



## Broadcasting Public Notice CRTC 2006-147

Ottawa, 21 November 2006

### **Addition of De Pelicula Channel, Ritmoson Latino Channel and TL Novelas Channel to the lists of eligible satellite services for distribution on a digital basis**

*The Commission **approves** a request to add De Pelicula Channel, Ritmoson Latino Channel and TL Novelas Channel to the lists of eligible satellite services for distribution on a digital basis and amends the lists of eligible satellite services accordingly. The revised lists are available on the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Industries at a Glance".*

#### **Introduction**

1. The Commission received a request dated 23 June 2006 from Rogers Cable Communications Inc. (Rogers) for the addition of three non-Canadian Spanish-language services to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Rogers described the services as follows:

De Pelicula Channel is a niche service featuring Spanish-language films of different genres and epochs. Its programming includes contemporary and classic Spanish-language movies from all eras, including films from the Golden Age of Mexican filmmaking and from the new generation of producers and directors of Spanish-speaking films. The service does not have any French- or English-language subtitles or secondary audio programming.

Ritmoson Latino Channel is a Spanish-language niche service featuring Latin music programming. The service brings to life the rhythms, dance and passions of the Latin culture and focuses on the music genres closest to the Latin soul from Boleros, Merengue, Salsa, and Cumbia to Pop and Reggaeton. The service does not have any French- or English-language subtitles or secondary audio programming.

TL Novelas Channel is a Spanish-language niche service totally dedicated to the world famous "telenovelas" produced by Televisa. Viewers experience all the drama, romance, scandal and intrigue of Mexican soap operas 24 hours a day. The service does not have any French- or English-language subtitles or secondary audio programming.

2. The Commission subsequently issued *Call for comments on the proposed addition of De Pelicula Channel, Ritmoson Latino Channel and TL Novelas Channel to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2006-115, 8 September 2006. The Commission did not receive any comments in connection with that public notice.

## Commission's analysis and determinations

3. The Commission's approach to requests for the addition of non-Canadian services to the digital lists was set out initially in *Call for proposals to amend the lists of eligible satellite services through the inclusion of additional non-Canadian services eligible for distribution on a digital basis only*, Public Notice CRTC 2000-173, 14 December 2000. In that public notice, the Commission indicated that it would assess such requests in the context of its general policy which, among other things, precludes the addition of a non-Canadian satellite service that can be considered either totally or partially competitive with Canadian specialty or pay television services. In applying this policy, the Commission stated that it would take into account all specialty and pay television programming services whose licence applications had been approved by the Commission, including all of the launched and unlaunched Category 1 and Category 2 specialty and pay television services.
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 its revised approach to the assessment of requests to add non-Canadian third-language television services to the digital lists. In that public notice, the Commission also set out specific information that Canadian sponsors must file in support of their requests.
5. In Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, third-language, general interest services to the digital lists would generally be approved, subject, as appropriate, to new distribution and linkage requirements. In the case of non-Canadian third-language services that provide narrowly targeted or “niche” programming, the Commission stated that it would continue to apply a case-by-case assessment to determine whether the service is partially or totally competitive with Canadian services.
6. The Commission also stated in Public Notice 2004-96 that, in applying the competitiveness test to non-Canadian, third-language niche services, it would not take into consideration any unlaunched ethnic Category 2 service, unless the prospective operator of such a service presented compelling evidence that the launch of its service was imminent. The Commission added that such evidence could include distribution agreements or ongoing negotiations, programming contracts or negotiations with non-Canadian program suppliers, and licence fees paid to Canadian content suppliers.
7. Finally, in Public Notice 2004-96, the Commission stated that, in assessing niche services, there may be cases where, rather than denying authorization, it might be prepared to consider adopting distribution requirements similar to those adopted for general interest third-language services.

8. The Commission has examined the material filed by Rogers in support of the request to add De Pelicula Channel, Ritmoson Latino Channel and TL Novelas Channel to the digital lists, and is satisfied that they are niche services in the Spanish language, as described by Rogers. As such, the services are appropriately subject to the approach for niche, non-Canadian third-language services set out in Public Notice 2004-96.
9. The Commission is satisfied that there are no launched Canadian pay or specialty services with which these non-Canadian services would compete. Further, the Commission received no submissions from unlaunched Category 2 services providing evidence that they would be launching in the near future and arguing that these non-Canadian services would be competitive with them. Accordingly, the Commission concludes that there are no Canadian pay or specialty services with which these non-Canadian services would be totally or partially competitive.
10. In light of the above, the Commission **approves** the addition of De Pelicula Channel, Ritmoson Latino Channel and TL Novelas Channel to the digital lists and amends the lists of eligible satellite services accordingly. The lists of eligible satellite services are available on the Commission's web site at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Industries at a Glance" and may be obtained in hard copy on request.

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>*