



Broadcasting Decision CRTC 2005-513

Ottawa, 21 October 2005

**Alliance Atlantis Broadcasting Inc., on behalf of
a corporation to be incorporated**
Across Canada

*Application 2005-0317-9
Public Hearing in the National Capital Region
15 August 2005*

D.I.Y. 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 Alliance Atlantis Broadcasting Inc., 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 D.I.Y. Television.
2. The applicant proposed to offer a service devoted to programs that offer Canadians an interactive television experience, and which provides immediate access to detailed step-by-step instructions, in-depth demonstrations and tips for do-it-yourself projects.
3. The programming would be drawn from the following categories, as set out in Schedule 1 of the *Specialty Services Regulations, 1990*: 2 (a) Analysis and interpretation; 2(b) Long-form documentary; 5(a) Formal education and pre-school; 5(b) Informal education/Recreation and leisure; 10 Game shows; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. The applicant submitted that its proposed service would not compete with any existing Category 1 or analog pay or specialty service.
5. The Commission did not receive any interventions in connection with this application.

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.

Commission's analysis and determination

6. The Commission notes that the present application is identical to that which was approved in *D.I.Y. Television*, Decision CRTC 2000-495, 14 December 2000 (Decision 2000-495). The service approved in Decision 2000-495 was, however, not implemented within the required timeframe.
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*, Public Notice CRTC 2000-171, 14 December 2000 – *Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001, (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by Alliance Atlantis Broadcasting Inc., on behalf of a corporation to be incorporated for a broadcasting licence to operate the national, English-language Category 2 specialty programming undertaking, D.I.Y. 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 acceptable to the Commission and that this corporation may be issued a licence;
 - the applicant files, and the Commission reviews and finds satisfactory, the amended bylaws in accordance with the application. The applicant must file such document prior to beginning operation;
 - the applicant files, and the Commission reviews and finds satisfactory, all relative documents and agreements pertaining to the control and management of the licensee (i.e. shareholder agreement, program supply agreement, licence trademark agreement). The applicant must file all such documents prior to beginning operation;
 - 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 21 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 2005-513

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 undertaking devoted to programs that offer Canadians an interactive television experience and which provides immediate access to detailed step-by-step instructions, in-depth demonstrations and tips for do-it-yourself projects.
3. The programming shall be drawn exclusively from the following categories, as set out in Schedule 1 to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 2(a) Analysis and interpretation
 - (b) Long-form documentary
 - 5(a) Formal education and pre-school
 - (b) Informal education/Recreation and leisure
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos

For the purposes of the conditions of this licence, including condition of licence no. 1, broadcast day means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.