



Broadcasting Decision CRTC 2010-655

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Route reference: 2010-252

Ottawa, 2 September 2010

CTV Television Inc.
Across Canada

Application 2010-0462-1, received 12 March 2010

The Comedy Network – Licence amendments

*The Commission **approves in part** an application by CTVglobemedia Inc, on behalf of its subsidiary CTV Television Inc. (CTV), to amend the broadcasting licence for the national, English-language specialty television service known as The Comedy Network. Specifically, the Commission **approves** CTV's proposal to amend condition of licence 1(e) so that programming drawn from categories 7(c) – Specials, mini-series, and made-for-TV feature films 7(d) – Theatrical feature films aired on television, combined, would be limited to 10% of all programming during each broadcast month rather than each broadcast week. The Commission further **approves** CTV's proposal to add programming from category 2(b) – Long-form documentary to the list of categories from which The Comedy Network may draw its programming, provided that such programming does not exceed 10% of the broadcast month.*

*The Commission, however, **denies** CTV's request to amend the requirement that all programming drawn from categories 7(c) and 7(d) be Canadian.*

Introduction

1. The Commission received an application by CTVglobemedia Inc. on behalf of its subsidiary CTV Television Inc. (CTV) to amend the broadcasting licence for the national, English-language specialty television programming undertaking known as The Comedy Network. Specifically, CTV proposed to:
 - amend condition of licence 1(e) so that programming drawn from categories 7(c) – Specials, mini-series, and made-for-TV feature films 7(d) – Theatrical feature films aired on television, combined, would be limited to 10% of all programming during each broadcast month rather than each broadcast week;
 - add programming from category 2(b) – Long-form documentary to the list of categories from which The Comedy Network may draw its programming, provided that such programming does not exceed 10% of the broadcast month; and

- replace the condition of licence requiring that all programming drawn from categories 7(c) and 7(d) be Canadian with one requiring that all programs drawn from categories 7(c) and 7(d) have comedy as their primary or defining characteristic.
2. CTV submitted that the proposed amendments would provide greater programming flexibility for The Comedy Network and are consistent with the programming flexibility for specialty services announced in Broadcasting Public Notice 2008-100.
 3. The Commission received interventions opposing and commenting on the application. The interventions and CTV's reply are available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

Requests to limit programming from categories 7(c) and 7(d) to 10% of the broadcast month rather than 10% of the broadcast week, and to add category 2(b) to the list of program categories that may be broadcast

4. In Broadcasting Public Notice 2008-100, the Commission stated that it would permit services such as The Comedy Network to draw programming from all categories and that a limit of 10% of programming from category 7 would be appropriate to ensure they did not become competitive with Category A services.
5. Accordingly, the Commission **approves** CTV's request to amend the broadcasting licence for The Comedy Network to amend condition of licence 1(c) so that programming from categories 7(c) and 7(d) combined will be limited to 10% of the broadcast month rather than 10% of the broadcast week. It further **approves** CTV's request to add category 2(b) to the list of programming categories that The Comedy Network may broadcast, provided that such programming does not exceed 10% of the broadcast month. The Commission reminds the licensee that all programming must be consistent with The Comedy Network's nature of service definition.

Request to replace the condition of licence requiring that all programming from categories 7(c) and 7(d) be Canadian

6. In Broadcasting Decision 2006-15, the Commission approved an application by CTV Television Inc. to add categories 7(c) and 7(d) to those that The Comedy Network could broadcast subject to a requirement that all drama programming be Canadian. The Commission noted that this would allow The Comedy Network to play a greater role in the creation and broadcast of Canadian drama without increasing competition for the acquisition of foreign programming. This approval was consistent with Broadcasting Public Notice 2004-2, which stated:

In those cases where a licensee has proposed to introduce a drama component to its programming service for the first time, the Commission has required that the additional component be in keeping with the licensee's nature of service and that it be exclusively in support of Canadian drama programming.

7. CTV has applied to remove the requirement that all programming drawn from categories 7(c) and 7(d) be Canadian with one requiring that all programming drawn from categories 7(c) and 7(d) have comedy as their primary or defining characteristic.
8. Corus Entertainment Inc., the Canadian Film and Television Production Association and the Alliance of Canadian Cinema, Television and Radio Artists all opposed this request, arguing variously that approval could:
 - lead to increased competition for the acquisition of broadcast rights to non-Canadian drama;
 - reduce the number of Canadian feature films that are broadcast; and
 - reduce overall drama available in the broadcasting system.
9. In reply, CTV responded that it would continue to acquire a significant amount of drama programming from Canadian producers and that it was not seeking a reduction in its overall obligations with respect to Canadian programming.
10. The Comedy Network's current conditions of licence require it to devote 60% of the broadcast day and 50% of the evening broadcast period to Canadian programming. If the Canadian drama requirement were removed, The Comedy Network could be in compliance with these levels even if its drama consisted entirely of non-Canadian programs. The Commission is of the view that such a scenario would not be consistent with the Commission's original objective of supporting Canadian drama through the broadcast of category 7 programming on The Comedy Network and comparable specialty services.
11. In addition, the Commission indicated in Broadcasting Public Notice 2008-100 that:

With respect to the programming obligations for pay and specialty services, the Commission considers it more appropriate to discuss these in detail at their licence renewals. This will give the licensees an opportunity to assess the impact of the new policies and regulations contained in this public notice and formulate their commitments accordingly.
12. In Broadcasting Decisions 2009-569 and 2010-466, the Commission denied applications by Rogers Broadcasting Limited related to the Outdoor Life Network (OLN) to remove the requirement that programming drawn from category 7 be Canadian. The Commission stated that OLN's Canadian drama requirement would be best examined at the upcoming group-based licence renewal hearing, when it can be considered in the context of its ownership group and other specialty services. The Commission remains of the view set out in Broadcasting Decisions 2009-569 and 2010-446 and considers that a similar approach for The Comedy Network is appropriate.
13. Accordingly, the Commission **denies** CTV's request to amend the broadcasting licence by removing the requirement that all programming drawn from category 7(c) and 7(d) be Canadian.

Conclusion

14. In light of all of the above, the Commission replaces condition of licence 1 for the Comedy Network with the following **condition**:

1. (a) The licensee shall provide a national English-language specialty television service devoted to comedy programs. The programs broadcast on the service will reflect comedy in its various forms and formats.

(b) The programming must be drawn exclusively from the following categories, as set out in section 6 of Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time:

- 2 (b) Long-form documentary
- 7 (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
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
- 9 Variety
- 10 Game shows
- 11 General entertainment and human interest
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

(c) All programming drawn from category 7(e) must be targeted strictly to adults.

(d) Programming drawn from category 7(e) will be limited to 10% of the licensee's broadcast day, and to no more than one hour during the period from 7:00 p.m. to 11:00 p.m.

(e) Programming drawn from category 2 (b) will be limited to 10% of all programming broadcast during each broadcast month.

(f) Programming drawn from categories 7(c) and 7(d) combined will be limited to 10% of all programming broadcast during each broadcast month.

(g) All programs drawn from categories 7(c) and 7(d) shall be Canadian programs, with comedy as their primary or defining characteristic.

Secretary General

Related documents

- *Outdoor Life Network – Licence amendments*, Broadcasting Decision CRTC 2009-569, 10 September 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory Policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *The Comedy Network – Licence amendments*, Broadcasting Decision CRTC 2006-15, 26 January 2006
- *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004

**This decision is to be appended to the licence.*