



Broadcasting Decision CRTC 2006-125

Ottawa, 5 April 2006

P. Wayne Soper, on behalf of a corporation to be incorporated
Across Canada

Application 2005-0611-5
Public Hearing in the National Capital Region
16 January 2006

Smart Living Television – Category 2 specialty service

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

The application

1. The Commission received an application by P. Wayne Soper, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national, English-language Category 2¹ specialty programming undertaking to be known as Smart Living Television (SLTV).
2. The proposed service would be devoted to advancing the sustainability of the earth, in all of its dimensions and from various perspectives including agricultural, financial, community, ecological and personal sustainability. SLTV would focus on global sustainability interests and trends, conservation, environment and biosphere issues as well as sustainability-based actions related to personal lifestyle choices, corporate social responsibility, public policies and community planning.
3. The applicant defined sustainability as “developments, activities and actions that meet the needs of the present without compromising the ability of future generations to meet their own needs” and that “ecological, social and economic systems are interrelated and interact as part of larger interconnected global systems”.
4. All of the programming would be drawn from the following categories, as set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 5(b) Informal education/Recreation and leisure; 6(b) Amateur sports; 7(c) Specials, mini-series or made-for-TV feature films; 7(d) Theatrical feature films aired on TV; 8(b) Music video clips; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.

¹ The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

5. The applicant indicated that no more than 10% of all programming broadcast during each broadcast week would be drawn from Category 6(b), and that no live coverage of sports events would be broadcast. In addition, no more than 15% of all programming would be drawn from Category 7, and no more than 5% of all programming would be drawn from Category 8(b).

Interventions

6. The Commission received numerous interventions in support of this application and one comment which offered support for exposure to the idea of creating a sustainable lifestyle.

Commission's analysis and determination

7. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by P. Wayne Soper, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking, Smart Living Television.
8. The licence will expire 31 August 2012, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

Issuance of the licence

9. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
 - an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
 - 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. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 5 April 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Secretary General

This decision is to be appended to the licence. It 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>

Appendix to Broadcasting Decision CRTC 2006-125

Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national, English-language Category 2 specialty programming service dedicated to advancing the sustainability of the earth, in all of its dimensions and from various perspectives including agricultural, financial, community, ecological and personal sustainability. The service shall focus on global sustainability interests and trends, conservation, environment and biosphere issues, as well as sustainability-based actions related to personal lifestyle choices, corporate social responsibility, public policies and community planning.
3. The programming shall be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
 - (b) Long-form documentary
 - 3 Reporting and actualities
 - 5 (b) Informal education/Recreation and leisure
 - 6 (b) Amateur sports
 - 7 (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - 8 (b) Music video clips
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. Not more than 10% of all programming broadcast during the broadcast week shall be drawn from Category 6(b), and no live coverage of sporting events shall be broadcast.
5. Not more than 15% of all programming broadcast during the broadcast week shall be drawn from Category 7.

6. Not more than 5% of all programming broadcast during the broadcast week shall be drawn from Category 8(b).

For the purposes of the conditions of this licence, including condition of licence no.1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.