



Broadcasting Public Notice CRTC 2007-85

Ottawa, 27 July 2007

Addition of Sony Max to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add Sony Max 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 under "Industries at a Glance".*

Introduction

1. The Commission received a request dated 11 April 2007 from Asian Television Network International Limited (ATN) for the addition of Sony Max, a non-Canadian third-language service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). ATN described the service as primarily a movie service, offering programming in the Hindi language.
2. In Broadcasting Public Notice 2007-58, the Commission requested comment with respect to ATN'S request.

Commission's analysis and determination

3. In 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. The Commission also specified the information that Canadian sponsors must file in support of their requests.
4. In Broadcasting 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.¹ This revised approach with respect to general interest services was established in order to place greater emphasis on expanding the diversity and choice in television services available to under-served third-language ethnic communities in Canada. 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 pay or specialty services. This is the same test applicable to English and French language non-Canadian services.

¹ The new distribution and linkage requirements are set out in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2007-51, 16 May 2007, and in *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2007-52, 16 May 2007.

5. In Broadcasting Public Notice 2007-58, the Commission stated that it would rely primarily on the comments filed to identify the Canadian pay and specialty services with which Sony Max might be totally or partially competitive and which therefore should be included in the assessment of the competitiveness of the service. Parties wishing to argue that Sony Max would be competitive were asked to name the specific Canadian pay or specialty service with which they considered the service would compete, and provide details to support their views, such as comparisons as to nature of service, programming schedules, programming services and supply, and target audience.
6. The Commission also stated that, consistent with Broadcasting Public Notice 2004-96, in applying the competitiveness test, the Commission 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 is imminent. 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. The Commission received no comments in response to Broadcasting Public Notice 2007-58. The Commission concludes that there are no Canadian pay or specialty services with which Sony Max would be totally or partially competitive.
8. In light of the above, the Commission **approves** the addition of Sony Max 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 under "Industries at a Glance" and may be obtained in hard copy on request.

Secretary General

Related documents

- *Call for comments on the proposed addition of Sony Max to the lists of eligible satellite services for distribution on a digital basis, Broadcasting Public Notice CRTC 2007-58, 31 May 2007*
- *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*

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>