



Broadcasting Decision CRTC 2010-837

PDF version

Route reference: 2010-295

Ottawa, 10 November 2010

TelAfric Incorporated
Across Canada

Application 2010-0456-4, received 10 March 2010
Public Hearing in the National Capital Region
19 July 2010

African Diaspora Television – Category 2 specialty service

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

The application

1. TelAfric Incorporated (TelAfric) filed an application for a broadcasting licence to provide African Diaspora Television (ADTV), a national, ethnic Category 2 specialty programming undertaking that would offer programs from Africa and the nations of the African Diaspora that would appeal to a general base of African Canadians. The aim of ADTV is to feature a spread of programs that would thematically focus on the various heritages and cultures of Africa, the Caribbean, and other parts of the African Diaspora. The Commission did not receive any interventions in connection with this application.
2. TelAfric is a Canadian corporation whose shareholders Olusoji Oyinsan and Olubunmi Oyinsan own 55% and 45%, respectively. TelAfric is controlled by its majority shareholder, Olusoji Oyinsan.
3. The applicant proposed to draw programming for the proposed service from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 4, 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11, 12, 13 and 14.
4. TelAfric stated that not less than 15% of the programming broadcast during the broadcast week would be in various African languages.
5. While the licensee has agreed to caption 100% of its English-language programming, it requested a delay of the implementation of this commitment until the fourth year of the licence term due to financial concerns.

Commission's analysis and determination

6. In Broadcasting Regulatory Policy 2010-355, in accordance with Broadcasting and Telecom Regulatory Policy 2009-430, the Commission set out standardized conditions of licence concerning accessibility of programming for Category 2 pay and specialty services.
7. As noted above, TelAfric agreed to caption 100% of its English-language programming, but requested the flexibility to implement this requirement in the fourth year of the licence term. The applicant cited financial concerns as the reason for delaying the implementation of the closed captioning requirement.
8. In the present case, the Commission considers that TelAfric did not provide the required specific financial evidence to justify the requested flexibility. Accordingly, the Commission requires African Diaspora Television to caption 100% of its English-language programming, with the exception of advertising and promos, upon commencement of operations, as per the standardized captioning requirement set out in Broadcasting Regulatory Policy 2010-355.

Conclusion

9. The Commission is satisfied that the application complies with the frameworks set out in Public Notice 2000-6 and Broadcasting Public Notice 2008-100, with the approaches set out in Broadcasting Public Notices 2003-61 and 2006-74, and with all applicable terms and conditions set out in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by TelAfric Incorporated for a broadcasting licence to operate the national, ethnic Category 2 specialty programming undertaking African Diaspora Television. The terms and **conditions of licence** are set out in the appendix to this decision.

Reminder

10. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.

Secretary General

Related documents

- *Implementation of the Accessibility Policy with respect to new Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010
- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Regulatory framework for the licensing and distribution of high definition pay and specialty services*, Broadcasting Public Notice CRTC 2006-74, 15 June 2006
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *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.*

Appendix to Broadcasting Decision CRTC 2010-837

Terms and conditions of licence for the Category 2 specialty programming undertaking African Diaspora Television

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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2017.

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 will be subject to the conditions set out in *Implementation of the Accessibility Policy with respect to Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.
3. The licensee shall provide a national, ethnic Category 2 specialty programming service devoted to programs from Africa and the nations of the African diaspora that will appeal to a general base of African Canadians. The aim of the service is to feature a spread of programs that will thematically focus on the various heritages and cultures of Africa, the Caribbean, and other parts of the African Diaspora.
4. The programming shall be drawn exclusively from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 1 News
 - 2 (a) Analysis and interpretation
(b) Long-form documentary
 - 3 Reporting and actualities
 - 4 Religion
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 Drama and comedy

- (a) Ongoing dramatic 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, improvisation, 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
5. Not less than 15% of the program schedule shall be devoted to programming broadcast in various African languages.
 6. In order to ensure that the licensee complies at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998, the licensee shall file, for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party.
 7. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.
 8. The licensee is authorized to make available for distribution a version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in HD.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.