



Broadcasting Decision CRTC 2012-395

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Route reference: 2012-29

Ottawa, 20 July 2012

Telelatino Network Inc.
Across Canada

Application 2011-1673-1, received 23 December 2011
Public hearing in the National Capital Region
21 March 2012

Eur-Asian Television Network – Specialty Category B service

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

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

The application

1. Telelatino Network Inc. (Telelatino) filed an application for a broadcasting licence to operate Eur-Asian Television Network, a national, ethnic specialty Category B service operating in the English language. The service would provide general interest programming, with an emphasis on information, entertainment and sports, devoted to Canadians with origins in Eurasia, specifically the regions of South and East Asia, the Middle East, Central and Eastern Europe and the Far East (including the nations of China, Egypt, India, Iraq, Japan, Libya, Malaysia, Pakistan, Philippines, Russia, Saudi Arabia, Singapore, South Korea, Spain, Sri Lanka and the United Arab Emirates). The Commission did not receive any interventions in connection with this application.
2. Telelatino is a corporation controlled by Corus Entertainment Inc.
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: 1, 2(a), 2(b), 3, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11(a), 11(b), 12, 13 and 14.
4. To ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that it would accept a condition of licence stating that not more than 10% of all programming broadcast during the

broadcast year would be drawn from each of program categories 7(d), 7(e), 8(a), 8(b) and 8(c).

5. Telelatino submitted that providing audio description for all elements of Eur-Asian Television Network would be cost-prohibitive and indicated that should the Commission decide to impose a condition of licence in relation to audio description, it should apply only to Canadian programs produced in-house.
6. Telelatino requested that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.¹

Commission's analysis and decisions

7. The Commission notes that the applicant proposed programming limitations of 10% per broadcast year in regard to each of program categories 7(d), 7(e), 8(a), 8(b) and 8(c), which does not adhere to the standard limitations of 10% of the broadcast month for categories 2(b), 6(a), 7(d), 7(e) as well as 8(b) and 8(c) combined, as set out in Broadcasting Public Notice 2008-100. The applicant did not provide a rationale as to why the standard limitations set out in that public notice would not be appropriate. In the absence of such rationale, the Commission therefore finds it appropriate to apply the standardized limitations to Eur-Asian Television Network to ensure that the service does not become competitive with any Category A service.
8. In regards to the applicant's concern relating to audio description, the Commission notes that, in Broadcasting Regulatory Policy 2010-786, it acknowledged that it may be difficult to ensure that programming acquired from non-Canadian sources contains audio description. Consequently, in that policy the Commission considered it appropriate to modify the existing condition of licence relating to audio description so that licensees are required to only provide audio description for key elements of Canadian information programs, including news programming. The Commission therefore considers that Telelatino's request that the requirement to provide audio description apply only to Canadian programs produced in-house for Eur-Asian Television Network is already reflected in the standard condition of licence relating to audio description set out in Broadcasting Regulatory Policy 2010-786-1.

Conclusion

9. 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. Accordingly, the Commission **approves** the application by Telelatino Network Inc. for a broadcasting licence to operate Eur-Asian Television Network, a

¹ "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.

national, ethnic specialty Category B service operating in the English language. 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.

Reminder

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

Secretary General

Related documents

- *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
- *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
- *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 2012-395

Terms, conditions of licence, expectations and encouragements for the specialty Category B service Eur-Asian Television Network

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, as amended from time to time.

The licence will expire 31 August 2018.

Conditions of licence

1. The licence shall adhere to the conditions set out in Appendix 1 to *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, as amended from time to time, 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. In regards to the nature of service:
 - (a) The licensee shall provide a national, ethnic specialty Category B service operating in the English language that will provide general interest programming, with an emphasis on information, entertainment and sports, devoted to Canadians with origins in Eurasia, specifically the regions of South and East Asia, the Middle East, Central and Eastern Europe and the Far East (including the nations of China, Egypt, India, Iraq, Japan, Libya, Malaysia, Pakistan, Philippines,

Russia, Saudi Arabia, Singapore, South Korea, Spain, Sri Lanka and the United Arab Emirates).

- (b) 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 (a) Analysis and interpretation
(b) Long-form documentary
- 3 Reporting and actualities
- 4 Religion
- 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure
- 6 (a) Professional sports
(b) Amateur sports
- 7 Drama and comedy
 - (a) Ongoing dramatic series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - (g) Other drama
- 8 (a) Music and dance other than music video programs or clips
(b) Music video clips
(c) Music video programs
- 9 Variety
- 10 Game shows
- 11 (a) General entertainment and human interest
(b) Reality television
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

- (c) The licensee shall ensure that not more than 10% of all programming broadcast during the broadcast month is drawn from each of program categories 2(b), 7(d), 7(e), and categories 8(b) and 8(c) combined.

3. The service approved hereby is designated as a Category B service.

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

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.