



Broadcasting Public Notice CRTC 2007-4

Ottawa, 12 January 2007

Addition of MBC Channel (America) to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add MBC Channel (America) to the lists of eligible satellite services 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 under "Industries at a Glance."*

Introduction

1. The Commission received a request dated 24 May 2006 from Rogers Cable Communications Inc. (Rogers) for the addition of MBC Channel (America), a non-Canadian third-language service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Rogers described the service as follows:

MBC Channel (America) is a general-interest service offering programming primarily in Arabic. Broadcast from Dubai, it is a leading free-to-air, pan-Arab, service that is available 24-hours-a-day, seven days a week. MBC Channel (America) offers a wide range of programming, including programs in the news, documentary, lifestyle/human interest, sports, drama and music/variety genres.

2. The Commission subsequently issued *Call for comments on the proposed addition of MBC Channel (America) to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2006-89, 19 July 2006.

Positions of parties

3. The Commission received 23 letters from individuals in support of Rogers' request. These parties submitted that MBC Channel (America) would be a much needed source of Arabic-language news, and described the service as a highly respected source of news and educational programming.
4. The Commission received one comment opposing the addition of the service, from Arabic Television Network (Arabic Television). Arabic Television submitted, among other things, that the addition of MBC Channel (America) would not help the Arab community, because Arabic Canadians want to view and hear Arabic Canadian and local events. In support of this submission, Arabic Television cited a survey it had conducted in the Toronto area, indicating that some 95% of the Arabic Canadian community in that area would very much appreciate having an Arabic Canadian Channel. However,

according to Arabic Television, there is no Arabic channel broadcasting “local” programs in Canada. Arabic Television added that it had been trying to approach Rogers for some time to launch its Arabic-language channel, and had yet to receive a clear answer.

Reply from Rogers

5. In its reply dated 22 August 2006, Rogers confirmed that Arabic Television had approached Rogers about the distribution of its Category 2 Arabic-language service. Rogers stated that it had requested a comprehensive business plan from Arabic Television, in addition to detailed information concerning its approach to the provision of Canadian content and the marketing of the service overall. According to Rogers, this information remains outstanding.
6. Rogers submitted that the statement from Arabic Television that there are no Arabic language services broadcasting local programs is incorrect. Rogers noted that it currently distributes ABU Dhabi, a general interest Category 2 service targeting the Arab-speaking community in Canada. Rogers added that, since the Commission began licensing Category 2 services in 2001, it has led all other Canadian distributors in the carriage of third-language programming services.
7. Rogers also stated that the addition of MBC Channel (America) to the digital lists is consistent with the goals and criteria established under the revised approach set out 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). In Rogers’ view, Arabic Television has not provided any arguments that would justify denial of this request.

Commission’s analysis and determinations

8. 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 new distribution and linkage rules described in that public notice.
9. The Commission has examined the material filed in support of the request to add MBC Channel (America) to the digital lists, and is satisfied that the service is a general interest service in the Arabic language, as described by its sponsor. Thus, the service is appropriately subject to the approach for such services, as set out in Public Notice 2004-96.

10. With regard to the concerns raised by Arabic Television¹, the Commission notes that, pursuant to the distribution and linkage requirements established pursuant to Public Notice 2004-96, any broadcasting distribution undertaking (BDU) wishing to distribute a non-Canadian third-language general interest service approved under the Commission's revised approach is also required to make available a general interest Category 2 service in the same principal language, provided that one has been launched. This requirement was intended to provide third-language, general interest Category 2 services with an opportunity to establish a place in the Canadian broadcasting system, while at the same time improving service to underserved third-language communities in Canada by providing for greater access to non-Canadian services. In this regard, the Commission notes Rogers' submission that it is already distributing ABU Dhabi, a Category 2 service in Arabic.
11. In light of the above, the Commission **approves** the addition of MBC Channel (America) for distribution on a digital basis, 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 under "Industries at a Glance" and may be obtained in hard copy on request.
12. The Commission notes that the distribution of MBC Channel (America) 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 *Linkage requirements for Direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2006-134, and *Distribution and Linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2006-135, both dated 20 October 2006.

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>

¹ The Commission notes that Arabic Television was authorized as a general interest service targeting an Arabic-speaking audience in *Arabic Television Network-Category 2 specialty service*, Broadcasting Decision CRTC 2002-344, 6 November 2002. The service's authorization was subsequently extended, but expired on 6 November 2006 (see Broadcasting Decision CRTC 2005-490, 14 October 2005).