



Broadcasting Decision CRTC 2011-487

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Route reference: 2011-55

Ottawa, 12 August 2011

Greek National Television Network (Canada) Inc. Across Canada

Application 2010-1598-3, received 26 October 2010

Public hearing in the National Capital Region

5 April 2011

OTN 3 – Specialty Category B service

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

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

The application

1. Greek National Television Network (Canada) Inc. (GNTN) filed an application for a broadcasting licence to operate OTN 3, a national, general interest, third-language ethnic Category 2¹ specialty programming undertaking that would be devoted to the Greek-speaking community in Canada. The Commission did not receive any interventions in connection with this application.
2. GNTN will be owned and controlled by its sole shareholder and sole director, Mr. Peter Maniatakos.
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, 5(b), 6(a), 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 14.²

¹ As set out in Broadcasting Notice of Consultation 2008-100, as of 31 August 2011, Category 2 services will be renamed Category B services.

² In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

4. GNTN requested permission to devote up to 6 of the 12 minutes of advertising material during each clock hour to local advertising.³

Commission's determination

5. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Greek 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.
6. In that Public Notice, the Commission implemented a revised, open-entry approach for considering applications proposing new third-language Category 2 (Category B) specialty services. Under this approach, the Commission no longer assesses the potential competitiveness of new, third-language ethnic Category B pay and specialty services with existing analog third-language ethnic specialty services. Instead, such applications are generally approved, subject in appropriate cases to both a buy-through requirement⁴ and the criteria specified in Broadcasting Public Notice . This means that broadcasting distribution undertakings choosing to distribute a new third-language Category B service may only offer such service for those who also subscribe to the existing analog third-language ethnic specialty service operating in the same language.
7. In Broadcasting Public Notice 2008-100, the Commission stated that its existing rules with respect to third-language broadcasters would be streamlined. However, it was silent on the future applicability of the Canadian buy-through requirement. The Commission notes that it is currently reviewing the matter in the context of Broadcasting Notice of Consultation 2010-931.
8. In light of the above, the Commission finds it appropriate to impose the buy-through requirement at this time by way of a condition of licence. Should the Commission decide that the buy-through requirement is no longer appropriate as a result of the proceeding currently underway in Broadcasting Notice of Consultation 2010-931, the applicant can apply to have the condition of licence removed.
9. Accordingly, the Commission **approves** the application by Greek National Television Network (Canada) Inc. for a broadcasting licence to operate the national, general

³ 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.

⁴ Under the buy-through requirement, third-language general interest Category B services that offer 40% or more of their program schedule in any of the Cantonese, Mandarin, Italian, Spanish, Greek or Hindi languages may only be offered to customers who also subscribe to the analog service operating in the same language.

interest, third-language ethnic specialty Category B service OTN 3. 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.

10. The Commission notes that OTN 3 will devote at least 90% of its program schedule to programming in the Greek language. In accordance with Broadcasting Public Notice 2005-104, 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

11. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the *Broadcasting Distribution Regulations*.

Secretary General

Related documents

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category "Reality television"*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Call for comments on amendments to the Broadcasting Distribution Regulations*, Broadcasting Notice of Consultation CRTC 2010-931, 10 December 2010
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *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
- *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 2011-487

Terms and conditions of licence for the specialty Category B service OTN 3

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 Commission requires the applicant to file a copy of its amended and executed by-laws within 12 months of the date of this decision in order to comply with the *Direction to the CRTC (Ineligibility of non-Canadians)*.

The licence will take effect 1 September 2011 and will expire 31 August 2018.

Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, except for condition 7d), which will not apply, and condition 7a), 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 licensee shall provide a national, general interest, third-language, ethnic specialty Category B service devoted to the Greek-speaking community in Canada.

3. 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
- 5 (b) Informal education/Recreation and leisure
- 6 (a) Professional 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 (a) General entertainment and human interest
- (b) Reality television
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

4. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Greek language.
5. In accordance with the buy-through requirement implemented in *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, OTN 3 may only be offered to customers who also subscribe to the analog national, ethnic specialty service Odyssey Television Network.
6. The broadcasting undertaking licensed hereby is designated as a Category B service.

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.