



## Broadcasting Decision CRTC 2010-902

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Route reference: 2010-295

Ottawa, 3 December 2010

### **MTT Communications Inc.**

Across Canada

*Application 2010-0285-7, received 12 February 2010*

*Public Hearing in the National Capital Region*

*19 July 2010*

### **Reggae TV – Category 2 specialty service**

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

*The Commission also **approves** the applicant's request for authorization to broadcast up to six minutes per hour of local advertising.*

*Further, the Commission **approves** the applicant's request for authorization to make available for distribution an upgraded version of its service in high definition format.*

### **The application**

1. MTT Communications Inc. (MTT) filed an application for a broadcasting licence to provide Reggae TV, a national, niche ethnic Category 2 specialty service<sup>1</sup> that would be devoted to the music and sounds of the Caribbean (including reggae, dancehall, Caribbean festival music and performances), the music's artists and news about the artists and their art. The applicant also requested authority to broadcast up to six of the twelve minutes of advertising material which is permitted during each clock hour, to the broadcast of local advertising. Finally, the applicant proposed to make its service available for distribution in high definition format. The Commission did not receive any interventions in connection with this application.
2. MTT is a corporation controlled by its majority shareholder and President/Chief Executive Officer, Selvaruban Ruban Selvarajah.

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<sup>1</sup> In Broadcasting Notice of Consultation 2010-295, the Commission inadvertently identified this application as one for a national, niche third-language ethnic Category 2 specialty programming undertaking. However, as set out in Broadcasting Public Notice 2005-104, a third-language ethnic programming service is one that provides at least 90% of its programming in languages other than English and/or French. As noted below, the proposed service would provide not less than 80% of its programming in a third language.

3. The applicant proposed to draw programming for the proposed service from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(b), 8(a), 8(b), 8(c), 9 and 11.
4. MTT indicated that not less than 80% of all programming broadcast each broadcast week would be in the Jamaican Patois language, with the remaining 20% in the English language.

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

5. The Commission is satisfied that the application complies with the frameworks set out in Public Notice 2000-6 and Broadcasting Public Notice 2008-100, with the approaches set out in Broadcasting Public Notices 2003-61 and 2006-74, and with all applicable terms and conditions set out in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by MTT Communications Inc. for a broadcasting licence to operate the national, niche ethnic Category 2 specialty programming undertaking, Reggae TV.
6. The Commission also **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. For the purposes of clarity, the Commission defines local advertising as advertising that does not fall within the definitions of national and regional advertising – which are defined as advertising to persons who provide goods or services in more than one market and/ or province.<sup>2</sup>
7. Finally, the Commission **approves** the applicant's request for authorization to make available for distribution an upgraded version of its service in high definition format. The terms and **conditions of licence** are set out in the appendix to this decision.

### **Reminder**

8. 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**

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2010-295, 20 May 2010
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

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<sup>2</sup> Decision 91-423 and Decision 95-590.

- *Regulatory framework for the licensing and distribution of high definition pay and specialty services*, Broadcasting Public Notice CRTC 2006-74, 15 June 2006
- *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 regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *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
- *Renewal of licence for CBKST Saskatoon and its transmitters*, Decision CRTC 95-590, 24 August 1995
- *Canadian Broadcasting Corporation*, Decision CRTC 91-423, 28 June 1991

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

## Appendix to Broadcasting Decision CRTC 2010-902

### Terms, conditions of licence and encouragement for the Category 2 specialty programming undertaking Reggae TV

#### 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; 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 3 December 2013. 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 2017.

#### 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 4d), which will not apply, and condition 4a), which is replaced by:

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

2. The license will be subject to the conditions set out in *Implementation of the Accessibility Policy with respect to Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.
3. The licensee shall provide a national, niche ethnic Category 2 specialty programming service that will be dedicated to the music and sounds of the Caribbean (including reggae, dancehall, Caribbean festival music and performances), the music's artists and news about the artists and their art.
4. The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 1 News
  - 2 (b) Long-form documentary
  - 8 (a) Music and dance other than music video programs or clips
    - (b) Music video clips
    - (c) Music video programs
  - 9 Variety
  - 11 General entertainment and human interest
5. The licensee shall broadcast not less than 80% of all programming during the broadcast week in the Jamaican Patois language.
6. 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.
7. The licensee is authorized to make available for distribution a version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in HD.

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 the licensee to generate solutions in order to make third-language programming more accessible, and to close caption third-language programming whenever possible.