



## Broadcasting Decision CRTC 2007-194

Ottawa, 20 June 2007

### **Bhupinder Bola, on behalf of a corporation to be incorporated Across Canada**

*Application 2006-1502-3, received 18 November 2006  
Public Hearing at Membertou, Nova Scotia  
16 April 2007*

### **The German Music Channel (GMC) – Category 2 specialty service**

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new third-language ethnic Category 2 specialty programming undertaking.*

1. Bhupinder Bola, on behalf of a corporation to be incorporated, filed an application for a broadcasting licence to operate The German Music Channel (GMC), a national, third-language general interest ethnic Category 2 specialty programming undertaking devoted to the German-speaking community in Canada. The applicant proposed that not less than 90% of all programming and not less than 90% of the vocal musical performances broadcast during the broadcast week would be in the German language. The applicant also requested that it be authorized, by condition of licence, to broadcast up to six minutes per hour of local advertising.
2. The Commission did not receive any interventions in connection with this application.
3. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1. Furthermore, given that the service will offer not less than 90% of its programming in a third language, the Commission is satisfied that the application falls under the definition of a third-language service established in Broadcasting Public Notice 2005-104. Accordingly, the Commission **approves** the application by Bhupinder Bola, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, third-language general interest ethnic Category 2 specialty programming undertaking The German Music Channel (GMC). 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** of the new undertaking are set out in the appendix to this decision.

Secretary General

**Related documents**

- *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

*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 2007-194

### Terms and conditions of licence for the Category 2 specialty programming undertaking The German Music Channel (GMC)

#### Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- 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 20 June 2010. 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 2013.

#### 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 (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 general interest ethnic Category 2 specialty programming service devoted to the German-speaking community in Canada.

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:

- 1 News
- 2 (a) Analysis and interpretation
- (b) Long-form documentary
- 3 Reporting and actualities
- 5 (a) Formal education and pre-school
- (b) Informal education/Recreation and leisure
- 7 (a) Ongoing drama series
- (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
- 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 General entertainment and human interest
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

4. The licensee shall broadcast not less than 90% of all programming broadcast during the broadcast week in the German language.
5. The licensee shall broadcast not less than 90% of the vocal musical performances broadcast during the broadcast week in the German 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.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.