



## Broadcasting Decision CRTC 2006-649

Ottawa, 28 November 2006

### **TORO TV Corporation, on behalf of a corporation to be incorporated Across Canada**

*Application 2006-0212-9*

*Public Hearing at Québec, Quebec*

*11 September 2006*

### **CANAL CORAZON – Category 2 specialty service**

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

#### **The application**

1. The Commission received an application by TORO TV Corporation, 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 CANAL CORAZON.
2. The applicant proposed to offer a third-language niche service that would be devoted to Canadian and international Spanish-language soap opera entertainment, targeting the Spanish-speaking community in Canada. The applicant proposed that not less than 90% of all programming broadcast during the broadcast week would be in the Spanish language. All of the programming would be drawn from the following categories set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 2(a) Analysis and interpretation; 2(b) Long-form documentary; 7(a) Ongoing drama series; 7(c) Specials, mini-series or made-for-TV feature films; 7(d) Theatrical feature films aired on TV; 7(e) Animated television programs and films; 7(g) Other drama; 9 Variety; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
3. The Commission did not receive any interventions in connection with this application.

#### **Commission's analysis and determinations**

4. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced 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). Furthermore, given that the service will offer

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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.

more than 90% of its programming in a third language, the Commission is satisfied that the application falls under *Revised approach for the consideration of broadcasting licence applications proposing new third-language ethnic Category 2 pay and specialty services*, Broadcasting Public Notice CRTC 2005-104, 23 November 2005 (Public Notice 2005-104). Accordingly, the Commission **approves** the application by TORO TV Corporation, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, niche third-language ethnic Category 2 specialty programming undertaking, CANAL CORAZON.

5. The Commission notes that CANAL CORAZON will devote at least 90% of its program schedule to programming in the Spanish language. In accordance with Public Notice 2005-104, the remainder of the program schedule, i.e., up to 10% may be in one or both official languages. The Commission encourages the applicant to ensure that all such programming serves to promote Canada's linguistic duality.
6. The licence will expire 31 August 2013, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

#### **Issuance of the licence**

7. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
  - an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
  - the applicant has entered into a distribution agreement with at least one licensed distributor; and
  - the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 28 November 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

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 2006-649

### 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.
2. The licensee shall provide a national, niche third-language ethnic Category 2 specialty programming service devoted to Canadian and international Spanish-language soap opera entertainment targeting the Spanish-speaking community in Canada.
3. The programming shall 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:
  - 2 (a) Analysis and interpretation
  - (b) Long-form documentary
  - 7 (a) Ongoing drama series
  - (c) Specials, mini-series or made-for-TV feature films
  - (d) Theatrical feature films aired on TV
  - (e) Animated television programs and films
  - (g) Other drama
  - 9 Variety
  - 11 General entertainment and human interest
  - 12 Interstitials
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
4. Not less than 90% of all programs broadcast during the broadcast week shall be in the Spanish language.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.