



Broadcasting Decision CRTC 2006-475

Ottawa, 6 September 2006

Golden Tunes Productions Inc.
Across Canada

Application 2004-1478-0
Public Hearing in the National Capital Region
1 May 2006

Venus TV (Indian Pop Music) – Category 2 specialty service

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

The application

1. The Commission received an application by Golden Tunes Productions Inc. for a broadcasting licence to operate a national, ethnic, Category 2¹ specialty programming undertaking to be known as Venus TV (Indian Pop Music).
2. The applicant proposed to offer a third-language, niche service that would consist of Hindi and Punjabi pop music programming. In each broadcast week, 75% of the programming broadcast by the proposed service would be in the Punjabi language, and 25% would be in the Hindi language.
3. All of the programming would be drawn from the following categories set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 8(a) Music and dance other than music video programs or clips; 8(b) Music video clips; 8(c) Music video programs; and 13 Public service announcements.

Interventions

4. The Commission received interventions in opposition to this application by Faiyaz Khan, Hazoor Elahi, Humayun Sheikh and Omar Elahi. The interveners opposed the licensing of the proposed service because, in their view, the applicant's proposal does not reflect the fact that Pakistani Punjabis and Indian Punjabis are two distinct cultural groups.

¹ The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

Applicant's replies

5. In response, the applicant acknowledged the distinction between Punjabis from the Pakistani culture and Punjabis from Indian cultures. The applicant confirmed that the proposed service would be devoted to Indian pop music. It added that the present application should not be confused with a separate application by the applicant for a Punjabi-Pakistani general interest service, which was also being considered at the 1 May 2006 public hearing².

Commission's analysis and determinations

6. The Commission is satisfied with the applicant's response to the opposing interventions. The Commission finds that the application is in conformity with all applicable terms and conditions announced in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Furthermore, given that the service will offer more than 90% of its programming in third languages, the Commission finds that the application falls under the definition of a third-language service, established 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 (Public Notice 2005-104). Accordingly, the Commission **approves** the application by Golden Tunes Productions Inc. for a broadcasting licence to operate the national, third-language niche ethnic, Category 2 specialty programming undertaking, Venus TV (Indian Pop Music).
7. The Commission notes that Venus TV (Indian Pop Music) will devote all of its program schedule to programming in the Punjabi and Hindi languages. In accordance with Public Notice 2005-104, the Commission has imposed a **condition of licence** that requires Venus TV (Indian Pop Music) to devote not less than 90% of its program schedule to programming in those languages. 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.
8. The licence will expire 31 August 2013, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

² In *Venus TV (Punjabi Pakistani) – Category 2 specialty service*, Broadcasting Decision CRTC 2006-476, 6 September 2006, the Commission approved an application by Golden Tunes Productions Inc. for a national, third-language general interest ethnic Category 2 specialty service that will provide programming devoted to the Punjabi-speaking community.

Issuance of the licence

9. 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. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 6 September 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

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>

Appendix to Broadcasting Decision CRTC 2006-475

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 shall provide a national, third-language niche ethnic Category 2 specialty programming service consisting of Hindi and Punjabi pop music programming.
3. The programming shall be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 13 Public service announcements
4. Not less than 90% of all programming broadcast during the broadcast week shall be in the Punjabi and Hindi languages.
5. Not more than 25% of all programming broadcast during the broadcast week shall be in the Hindi language.

For the purposes of the conditions of this licence, including condition of licence no. 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.