



Broadcasting Decision CRTC 2007-283

Ottawa, 8 August 2007

Tempo Media Inc.
Across Canada

Application 2007-0173-1, received 31 January 2007
Public Hearing in the National Capital Region
18 June 2007

Maks TV – Category 2 specialty service

*The Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

1. Tempo Media Inc. filed an application for a broadcasting licence to operate Maks TV, a national, ethnic Category 2 specialty service consisting of humour, music, fashion, ballroom and other forms of dancing as well as other forms of entertainment directed to Russian-speaking people living in Canada. Not less than 70% of the programming would be in the Russian language with the remainder in the English language.
2. The applicant also requested authority to broadcast up to six minutes per hour of local and regional advertising.
3. The Commission did not receive any interventions in connection with this application.
4. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by Tempo Media Inc. for a broadcasting licence to operate the national, ethnic Category 2 specialty programming undertaking Maks TV.
5. As set out in Broadcasting Public Notice 2005-104, the Commission generally permits new ethnic specialty services to broadcast up to six minutes per hour of local advertising unless an intervenor makes a compelling case to the contrary. In the present case, there were no interventions opposing the proposal to broadcast local advertising. The Commission therefore **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising.
6. The terms and **conditions of licence** for the new service, including a condition of licence authorizing the broadcast of local advertising, are set out in the Appendix to this decision.

Secretary General

Related documents

- *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
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000

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 2007-283

Terms and conditions of licence for the Category 2 specialty programming undertaking Maks TV

Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- 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 8 August 2010. 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.

The licence will expire 31 August 2013.

Conditions of licence

1. The licence shall 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, except for condition 4d) which will not apply, and condition 4a) which is replaced by:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour, no more than six (6) minutes of which may consist of local advertising.

2. The licensee shall provide a national, ethnic Category 2 specialty programming service directed to Russian-speaking people in Canada. The programming shall consist of humour, music, fashion, ballroom and other forms of dancing as well as other forms of entertainment.
3. The programming shall be drawn exclusively from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 2 (a) Analysis and interpretation
 - (b) Long-form documentary
 - 3 Reporting and actualities
 - 5 (b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
 - (b) Amateur sports
 - 7 Drama and comedy
 - (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
 - (e) Animated television programs and films
 - (f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy
 - (g) Other drama
 - 8 (a) Music and dance other than music video programs or clips
 - (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. The licensee shall broadcast not less than 70% of all programming during the broadcast week in the Russian language.
 5. The licensee shall broadcast not more than 30% of all programming during the broadcast week in the English language.
 6. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, Public Notice. 1997-486, 8 April 1997, as amended by Public Notice 1998-1268, 15 July 1998, the licensee shall file with the Commission for its prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.

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.