and space enthusiasts and provides information on the past, present and future of air travel. It explores everything from airplanes, helicopters and gliders to rockets.
3. Since the publication of *Revised lists of eligible satellite services*, Public Notice CRTC 2001-82, 13 July 2001, the digital lists have included Discovery Wings among the non-Canadian services that BDUs may distribute on a digital basis only.
4. According to an announcement on the website for Discovery.com, Discovery Wings became The Military Channel on 10 January 2005. The Military Channel is described by Discovery Communications, Inc. as a service that focuses on all aspects of the armed forces, military strategies, and personnel throughout the ages, including personal stories of servicemen and women and in-depth explorations of military technology, aviation and history. On 10 January 2005, BDUs that formerly carried Discovery Wings began to carry The Military Channel even though the Commission makes no reference to The Military Channel on its lists of eligible satellite services.

¹ The most recent lists are set out in *Revised lists of eligible satellite services*, Broadcasting Public Notice CRTC 2005-79, 8 August 2005.

5. The Commission's policy, as affirmed in *Revised Lists of Eligible Satellite Services*, Public Notice CRTC 1997-96, 22 July 1997, is to consider the removal of a non-Canadian service from the lists if the service undergoes a change in format so as to become competitive with a Canadian pay or specialty service. The Commission addressed this matter in *Distribution of Spike TV by broadcasting distribution undertakings*, Broadcasting Public Notice CRTC 2005-9, 27 January 2005, stating:

Only non-Canadian services approved for distribution by the Commission may be distributed by BDUs. Where a service undergoes such fundamental changes as occurred in this case, so that it is no longer the same service as was approved for distribution by the Commission, the distribution of that service similarly requires the approval of the Commission.

6. On 20 May 2005, Commission staff sent a letter to the CCTA, the original sponsor of Discovery Wings, to obtain the CCTA's views on whether the current authorization on the digital lists to distribute Discovery Wings would extend to The Military Channel. The CCTA was asked to comment on, among other things, whether the transition from Discovery Wings to The Military Channel simply involved a change of the service's name or whether the service's format had also changed in such a way as to make it totally or partially competitive with one or more authorized Canadian pay or specialty services, including Category 1 and Category 2 services.
7. On 31 May 2005, the CCTA provided its response to the Commission staff's letter, along with a letter from Discovery Communications, Inc. The CCTA stated that Discovery Wings had a strong military focus with additional non-military aviation and space programming. Based on a comparison of the programming schedules, the CCTA submitted that the same broad genre of programming continued to dominate The Military Channel's schedule. In fact, according to the CCTA, most of the specific programs that were broadcast on Discovery Wings continued to be central to the programming schedule of The Military Channel. Discovery Communications, Inc. stated that late in 2004 it had elected to broaden the military-themed programming presented on the channel to include all aspects of warfare, whether in the air, on the ground, and on and under the sea.
8. The CCTA further submitted that the Commission's authorization to distribute Discovery Wings extends to The Military Channel. The CCTA therefore requested that, consistent with the Commission's past approach, the digital lists be amended to reflect the change in the name of the service from Discovery Wings to The Military Channel.

Call for comments

9. The Commission invites comments on the CCTA's request, and in particular on whether The Military Channel represents only a name change or a change in the nature of service.

10. The Commission further invites comments on whether or not The Military Channel is competitive with one or more Canadian pay and specialty services, including unlaunched Category 2 services, and if so, what measures might be adopted in respect of the service.
11. The Commission will accept comments that it receives on or before **19 October 2005**. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.
12. The CCTA may file a written reply to any comments received. Any such reply should be filed with the Commission, and a copy sent to the party that submitted the comment, by no later than **31 October 2005**.
13. The letters referred to above that were exchanged between the Commission's staff and the CCTA, as well as the letter from Discovery Communications, Inc., will form part of the public record.

Procedures for filing comments

14. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
Broadcasting Intervention/Comments Form

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
(819) 994-0218

15. Submissions longer than five pages should include a summary.
16. Please number each paragraph of your submission. In addition, please enter the line *****End of document***** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

17. All information submitted, including email address, name and any other personal information, will be placed on the public examination file and can be examined on the Commission's web site at www.crtc.gc.ca.

18. Comments filed in electronic form or on paper will be available in the *Public Proceedings* section of the Commission's web site in the official language and format in which they are submitted. Paper versions will be converted to electronic versions by the Commission for this purpose. All comments will be placed on the public examination file.
19. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 - TDD: 994-0423
Fax: (819) 994-0218

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 - TDD: 426-6997
Fax: (902) 426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario M4T 1M2
Tel: (416) 952-9096

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 - TDD: 983-8274
Fax: (204) 983-6317

Cornwall Professional Building
2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 - TDD: 666-0778
Fax: (604) 666-8322

Secretary General

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