



Broadcasting Decision CRTC 2009-718

Route reference: 2009-296

Ottawa, 25 November 2009

Afromedia Communications Incorporated Across Canada

Application 2009-0352-7, received 11 February 2009

Public Hearing in the National Capital Region

21 July 2009

AMET-TV – Category 2 specialty service

1. The Commission **approves** the application by Afromedia Communications Incorporated (Afromedia) for a broadcasting licence to operate AMET-TV, a national, general interest ethnic Category 2 specialty programming undertaking targeting people of African or Afro-Caribbean backgrounds. The Commission also **approves** Afromedia's request for authorization to offer both a standard and a high definition version of the service.
2. Afromedia Communications Incorporated is a Canadian corporation owned and controlled by Mr. Oluwaremi Awojide, a Canadian citizen ordinarily resident in Canada.
3. The service will offer programming that is indigenous to Africa, including movies, drama, plays and other theatrical presentations adapted for television and presenting the culture, art and lifestyle of Africans and people of African descent. Afromedia indicated that 70% of the programming broadcast during the broadcast week will be in the English language, 20% in the French language and 10% in the Yoruba, Swahili, Hausa, Twi, Fante and Arabic languages. Afromedia also indicated that 15% of its programming would be made available in high definition format. The Commission did not receive any interventions in connection with this application.
4. In order to ensure that the service will not be directly competitive with any existing Category 1 or analog pay or specialty service, the applicant stated that it would be willing to accept conditions of licence requiring it to devote no more than 15% of all programming broadcast during the broadcast week to programming drawn from subcategory 7(d), as well as from categories 8(a), 8(b) and 8(c) combined. **Conditions of licence** to that effect are set out in the appendix to this decision.
5. The Commission is satisfied that the application is in conformity with the framework set out in Public Notice 2000-6 and with all applicable terms and conditions announced in Public Notice 2000-171-1. The terms and **conditions of licence** are set out in the appendix to this decision.

Implementation of the Commission's determinations regarding accessibility of services

6. In Broadcasting Public Notice 2007-54, the Commission indicated that it would require all English- and French-language broadcasters to caption 100% of their programs, with the exception of advertising and promos. In Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy), the Commission noted that captioning technology, including voice recognition software – which is used extensively in captioning French-language programming – has greatly improved and should no longer be considered a technology in development. Consequently, in accordance with the Accessibility Policy, the Commission has set out a **condition of licence** requiring the licensee to:
 - ensure that advertising, sponsorship messages and promos in the English and French language are closed captioned by no later than the fourth year of the licence term;
 - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
 - implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that captioning reaches the viewer in its original form.
7. In the Accessibility Policy, the Commission also indicated that it would continue to require broadcasters to provide four hours of described video per week. However, the Commission determines that it is appropriate not to impose a condition of licence to that effect at this time. Nonetheless, the Commission expects that the service will provide described video whenever it is possible.
8. Further, in that same policy, the Commission indicated that licensees would be required, by condition of licence, to provide audio description for all information programs, including news programming. A **condition of licence** to this effect is set out in the appendix to this decision.

Reminder

9. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

Related documents

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

This decision is to be appended to the licence. It 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 to Broadcasting Decision CRTC 2009-718

Terms, conditions of licence and expectation for the Category 2 specialty programming undertaking AMET-TV

Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- the applicant has entered into a distribution agreement with at least one licensed distributor; and
- the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 25 November 2012. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Further, in accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the following must be received by the Commission for its approval within three months of the date of this decision:

- the licensee's plans to ensure that it meets the expectation that a closed captioned version of all programming aired during the overnight period will be provided to viewers when captions are available;
- a description of the monitoring system to be implemented to ensure that closed captioning is included in the broadcast signal and that captioning reaches the viewer in its original form;
- a description of the mechanisms and procedures to be implemented relating to quality control of closed captioning, including procedures to ensure that closed captioning is present throughout the entire program and the means by which the licensee intends to ensure that captioning errors are corrected before programming is rebroadcast; and
- a description of the measures that will be adopted in order to meet the requirement set out in paragraph 128 of the policy to effectively implement audio description.

The licence will expire 31 August 2016.

Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001.
2. The licensee shall provide a national, general interest ethnic Category 2 specialty programming service devoted to programming that is indigenous to Africa, including movies, drama, plays and other theatrical presentations adapted for television and presenting the culture, art and lifestyle of Africans and people of African descent.
3. The programming shall be drawn exclusively from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 4 Religion
 - 5 (b) Informal education/Recreation and leisure
 - 7 (a) Ongoing drama series
 - (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 9 Variety
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
4. No more than 15% of all programming broadcast during the broadcast week will be drawn from subcategory 7(d).
5. No more than 15% of all programming broadcast during the broadcast week will be drawn from subcategories 8(a), 8(b) and 8(c) combined.
6. The licensee shall devote no more than 70% of the programming broadcast during the broadcast week to programming in the English language and no more than 20% of the programming broadcast during the broadcast week to programming in the French language. Not less than 10% of the programming broadcast during the broadcast week will be in the Yoruba, Swahili, Hausa, Twi, Fante and Arabic languages.
7. The licensee shall caption 100% of the English- and French-language programs broadcast over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.

8. In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the licensee shall:
- ensure that advertising, sponsorship messages and promos in the English and French language are closed captioned by no later than the fourth year of the licence term;
 - adhere to the quality standards on closed captioning developed by television industry working groups, as amended from time to time and approved by the Commission; and
 - implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that captioning reaches the viewer in its original form.
9. The licensee shall provide audio description for all the key elements of information programs, including news programming.
10. The licensee is authorized to make available for distribution an upgraded version of its service in high definition format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in high definition format.
11. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.
12. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.

Expectation

The Commission expects that the service will provide described video whenever it is possible.