



## Broadcasting Decision CRTC 2009-369

Route reference: 2009-36

Ottawa, 18 June 2009

### **Asian Television Network International Limited** Across Canada

*Application 2008-1327-1, received 2 October 2008*

*Public Hearing in the National Capital Region*

*30 March 2009*

### **ATN – Music Network Two (Hindi Music) – AMN2 – Category 2 specialty service**

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

#### **The application**

1. Asian Television Network International Limited (ATN) filed an application for a broadcasting licence to operate ATN – Music Network Two (Hindi Music) – AMN2, a national, third-language niche ethnic Category 2 specialty programming undertaking that would offer music in the Hindi language, as well as interviews with artists and scenes from the production of their music videos and songs. All of the programming broadcast during the broadcast week would be in the Hindi language. The applicant also requested authorization to broadcast up to six minutes per hour of local advertising.
2. ATN is a Canadian corporation controlled by Mr. Shan Chandrasekar, a Canadian citizen ordinarily resident in Canada, who owns 68.27% of the issued common shares. The remaining issued common shares are held by Canadian public shareholders (29.40%) and non-Canadian public shareholders (2.33%).
3. The Commission received interventions in opposition to the application. The interventions can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings." The Commission has considered the interventions and is of the view that they do not raise any substantive issues relating to this application.

#### **Commission's analysis and determinations**

4. The Commission is satisfied that the application complies with the framework set out in Public Notice 2000-6 and with all applicable terms and conditions announced in Public Notice 2000-171-1. Furthermore, given that the applicant will offer a niche service and will offer not less than 90% of its programming in the Hindi language, the Commission is satisfied that the application complies with the framework established in Broadcasting

Public Notice 2005-104. Accordingly, the Commission **approves** the application by Asian Television Network International Limited for a broadcasting licence to operate the national, third-language niche ethnic Category 2 specialty programming undertaking ATN – Music Network Two (Hindi Music) – AMN2. The terms and **conditions of licence** are set out in the appendix to this decision.

5. With respect to the request to broadcast up to six minutes per hour of local advertising, the Commission notes that it generally permits new ethnic specialty services to broadcast up to six minutes per hour of local advertising unless an intervener makes a compelling case to the contrary (see Broadcasting Public Notice 2005-104). In the present case, there were no interventions opposing the proposal to broadcast local advertising. The Commission therefore **approves** the applicant's request to broadcast up to six minutes per hour of local advertising. A **condition of licence** to that effect is set out in the appendix to this decision.

### **Reminder**

6. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

### **Related documents**

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008*
- *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*
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2, Public Notice CRTC 2000-171-1, 6 March 2001*
- *Licensing framework policy for new digital pay and specialty services, Public Notice CRTC 2000-6, 13 January 2000*

*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 2009-369

### Terms, conditions of licence and encouragement for the Category 2 specialty programming undertaking ATN – Music Network Two (Hindi Music) – AMN2

#### Terms

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;
- the applicant has filed an executed copy of its amended by-laws in order that the Commission may ensure that the licensee will be in compliance at all times with the *Direction to the CRTC (Ineligibility of Non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998; 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 18 June 2012. 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.

The licence will expire 31 August 2015.

#### 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, except for condition 4(d), which will not apply, and condition 4(a), which is replaced by the following:

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 advertising.

2. The licensee shall provide a national, third-language niche ethnic Category 2 specialty programming service devoted to music in the Hindi language, as well as to interviews with artists and scenes from the production of their music and songs.

3. The programming shall be drawn exclusively from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - 8 (a) Music and dance other than music video programs or clips
  - (b) Music video clips
  - (c) Music video programs
  - 13 Public service announcements
4. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Hindi language.
5. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of Non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.

### **Encouragement**

The Commission encourages broadcasters – particularly those that broadcast in third languages that use the Western alphabet – to work towards solutions for making third-language programming more accessible, and to caption third-language programming whenever possible, as set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.