



## Broadcasting Decision CRTC 2005-505

Ottawa, 20 October 2005

**Astral Broadcasting Group Inc.**  
Across Canada

*Application 2005-0421-8*  
*Public Hearing in the National Capital Region*  
*15 August 2005*

### **Télé-Vitesse – 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 Astral Broadcasting Group Inc. (Astral) for a broadcasting licence to operate a national French-language Category 2<sup>1</sup> specialty programming undertaking to be known as Télé-Vitesse.
2. The applicant proposed to offer a service that would be devoted to speed - on land, on the water and in the air - and vehicles: automobiles, motorcycles, snowmobiles, trains, boats, planes and more. Astral proposed to air magazine programs, documentaries, dramas, reality television shows and, on occasion, speed-sports competitions and segments on automobiles and the technologies that make them possible. All of the programming would be drawn from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2(a) Analysis and interpretation, 2(b) Long-form documentary, 3 Reporting and actualities, 5(b) Informal education/Recreation and leisure, 6(a) Professional sports, 6(b) Amateur sports, 7(a) Ongoing drama series, 7(b) Ongoing comedy series (sitcoms), 7(c) Specials, mini-series or made-for-TV feature films, 7(d) Theatrical feature films aired on TV, 7(f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy, 11 General entertainment and human interest, 12 Interstitials, 13 Public service announcements and 14 Infomercials, promotional and corporate videos. The applicant further indicated that no more than 15% of all programming broadcast during each broadcast week would be drawn from category 6.

---

<sup>1</sup> 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.

3. The Commission did not receive any interventions in connection with this application.

### **Commission's analysis and determination**

4. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. In *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an existing analog pay or specialty service or an existing Category 1 service, although not with an existing Category 2 service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question.
5. The Commission notes that the applicant indicated in its application that no French-language pay or Category 1 analog or digital specialty television service devotes a minimum of 10% of its programming to programs about speed, vehicles and the technologies that make them possible. In the present case, the Commission is satisfied that the nature of service proposed for Télé-Vitesse and its restriction on programs drawn from category 6 is sufficiently specific to ensure that it will not be directly competitive with any existing analog pay, specialty or Category 1 service.
6. 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 Astral Broadcasting Group Inc. for a broadcasting licence to operate the French-language Category 2 specialty programming undertaking to be known as Télé-Vitesse.
7. 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**

8. 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. 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 20 October 2008. 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 2005-505

### Conditions of licence

1. The licence shall 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 French-language Category 2 specialty programming undertaking devoted to speed - on land, on the water and in the air - and vehicles: automobiles, motorcycles, snowmobiles, trains, boats, planes and more. Programming will include magazine programs, documentaries, dramas, reality television shows and, on occasion, speed-sports competitions and segments on automobiles and the technologies that make them possible.
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:
  - 2 (a) Analysis and interpretation
  - (b) Long-form documentary
  - 3 Reporting and actualities
  - 5 (b) Informal education/Recreation and leisure
  - 6 (a) Professional sports
  - (b) Amateur sports
  - 7 Drama and comedy
    - (a) Ongoing drama series
    - (b) Ongoing comedy series (sitcoms)
    - (c) Specials, mini-series or made-for-TV feature films
    - (d) Theatrical feature films aired on TV
    - (f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy
  - 11 General entertainment and human interest
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
4. The licensee must not devote more than 15% of all programming broadcast during the broadcast week to programs drawn from category 6.
5. Feature films from category 7(d) broadcast by the licensee must have been copyrighted for at least seven years prior to the broadcast date.

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 4 a.m., or any other period approved by the Commission.