



Broadcasting Notice of Consultation CRTC 2009-729

Ottawa, 27 November 2009

Notice of applications received

Across Canada

Deadline for submission of interventions/comments: 4 January 2010

The Commission has received the following applications:

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

Applicant and Locality

1. Fifth Dimension Properties Inc.

Across Canada

Application No. 2009-1411-0

2. TEN Broadcasting Inc.

Across Canada

Application No. 2009-1412-8

3. TEN Broadcasting Inc.

Across Canada

Application No. 2009-1413-6

1. Across Canada

Application No. 2009-1411-0

Application by **Fifth Dimension Properties Inc.** to amend the broadcasting licence for the national Category 2 specialty programming undertaking known as Penthouse TV by adding programming categories 8(b) Music video clips and 8(c) Music video programs to the list of programming categories from which the licensee may draw its programming.

The licensee proposes to abide by conditions of licence requiring that any programming from these categories include adult content consistent with the service's nature of service and that no more than 10% of all programming broadcast during the broadcast month be devoted to programming drawn from categories 8(b) and 8(c) combined.

The licensee notes that the proposed limitation would ensure that its service is not competitive with existing analog and Category 1 services. It also notes that adult content music videos have recently become available in sufficient quantities to warrant the addition of these programming categories.

Licensee's address:

2211 Thurston Drive
Ottawa, Ontario
K1G 6C9
Fax: 613-247-9220
E-mail: stu@5d.com

Examination of application:

At the licensee's address

2. Across Canada **Application No. 2009-1412-8**

Application by **TEN Broadcasting Inc.** to amend the licence of the national Category 2 specialty programming undertaking known as Hustler TV by adding programming categories 8(b) Music video clips and 8(c) Music video programs to the list of programming categories from which the licensee may draw its programming.

The licensee proposes to abide by conditions of licence requiring that any programming from these categories include adult content consistent with the service's nature of service and that no more than 10% of all programming broadcast during the broadcast month be devoted to programming drawn from categories 8(b) and 8(c) combined.

The licensee notes that the proposed limitation would ensure that its service is not competitive with existing analog and Category 1 services. It also notes that adult content music videos have recently become available in sufficient quantities to warrant the addition of these programming categories.

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Ottawa, Ontario
K1G 6C9
Fax: 613-247-9220
E-mail: stu@5d.com

Examination of application:

At the licensee's address

3. Across Canada **Application No. 2009-1413-6**

Application by **TEN Broadcasting Inc.** to amend the licence of the national Category 2 specialty programming undertaking known as Red Hot TV by adding programming

categories 8(b) Music video clips and 8(c) Music video programs to the list of programming categories from which the licensee may draw its programming.

The licensee proposes to abide by conditions of licence requiring that any programming from these categories include adult content consistent with the service's nature of service and that no more than 10% of all programming broadcast during the broadcast month be devoted to programming drawn from categories 8(b) and 8(c) combined.

The licensee notes that the proposed limitation would ensure that its service is not competitive with existing analog and Category 1 services. It also notes that adult content music videos have recently become available in sufficient quantities to warrant the addition of these programming categories.

Licensee's address:

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Ottawa, Ontario
K1G 6C9
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Examination of application:

At the licensee's address

Public Participation

Deadline for interventions/comments

4 January 2010

The intervention must be received by the Commission and by the applicant on or before the above-mentioned date. The Commission cannot be held responsible for postal delays and will not notify a party whose intervention is received after the deadline date. The intervention will not be considered by the Commission and will not be part of the public file.

Interventions will be considered by the Commission and will form part of the public record of the proceeding without further notification to intervening parties, provided the procedure set out below has been followed. Parties will be contacted only if their submissions raise procedural questions.

Written interventions should be submitted to the Secretary General of the Commission in **only one** of the following formats:

by using the
[[Broadcasting interventions/comments form](#)]

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.

Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.

Submissions longer than five pages should include a summary.

Each paragraph of the submission should be numbered. In addition, 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.

Interventions should clearly identify the application referred to and indicate whether parties support or oppose the application, or, if they propose changes to it, include the facts and grounds for their proposal.

Important notice

All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

The personal information that parties provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

The information that parties provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.

The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their interventions/comments.

Examination of documents

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

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

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 two (2) working days, at any other Commission offices and documentation centres.

Location of Commission offices

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

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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>.