



Broadcasting Decision CRTC 2006-173

Ottawa, 27 April 2006

Ethnic Channels Group Limited
Across Canada

Application 2004-1336-0
Public Hearing at Calgary, Alberta
21 February 2006

Spanish Extreme Sport TV – 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 Ethnic Channels Group Limited (Ethnic Channels), for a broadcasting licence to operate a national, third-language, ethnic Category 2¹ specialty programming undertaking to be known as Spanish Extreme Sport TV.
2. The applicant proposed to offer a niche service that would be targeted to the Spanish-speaking community. The programs would be devoted to extreme sports and sports that are not considered mainstream. The applicant proposed that not less than 90% of all programming broadcast during the broadcast week would be in the Spanish language. All of the programming would be drawn from the following categories as set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 5(b) Informal education/Recreation and leisure; 6(a) Professional sports; 6(b) Amateur sports; 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; 10 Game shows; 11 General entertainment and human interest; 12 Intertitles; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
3. The applicant defined extreme sports as sports that are non-traditional or non-conventional athletic endeavours, and which are performed at a high degree of intensity or risk.

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.

4. The applicant proposed that not more than 10% of programs broadcast during the broadcast week would be devoted to conventional athletic endeavours and that all such events would be broadcast in the Spanish language, and that not more than 10% of programs broadcast during the broadcast week would be drawn from category 7 Drama and Comedy.
5. The Commission received one intervention in support of this application.

Commission's analysis and determination

6. 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 Ethnic Channels Group Limited for a broadcasting licence to operate the national, Spanish-language Category 2 specialty programming undertaking, Spanish Extreme Sport TV.
7. The Commission notes that Ethnic Channels will devote at least 90% of its program schedule to programming in the Spanish language. In accordance with *Revised approach for the consideration of broadcasting licence applications proposing new third-language ethnic Category 2 pay and specialty services*, Broadcasting Public Notice CRTC 2005-104, 23 November 2005, the remainder of the program schedule, i.e., up to 10% may be in one or both official languages. The Commission encourages the applicant to ensure that all such programming serves to promote Canada's linguistic duality.
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:
 - 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 27 April 2009. 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 2006-173

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, third-language, niche, ethnic Category 2 specialty programming service devoted to the Spanish-speaking community. The programs will be devoted to extreme sports and other sports that are not considered mainstream.
3. The programming shall 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:
 - 1 News
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 3 Reporting and actualities
 - 5 (b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 (c) Specials, mini-series or made-for-TV feature films
(d) Theatrical feature films aired on TV
(e) Animated television programs and films
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos

4. Not less than 90% of all programming broadcast during the broadcast week shall be in the Spanish language. The remainder of the programming schedule may be in one or both of Canada's official languages.
5. Not more than 10% of programs broadcast during the broadcast week shall be devoted to conventional athletic endeavours and such events shall be broadcast in the Spanish-language.
6. Not more than 10% of programs broadcast during the broadcast week shall be drawn from category 7 Drama and Comedy.
7. With respect to the conditions of licence relating to advertising, 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, condition 4d) will not apply, and condition 4a) will be replaced by:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour, no more than six (6) minutes of which may consist of local or regional advertising.

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.