



Broadcasting Decision CRTC 2006-494

Ottawa, 12 September 2006

Odyssey Television Network Inc.
Across Canada

Application 2006-0440-7
Broadcasting Public Notice CRTC 2006-62
15 May 2006

Odyssey Television Network – Licence amendment

*The Commission **approves** an application to amend the licence for the national Greek-language analog specialty programming undertaking known as Odyssey Television Network in order to amend its nature of service condition of licence to alter the amount of Greek-language programming that must be broadcast.*

The application

1. The Commission received an application by Odyssey Television Network Inc. to amend the broadcasting licence for the national Greek-language specialty programming undertaking known as Odyssey Television Network (Odyssey), in order to amend its nature of service condition of licence to allow the service to broadcast a minimum of 90% Greek-language programming and a maximum of 10% English- or French-language programming in each broadcast week.
2. In *Odyssey Television Network – Licence renewal*, Broadcasting Decision CRTC 2004-14, 21 January 2004 (Decision 2004-14), the Commission imposed the following conditions of licence:
 - 1(a) The licensee shall provide a national ethnic specialty television service, with programming intended for the Greek communities of Canada. Subject to subsection (b), 100% of its programs shall be Greek-language ethnic programs.
 - (b) On an exceptional basis during its news, public affairs or youth programs, the licensee may distribute brief segments in the English language to accommodate interviews and other segments from persons unable to converse in Greek. All such non-Greek language inserts are to be accompanied by a summary in the Greek language and shall not constitute more than 20% of any given program.

3. The licensee proposed to amend these conditions of licence by replacing them with the following:
 - 1(a) The licensee shall provide a national ethnic specialty television service, with programming intended for the Greek communities of Canada. The licensee's programming will consist entirely of ethnic programming of which, subject to subsection (b), a minimum of 90% will be in the Greek language and a maximum of 10% will be in the English or French language.
 - (b) On an exceptional basis during the news, public affairs or youth programs presented primarily in the Greek language, the licensee may distribute brief segments in the English language to accommodate interviews and other segments from persons unable to converse in Greek. All such non-Greek-language inserts shall be accompanied by a summary in the Greek language and shall not constitute more than 20% of any given program.

The English-language programming that falls within the exception permitted by subsection (b) shall not be counted towards the English- or French-language threshold set out in subsection (a) above.

4. The licensee indicated that it would continue to broadcast only ethnic programming and stated that the proposed amendments would, therefore, not change Odyssey's nature of service or have a negative impact on other existing broadcasting services. According to the licensee, the purpose of the amendment is to better meet the needs of the Canadian Greek community, which is increasingly communicating primarily in English. The licensee added that the amendment would allow it to offer ethnic programming geared to the Greek community in the English language, allowing the service to attract new subscribers while still serving its existing subscriber base. The licensee also noted that the amendment would give it the same flexibility in programming that many other licensed ethnic specialty services currently have.

Intervention

5. The Commission received an intervention from Theo Tsirigotis who stated that Odyssey has been broadcasting a weekly two-hour English-language paid program for some time.
6. The licensee did not reply to this intervention.

Commission's analysis and determination

7. The Commission acknowledges the licensee's comments on the changing needs of the Canadian Greek community and is satisfied that the reduction of Greek-language programming from 100% to 90% on a weekly basis will not represent a significant change to Odyssey's nature of service given that it will continue to broadcast ethnic programming directed to the Greek community. The Commission is further satisfied that the proposed amendments to Odyssey's conditions of licence will not have a negative impact on other existing services.
8. The Commission also notes that the proposed amendment to Odyssey's conditions of licence are consistent with the conditions of licence applied to the other ethnic analog specialty services, which are permitted to broadcast between 15% and 40% English- and French-language ethnic programming.
9. Furthermore, the Commission notes that amending Odyssey's conditions of licence to permit a maximum of 10% English- or French-language programming would be consistent with the Commission's approach to third-language Category 2 services as set out 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, in which it established a minimum threshold requirement of 90% third-language programming for Category 2 pay and specialty services.
10. In light of the above, the Commission **approves** the application by Odyssey Television Network Inc. to amend the broadcasting licence for the national Greek-language specialty programming undertaking known as Odyssey Television Network, to amend its nature of service condition of licence to allow the service to broadcast a minimum of 90% Greek-language programming and a maximum of 10% English- or French-language ethnic programming in each broadcast week. The Commission encourages the licensee to ensure that all English- and French-language programming serves to promote Canada's linguistic duality.
11. Specifically, conditions of licence 1(a) and (b) as set out in Decision 2004-14 are replaced by the following **conditions**:
 - 1(a) The licensee shall provide a national ethnic specialty television service, with programming intended for the Greek communities of Canada. The licensee's programming will consist entirely of ethnic programming of which, subject to subsection (b) below, a minimum of 90% will be in the Greek language and a maximum of 10% will be in the English or French language.

- (b) On an exceptional basis during the news, public affairs or youth programs presented primarily in the Greek language, the licensee may distribute brief segments in the English or French language to accommodate interviews and other segments from persons unable to converse in Greek. All such non-Greek-language inserts shall be accompanied by a summary in the Greek language and shall not constitute more than 20% of any given program.

The English- or French-language programming that falls within the exception permitted by subsection (b) shall not be counted towards the English- or French-language threshold set out in subsection (a) above.

12. Finally, the Commission notes the intervention by Mr. Tsirigotis, which indicated that Odyssey has been broadcasting a weekly two-hour English-language paid program. Prior to the approval of the application that is the subject of this decision, Odyssey was prohibited from broadcasting English- and French-language programming other than on an exceptional basis as set out in its previous condition of licence 1(b). It appears that the programming in question was infomercial programming, which, in accordance with Odyssey's conditions of licence, must be in the Greek language. The Commission reminds the licensee that, while it will now be permitted to broadcast a limited amount of English- and French-language programming, all of its programming, including that which falls under category 14 (Infomercials, promotional and corporate videos), must conform with its conditions of licence. The Commission will review the licensee's compliance with its conditions of licence at the time of Odyssey's licence renewal.

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>