



## Broadcasting Decision CRTC 2005-95

Ottawa, 4 March 2005

**Ravinder Singh Pannu, on behalf of a corporation to be incorporated**  
Across Canada

*Application 2004-0389-0*  
*Public Hearing in the National Capital Region*  
*1 December 2004*

### **IN-CLASSIC-TV – Category 2 specialty service**

*In this decision, the Commission **denies** the application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

#### **The application**

1. The Commission received an application by Ravinder Singh Pannu, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national ethnic Category 2<sup>1</sup> specialty programming undertaking to be known as IN-CLASSIC-TV.
2. The applicant proposed to offer a classic feature films and mini-series programming service that would be devoted to the Punjabi-, Hindi- and Urdu-speaking communities. All of the programming would be drawn from categories 7(c) (Specials, mini-series, made-for-TV feature films), 7(d) (Theatrical feature films aired on TV), 9 (Variety), 11 (General entertainment and human interest) and 13 (Public service announcements), as set out in Schedule 1 to the *Specialty Services Regulations, 1990* (the Regulations).
3. At the 1 December 2004 public hearing, the Commission considered a total of six applications by Mr. Pannu for new Category 2 specialty programming undertakings. Mr. Pannu currently controls S.S.TV Inc., which is the licensee of SSTV, a Category 2 specialty service dedicated to programming that focuses on Punjabi religious teachings and religion as well as music, dance and video based on Punjabi culture, and news and information concerning East Indian countries and Punjabi communities in Canada.

#### **The interventions**

4. The Commission received a comment on this application by Rogers Cable Inc. (Rogers) and an opposing intervention by Shantichandra B. Shah, on behalf of Asian Television Network International Limited and its subsidiaries, including South Asian Television Canada Limited (SATV), the licensee of ATN, a national analog ethnic specialty television service that is targeted to Canada's South Asian communities.

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<sup>1</sup> 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.

5. Rogers commented that the Commission should issue a moratorium on the licensing of any new ethnic Category 2 services until it has completed the review of its approach in assessing requests to add non-Canadian third-language television services to the Commission's lists of satellite services eligible for distribution on a digital basis<sup>2</sup>.
6. Mr. Shah expressed concern that the proposed IN-CLASSIC-TV service would eventually evolve into a Hindi-language entertainment service that would compete directly with ATN, contrary to the Commission's policy that Category 2 services not be directly competitive with analog specialty services.

#### **The applicant's response**

7. In response to Rogers' comment, the applicant submitted that applications for Canadian services should be given priority over those for non-Canadian third-language programming services.
8. In response to Mr. Shah's intervention, the applicant submitted that IN-CLASSIC-TV would not be competitive with ATN. The applicant stated that its proposed service would not target all South Asian communities in Canada, but would be devoted exclusively to the Punjabi-, Hindi- and Urdu-speaking communities. Further, the proposed service would consist predominantly of movies, while 94% of ATN's schedule is made up of programming other than movies.
9. The applicant noted that SATV has been authorized to operate a Category 2 pay television service devoted predominantly to Hindi-language movies<sup>3</sup>, and a Category 2 specialty television service targeting the Punjabi-speaking community<sup>4</sup>. At the same time, the applicant pointed out that competition between Category 2 services is wholly consistent with the Commission's policy concerning such services.

#### **The Commission's analysis and determination**

10. With respect to Rogers' comment, the Commission notes that it has completed its review and set out its findings in *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-96, 16 December 2004.

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<sup>2</sup> *Review of the approach to assessing requests to add non-Canadian third-language services to the lists of eligible satellite services for distribution on a digital basis – Call for comments*, Broadcasting Public Notice CRTC 2004-53, 15 July 2004.

<sup>3</sup> *Hindi Movie Channel*, Decision CRTC 2000-683, 24 November 2000 and 14 December 2000.

<sup>4</sup> *Punjabi Channel*, Decision CRTC 2000-686, 24 November 2000 and 14 December 2000.

11. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000 (Public Notice 2000-6), the Commission implemented a competitive, open-entry approach to licensing Category 2 services. In *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, and Public Notice CRTC 2000-171-1, 6 March 2001 – *Corrected Appendix 2*, 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.
12. In the present case, the Commission notes that the proposed service targets an audience similar to that currently served by ATN. In addition, the Commission notes that a significant amount of programming would be drawn from subcategories 7(c) and 7(d), which are categories similar to those found to a significant extent in the schedule of ATN. The Commission further notes that the applicant did not propose conditions of licence defining classic feature films in order to limit the flexibility it would have to broadcast programs that are, or could be, available on existing specialty services such as ATN.
13. Based on the foregoing, the Commission concludes that the proposed Category 2 service would compete directly with the existing specialty television service ATN. Accordingly, the Commission **denies** the application by Ravinder Singh Pannu, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national ethnic Category 2 specialty programming undertaking IN-CLASSIC-TV.
14. The Commission notes that it has issued a call for comments on a more open entry framework for third-language ethnic Category 2 pay and specialty services in *Call for comments on a proposed new approach to the consideration of applications for Canadian third-language ethnic Category 2 pay and specialty services*, Broadcasting Public Notice CRTC 2005-17, 25 February, 2005.

Secretary General

*This decision 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>*