



Broadcasting Decision CRTC 2011-134

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Route reference: 2010-715

Ottawa, 28 February 2011

Asian Television Network International Limited
Across Canada

Application 2010-1123-8, received 12 July 2010
Public Hearing in the National Capital Region
26 November 2010

ATN Comedy Channel One – Category 2 specialty service

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

*The Commission also **approves** the applicant's request relating to the broadcast of local advertising.*

The application

1. Asian Television Network International Limited (ATN) filed an application for a broadcasting licence to operate ATN Comedy Channel One, a national, niche third-language ethnic Category 2 specialty programming undertaking devoted to comedy programming, including interviews with comedians, scenes from their skits and shows, and movies, in the Hindi language.
2. ATN is a corporation controlled by Mr. Shan Chandrasekar.
3. The applicant proposed to draw programming for the 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: 7(b), 7(c), 7(d), 7(f), 9 and 13.
4. ATN stated that 100% of all programming broadcast during the broadcast week would be in the Hindi language. The applicant also requested permission to devote up to 6 of the 12 minutes of advertising material during each clock hour to local advertising.¹

¹ For the purposes of this condition of licence, "local advertising" is advertising that does not fall within the definition of national or regional advertising, that is, advertising to persons who provide goods or services in more than one market and/or province.

5. The Commission received an intervention commenting on the application from FDR Media Group Inc. (FDR), licensee of the third-language ethnic Category 2 services Bollywood Times HD TV and Mehndi HD TV,² to which the applicant replied. The public record for this proceeding can be found on the Commission's website at www.crtc.gc.ca under "Public Proceedings."
6. In its intervention, FDR questioned the applicant's categorization of the proposed service as a "niche" service. However, it is the Commission's view that the proposed nature of service definition, which states that ATN Comedy Channel One will be devoted to comedy programming in the Hindi language and only includes a few specific program categories, is specific enough for the service to warrant "niche" status.

Commission's analysis and determinations

7. 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. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Hindi language, the Commission is satisfied that the application falls under the definition of a third-language ethnic service established in Broadcasting Public Notice 2005-104.
8. Accordingly, the Commission **approves** the application by Asian Television Network International Limited for a broadcasting licence to operate the national, niche third-language ethnic Category 2 specialty programming undertaking ATN Comedy Channel One. The Commission also **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. The terms and **conditions of licence** are set out in the appendix to this decision.
9. The Commission notes that the applicant stated that ATN Comedy Channel One would devote all of its program schedule to programming in the Hindi language. In accordance with Broadcasting Public Notice 2005-104, the Commission has imposed a **condition of licence** that requires ATN Comedy Channel One to devote not less than 90% of its program schedule to programming in the Hindi language. 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.

Reminder

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

² See Broadcasting Decisions 2010-268 and 2010-270, respectively.

Secretary General

Related documents

- *Mehndi HD TV – Category 2 specialty service*, Broadcasting Decision CRTC 2010 270, 13 May 2010
- *Bollywood Times HD TV – Category 2 specialty service*, Broadcasting Decision CRTC 2010-268, 13 May 2010
- *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
- *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
- *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 2011-134

Terms, conditions of licence and encouragement for the Category 2 specialty programming undertaking ATN Comedy Channel One

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, except for condition 4d), which will not apply, and condition 4a), which is replaced by the following:

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.

For the purposes of this condition of licence, “local advertising” is advertising that does not fall within the definitions of national and regional advertising, that is, advertising to persons who provide goods or services in more than one market and/or province.

2. The licence 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, niche third-language ethnic Category 2 specialty programming service devoted to comedy programming, including interviews with comedians, scenes from their skits and shows, and movies, in the Hindi language.

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:
 - 7 (b) Ongoing comedy series (sitcoms)
 - (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - (f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
 - 9 Variety
 - 13 Public service announcements
5. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Hindi language.
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. 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* means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.

Encouragement

The Commission encourages the licensee to work on solutions for making third-language programming more accessible, and to caption third-language programming whenever possible.