



Broadcasting Decision CRTC 2007-404

Ottawa, 28 November 2007

Bienesh Intl Network Inc.
Across Canada

*Application 2007-0884-4, received 7 June 2007
Broadcasting Public Hearing at Kelowna, British Columbia
30 October 2007*

Arya TV – Acquisition of assets

*The Commission **approves** the application by Bienesh Intl Network Inc. to acquire the assets of the national, Farsi-language Category 2 specialty programming service to be known as Arya TV. The Commission also **approves** the applicant's requests for a new broadcasting licence to operate Arya TV and an extension of the time limit to commence operations to **8 October 2008**.*

The application

1. The Commission received an application by Bienesh Intl Network Inc. (Bienesh Intl) to acquire the assets of the national, Farsi-language Category 2 specialty programming undertaking authorized in *Arya TV – Category 2 specialty service*, Broadcasting Decision CRTC 2004-446, 8 October 2004 (Decision 2004-446). The applicant also requested a new broadcasting licence to operate the undertaking under the same terms and conditions as those set out in Decision 2004-446, as well as a one-year extension of the time limit to commence operations.
2. Bienesh Intl is a corporation controlled by Mr. Younes Lak, the majority shareholder with 90% of the voting interest. The other shareholder is Mr. Pejman Lak with 10% of the voting interest.
3. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determinations

4. The Commission notes the specific circumstances surrounding the ownership of the authorized licensee Arya Persian TV Network Inc. since the issuance of Decision 2004-446. Originally, Arya Persian TV Network Inc. was jointly owned by Mr. Pejman Lak and Mr. Michael Arturi. In 2005, by administrative letter dated 25 November 2005 (L2005-0028), the Commission approved a transfer of control of the authorized licensee to Mr. Bijan Pardis. Given that Mr. Pardis has not been in a position to fulfil his commitments as the new owner, Mr. Lak has concluded that it is necessary to transfer the authorized service back to the original owners.

5. Considering the nature of the proposed assets transaction, the Commission will not impose a requirement for the applicant to pay tangible benefits. However, the Commission notes the applicant's commitment to meet the undisbursed tangible benefits package of \$10,000 to be spent on a Canadian music and dance and variety program (categories 8 and 9) within the Arya TV programming schedule within 24 months of the commencement of operations, as set out in administrative letter L2005-0028.
6. The Commission is satisfied that the transaction is in the public interest and that the integrity of its licensing process would not be compromised by its approval. Accordingly, the Commission **approves** the application by Bienesh Intl Network Inc. to acquire the assets of the national, Farsi-language Category 2 specialty programming undertaking to be known as Arya TV and to obtain a new broadcasting licence to operate Arya TV. The licence will expire 31 August 2011, the current licence expiry date, and will be subject to the same terms and **conditions** as those set out in Decision 2004-446 and administrative letter L2005-0028.
7. The Commission also **approves** the applicant's request for a further extension of the time limit to commence operations by extending to **8 October 2008** the deadline by which Arya TV must be in operation. This is the final extension to be granted by the Commission with respect to the implementation of this service.
8. Given that Arya TV is not yet in operation and that no licence has been issued for this undertaking, the Commission reminds the applicant that a licence will only be issued once the applicant has satisfied the Commission that the requirements set out in Decision 2004-446 and in administrative letter L2005-0028 have been met.

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>