



## Broadcasting Decision CRTC 2012-7

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Route reference: 2011-427

Additional reference: 2011-427-1

Ottawa, 9 January 2012

**FDR Media Group Inc., on behalf of a corporation to be incorporated**  
Across Canada

*Application 2011-0765-7, received 15 April 2011*  
*Public hearing in the National Capital Region*  
*19 September 2011*

### **Masala TV – Specialty Category B service**

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

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

#### **The application**

1. FDR Media Group Inc., on behalf of a corporation to be incorporated (OBCI), filed an application for a broadcasting licence to operate Masala TV, a national, niche third-language ethnic Category 2<sup>1</sup> specialty programming undertaking devoted to programming showcasing recipes from different parts of South Asia and popular cooking styles from north (Afghanistan, Pakistan, Hyderabad, Punjabi) to south (Goan, Sri Lankan). It would also showcase the talents of master chefs from around the world as they cook South Asian delicacies. The Commission did not receive any interventions in connection with this application.
2. FDR Media Group Inc., OBCI will be owned by FDR Media Group Inc., a corporation owned by FDR Consultants Group Inc. (FDR Consultants). FDR Consultants is equally owned and controlled by three shareholders: David Martin, Shubhankar Maitra and Fariba Rawhani.

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<sup>1</sup> As set out in Broadcasting Regulatory Policy 2011-455, as of 1 September 2011, Category 2 services are renamed Category B services.

3. The applicant proposed to draw programming 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: 2(b), 5(b), 7(c), 7(d), 7(e), 10, 11,<sup>2</sup> 13 and 14.
4. The applicant proposed to broadcast not less than 90% of its programming in the Hindi language.
5. The applicant also requested that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.<sup>3</sup>

### Commission's analysis and decisions

6. 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 Hindi language, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations* (the Regulations).
7. Accordingly, the Commission **approves** the application by FDR Media Group Inc., on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, niche third-language ethnic specialty Category B service Masala TV. 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.
8. The Commission notes that Masala TV will devote at least 90% of its program schedule to programming in Hindi. In accordance with Broadcasting Public Notice 2005-104, the remainder of the program schedule (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

9. The Commission reminds the applicant that distribution of this service is subject to the requirements set out in the Regulations.

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<sup>2</sup> 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.

<sup>3</sup> "Local advertising" is advertising that does not fall within the definition of national or regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

Secretary General

**Related documents**

- *Amendments to the Broadcasting Distribution Regulations and other Commission Regulations*, Broadcasting Regulatory Policy CRTC 2011-455, 29 July 2011
- *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
- *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 2012-7**

### **Terms, conditions of licence and encouragement for the specialty Category B service Masala TV**

#### **Terms**

The applicant must file an executed copy of its amended by-laws by **9 January 2013**, ensuring that it will be in compliance with the *Direction to the CRTC (Ineligibility of Non-Canadians)*, at all times.

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

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- 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 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, i.e., advertising to persons who provide goods or services in more than one market and/or province.

2. The licensee shall provide a national, niche third-language ethnic specialty Category B service devoted to programming showcasing recipes from different parts of South Asia and popular cooking styles from north (Afghanistan, Pakistan,

Hyderabadi, Punjabi) to south (Goan, Sri Lankan). It would also showcase the talents of master chefs from around the world as they cook South Asian delicacies.

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:
  - 2 (b) Long-form documentary
  - 5 (b) Informal education/Recreation and leisure
  - 7 (c) Specials, mini-series or made-for-TV feature films
    - (d) Theatrical feature films aired on TV
    - (e) Animated television programs and films
  - 10 Game shows
  - 11 (a) General entertainment and human interest
    - (b) Reality television
  - 13 Public service announcements
  - 14 Infomercials, promotional and corporate videos
4. The licensee shall broadcast no less than 90% of all programming during the broadcast week in the Hindi language.
5. The service approved 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.

### **Encouragement**

The Commission encourages the licensee to ensure that the portion of the service's program schedule that is broadcast in the English and/or French languages serves to promote Canada's linguistic duality.