Broadcasting Decision CRTC 2011-447

PDF version

Route reference: 2010-952-1

Additional references: 2010-952-2, 2010-952-3, 2010-952-4 and 2010-952-5

Ottawa, 27 July 2011

Rogers Media Inc., on behalf of Rogers Broadcasting Limited and Rogers Sportsnet Inc.
Across Canada

The application numbers are set out in the appendices to this decision.
Public hearing in the National Capital Region
4 April 2011

Rogers Media Inc. – Group-based licence renewals

*The Commission **renews** the broadcasting licences for the various television services affiliated with the Rogers Media Inc. (Rogers Media) broadcasting ownership group from 1 September 2011 to 31 August 2014. This short-term renewal will permit the Commission to reassess the applicability of the group-based policy and Rogers Media's commitments to spending on Canadian programming and programs of national interest.*

Introduction

1. The Commission received applications by Rogers Media Inc. (Rogers Media), on behalf of the licensees listed in Appendix 1 to this decision, to renew the broadcasting licences for the conventional television stations, as well as the specialty Category A and C services set out in that appendix.

2. In Broadcasting Regulatory Policy 2010-167 (the group-based policy), the Commission established a comprehensive framework for the group-based licensing of private television services affiliated with large English-language Canadian broadcast ownership groups, including those services affected by this decision. The Commission's determinations relating to the implementation of group-based licensing are set out in Broadcasting Decision 2011-441 (the introductory decision), also issued today, which should be read in conjunction with this decision.

3. The Commission received numerous interventions relating to the above-noted applications. The record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

4. Having examined the applications and replies made by the Rogers Media group[1] as well as the various interventions concerning this group of services, the Commission **renews** the broadcasting licences for the various television services affiliated with the Rogers Media Inc. broadcasting ownership group that are listed in Appendix 1 to this decision. The new licences will be subject to the applicable **conditions of licence** set out in Appendices 2 through 6, as well as the applicable standard conditions of licence set out in Broadcasting Regulatory Policies 2011-442, 2011-443 and 2009-562-1. As described in the introductory decision, Rogers Media will not, at this time, be a designated group for the purposes of the group-based policy and as discussed below, the renewal of the Rogers Media licences will be for a three-year term. Accordingly, the new licences will take effect on 1 September 2011 and expire 31 August 2014.

5. In the introductory decision, the Commission set out its determinations on issues that apply both to the Rogers Media group and the other large English-language ownership groups. These determinations are reflected below and in the conditions of licence of the various services. In addition, the Commission considers that the following issues specific to the Rogers Media group should be examined in greater detail:

- Canadian programming expenditures (CPE);
- expenditures on programs of national interest (PNI);
- certain issues specific to the following services:
    - the Citytv stations
    - G4techTV
    - Outdoor Life Network (OLN).

Canadian programming expenditures

6. In its application, Rogers Media proposed aggregate CPE requirements for its services listed in Appendix 1 that would equal a minimum of 25% of the gross broadcasting revenues of the group. For its conventional television stations, Rogers Media proposed a minimum CPE requirement of 21.9% in year one of the new licence term, rising to 22.7% in year five. For its specialty Category A services, namely, The Biography Channel, G4techTV and OLN, Rogers Media proposed to maintain its CPE requirements of 40%, 40% and 41% respectively.

7. In its appearances at the public hearing, Rogers Media discussed a number of other proposals with the Commission, including a fixed CPE requirement of 22% for its conventional television stations. It noted in particular that its conventional television stations did not have as extensive a national presence as those of the larger groups

[1] Rogers Media group includes only those services that contribute to programs of national interest listed in Appendix 1.

Bell Media Inc. and Shaw Media Inc. and that it operates significantly fewer specialty services. Rogers Media argued that due to its small number of qualifying specialty services, the CPE requirements of the group-based policy would impose an unreasonable burden on its conventional television stations. Consequently, Rogers Media argued that it was unable to meet the 30% group CPE target identified by the Commission in Broadcasting Regulatory Policy 2010-167 and therefore requested an exception to the group-based policy.

8. As set out in the introductory decision, the Commission considers it appropriate at this time to grant Rogers Media an exception to certain aspects of the financial requirements of the group-based policy, such as the 30% group CPE level. Nonetheless, the Commission will still impose a number of new financial requirements on Rogers Media's services that are similar to those imposed on the other group, including a minimum CPE requirement of 23% on Rogers Media's conventional television stations. However, since it will not be required to meet the same financial targets as the designated groups, Rogers Media will not be given the same flexibility to shift spending obligations between specialty services and conventional television stations. In addition, Rogers Media will only be granted a three-year licence term. This short-term renewal will permit the Commission to reassess the applicability of the group-based policy and Rogers Media's commitments relating to CPE and PNI. Should its asset mix change substantially to include new qualifying specialty or pay television services at any time during the new licence term, the Commission expects Rogers Media to apply to adhere to the group-based policy with a minimum 30% group CPE requirement.

Expenditures on programs of national interest

9. Rogers Media initially proposed a minimum expenditure requirement of 2.5% of gross revenues on PNI for each applicable service in each of years one and two of the new licence term, increasing to 3% in years three, four and five. Rogers Media indicated that it could not meet the same PNI requirements as the designated groups in the next licence term and noted that its specialty services in particular are focused on programming that does not generally qualify as PNI. Later in the proceeding Rogers Media also proposed to make additional expenditures on local programming.

10. As set out in the introductory decision, the Commission will impose an overall expenditure requirement on Rogers Media's services at a level that is comparable to that imposed on the designated groups. Specifically, Rogers Media will be required to spend a minimum of 2.5% of its gross revenues on PNI in each of the first and second years of the licence term, increasing to 3% in the final year. As with its CPE requirements, Rogers Media will not have the flexibility to shift its PNI spending obligations between specialty services and conventional television stations.

11. Further, Rogers Media will be required to spend an additional 2.5% of its gross revenues on new incremental local programming in each of the first and second years of the licence term and 2% in the final year. A minimum of 80% of these expenditures must be made on programming produced outside of Toronto. The

Commission will use the 2010-2011 broadcast year as the baseline for determining the incremental nature of these local expenditures. While the revenues of Rogers Media's specialty services will be included in the calculation of the total local programming obligations, these local obligations will be borne entirely by its conventional television stations.

Issues specific to certain services

Citytv stations

12. Rogers Media requested that it be relieved from the requirement that its Citytv stations in Toronto and Vancouver broadcast a minimum of 100 hours of Canadian long-form features in each broadcast year during peak viewing hours, including theatrical feature films, movies-of-the-week and a maximum of 10 hours of feature-length documentaries.

13. The Canadian Association of Film Distributors and Exporters (CAFDE), the Alliance of Canadian Cinema, Television and Radio Artists and the Documentary Organization of Canada submitted that the Commission should reject Rogers Media's request to be relieved of this requirement. Moreover, the CAFDE urged the Commission to apply this requirement to the Citytv stations in Winnipeg, Calgary and Edmonton.

14. The Commission notes that no other conventional television station is subject to a comparable requirement. The intent of the group-based policy is to provide groups with increased programming flexibility by focusing on expenditures on Canadian programming rather than exhibition requirements. In the Commission's view, the removal of this requirement would be consistent with this policy.

G4techTV

15. Rogers Media submitted that since the licensing of G4techTV ten years ago, digital platforms and associated communications, information and entertainment industries have undergone massive changes. As a result, the interests of consumers have moved away from programming niches such as technology business news and "tech ed" segments towards digital content, culture and lifestyle issues.

16. Rogers Media further submitted that G4techTV focuses on the "e-generation," Canadians primarily in the 18 to 34 demographic who are driving the emerging digital culture. Since viewers in that demographic hold varied interests, G4techTV is focused on building a schedule that meets their expectations and demands.

17. With these factors in mind, Rogers Media requested that the word "exclusively" be removed from G4techTV's nature of service definition because it considers this word unduly restricts the nature of service. In addition, Rogers Media submitted that the deletion of that word would establish a more consistent regulatory approach for all services and would help it refine its programming strategy and increase the diversity of its programming.

18. The Commission notes that over the previous licence term, it has already granted Rogers Media a certain amount of program flexibility for G4techTV based on the premise that it would continue to provide a prominent place for programming with computing, technology and the Internet as its central theme. For instance, in Broadcasting Decision 2006-532, the Commission approved G4techTV's request to add program categories 7 and 10 to the list of categories from which it may draw programming. The Commission is therefore of the view that removal of the word "exclusively" could enable Rogers Media to prioritize other types of programming at the expense of programming related to computing, technology and the Internet.

19. Furthermore, since the publication of Broadcasting Decision 2006-532, the Commission considers that G4techTV's programming has departed from its nature of service, thereby decreasing programming diversity and arguably making it competitive with other services. The Commission also notes that G4techTV shares programming with OLN, such as the programs Mantracker, Angry Planet and Which Way To, although both specialty Category A services are defined by very different natures of service.

20. In light of the above, the Commission considers that some of G4techTV's programming is not in compliance with its nature of service definition. The Commission therefore directs the licensee to file a report by no later than 1 March 2012 detailing the measures it has taken to ensure that the service is in compliance with its nature of service. Alternatively, the Commission expects the licensee to surrender its Category A licence and apply for a new Category C licence or submit some other appropriate proposal by the same date.

21. The Commission reminds the licensee that it will monitor G4techTV's programming closely over this six-month period, after which it will review the licensee's performance. The Commission may consider recourse to additional measures, including but not limited to a mandatory order hearing, if G4techTV continues to operate its service in non-compliance with its nature of service or its other conditions of licence.

Outdoor Life Network

22. As with G4techTV, Rogers Media requested that the word "exclusively" be removed from OLN's nature of service definition because it considers this word to be unduly restrictive. Rogers Media submitted that the deletion of this word would establish a more consistent regulatory approach for all services and help it refine its programming strategy and increase the diversity of its programming.

23. In addition, Rogers Media requested that the Commission eliminate its current prohibition on the broadcast of stick and/or ball sports. Rogers Media submitted that the occasional broadcast of a professional golf tournament, as well as professional soccer and baseball, would fit within OLN's outdoor recreation and adventure theme. Rogers Media stated that it would accept the standard 10% limitation on the amount of category 6(*a*) Professional sports programming that may be broadcast on OLN and

that in practice this would amount to an average of less than two hours of programming per day.

24. The Writers Guild of Canada (WGC) and Score Media Inc. objected to the proposed amendments on the basis that it would be difficult for OLN to comply with its nature of service definition. The WGC stated that removing the word "exclusively" would "allow OLN to drift into other services, particularly if [it] were allowed to broadcast more reruns of old American dramas."

25. Score Media Inc. opposed the removal of the prohibition on stick and/or ball sports, arguing that the Commission denied this request a few months before Rogers Media submitted its renewal application and that nothing has changed since that time, including Rogers Media's rationale in support of its proposed amendment.

26. The Commission is concerned that the proposed amendments may permit OLN to stray significantly from its nature of service definition. With respect to stick and/or ball sports, the Commission notes that since OLN was first allowed to broadcast programming from category 6(*a*) in 2004, Rogers Media has applied on two occasions to remove this restriction from this category of programming. The Commission denied both requests[2] on the basis that stick and/or ball sports are inconsistent with the narrative description of OLN's nature of service. The Commission further indicated that such an amendment would allow OLN to compete with mainstream sports services, while permitting OLN to continue to benefit from genre protection, an advantage not applicable to mainstream sports services. The Commission finds that Rogers Media has not provided any new information that might warrant a change to its recent decisions.

27. In light of these concerns and given the Commission's determinations regarding genre protection outlined in the introductory decision, the Commission **denies** Rogers Media's requests to amend OLN's nature of service definition by removing the word "exclusively" and the prohibition on stick and/or ball sports. As indicated in Broadcasting Decision 2010-466, the Commission reminds OLN that should it wish to compete with mainstream sports services, it would have to apply for the standard competitive conditions of licence of a specialty Category C service as set out in Broadcasting Regulatory Policy 2009-562.

28. The Commission reminds the licensee that all of OLN's programming must be consistent with its nature of service definition and notes that it will continue to monitor the situation closely.

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[2] See Broadcasting Decisions 2010-466 and 2009-569.

Other matters

Reporting on tangible benefits

29. The Commission reminds the licensee that in accordance with Broadcasting Decision 2011-199, it shall expend by 31 August 2012 all outstanding benefits from Decision 2001-647 and Broadcasting Decision 2004-502 and that it shall file annual reports on tangible benefits as set out in Broadcasting Decisions 2011-199, 2010-710, 2007-360, 2004-396 and 2001-647.

Secretary General

Related documents

- *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011
- *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011
- *Group-based licence renewals for English-language television groups – Introductory decision*, Broadcasting Decision CRTC 2011-441, 27 July 2011
- *Authority to redirect tangible benefits further to Broadcasting Decision 2007-360*, Broadcasting Decision CRTC 2011-199, 21 March 2011
- *Allocation of tangible benefits associated with the change in ownership of the Biography Channel*, Broadcasting Decision CRTC 2010-710, 24 September 2010
- *Outdoor Life Network – Licence amendment*, Broadcasting Decision CRTC 2010-466, 9 July 2010
- *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010
- *Outdoor Life Network – Licence amendments*, Broadcasting Decision CRTC 2009-569, 10 September 2009
- *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news*, Broadcasting Regulatory Policy CRTC 2009-562, 4 September 2009
- *Transfer of effective control of 1708487 Ontario Inc., 1738700 Ontario Inc. and CHUM Television Vancouver Inc. to Rogers Media Inc.*, Broadcasting Decision CRTC 2007-360, 28 September 2007
- *G4techTV – Licence amendment*, Broadcasting Decision CRTC 2006-532, 15 December 2006

- *Transfer of effective control of Craig Media Inc. to CHUM Limited; and Acquisition of assets – reorganization of Toronto One*, Broadcasting Decision CRTC 2004-502, 19 November 2004
- *CKVU-TV Vancouver and its transmitter – Licence renewal*, Broadcasting Decision CRTC 2004-396, 31 August 2004
- *Transfer of control of CKVU-TV Vancouver*, Decision CRTC 2001-647, 15 October 2001

**This decision and the appropriate appendix are to be attached to each licence.*

Appendix 1 to Broadcasting Decision CRTC 2011-447

Services renewed in this decision

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Appendix 2 to Broadcasting Decision CRTC 2011-447

Rogers Broadcasting Limited
Application 2010-1253-3, received 1 November 2010

Conditions of licence applicable to all conventional television stations

1. The licensee shall adhere to the standard conditions of licence for English-language conventional television stations set out in *Standard conditions of licence, expectations and encouragements for conventional television stations*, Broadcasting Regulatory Policy CRTC 2011-442, 27 July 2011, as amended from time to time.

2. Except as provided in conditions 3 and 6 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall devote in each broadcast year to the acquisition of or investment in Canadian programming 23% of

   (a) in the first broadcast year of the licence term, the average of the previous three years' gross revenues of all conventional television stations from the Rogers Media group;

   (b) in each subsequent broadcast year of the licence term, the previous year's gross revenues of all conventional television stations from the Rogers Media group.

3. The licensee may count expenditures made for the acquisition of or investment in Canadian programming by one or more conventional television stations from the Rogers Media group in the same broadcast year towards fulfilling the requirement in condition 2.

4. Except as provided in condition 6 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010 (Broadcasting Regulatory Policy 2010-167), the licensee shall

   (a) in the first broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the average of the previous three years' gross revenues of all conventional television stations from the Rogers Media group and devote 2.5% of the average of the previous three years' gross revenues of all conventional television stations from the Rogers Media group to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcast year. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

(b) in the second broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the previous year's gross revenues of all conventional television stations from the Rogers Media group and devote 2.5% of the previous year's gross revenues of all conventional television stations from the Rogers Media group to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcast year. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

(c) in the third broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 3% of the previous year's gross revenues of all conventional television stations from the Rogers Media group and devote 2% of the previous year's gross revenues of all conventional television stations from the Rogers Media group to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcast year. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

5. At least 75% of the expenditures on programs of national interest in condition 4 must be made to an independent production company.

6. (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 2 and 4 respectively; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure;

(b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming and/or on programs of national interest that is greater than the minimum required expenditure as set out in condition 2 and 4 respectively, the licensee may deduct an amount that does not exceed 5% of the minimum required expenditure in that year from the minimum required expenditure for the following year of the licence term.

(c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming and on programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions of licence 2 and 4.

7. In any market containing both an OMNI and a Citytv television station, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television stations.

8. In any market containing both an OMNI and a Citytv television station, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television stations.

9. The licensee shall adhere to a terms of trade agreement with the Canadian Media Production Association.

Definition

For the purpose of these conditions of licence, “independent production company” is defined as a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians, whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

Appendix 3 to Broadcasting Decision CRTC 2011-447

Rogers Broadcasting Limited
Application 2010-1260-9, received 1 November 2010

Conditions of licence for the specialty Category A service The Biography Channel

1. The licensee shall adhere to the standard conditions of licence for specialty Category A services set out in *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.

2. (a) The licensee shall provide a national, English-language specialty Category A service consisting of fact-based biographical and related programming.

   (b) The licensee may draw programming from all the categories set out in item 6 to Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.

   (c) During each broadcast month, no more than 10% of all programming broadcast shall be drawn from category 2(*b*) Long-form documentary, with the exception of programming of a biographical nature.

   (d) During each broadcast week, no more than 20% of all programming broadcast shall be drawn from category 7(*d*) Theatrical feature films aired on TV.

   (e) During each broadcast month, no more than 10% of all programming broadcast shall be drawn from category 6(*a*) Professional sports.

   (f) During each broadcast month, no more than 10% of all programming broadcast shall be drawn from category 7(*e*) Animated television programs and films.

   (g) During each broadcast month, no more than 10% of all programming broadcast shall be drawn from categories 8(*b*) Music video clips and 8(*c*) Music video programs combined.

3. In each broadcast year, the licensee shall devote no less than 50% of both the broadcast day and the evening broadcast period to the exhibition of Canadian programs.

4. Except as provided in condition 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall devote in each broadcast year to the acquisition of or investment in Canadian programming 40% of

   (a) in the first broadcast year of the licence term, the average of the previous three years' gross revenues of the undertaking;

(b) in each subsequent broadcast year of the licence term, the previous year's gross revenues of the undertaking.

5. Except as provided in conditions 6 and 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010 (Broadcasting Regulatory Policy 2010-167), the licensee shall

   (a) in the first broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the average of the previous three years' gross revenues of the licensee and devote 2.5% of the average of the previous three years' gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

   (b) in the second broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the previous year's gross revenues of the licensee and devote 2.5% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

   (c) In the third broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 3% of the previous year's gross revenues of the licensee and devote 2% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

6. At least 75% of the expenditures on programs of national interest in condition 5 must be made to an independent production company.

7. (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 4 and 5 respectively; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

   (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming or on programs of national interest that is greater than the minimum required expenditure as set out in conditions 4 and 5 respectively, the licensee may deduct an amount that does not exceed 5% of the minimum required expenditure in that year from the minimum required expenditure for the following year of the licence term.

   (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming and on programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions of licence 4 and 5.

8. No less than 25% of all Canadian programs broadcast by the licensee, other than news, sports and current affairs programming (categories 1, 2(*a*), 6(*a*) and 6(*b*)), shall be produced by independent production companies.

9. The licensee shall adhere to a terms of trade agreement with the Canadian Media Production Association.

10. The broadcasting undertaking licensed hereby is designated as a Category A service.

Definitions

For the purpose of these conditions of licence:

"broadcast day," "broadcast month," "broadcast year" and "evening broadcast period" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

"broadcast week" shall have the same meaning as that set out in the *Radio Regulations, 1986*.

“independent production company” is defined as a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians, whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

Appendix 4 to Broadcasting Decision CRTC 2011-447

Rogers Broadcasting Limited
Application 2010-1259-1, received 1 November 2010

Conditions of licence for the specialty Category A service G4techTV

1. The licensee shall adhere to the standard conditions of licence for specialty Category A services set out in *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.

2. (a) The licensee shall provide a national, English-language specialty Category A service consisting exclusively of programming related to computing, technology and the Internet.

   (b) The licensee may draw programming from all the categories set out in item 6 to Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.

   (c) During each broadcast month, not more than 10% of all programming broadcast shall be drawn from each of categories 2(*b*) Long-form documentary, 6(*a*) Professional sports, 7(*d*) Theatrical feature films aired on TV and 7(*e*) Animated television programs and films.

   (d) During each broadcast week, no more than 15% of all programming broadcast shall be drawn from category 7 Drama and comedy.

   (e) During each broadcast month, no more than 10% of all programming broadcast shall be drawn from categories 8(*b*) Music video clips and 8(*c*) Music video programs combined.

3. In each broadcast year, the licensee shall devote no less than 50% of both the broadcast day and the evening broadcast period to the exhibition of Canadian programs.

4. Except as provided in condition 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall devote in each broadcast year to the acquisition of or investment in Canadian programming 40% of

   (a) in the first broadcast year of the licence term, the average of the previous three years' gross revenues of the undertaking;

   (b) in each subsequent broadcast year of the licence term, the previous year's gross revenues of the undertaking.

5. Except as provided in conditions 6 and 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010 (Broadcasting Regulatory Policy 2010-167), the licensee shall

   (a) in the first broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the average of the previous three years' gross revenues of the licensee and devote 2.5% of the average of the previous three years' gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

   (b) in the second broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the previous year's gross revenues of the licensee and devote 2.5% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

   (c) in the third broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 3% of the previous year's gross revenues of the licensee and devote 2% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

6. At least 75% of the expenditures on programs of national interest in condition 5 must be made to an independent production company.

7. (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 4 and 5 respectively; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

   (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming or on programs of national interest that is greater than the minimum required expenditure as set out in condition 4 and 5 respectively, the licensee may deduct an amount that does not exceed 5% of the minimum required expenditure in that year from the minimum required expenditure for the following year of the licence term.

   (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming and on programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions of licence 4 and 5.

8. No less than 25% of all Canadian programs broadcast by the licensee, other than news, sports and current affairs programming (categories 1, 2(*a*), 6(*a*) and 6(*b*)), shall be produced by independent production companies.

9. The licensee shall adhere to a terms of trade agreement with the Canadian Media Production Association.

10. The broadcasting undertaking licensed hereby is designated as a Category A service.

Definitions

For the purpose of these conditions of licence:

"broadcast day," "broadcast month," "broadcast year" and "evening broadcast period" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

"broadcast week" shall have the same meaning as that set out in the *Radio Regulations, 1986*.

"independent production company" is defined as a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians, whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

Appendix 5 to Broadcasting Decision CRTC 2011-447

Rogers Broadcasting Limited
Application 2010-1257-5, received 1 November 2010

Conditions of licence for the specialty Category A service Outdoor Life Network

1. The licensee shall adhere to the standard conditions of licence for specialty Category A services set out in *Standard conditions of licence, expectations and encouragements for specialty and pay television Category A services*, Broadcasting Regulatory Policy CRTC 2011-443, 27 July 2011, as amended from time to time.

2. (a) The licensee shall provide a national, English-language specialty Category A service devoted exclusively to programs that deal with outdoor recreation, conservation, wilderness and adventure.

   (b) The licensee may draw programming from all the categories set out in item 6 to Schedule I of the *Specialty Services Regulations, 1990*, as amended from time to time.

   (c) In each broadcast year, the licensee shall devote no more than 15% of the broadcast month to programs drawn from category 6(*a*) Professional sports and such programming shall not include stick and/or ball sports, including hockey, baseball, football, basketball, golf, soccer and tennis.

   (d) The licensee shall devote to programs drawn from category 7 Drama and comedy as a whole no more than 10% of the broadcast month, and all such programs shall be Canadian.

   (e) During each broadcast month, the licensee shall not broadcast more than 10% of its programming from categories 8(*b*) Music video clips and 8(*c*) Music video programs combined.

3. In each broadcast year, the licensee shall devote no less than 50% of the broadcast day and no less than 40% of the evening broadcast period to the exhibition of Canadian programs.

4. Except as provided in condition 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010, the licensee shall devote in each broadcast year to the acquisition of or investment in Canadian programming 41% of

   (a) in the first broadcast year of the licence term, the average of the previous three years' gross revenues of the undertaking;

   (b) in each subsequent broadcast year of the licence term, the previous year's gross revenues of the undertaking.

5. Except as provided in conditions 6 and 7 and in accordance with *A group-based approach to the licensing of private television services*, Broadcasting Regulatory Policy CRTC 2010-167, 22 March 2010 (Broadcasting Regulatory Policy 2010-167), the licensee shall

   (a) in the first broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the average of the previous three years' gross revenues of the licensee and devote 2.5% of the average of the previous three years' gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto;

   (b) in the second broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 2.5% of the previous year's gross revenues of the licensee and devote 2.5% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

   (c) In the third broadcast year of the licence term, devote to the acquisition of or investment in programs of national interest, as defined in paragraphs 71 to 73 of Broadcasting Regulatory Policy 2010-167, 3% of the previous year's gross revenues of the licensee and devote 2% of the previous year's gross revenues of the licensee to local programming that is incremental to the amount spent on local programming by the Rogers Media group in the 2010-2011 broadcasting year. Local programming expenditures must be spent on local programming for conventional television stations from the Rogers Media group, but cannot be used towards fulfilling those conventional television stations' own programs of national interest requirements. These incremental local programming expenditures must be used to produce new local programming over and above programming produced in the 2010-2011 broadcast year and 80% of this new programming must be produced outside of Toronto.

6. At least 75% of the expenditures on programs of national interest in condition 5 must be made to an independent production company.

7. (a) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programming and/or on programs of national interest that is up to 5% less than the minimum required expenditure for that year calculated in accordance with conditions 4 and 5 respectively; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.

   (b) In each broadcast year of the licence term, excluding the final year, where the licensee expends an amount for that year on Canadian programming or on programs of national interest that is greater than the minimum required expenditure as set out in conditions 4 and 5 respectively, the licensee may deduct an amount equal to the over-expenditure as long as it does not exceed 5% of the minimum required expenditure in that year from the minimum required expenditure for the following year of the licence term.

   (c) Notwithstanding paragraphs (a) and (b) above, during the licence term, the licensee shall expend on Canadian programming and on programs of national interest, at a minimum, the total of the minimum required expenditures calculated in accordance with conditions of licence 4 and 5.

8. The licensee shall not remit any program development funds to its shareholders or affiliated corporations.

9. The licensee shall adhere to a terms of trade agreement with the Canadian Media Production Association.

10. The broadcasting undertaking licensed hereby is designated as a Category A service.

Definitions

For the purpose of these conditions of licence:

"broadcast day," "broadcast month," "broadcast year" and "evening broadcast period" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.

"independent production company" is defined as a Canadian company carrying on business in Canada, with a Canadian business address, owned and controlled by Canadians, whose business is the production of film, videotape or live programs for distribution and in which the licensee and any company related to the licensee owns or controls, directly or indirectly, in aggregate, less than 30% of the equity.

Appendix 6 to Broadcasting Decision CRTC 2011-447

Rogers Sportsnet Inc.
Application 2010-1258-3, received 1 November 2010

Conditions of licence for the specialty Category C service Rogers Sportsnet

1. The licensee shall adhere to the standard conditions of licence for specialty Category C services set out in Appendix 1 to *Conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and national news – Implementation of the Accessibility Policy and other matters*, Broadcasting Regulatory Policy CRTC 2009-562-1, 18 June 2010, as amended from time to time.

2. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, the licensee shall file for the Commission's review a copy of any programming supply agreement or licence or trademark agreement it has entered into with a non-Canadian party within 30 days of its execution. In addition, the Commission may request any additional document(s) that could affect control of the programming or management of the service.

3. The licensee shall adhere to a terms of trade agreement with the Canadian Media Production Association.

4. The broadcasting undertaking licensed hereby is designated as a Category C service.