



Broadcasting Regulatory Policy CRTC 2011-269

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Route reference: 2011-112

Ottawa, 21 April 2011

Addition of six non-Canadian services to the lists of eligible satellite services for distribution on a digital basis

*The Commission **approves** a request to add six non-Canadian services to the lists of eligible satellite services for distribution on a digital basis. 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 from Soundview Entertainment Inc. (Soundview) dated 30 November 2010 to add 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:
 - Benglavisión, 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; and
 - Sahara Samay is a niche Hindi-language news and public affairs service.
2. In Broadcasting Public Notice 2004-96, the Commission stated that requests to add non-Canadian general interest third-language services to the digital lists would generally be approved, subject to any requirement it deemed appropriate. 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 such services are partially or totally competitive with Canadian pay or specialty services. However, as regards non-Canadian news services, 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, in Broadcasting Public Notice 2008-100, the Commission announced that in the absence of clear evidence, as determined by the Commission, that a non-Canadian news service would violate Canadian regulations, such as those regarding abusive comment, it would be predisposed to authorize non-Canadian news services for distribution in Canada.

3. Consistent with this approach, in Broadcasting Notice of Consultation 2011-112 the Commission called for comments on the proposed addition of the above-noted services to the digital lists. The Commission stated that it would 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 services. The Commission also stated that parties wishing to argue that one of these services should not be authorized for distribution in Canada should provide detailed support for their position.
4. The Commission received one comment in response to Broadcasting Notice of Consultation 2011-112. The comment can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and determinations

5. The Commission notes that the comment received questioned its general approach to the addition of non-Canadian niche services. The Commission considers that the comment falls outside the scope of this proceeding. Moreover, the Commission notes that in Broadcasting Public Notice 2008-100 it decided to retain its current approach, concluding that it reflects the objectives of the *Broadcasting Act* in that it gives priority to the distribution of Canadian services while recognizing the choice, diversity and alternative perspectives that can be added to the system by the availability of non-Canadian programming and programming services.
6. In the absence of opposing comments, the Commission concludes that there is no Canadian pay or specialty service with which these six services would compete. Consequently, the Commission **approves** the addition of the above-noted services 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.

Secretary General

Related documents

- *Call for comments on the addition of six non-Canadian services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Notice of Consultation CRTC 2011-112, 21 February 2011
- *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