



Broadcasting Decision CRTC 2010-791

PDF version

Route reference: 2010-295

Ottawa, 20 October 2010

Ravinder Singh Pannu, on behalf of a corporation to be incorporated Across Canada

*The application numbers are set out in the appendix to this decision.
Public Hearing in the National Capital Region
19 July 2010*

Various Category 2 specialty services

*The Commission **denies** applications for broadcasting licences to operate new
Category 2 specialty services.*

Introduction

1. Ravinder Singh Pannu, on behalf of a corporation to be incorporated, filed applications for broadcasting licences to operate various national, niche third-language ethnic Category 2 specialty programming undertakings. Details relating to each of the proposed services are set out in the appendix to this decision.¹ For each of the proposed services, the applicant requested that it be authorized to devote up to six of the twelve minutes of advertising material permitted during each clock hour to the broadcast of local advertising.
2. Mr. Pannu will wholly own and control the applicant. Mr. Pannu also wholly owns and controls S. S. TV Inc., and Pannu Media Inc., licensee of a Class 1 terrestrial broadcasting distribution undertaking serving the Greater Toronto Area.
3. The applicant stated that from 95% to 100% of the programming broadcast on the proposed services each broadcast week would be in the Hindi language, with the remaining programming to be in the English language.
4. The Commission received an intervention in opposition to the applications from Asian Television Network International Limited (ATN), the licensee of SATV, a national, analog, ethnic television service that serves the South Asian communities of Canada. The Commission also received an intervention in opposition to the applications from an individual; the Commission considers that this intervention does

¹ Various other applications for Category 2 specialty services by the same applicant were also considered at the 19 July 2010 public hearing. The Commission's determinations on these applications are set out in Broadcasting Decision 2010-790, also issued today.

not raise any substantive issues in regard to the applications. The interventions as well as the applicant's reply to the intervention from ATN can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. After examining the applications in light of applicable policies and regulations, and taking into account the intervention received and the applicant's reply, the Commission considers that the issue to be determined is whether the proposed services would be niche or general interest services.
6. In its intervention, ATN submitted that the proposed services would not be truly niche services, but instead general interest services, given the proposed nature of service for each. Accordingly, ATN argued that they would compete directly with SATV, contrary to Commission policy. In his reply, Mr. Pannu argued that the proposed services target niche markets different than those served by SATV and that, therefore, the proposed services would not be in direct competition with SATV.
7. As detailed in Broadcasting Public Notice 2005-104, the Commission established an open-entry approach to third-language Category 2 pay and specialty services (to be referred to as Category B services as of 1 September 2011), and no longer considers the competitiveness of these services with existing analog ethnic specialty services.
8. However, the Commission considers that although the applicant qualified the proposed services as "niche," it failed to propose nature of service definitions that are sufficiently "focused" on or dedicated to a niche market. Further, it failed to propose sufficient safeguards, either initially or in reply to ATN's intervention, to assure that these services are not in fact general interest services.

Conclusion

12. Based on the foregoing, the Commission determines that the proposed Category 2 services would be general interest services, not niche services. Accordingly, the Commission **denies** the applications by Ravinder Singh Pannu, on behalf of a corporation to be incorporated, for broadcasting licences to operate the various national, third-language ethnic Category 2 specialty programming undertakings listed in the appendix to this decision.

Secretary General

Related documents

- *Various Category 2 specialty services*, Broadcasting Decision CRTC 2010-790, 26 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
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

Appendix to Broadcasting Decision CRTC 2010-791

Details on the denied applications for Category 2 specialty services submitted by Ravinder Singh Pannu, on behalf of a corporation to be incorporated, considered at the 19 July 2010 public hearing

Name of proposed service (application number)	Proposed nature of service	Program categories*	Language(s)
IND DRAMA 5 Application 2010-0315-2, received 19 February 2010	dramas, serials, news, comedy series, miniseries and TV feature films	1, 2(b), 7(a), 7(b), 7(d), 7(f), 7(g), 13	100% Hindi
IND MOVIE 5 Application 2010-0319-4, received 19 February 2010	Hindi feature films; animated television programs and films, game shows and comedy shows, targeting an audience of 18 to 30 years of age	1, 2(a), 7(a), 7(c), 7(d), 7(e), 10, 13	100% Hindi
IND MUSIC 3 Application 2010-0335-0, received 20 February 2010	music albums, latest Hindi beats, and music dance and music video news; programming dedicated to young Hindi music lovers from the age of 16 to 25 years of age	1, 4, 7(b), 7(f), 8(a), 8(b), 8(c), 10, 13	100% Hindi
IND MUSIC 4 Application 2010-0337-6, received 20 February 2010	feature films, animated television programs and films, game shows, comedy shows and sports; programming dedicated to first generation Hindi-speaking Canadians over 40 years of age	1, 4, 7(b), 7(f), 8(a), 8(b), 8(c), 10, 13	100% Hindi
HINDI 1 Application 2010-0363-1, received 20 February 2010	comedy, unscripted work, leisure, TV films and dramas for all families	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	Hindi 95% English 5%
HINDI 2 Application 2010-0367-3, received 20 February 2010	news analysis, religion, amateur sports, comedy shows, theatrical and animated movies; programming dedicated to Hindi-speaking women	1, 4, 5(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 8(b), 8(c), 10, 13	Hindi 95% English 5%
HINDI 3 Application 2010-0366-5, received 20 February 2010	news, news analysis, religion, education and sports for intellectuals	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	Hindi 95% English 5%
HINDI 4 Application 2010-0369-9,	news, news analysis, religion, education, sports and drama for all Hindi-speaking	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g),	Hindi 95% English 5%

received 20 February 2010	populations	8(b), 8(c), 10, 13	
HINDI 5 Application 2010-0370-7, received 20 February 2010	news, news analysis, reporting, religion, education, drama, music, movies and music videos; programming dedicated to a Hindi-speaking population between 46 and 60 years of age	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	100% Hindi
HINDI 6 Application 2010-0371-4, received 20 February 2010	news, religion, education, sports, movies, music, comedy and game shows; programming dedicated to a Hindi-speaking population between 30 and 45 years of age	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	100% Hindi
HINDI 7 Application 2010-0372-2, received 20 February 2010	dramas, music video clips, Hindi movie songs and game shows; programming dedicated to Hindi-speaking women	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	100% Hindi
HINDI 8 Application 2010-0373-0, received 20 February 2010	news, news analysis, reporting, recreation and leisure, comedy and drama, old Hindi music; programming dedicated to Hindi-speaking seniors.	1, 2(a), 3, 4, 5(b), 6(a), 7(a), 7(b), 7(c), 7(d), 7(f), 7(g), 8(b), 8(c), 10, 13	100% Hindi

* The above-noted program categories, the full list of which is set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, are as follows: 1 News; 2(a) Analysis and interpretation, 2(b) Long-form documentary; 3 Reporting and actualities; 4 Religion; 5(a) Formal education and pre-school, 5(b) Informal education/Recreation and leisure; 6(a) Professional sports, 6(b) Amateur sports; 7(a) Ongoing dramatic series, 7(b) Ongoing comedy series (sitcoms), 7(c) Specials, mini-series or made-for-TV feature films, 7(d) Theatrical feature films aired on TV, 7(e) Animated television programs and films, 7(f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy, 7(g) Other drama; 8(a) Music and dance other than music video programs or clips, 8(b) Music video clips, 8(c) Music video programs; 10 Game shows; 13 Public service announcements.