



Broadcasting Decision CRTC 2005-547

Ottawa, 21 November 2005

MediaNet Canada Ltd.
Across Canada

Application 2005-0042-2
Public Hearing in the National Capital Region
15 August 2005

JTV – Jewish Television – Licence amendment

*In this decision, the Commission **approves** an application by MediaNet Canada Ltd. to amend the broadcasting licence for the Category 2 specialty service known as JTV - Jewish Television in order to modify certain conditions of licence.*

Background

1. In *JTV – Jewish Television – Category 2 specialty service*, Broadcasting Decision CRTC 2004-497, 18 November 2004 (Decision 2004-497), the Commission approved an application by MediaNet Canada Ltd. (MediaNet), for a broadcasting licence to operate a national, ethnic Category 2¹ specialty programming undertaking to be known as JTV – Jewish Television (JTV).

The application

2. The Commission received an application by MediaNet, requesting various amendments to the broadcasting licence for JTV. The licensee proposed to:
 - alter the wording of the condition of licence describing the nature of JTV's service;
 - decrease from 55% to 25% the amount of programming to be broadcast in the Yiddish and Hebrew languages;
 - increase, from a combined total of 30%, to a combined total of 65%, the maximum amount of programming to be broadcast in the English and French languages;
 - increase from 5% to 10% the minimum amount of programming to be broadcast in the Arabic and Russian languages;
 - delete the reference to the broadcast of programming in the German language; and

¹ The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

- add a condition of licence prohibiting the broadcast of English- and/or French-language programming drawn from category 6(a) Professional sports.
3. The licensee also proposed to increase the broadcast of Canadian programs, from 15% to 25% for the first and second broadcast years of the licence term, and of the evening broadcast period during those years. The licensee further proposed to increase the broadcast of Canadian programs, from 15% to 35% in the third and subsequent broadcast years of the licence term, and of the evening broadcast period during those years. Approval of these increases in Canadian programming would require the deletion of condition of licence number 8 as 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 (Public Notice 2000-171-1), and the imposition of an amended condition of licence.

Interventions

4. The Commission received an intervention by Mr. Harold Wignarajah, who expressed concerns related to MediaNet Canada Ltd.'s viability as a corporation.

Licensee's proposals

Nature of service

5. The current nature of service condition of licence of JTV is:

The licensee shall provide a national, ethnic Category 2 specialty programming undertaking directed particularly towards young Jewish Canadians. The service shall be devoted to programming that reflects the Jewish religion and lifestyle.

6. The licensee proposed to replace that condition of licence with the following:

The licensee shall provide a national Category 2 specialty programming undertaking devoted to the Canadian Jewish community at all times with an emphasis on young Canadian Jews. The programming will have an emphasis on the Jewish religion, lifestyle and heritage. Programming will consist of Canadian and foreign Jewish programs with a large portion produced by and for young Jewish Canadians.

Programming in Yiddish and Hebrew

7. JTV is currently subject to a condition of licence requiring that not less than 55% of all programming broadcast in each broadcast week be in the Yiddish and Hebrew languages.
8. The licensee proposed to replace that condition of licence with the following:

The licensee shall not broadcast less than 25% of all programming broadcast in the broadcast week in the Yiddish and Hebrew languages.

Programming in English and French

9. The licensee is currently subject to two conditions of licence relating to the programming to be broadcast in English and in French. One condition requires that not more than 20% of all programming be in the English language, and the other requires that not more than 10% of all programming be in the French language.
10. The licensee proposed to combine the requirements for English- and French-language programming into one condition of licence, as follows:

Not more than 65% of all programming broadcast in the broadcast week shall be in the English and/or French language.

11. The licensee indicated that, if the majority of programming is in the English language, all generations of its target audience in the Jewish community would be better served.

Programming in Arabic, Russian and German

12. JTV is currently required by condition of licence to devote not less than 5% of all programming during each broadcast week to programming in the Arabic, Russian and German languages.
13. The licensee proposed to replace that condition of licence with the following:

Not less than 10% of all programming broadcast in the broadcast week shall be in the Arabic and/or Russian languages.

Sports programming

14. JTV is currently subject to a condition of licence which restricts the broadcast of programming drawn from category 6(a) Professional sports and category 6(b) Amateur sports to 15% of all programming aired during the broadcast week.
15. As part of its application, the licensee requested the addition of a condition of licence which would also prohibit the broadcast of English- and/or French-language programming drawn from category 6(a) Professional sports.

Canadian programming

16. The licensee of JTV is currently subject to the general conditions of licence set out in Public Notice 2000-171-1, which specify that a licensee of an ethnic Category 2 service shall devote not less than 15% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.

17. The licensee proposed to adhere to a condition of licence requiring that, in the first and second years of operation, not less than 25% of the broadcast year and of the evening broadcast period shall be devoted to the broadcast of Canadian programs. The licensee further proposed that, in the third broadcast year of the licence term, and in each year thereafter, not less than 35% of the broadcast year and of the evening broadcast period shall be devoted to the broadcast of Canadian programs.
18. Approval of this request would require the deletion of the licensee's requirement to adhere to condition of licence number 8 set out in Public Notice 2000-171-1, and the imposition of an amended condition of licence, as follows:
 - In the first and second years of operation, the licensee shall devote not less than 25% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.
 - In the third year of operation, and in each year thereafter, the licensee shall devote not less than 35% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.

Commission's analysis and determination

19. With respect to the concerns expressed by the intervener, the Commission is satisfied that MediaNet is a qualified corporation pursuant to the CRTC's eligibility requirements as set out in *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.
20. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. While the Commission does not consider the impact that a new Category 2 service might have on an existing Category 2 service, it does seek to ensure that new licensed Category 2 services do not compete directly with an existing pay or specialty television service, including any Category 1 service.
21. In *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, and Public Notice 2000-171-1, the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an analog pay or specialty or existing Category 1 service, although not with an existing Category 2 service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question.
22. The Commission notes that no interventions in opposition to this application were submitted by analog pay or specialty or Category 1 services.

23. Consistent with its approach, the Commission examined the application to determine whether the proposed changes would make JTV competitive with an existing analog pay or specialty, or existing Category 1 service. The Commission determines that approval of the proposed licence amendments will not make JTV directly competitive with any of these services. Accordingly, the Commission **approves** the application by MediaNet Canada Ltd. to amend the broadcasting licence for the national Category 2 specialty programming undertaking known as JTV – Jewish Television, by replacing the conditions of licence as set out in Decision 2004-497, with the **conditions of licence** set out in the appendix to this decision.

Secretary General

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 2005-547

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 (Public Notice 2000-171-1).
2. The licensee shall provide a national Category 2 specialty programming undertaking devoted exclusively to the Canadian Jewish community, with an emphasis on young Canadian Jews. The programming shall have an emphasis on the Jewish religion, lifestyle and heritage. Programming shall consist of Canadian and foreign Jewish programs with a large portion produced by, and for, young Jewish Canadians.
3. The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
 - (b) Long-form documentary
 - 3 Reporting and actualities
 - 4 Religion
 - 6 (a) Professional sports
 - (b) Amateur sports
 - 7 (a) Ongoing drama series
 - (b) Ongoing comedy series (sitcoms)
 - (d) Theatrical feature films aired on TV
 - (e) Animated television programs and films
 - 8 (b) Music video clips
 - (c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. Not more than 15% of all programming broadcast during the broadcast week shall be drawn from category 7 Drama and comedy.
5. Not less than 25% of all programming broadcast during the broadcast week shall be in the Yiddish and Hebrew languages.

6. Not more than 65% of all programming broadcast during the broadcast week shall be in the English and/or French language.
7. Not less than 10% of all programming broadcast during the broadcast week shall be in the Arabic and/or Russian languages.
8. Not more than 20% of all programming broadcast during the broadcast week shall be drawn from category 8(b) Music video clips and 8(c) Music video programs.
9. Not more than 15% of all programming broadcast during the broadcast week shall be drawn from category 6(a) Professional sports and category 6(b) Amateur sports.
10. The licensee shall not broadcast any English- and/or French-language programming drawn from category 6(a) Professional sports.
11. All live event coverage in the programming drawn from category 6(a) shall originate solely outside North America.
12. Conditions of licence numbers 7 and 8 set out in Public Notice 2000-171-1 are replaced by the following:
 - a) In the first and second years of operation, the licensee shall devote not less than 25% of the broadcast year, and of the evening broadcast period, to the broadcast of Canadian programs.
 - b) In the third year of operation, and in each year thereafter, the licensee shall devote not less than 35% of the broadcast year and of the evening broadcast period to the broadcast of Canadian programs.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.