



Broadcasting Decision CRTC 2011-684

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Route reference: 2011-336

Ottawa, 4 November 2011

Asian Television Network International Limited Across Canada

Application 2011-0595-8, received 24 March 2011
Public hearing in the National Capital Region
18 July 2011

ATN Hindi Movie Channel 3 – Specialty Category B service

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

*The Commission also **approves** the applicant's request relating to the broadcast of local advertising.*

The application

1. Asian Television Network International Limited (ATN) filed an application for a broadcasting licence to operate ATN Hindi Movie Channel 3, a national, niche third-language ethnic Category 2¹ specialty programming undertaking that would be devoted to movies in the Hindi language and additional programming linked to the movies, such as interviews with movie stars, programs showcasing music from the movies as well as discussions on movie production. The Commission did not receive any interventions in connection with this application.
2. ATN is controlled by Mr. Shan Chandrasekar.
3. The applicant proposed to draw programming 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: 7(c), 7(d), 7(e), 7(g), 11² and 13.

¹ As set out in Broadcasting Regulatory Policy 2011-455, as of 1 September 2011, Category 2 services are renamed Category B services.

² In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

4. The applicant stated that it would broadcast not less than 90% of its programming during the broadcast week in the Hindi language.
5. The applicant requested permission to devote up to 6 of the 12 minutes of advertising material during each clock hour to local or regional advertising.³

Commission's analysis and decisions

6. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Hindi language, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations* (the Regulations).
7. Accordingly, the Commission **approves** the application by Asian Television Network International Limited for a broadcasting licence to operate the national, niche third-language ethnic specialty Category B service ATN Hindi Movie Channel 3. The Commission also **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. The terms and **conditions of licence** are set out in the appendix to this decision.
8. The Commission notes that ATN Hindi Movie Channel 3 will devote at least 90% of its program schedule to programming in Hindi. In accordance with Broadcasting Public Notice 2005-104, the remainder of the program schedule (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.
9. The Commission notes that the applicant has applied for two other category B third-language specialty services whose nature of service is similar to that approved in this decision. Accordingly, the Commission expects the applicant to ensure that each of the Hindi Movie Channel services proposed by ATN provide programming that is separate and distinct from the other Hindi Movie Channel services also approved today.

Reminder

10. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the Regulations.

Secretary General

³ "Local advertising" is advertising that does not fall within the definition of national or regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

Related documents

- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category “Reality television”*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *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
- *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.*

Appendix to Broadcasting Decision CRTC 2011-684

Terms, conditions of licence, expectation and encouragement for the specialty Category B service ATN Hindi Movie Channel 3

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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2018.

Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, except for condition 7d), which will not apply, and condition 7a), 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.

For the purposes of this condition of licence, “local advertising” is advertising that does not fall within the definitions of national and regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

2. The licensee shall provide a national, niche third-language ethnic specialty Category B service devoted to movies in the Hindi language and additional programming linked to the movies, such as interviews with movie stars, programs showcasing music from the movies as well as discussions on movie production.
3. 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:
 - 7 (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV

- (e) Animated television programs and films
 - (g) Other drama
 - 11 (a) General entertainment and human interest
 - (b) Reality television
 - 13 Public service announcements
4. The licensee shall broadcast no less than 90% of all programming during the broadcast week in the Hindi language.
 5. The service approved hereby is designated as a Category B service.

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.

Expectation

The Commission expects the licensee to ensure that Hindi Movie Channel 3 provides programming that is separate and distinct from Hindi Movie Channel 4 and Hindi Movie Channel 5.

Encouragement

The Commission encourages the licensee to ensure that the portion of the service's program schedule that is broadcast in the English and/or French languages serves to promote Canada's linguistic duality.