



Broadcasting Public Notice CRTC 2005-79

Ottawa, 8 August 2005

Revised lists of eligible satellite services

*In this public notice, the Commission **approves** a request to add Sony Entertainment Television Asia (SET Asia) to the lists of eligible satellite services for distribution on a digital basis and deletes The Scandinavian Channel from these lists.*

The four revised lists appended to this public notice supersede the lists appended to Revised lists of eligible satellite services, Broadcasting Public Notice CRTC 2005-51, 13 May 2005.

SET Asia

1. In a letter dated 19 December 2002, South Asian Television Canada Limited (SATV) filed a request for the addition of Sony Entertainment Television Asia (SET Asia) to the lists of eligible satellite services for distribution on a digital basis (the digital lists). SATV described SET Asia as “a satellite-delivered, advertiser-supported, general entertainment television service which features Hindi language programs including feature films made for television, game shows, sports programs and drama serials.”
2. SATV, which is the licensee of an ethnic specialty programming undertaking that provides general-interest programming in Hindi, submitted that the addition of this non-Canadian programming service would serve to enhance the service currently offered by SATV. SATV also stated that the availability of SET Asia through Canadian distributors would help to reduce signal theft.
3. In *Review of the approach to assessing requests to add non-Canadian third-language services to the lists of eligible satellite services for distribution on a digital basis – Call for comments*, Broadcasting Public Notice CRTC 2004-53, 15 July 2004, (Public Notice 2004-53), the Commission called for comments on various questions related to its assessment of requests to add non-Canadian third-language services to the digital lists. Consistent with the approach set out in Public Notice 2004-53, the Commission suspended consideration of SATV’s request to add SET Asia to the digital lists until the review was complete.

The proceeding

4. In *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-96, 16 December 2004 (Public Notice 2004-96), the Commission set out a

revised approach to the assessment of requests to add non-Canadian third-language television services to the digital lists, and, in an appendix, set out specific information that must be filed by Canadian sponsors making such requests.

5. In Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, general-interest, third-language services to the digital lists would generally be approved, subject, as appropriate, to the new distribution and linkage requirements.¹ The revised approach also included some changes to the information required from sponsors of non-Canadian third-language services. On 28 December 2004, SATV submitted an update to its request to add SET Asia to the digital lists and, on 27 January 2005, 7 February 2005 and 2 March 2005, SATV filed additional information in accordance with the new information requirements set out in Public Notice 2004-96.
6. Subsequently, in *Call for Comments on a request from South Asian Television Canada Limited to add Sony Entertainment Television Asia to the lists of eligible satellite services for distribution on a digital basis, and on the removal of The Scandinavian Channel*, Broadcasting Public Notice CRTC 2005-37, 22 April 2005 (Public Notice 2005-37), the Commission called for comments on the request described above. The Commission noted that it intended to assess the request in light of the approach set out in Public Notice 2004-96.

Positions of parties

7. The Commission received one comment in support of SATV's request. The Canadian Cable Telecommunications Association (CCTA) stated that international services clearly make a unique and significant contribution to the diversity of the Canadian broadcasting system. Further, in the CCTA's view, the addition of SET Asia would contribute to the reduction of signal piracy in Canada by responding to consumer demand for greater choice, by providing customers of broadcasting distribution undertakings with an incentive to remain within the Canadian broadcasting system and by helping to increase the benefits associated with digital cable television. No comments were filed in opposition to the request.
8. On 6 June 2005, SATV notified the Commission that it would not be filing a reply to the CCTA's supporting intervention.

Commission's determination

9. Consistent with the approach set out in Public Notice 2004-96, the Commission **approves** the addition of SET Asia to the digital lists. SET Asia has therefore been added to the revised lists attached to this notice. The Commission notes that the distribution of this service is subject to the distribution and linkage rules that apply to third-language general interest services added to the digital lists after 16 December 2004, as set out in

¹ The current requirements are set out in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2005-45, 11 May 2005 and *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2005-46, 11 May 2005.

Distribution and linkage requirements for Class 1 and Class 2 licensees, Broadcasting Public Notice CRTC 2005-45, 11 May 2005, and Linkage requirements for direct-to-home (DTH) satellite distribution undertakings, Broadcasting Public Notice CRTC 2005-46, 11 May 2005.

Removal of The Scandinavian Channel

10. In Public Notice 2005-37, the Commission also noted its understanding that The Scandinavian Channel had ceased operations in April 2001, and proposed to delete the service from the digital lists. The Commission received no comments with respect to this proposal. In light of the above, the Commission has removed The Scandinavian Channel from the attached revised lists.

Secretary General

This document 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 A to Broadcasting Public Notice CRTC 2005-79

List of Part 2 Eligible Satellite Services

Section A

Learning and Skills Television of Alberta	
Saskatchewan Communications Network (SCN)	
Télé-Québec (STQ)	
TVOntario (TVO and TFO)	
Open Learning Agency (Knowledge Network)	
Atlantic Satellite Network (ASN)	
CFTU-TV Montréal	IND*
CBC English-language Television Service CBC French-language Television Service	
WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/ WDIV Detroit/WICU-TV Erie/KARE Minneapolis/ KHQ-TV Spokane/KING-TV Seattle	NBC*
WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/ WTVS Detroit/WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle	PBS*
WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/ WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/ KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit	CBS*
WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/ WXYZ-TV Detroit/WJET-TV Erie/KSTP-TV Minneapolis/ KXLY-TV Spokane/KOMO-TV Seattle	ABC*
WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/ WUHF Rochester/KAYU-TV Spokane/KCPQ Tacoma/ WFXT Boston	FOX*
ART America	
The Arts and Entertainment Network (A&E)	
BBC World	
Black Entertainment Television (BET)	
Cable News Network (CNN)	
CNN Headline News (CNN-2)	
Cable Satellite Public Affairs Network (C-Span)	

Consumer News and Business Channel (CNBC)
Court TV
Deutsche Welle
The Filipino Channel
The Golf Channel
The Learning Channel
Radio-France outre-mer (RFO1)*
The Silent Network (Kaleidoscope)
Speed Channel
Spike TV
TV Japan
TV Polonia
The Weather Channel (TWC)
WMNB-TV: Russian-American Broadcasting Company
Licensed pay audio programming undertaking(s)**

Section B

KSTW (IND) Tacoma/Seattle*
KTLA Los Angeles
KWGN-TV Denver
WGN-TV Chicago
WPIX New York City
WSBK-TV Boston
WTBS Atlanta
WUAB-TV (IND) Cleveland*
WWOR-TV New York City
American Movie Classics
Comedy Central
Game Show Network
Lifetime Television

Playboy TV***

Turner Classic Movies

* Received from a licensed SRDU

** A pay audio programming undertaking may not be used for linkage purposes for the distribution of any non-Canadian eligible satellite services.

*** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of Playboy TV to subscribers that request it not be receivable in their home (in either unscrambled or scrambled analog form).

Authorization for the services in Sections A and B is subject to the following:

- In the case of signals received from a licensed SRDU, ASN, the CBC English- and French-language Television Services and foreign satellite services, licensees are required to enter into the necessary contractual arrangements for such carriage.

- Licensees that distribute a PBS signal received at the local head end by terrestrial transmission may distribute one PBS service received from a licensed SRDU. All other licensees may distribute a maximum of two PBS services received from a licensed SRDU. Licensees may not distribute the signal of more than one affiliate of the same commercial U.S. network, received from a licensed SRDU, unless otherwise authorized pursuant to a condition of licence.

Section C

List of Part 2 Eligible Satellite Services for Digital Distribution Only

Al Jazeera*

ART Movies

Bloomberg Television

BVN-TV

Canal SUR

CineLatino

Discovery Wings

Eternal Word Television Network

Eurochannel

EuroNews

Eurosportnews

Fox News
German TV
Grandes Documentales de TVE
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya
Network TEN (Australia)
NFL Network
Oxygen Network
Paris-Première
Planète
RAI International 2
Romanian Television International (RTVI)
RTV Palma
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Land
TV3 Republic of Ireland
TV3 Television Network (New Zealand)
TV4 Television Network (New Zealand)
Utilisima

*

On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the services in Section C is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.
- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.
- Providers of these foreign services must not hold, nor try to obtain, nor

exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

Appendix B to Broadcasting Public Notice CRTC 2005-79

List of Part 3 Eligible Satellite Services

Learning and Skills Television of Alberta

Saskatchewan Communications Network (SCN)

Télé-Québec (STQ)

TVOntario (TVO and/et TFO)

Open Learning Agency (Knowledge Network)

Atlantic Satellite Network (ASN)

Aboriginal Peoples Television Network (APTN)

CBC English-language Television Service

CBC French-language Television Service

The programming service of any licensed television programming undertaking*

WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/ NBC
WDIV Detroit/WICU-TV Erie/KARE Minneapolis/
KHQ-TV Spokane/KING-TV Seattle

WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/WTVS Detroit/ PBS*
WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle

WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/ CBS
WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/
KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit

WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/WXYZ-TV ABC*
Detroit/ WJET-TV Erie/KSTP-TV Minneapolis/KXLY-TV Spokane/
KOMO-TV Seattle

WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/WUHF FOX*
Rochester/KAYU-TV Spokane/KCPQ Tacoma/WFXT Boston

KSTW Tacoma/Seattle IND*

WUAB-TV Cleveland IND*

KTLA Los Angeles

KWGN-TV Denver

WGN-TV Chicago

WPIX New York City

WSBK-TV Boston

WTBS Atlanta
WWOR-TV New York City
American Movie Classics
ART America
The Arts and Entertainment Network (A&E)
BBC World
Black Entertainment Television (BET)
Cable News Network (CNN)
CNN Headline News (CNN-2)
Cable Satellite Public Affairs Network (C-Span)
Comedy Central
Consumer News and Business Channel (CNBC)
Court TV
Deutsche Welle
The Filipino Channel
Game Show Network
The Golf Channel
The Learning Channel
Lifetime Television
Playboy TV **
Radio-France outre-mer (RFO1)*
The Silent Network (Kaleidoscope)
Speed Channel
Spike TV
Turner Classic Movies
TV Japan
TV Polonia
The Weather Channel (TWC)
WMNB-TV: Russian-American Broadcasting Company

Licensed pay audio programming undertaking(s)

* Received from a licensed SRDU

** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of Playboy TV to subscribers that request it not be receivable in their home (in either unscrambled or scrambled analog form).

Authorization for the services in *List of Part 3 Eligible Satellite Services* is subject to the following:

- In the case of out-of-province educational services, there should be no objection on the part of the originating service.

- In the case of signals received from a licensed SRDU, ASN, the CBC English- and French-language Television Services and foreign satellite services, licensees are required to enter into the necessary contractual arrangements for such carriage.

- In the case of licensed television programming undertakings offering TVA or CTV programming, a licensee also distributing the signal of a local TVA or CTV affiliate shall delete the duplicate programming from the services received from a licensed SRDU or substitute the local service(s) when the programming is identical.

- Licensees that distribute a PBS signal received at the local head end by terrestrial transmission may distribute one PBS service received from a licensed SRDU. All other licensees may distribute a maximum of two PBS services received from a licensed SRDU. Licensees may not distribute the signal of more than one affiliate of the same commercial U.S. network, received from a licensed SRDU, unless otherwise authorized pursuant to a condition of licence.

List of Part 3 Eligible Satellite services for Digital Distribution Only

Al Jazeera*

ART Movies

Bloomberg Television

BVN-TV

Canal SUR

CineLatino

Discovery Wings

Eternal Word Television Network

Eurochannel

EuroNews

Eurosportnews
Fox News
German TV
Grandes Documentales de TVE
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya
Network TEN (Australia)
NFL Network
Oxygen Network
Paris-Première
Planète
RAI International 2
Romanian Television International (RTVI)
RTV Palma
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Land
TV3 Republic of Ireland
TV3 Television Network (New Zealand)
TV4 Television Network (New Zealand)
Utilisima

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera.

Authorization for the services eligible for digital distribution only are subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in

Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

Appendix C to Broadcasting Public Notice CRTC 2005-79

List of DTH Eligible Satellite Services

Section A

ART America
The Arts and Entertainment Network (A&E)
BBC World
Black Entertainment Television (BET)
Cable News Network (CNN)
CNN Headline News (CNN-2)
Cable Satellite Public Affairs Network (C-Span)
Consumer News and Business Channel (CNBC)
Court TV
Deutsche Welle
The Filipino Channel
The Golf Channel
The Learning Channel
The Silent Network (Kaleidoscope)
Speed Channel
Spike TV
TV Japan
TV Polonia
The Weather Channel (TWC)
WMNB-TV: Russian-American Broadcasting Company
Radio France outre-mer (RFO1)

Section B

KSTW (IND) Tacoma/Seattle*
KTLA Los Angeles*
KWGN-TV Denver*

WGN-TV Chicago*
WPIX New York City*
WSBK-TV Boston*
WTBS Atlanta*
WWOR-TV New York City*
American Movie Classics
Comedy Central
Game Show Network
Lifetime Television
Playboy TV **
Turner Classic Movies

* U.S. Superstation

** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service.

Authorization for the services listed in Section A and Section B is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of foreign satellite services.

Section C

Al Jazeera*
ART Movies
Bloomberg Television
BVN-TV
Canal SUR
CineLatino
Discovery Wings
Eternal Word Television Network
Eurochannel
EuroNews

Eurosportnews
Fox News
German TV
Grandes Documentales de TVE
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya
Network TEN (Australia)
NFL Network
Oxygen Network
Paris-Première
Planète
RAI International 2
Romanian Television International (RTVI)
RTV Palma
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Land
TV3 Republic of Ireland
TV3 Television Network (New Zealand)
TV4 Television Network (New Zealand)
Utilisima

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the services listed in Section C is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

Appendix D to Broadcasting Public Notice CRTC 2005-79

List of Part 2, Part 3, and DTH Eligible Satellite Services for Digital Distribution

Al Jazeera*

ART Movies

Bloomberg Television

BVN-TV

Canal SUR

CineLatino

Discovery Wings

Eternal Word Television Network

Eurochannel

EuroNews

Eurosportnews

Fox News

German TV

Grandes Documentales de TVE

KTO

Mezzo

MSNBC

Muslim Television Ahmadiyya

Network TEN (Australia)

NFL Network

Oxygen Network

Paris-Première

Planète

RAI International 2

Romanian Television International (RTVI)

RTV Palma

Sony Entertainment Television Asia (SET Asia)

TRACE TV

TV Land

TV3 Republic of Ireland

TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Utilisima

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the above-noted services is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

Authorization for the services set out in all of the lists contained in Appendices A through D is subject to the following:

When any of these lists of eligible satellite services are replaced by another list, the only authorized services will be those contained in the most recent list, accordingly these lists supersede the lists dated **13 May 2005**.