



## Broadcasting Notice of Consultation CRTC 2011-112

PDF version

Ottawa, 21 February 2011

### **Call for comments on the addition of six non-Canadian services to the lists of eligible satellite services for distribution on a digital basis**

#### **Deadline for comments: 23 March 2011**

1. The Commission received a request dated 30 November 2010 from Soundview Entertainment Inc. (Soundview) for the addition of six non-Canadian services to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Soundview described the services as follows:

Benglavision, Channel One and Ekushey TV (ETV) are general-interest Bengali-language services that offer programming from a broad spectrum of program genres and categories.

Cine Bangla is a niche Bengali-language service devoted to entertainment, film and film-related programming.

Express News is a niche Urdu-language news and public affairs service.

Sahara Samay is a niche Hindi-language news and public affairs service.

2. 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 to any requirement deemed appropriate by the Commission. 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.
3. In regard to non-Canadian news services, however, the Commission considers a more open-entry approach to be consistent with the importance it places on a diversity of editorial points of view. Accordingly, the Commission stated in paragraph 246 of Broadcasting Public Notice 2008-100:

absent clear evidence, as determined by the Commission, that a non-Canadian news service would violate Canadian regulations, such as those regarding abusive comment, the Commission will be predisposed to authorize non-Canadian news services for distribution in Canada.

4. The Commission invites comments on the requests described above, including on the appropriate characterization of the services in question as general interest or niche services, or as news services. With respect to those services appropriately characterized as niche, the Commission will rely primarily on the comments filed to identify the Canadian pay and specialty services with which the services 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 these non-Canadian services would be competitive should therefore name the specific Canadian pay or specialty service with which they consider the services 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.
5. Consistent with the open-entry approach regarding non-Canadian news services and in particular with the importance placed by the Commission on a diversity of editorial points of view, parties wishing to submit that a non-Canadian news service should not be authorized for distribution in Canada should provide detailed support for their position. Such support might consist, for example, of transcripts or tapes of actual programs aired on the service, along with details as to the date or dates on which they aired.

### **Call for comments**

6. The Commission calls for comments on Soundview's request for the addition of these six services to the digital lists. Parties submitting comments on the requests should also submit a true copy of their comments to the Canadian sponsor, Soundview, at the following address:

Soundview Entertainment Inc.

2244 Drew Road, Unit #6

Mississauga, Ontario

L5S 1B1

Email: babramson@mccarthy.ca

Fax: 905-908-2171

7. Proof that comments have been sent to Soundview must accompany the original version of the comments sent to the Commission.
8. Comments on Soundview's request must be received by the Commission no later than **23 March 2011**. A copy of the comments must be received by Soundview no later than the deadline for receipt of comments by the Commission.
9. Soundview 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 **7 April 2011**.

10. 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.

### **Procedures for filing comments**

11. Interested parties can file their comments to the Secretary General of the Commission in **only one** of the following formats:

**By using the**  
[\[Broadcasting interventions/comments form\]](#)

or

**By mail to**  
CRTC, Ottawa, Ontario K1A 0N2

or

**By fax at**  
819-994-0218

12. The Commission advises those who file and serve by electronic means to exercise caution when using e-mail for service of documents or notification, as it may be difficult to establish that service has occurred.
13. Parties must ensure that, before initiating service through electronic mode, they will be able to satisfy the Commission, upon request, that service of the notification was completed.
14. Submissions longer than five pages should include a summary.
15. Each paragraph of the submission should be numbered. In addition, where the intervention is filed by electronic means, the line **\*\*\*End of document\*\*\*** should be entered following the last paragraph of the document, as an indication that the document has not been damaged during electronic transmission.

### **Important notice**

16. All information that parties provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's website 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 website. This information includes personal information, such as full names, e-mail addresses, postal/street addresses, telephone and facsimile numbers, and any other personal information parties provide.

17. The personal information that parties 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.
18. Documents received electronically or otherwise will be put on the Commission's website in their entirety exactly as received, 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.
19. The information that parties 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 web page of this particular public process. As a result, a general search of the Commission's website with the help of either its own search engine or a third-party search engine will not provide access to the information that was provided as part of this public process.
20. The Commission encourages interested parties to monitor the public examination file and the Commission's website for additional information that they may find useful when preparing their comments.

### **Examination of documents**

21. A list of all comments will also be available on the Commission's website. An electronic version of all comments submitted will be accessible from this list. To access the list, select "Lists of interventions/comments" under "Public Proceedings" from the Commission's website.
22. The public may examine public comments and related documents at the following Commission offices during normal business hours.

### **Location of Commission offices**

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

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

Les Terrasses de la Chaudière  
Central Building  
1 Promenade du Portage, Room 206  
Gatineau, Quebec  
J8X 4B1  
Tel.: 819-997-2429  
Fax: 819-994-0218

***Regional offices***

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  
Fax: 204-983-6317

2220 – 12<sup>th</sup> Avenue  
Suite 620  
Regina, Saskatchewan  
S4P 0M8  
Tel.: 306-780-3422

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

858 Beatty Street  
Suite 290  
Vancouver, British Columbia  
V6B 1C1  
Tel.: 604-666-2111  
Fax: 604-666-8322

Secretary General

**Related documents**

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *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