



Broadcasting Decision CRTC 2006-677

Ottawa, 14 December 2006

1494679 Ontario Inc.
Across Canada

Application 2006-1178-2
Broadcasting Public Notice CRTC 2006-130
10 October 2006

ERT sat Canada (previously known as Odyssey II) – Licence amendment

*The Commission **approves** the application to amend the broadcasting licence for ERT sat Canada (previously known as Odyssey II), by adding to the list of program categories that may be broadcast by the service.*

The application

1. The Commission received an application by 1494679 Ontario Inc. (1494679) to amend the broadcasting licence for the national, ethnic Greek-language Category 2 specialty programming undertaking ERT sat Canada (previously known as Odyssey II), in order to add to the list of program categories that may be broadcast by the service.
2. The licensee proposed to broaden its nature of service by amending condition of licence 1.b) set out in *Odyssey II*, Broadcasting Decision CRTC 2000-642, 14 December 2000, which stipulates that the programming broadcast by ERT sat Canada must be drawn from categories 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 8(c), 9, 10, 11, 12, 13 and 14, as set out in Schedule I to the *Specialty Regulations, 1990* (the Regulations).
3. 1494679 requested authority to also broadcast programming drawn from categories 4 Religion, 5(a) Formal education and pre-school, and 8(a) Music and dance other than music video programs or clips.
4. The licensee stated that the changes requested would allow it to meet the changing needs and requirements of its subscribers. It further indicated that the changes would give the service the same flexibility in programming currently allowed to a substantial number of ethnic specialty television services.
5. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

6. 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 newly licensed Category 2 services do not compete directly with any existing pay or specialty television service, including any Category 1 service.
7. Consistent with its policy, the Commission has examined the application to determine whether the proposed changes will make ERT sat Canada competitive with any existing specialty, pay or Category 1 service. The Commission has determined that approval of the proposed licence amendment will not make ERT sat Canada directly competitive with any of these services.
8. Accordingly, the Commission **approves** the application by 1494679 Ontario Inc. to amend the broadcasting licence for the national Category 2 specialty programming undertaking presently known as ERT sat Canada, by adding program categories to the list of categories from which the licensee may draw its programming.
9. The amended condition of licence 1.(b) now reads as follows:

1.(b) The programming must be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*:

- 1 News
- 2 (a) Analysis and interpretation
(b) Long-form documentary
- 3 Reporting and actualities
- 4 Religion
- 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure
- 6 (a) Professional sports
(b) Amateur sports
- 7 (a) Ongoing drama series
(b) Ongoing comedy series (sitcoms)
(c) Specials, mini-series or made-for-TV feature films
(d) Theatrical feature films aired on TV
- 8 (a) Music and dance other than music video programs or 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.

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>