



## Broadcasting Decision CRTC 2005-510

Ottawa, 21 October 2005

**TELETOON Canada Inc.**  
Across Canada

*Application 2005-0282-4  
Public Hearing in the National Capital Region  
15 August 2005*

### **TELETOON Rétro – Category 2 specialty service**

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

#### **The application**

1. The Commission received an application by TELETOON Canada Inc. for a broadcasting licence to operate a national, French-language Category 2<sup>1</sup> specialty programming undertaking to be known as TELETOON Rétro.
2. The applicant proposed to offer a service that would consist of classic animation and classic animation-related programs from Canada and around the world, including animated movies, specials, series and shorts all of which commenced production at least ten years prior to their exhibition.
3. The applicant proposed to offer programming from the following categories as set out in Schedule I to the *Specialty Services Regulations, 1990*: 2(b) Long-form documentary; 5(b) Informal education/Recreation and leisure; 7(a) Ongoing dramatic 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(e) Animated television programs and films; 7(g) Other drama; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. In order to avoid an overlap with Teletoon/Télétoon and VRAK.TV whose schedules contain a component of animation programming, the applicant indicated that no more than 5% of the broadcast year would be devoted to programs from categories 12, 13 and 14 and, during the broadcast year, a minimum of 90% of all programs would be animated programming drawn from categories 7(d) and 7(e).
5. The Commission received one intervention in support of this application.

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<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.

## Commission's analysis and determination

6. The Commission considers that the limitations on programming drawn from categories 12, 13 and 14, as well as the minimum requirement for programming drawn from categories 7(d) and 7(e) proposed by the applicant will ensure that TELETOON Rétro will not compete directly with Teletoon/Télétoon and VRAK.TV, or any other existing specialty, pay or Category 1 service.
7. Based on its examination of this application, including the factors noted above, 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 TELETOON Canada Inc. for a broadcasting licence to operate the national, French-language Category 2 specialty programming undertaking, TELETOON Rétro.
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 of licence** set out in the appendix to this decision.

## Issuance of the licence

9. The 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 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 an 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 2005-510

### 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, French-language Category 2 specialty programming undertaking devoted to classic animation and classic animation-related programs from Canada and around the world, including animated movies, specials, series and shorts, all of which commenced production at least ten years prior to their exhibition.
3. The programming must 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 (b) Long-form documentary
  - 5 (b) Informal education/Recreation and leisure
  - 7 (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
  - (e) Animated television programs and films
  - (g) Other drama
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
4. The licensee shall devote no more than 5% of the broadcast year to programs drawn from categories 12 Interstitials, 13 Public service announcements, and 14 Infomercials, promotional and corporate videos/films.
5. The licensee shall devote at least 90% of all its programming aired during the broadcast year to programs drawn from categories 7(d) Theatrical feature films aired on TV, and 7(e) Animated television programs and films.
6. All programs aired shall consist exclusively of animation or animation-related programming, with the exception of those drawn from categories 12, 13 and 14.

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.

