



Broadcasting Regulatory Policy CRTC 2010-185

Ottawa, 26 March 2010

Addition of Benfica TV to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add Benfica TV to the lists of eligible satellite services for distribution on a digital basis and amends the lists accordingly. The revised lists are available on the Commission's website at www.crtc.gc.ca under "Broadcasting Sector."*

Introduction

1. The Commission received a request dated 10 July 2009 from City West Cable and Telephone Corporation (City West) for the addition of Benfica TV, a non-Canadian Portuguese-language sports service with an emphasis on soccer, to the lists of satellite services eligible for digital distribution (the digital lists).
2. City West described Benfica TV as a high-quality non-Canadian sports service that would contribute significantly to the diversity of programming available in the Portuguese language in Canada.
3. In Broadcasting Notice of Consultation 2009-714, the Commission called for comments on the proposed addition of Benfica TV to the digital lists. The Commission received comments from three parties in support of the addition of Benfica TV. The Commission also received comments "in qualified opposition" from GOL TV (Canada) Ltd. (GOL TV), licensee of the national, English-language Category 2 specialty service GOL TV devoted to soccer and soccer enthusiasts. GOL TV did not oppose the addition of Benfica TV "in its current state, with its current programming exclusively in the Portuguese language." However, it submitted that, if Benfica TV was to add more live soccer events from European leagues or telecast any soccer content in the English language, it would become competitive with the programming offered by GOL TV. In this were to occur, GOL TV argued that Benfica TV should be removed from the lists.
4. In its reply to the comments, City West confirmed that Benfica TV only broadcasts programming in the Portuguese language and has no plans to offer English-language programming.

Commission's analysis and determinations

5. In Broadcasting Public Notice 2004-96, the Commission set out a revised approach to the assessment of requests to add non-Canadian third-language television services to the digital lists. The Commission indicated that, in the case of non-Canadian third-language services that provide narrowly targeted or "niche" programming, it would continue to

apply a case-by-case assessment to determine whether the service would compete with Canadian pay or specialty services and should therefore not be authorized for distribution in Canada. The Commission noted that, in assessing competitiveness, it takes into account such factors as the nature and genre of programming, the target audience, the language or languages in which the programming is broadcast, the source of programming and any relevant competitive concerns raised by parties, in order to determine the degree of overlap that might exist to make the non-Canadian service competitive with any Canadian pay or specialty service.

6. In Broadcasting Notice of Consultation 2009-714, the Commission indicated that it would rely primarily on the comments filed to identify the Canadian pay and specialty services with which Benfica TV 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 Benfica TV would be competitive were asked to name the specific Canadian pay or specialty service with which they consider the service would compete and to provide details to support their views, such as comparisons as to nature of the services, programming schedules, programming sources and supply, and target audience.
7. As noted above, apart from the qualified comments by GOL TV, there was no opposition to the request. The Commission determines that there is no Canadian pay or specialty service with which Benfica TV, a non-Canadian sports service in the Portuguese language, would be competitive.
8. In light of the above, the Commission **approves** the addition of Benfica TV 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 website at www.crtc.gc.ca under "Broadcasting Sector" and may be obtained in hard copy on request.
9. With regard to the concern expressed by GOL TV, the Commission notes that it has authorized Benfica for distribution in Canada as a third-language service. If a non-Canadian service on the digital lists changes its format so as to become competitive with a Canadian service, the Commission can remove the service from the lists after conducting the appropriate public process. In addition, again after a suitable process, it is open to the Commission to find that a service has changed to such an extent that it is no longer the same service that was originally added to the lists. Such a finding would necessitate a reassessment as to the competitiveness of the service, and whether or not it should remain authorized for distribution in Canada.

Secretary General

Related documents

- *Call for comments on the proposed addition of Benfica TV, a non-Canadian sports service, to the lists of eligible satellite services for distribution on a digital basis, Broadcasting Notice of Consultation CRTC 2009-714, 23 November 2009*

- *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>.