



Broadcasting Public Notice CRTC 2005-66

Ottawa, 13 July 2005

The Commission has received the following applications. The deadline for submission of interventions/comments is 17 August 2005.

Item Applicant and Locality

1. **TEN Broadcasting Inc.**
Across Canada
2. **South Asian Television Canada Limited**
Across Canada
3. **CTV Specialty Television Inc.**
Across Canada
4. **Astral Broadcasting Group Inc.**
Eastern Canada
5. **Diffusion communautaire Baie-des-Chaleurs inc. (CIEU-FM)**
Paspébiac, Quebec
6. **3095531 Nova Scotia Company (CKXT-TV/CKXT-DT)**
Toronto, Ontario

1. **Across Canada** **Application No. 2005-0527-4**

Application by **TEN Broadcasting Inc.** to amend the licences of the national Category 2 specialty programming undertakings known as Hustler TV (TEN-Channel 1) and X Channel (TEN-Channel 2).

The licensee proposes to change the nature of its service by implementing the following:

Conditions of licence for Hustler TV :

By deleting the following conditions of licence:

- a) The licensee shall provide a national English-language Category 2 specialty television service devoted to adult entertainment programming, including adult entertainment films, talk shows, phone-in shows and other programming on the theme of sexuality. This will range from entertainment material to educational and analytical material on sexuality and health.

- b) The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2a, 5b, 7c, 7d,

7e, 7g, 11, 12 and 14.

By adding the following conditions of licence:

- a) The licensee shall provide a national English-language Category 2 specialty programming undertaking devoted to adult entertainment programming, including adult entertainment films and other programming on the theme of sexuality. This will range from entertainment material to educational and analytical material on sexuality and health.
- b) The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2a, 7c, 7d, 7e, 7g, 11, 12 and 14.

Conditions of Licence for X Channel :

By deleting the following conditions of licence:

- a) The licensee shall provide a national English-language Category 2 specialty television service devoted to adult entertainment programming, including adult entertainment films, talk shows, phone-in shows and other programming on the theme of sexuality. This will range from entertainment material to educational and analytical material on sexuality and health. Ten - Channel 2 will be suitable for communities with more traditional views regarding the suitability of adult content.
- b) The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2a, 5b, 7c, 7d, 7e, 7g, 11, 12 and 14.

By adding the following conditions of licence:

- a) The licensee shall provide a national English-language Category 2 specialty programming undertaking devoted to adult entertainment programming, including adult entertainment films and other programming on the theme of sexuality. This will range from entertainment material to educational and analytical material on sexuality and health.
- b) The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2a, 7c, 7d, 7e, 7g, 11, 12 and 14.

TEN Broadcasting Inc. asserts that by amending the nature of service, it is more accurately reflecting consumer preference in the context of adult entertainment channels.

Licensee's address:

TEN Broadcasting Inc.

2211 Thurston Drive
Ottawa, Ontario
K1G 6C9
Fax: (613) 248-1627
E-Mail: sduncan@10network.com

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

2. **Across Canada**
Application No. 2005-0556-3

Application by **South Asian Television Canada Limited** to amend the licences of the national Category 2 specialty programming undertakings known as ATN Alpha Punjabi Channel, ATN Tamil Channel, ATN Urdu Channel, and the Category 2 pay television programming undertaking ATN B4U Hindi Movie Channel.

The licensee proposes to replace the condition of licence relating to the broadcast day which reads:

Broadcast day refers to the 24-hour period beginning 6 a.m. each day.

with the following condition:

Broadcast day refers to the 24-hour period beginning at midnight each day.

Licensee's address:

130 Pony Drive
Newmarket, Ontario
L3Y 7B6
Fax: (905) 853-5212
E-Mail: atn@asiantelelevision.com

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

3. **Across Canada**
Application No. 2005-0560-5

Application by **CTV Specialty Television Inc.**, on behalf of CTV Television Inc. (CTV), to amend the licence of the national specialty programming undertaking known as The Comedy Network (TCN).

CTV proposes to amend the condition of licence relating to the nature of its service by adding categories 7c (specials, mini-series, made-for-TV feature films) and 7d (theatrical feature films aired on television) to the program categories from which it can draw programming.

CTV also proposes to amend the broadcasting licence of TCN in order to implement the incentive program for English-language Canadian television drama set out in Broadcasting Public Notice CRTC 2004-93.

The licensee proposes to add the following condition of licence:

In addition to the 12 minutes of material during any clock hour in a broadcast day permitted by any condition of licence, the licensee may broadcast such additional minutes of advertising material calculated in accordance with *Incentives for English-language Canadian television drama*, Broadcasting Public Notice CRTC [2004-93](#), 29 November 2004, as may be amended from time to time.

Licensee's address:

CTV Television Inc.
9 Channel Nine Court
Scarborough, Ontario
M1S 4B5
Fax: (416) 332-4580
E-Mail: www.ctv.ca

Examination of application:

At the licensee's address

[\[Broadcasting intervention/comments form\]](#)

4. **Eastern Canada**
Application No. 2005-0419-3

Application by **Astral Broadcasting Group Inc.** to amend the licence of the pay television programming undertaking known as The Movie Network.

The licensee proposes to make an upgraded high definition version of the above-noted service available for distribution.

Consistent with *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003, the licensee

proposes to add a condition of licence that would allow it, for a period of three years, to make available for distribution a version of its service in high definition format, provided that not less than 95% of the video and audio components of the upgraded and analog versions of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal.

Licensee's address:

2100 Sainte-Catherine Street West
Suite 1000
Montreal, Quebec
H3H 2T3
Fax: (514) 939-1515
E-Mail: www.astralmedia.com

Examination of application:

Astral Television Networks
BCE Place
181 Bay Street, Suite 100
Toronto, Ontario

[\[Broadcasting intervention/comments form\]](#)

5. **Paspébiac, Quebec**
Application No. 2005-0305-4

Application by **Diffusion communautaire Baie-des-Chaleurs inc.** relating to the licence of radio programming undertaking CIEU-FM Carleton, Quebec.

The licensee proposes to change the authorized contour of its transmitter CIEU-FM-1 Paspébiac by increasing the average effective radiated power from 33.8 watts to 86.5 watts, by increasing the antenna height and by relocating the transmitter (maximum effective radiated power of 250 watts/antenna height of 114.4 metres).

The licensee indicates that the transmitter site must be relocated due to the demolition, for security reasons, of the structure at Paspébiac. The transmitter site will now be at Port Daniel.

The authorized contour of the station will be changed significantly.

The Commission notes that the increase in power would result in a change of the CIEU-FM-1 status from a low power unprotected service to a regular Class A1 FM transmitter.

Licensee's address:

1645 Perron boulevard East
 P.O.Box 3000
 Carleton, Quebec
 G0C 1J0
 Fax: (418) 364-3150
 E-Mail: direction@cieufm.com

Examination of application:

City Hall of Port Daniel
 City Hall of Paspébiac

[\[Broadcasting intervention/comments form\]](#)

6. **Toronto, Ontario**
Application No. 2005-0071-1

Application by **3095531 Nova Scotia Company** to amend the licences of the television programming undertaking CKXT-TV Toronto and that of the transitional digital television programming undertaking CKXT-DT Toronto.

The licensee wishes to amend condition of licence number 4a) of Broadcasting Decision CRTC 2002-81 of 8 April 2002, relating to the New Voices Fund, which states:

“4. a) Over the licence term, the licensee shall expend at least \$6,650,000 in licence fees for independently-produced ethnic programs in English, and at least \$725,000 for script and concept development for such programs. Administrative costs shall not be included in these amounts. The programming funded by the amounts set out in this condition shall not include any programming covered by conditions of licence 3 and 4b). For purposes of this condition, ‘expend’ means actual cash outlay.”

The proposed new condition of licence number 4a) would read:

“From 1 September 2003 to 31 August 2008, the licensee shall expend at least \$4,000,000 in licence fees for independently-produced ethnic programs in English, and at least \$500,000 for script and concept development for such programs. Administrative costs shall not be included in these amounts. The programming funded by the amounts set out in this condition shall not include any programming covered by conditions of licence 3 and 4b). For purposes of this condition, ‘expend’ means actual cash outlay.”

The applicant specifies that the partial sum referred to above comes from the fact that the

applicant's commitment as well as the Commission's approval was for a seven year period. In its view, the period starts when it took ownership of CKXT-TV, namely on 2 December 2004. Therefore, it believes that the timeframe to expend the total amount of \$7,650,000 is from 2 December 2004 to 30 November 2011. Further details are available in the application.

Furthermore, the applicant wishes to amend condition of licence number 1 of Broadcasting Decision CRTC 2004-65, relating to the transitional digital television station CKXT-DT Toronto, which states:

“In addition to the conditions set out below, the licence is subject to the terms and conditions applicable to the analog television station CKXT-TV Toronto, as set out in *New television station for Toronto/Hamilton*, Broadcasting Decision CRTC 2002-81, 8 April 2002.”

The proposed new condition of licence number 1 would read:

“In addition to the conditions set out below, the licence is subject to the terms and conditions applicable to the analog television station CKXT-TV Toronto, as set out in *New television station for Toronto/Hamilton*, Broadcasting Decision CRTC 2002-81, 8 April 2002, or as later amended.”

By applying for these licence amendments, the tangible benefit, as proposed by the applicant and as approved by the Commission in *Transfer of effective control of Toronto One to TVA Group Inc. and Sun Media Corporation*, Broadcasting Decision CRTC 2004-503, 19 November 2004, will be reflected in CKXT-TV and CKXT-DT licences.

Licensee's address:

c/o Mr. George Caines
 Stewart McKelvey Stirling Scales
 Suite 900
 Purdy's Wharf Tower One
 1959 Upper Water Street
 P.O. Box 997
 Halifax, Nova Scotia
 B3J 2X2
 Fax: (902) 420-1417
 E-Mail: gcaines@smss.com

Examination of application:

Hamilton City Hall
 2nd Floor
 71 Main Street West
 Hamilton, Ontario

Toronto One
25 Ontario Street
Toronto, Ontario

[\[Broadcasting intervention/comments form\]](#)

Public Participation

Deadline for Interventions/Comments

17 August 2005

The intervention must be received by the CRTC and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays.

Your intervention will be considered by the Commission, and will form part of the public record of the proceeding without further notification to you, provided the procedure set out below has been followed. You will be contacted only if your submission raises procedural questions.

Submit your written intervention to the Secretary General of the Commission in **only one** of the following formats:

by using the

Broadcasting Intervention/Comments Form

located below the description of each application within this public notice

or

by mail to

CRTC, Ottawa, Ontario K1A 0N2

or

by fax at

(819) 994-0218

A true copy must be sent to the applicant and proof that this has been done must accompany the intervention sent to the Commission.

The Commission advises those who file and serve by electronic mode to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.

Before initiating service through electronic mode, please ensure that you will be able to satisfy the Commission, upon request, that service of the notification was completed.

Where the intervention is filed by electronic means, the line *****End of document***** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

Each paragraph of the document should be numbered.

Your intervention should clearly identify the application and indicate whether you support or oppose the application, or if you propose changes to it, include the facts and grounds for your proposal.

Important

All information submitted, including your email address, name and any other personal information as provided, will become part of the public record and can be viewed on the Commission's Web site.

Documents sent in electronic format will be put on the Commission's Web site exactly as we received them, and in the official language and format in which they are sent. Documents not received electronically will be scanned and put on the Web site.

Examination of Documents

An electronic version of applications is available from the Commission's web site by selecting the application number within this notice.

A list of all interventions/comments will also be available on the Commission's Web site. An electronic version of all interventions/comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's Web site.

Documents are also available during normal office hours at the local address provided in this notice and at the Commission offices and documentation centres directly involved with these applications or, upon request, within 2 working days, at any other CRTC offices and documentation centres.

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 – TDD: 994-0423
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Metropolitan Place
99 Wyse Road, Suite 1410
Dartmouth, Nova Scotia B3A 4S5
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205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
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275 Portage Avenue, Suite 1810
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Secretary General

This document is available in alternative format upon request, and may also be examined in PDF format or in HTML at the following Internet site:

<http://www.crtc.gc.ca>