



## Broadcasting Public Notice CRTC 2007-91

Ottawa, 1 August 2007

### **Call for comments on the proposed addition of Premiere Futebole Clube (PFC) to the lists of eligible satellite services for distribution on a digital basis**

1. The Commission received a request dated 14 June 2007 from Rogers Cable Communications Inc. (Rogers) for the addition of Premiere Futebol Clube (PFC), 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:

PFC is a 24-hour niche Brazilian soccer channel. The service broadcasts in the Portuguese language and offers programming from the following categories: news, documentaries and sports. Approximately 70% of the service's programming schedule consists of programming that is within the sports genre. PFC does not offer a secondary audio program (SAP) in English or French.
2. In Broadcasting Public Notice CRTC 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.
3. 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<sup>1</sup>. 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.
4. The Commission will rely primarily on the comments filed to identify the Canadian pay and specialty services with which PFC 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 PFC would be competitive should therefore name the specific Canadian pay or specialty service with which they consider the service would compete and provide details to support their views, such as comparisons as to nature and genre of service, programming schedules, programming sources and supply, and target audience.

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<sup>1</sup> The current requirements are set out in Broadcasting Public Notices 2007-51 and 2007-52.

5. Further, consistent with Broadcasting Public Notice 2004-96, in applying the competitiveness test, the Commission will not take into consideration any unlaunched ethnic Category 2 service, unless the prospective operator of such a service presents 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.
6. Finally, the Commission notes its statement in Broadcasting Public Notice 2004-96 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 third-language general interest services.

### **Call for comments**

7. The Commission calls for comments on Rogers' request for the addition of PFC to the digital lists. Parties submitting comments on the request should also submit a true copy of their comments to the Canadian sponsor, Rogers, at the following address:

Rogers Communications Inc.  
Attention: Cable Regulatory  
333 Bloor Street East, 9<sup>th</sup> floor  
Toronto, Ontario  
M4W 1G9  
Fax: 416-935-4875  
E-mail: [cable.regulatory@rci.rogers.com](mailto:cable.regulatory@rci.rogers.com)

8. Proof that comments have been sent to Rogers must accompany the original version of the comments sent to the Commission.
9. Comments on Rogers' request must be received by the Commission no later than **31 August 2007**. A copy of the comments must be received by Rogers no later than the deadline for receipt of comments by the Commission.
10. Rogers may file a written reply to any comments received concerning its request. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **17 September 2007**.
11. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

### **Procedure for filing comments**

12. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**  
Broadcasting Intervention/Comments Form

OR

- **by mail to**  
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**  
819-994-0218

13. Submissions longer than five pages should include a summary.
14. Please number each paragraph of your submission. In addition, please enter the line \*\*\*End of document\*\*\* following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

#### **Important notice**

15. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at [www.crtc.gc.ca](http://www.crtc.gc.ca), becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
16. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.
17. Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
18. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.
19. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

**Examination of public comments and related documents at the following  
Commission offices during normal business hours**

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

**Central Building**

Les Terrasses de la Chaudière

1 Promenade du Portage, Room 206

Gatineau, Quebec K1A 0N2

Tel.: 819-997-2429

Fax: 819-994-0218

**Metropolitan Place**

99 Wyse Road

Suite 1410

Dartmouth, Nova Scotia B3A 4S5

Tel.: 902-426-7997

Fax: 902-426-2721

**205 Viger Avenue West**

Suite 504

Montréal, Quebec H2Z 1G2

Tel.: 514-283-6607

**55 St. Clair Avenue East**

Suite 624

Toronto, Ontario M4T 1M2

Tel.: 416-952-9096

**Kensington Building**

275 Portage Avenue

Suite 1810

Winnipeg, Manitoba R3B 2B3

Tel.: 204-983-6306

TDD: 204-983-8274

Fax: 204-983-6317

**Cornwall Professional Building**

2125 - 11th Avenue

Room 103

Regina, Saskatchewan S4P 3X3

Tel.: 306-780-3422

10405 Jasper Avenue  
Suite 520  
Edmonton, Alberta T5J 3N4  
Tel.: 780-495-3224

530-580 Hornby Street  
Vancouver, British Columbia V6C 3B6  
Tel.: 604-666-2111  
TDD: 604-666-0778  
Fax: 604-666-8322

Secretary General

**Related documents**

- *Distribution and linkage requirements for Class 1 and Class 2 licensees, Broadcasting Public Notice CRTC 2007-51, 16 May 2007*
- *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings, Broadcasting Public Notice CRTC 2007-52, 16 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>*