



Broadcasting Decision CRTC 2006-647

Ottawa, 28 November 2006

Iranian TV Canada Inc.
Across Canada

Application 2006-0235-1
Public Hearing at Québec, Québec
11 September 2006

Iranian TV Canada – 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 Iranian TV Canada Inc. for a broadcasting licence to operate a national, ethnic Category 2¹ specialty programming undertaking to be known as Iranian TV Canada.
2. The applicant proposed to offer a third-language, general interest service that would consist of a broad range of programming that would be devoted to Canadian viewers of Iranian descent. Not less than 90% of all programming broadcast during the broadcast week would be in the Farsi language.
3. All of the programming would be drawn from the following categories set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 5(b) Informal education/Recreation and leisure; 6(a) Professional sports; 6(b) Amateur sports; 7(a) Ongoing drama series; 7(b) Ongoing comedy series (sitcoms); 7(c) Specials, mini-series or made-for-TV feature films; 7(d) Theatrical feature films aired on TV; 7(e) Animated television programs and films; 7(f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy; 7(g) Other drama; 8(a) Music and dance other than music video programs or clips; 8(b) Music video clips; 8(c) Music video programs; 9 Variety; 10 Game shows; 11 General entertainment and human interest; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.

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.

4. Further, the applicant requested that it be authorized, by condition of licence, to broadcast up to six minutes per hour of local or regional advertising.

Interventions

5. Three interventions in opposition to this application were received by the Commission. One was submitted by Arya Persian TV Network Inc. (Arya TV), which was recently licensed to provide a national, Farsi-language Category 2 service. Two interventions were submitted by former employees of Iranian TV Canada Inc.
6. Arya TV expressed the view that, when considering applications which seek to provide a very similar service in a narrow national ethnic broadcasting environment, the Commission should apply the principles used in the evaluation of Category 1 applications. Arya TV expressed concern that the licensing of a similar national service would result in a congested marketplace in which neither service would survive.
7. Mr. Arash Kharabi and Mr. Behzad Rouhani-Najafabadi, both former employees of Iranian TV Canada Inc., submitted interventions questioning the applicant's personal and work ethics.

Applicant's replies

8. In response to Arya TV, the applicant indicated that under the Commission's current policy, 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 (Public Notice 2005-104), the Commission does not assess the potential competitiveness of new, third-language ethnic Category 2 pay and specialty services with existing analog third-language ethnic specialty services, and approves Category 2 applications that meet basic licensing criteria even if the services are competitive with one another. The applicant further noted that its proposed service meets the Commission's current requirements.
9. In response to the interventions submitted by Mr. Arash Kharabi and Mr. Behzad Rouhani-Najafabadi, the applicant indicated that the issues raised by these interveners were not relevant to the analysis of Iranian TV Canada Inc.'s application.

Commission's analysis and determinations

10. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. Under this approach the Commission does not consider the impact that a new Category 2 service might have on an existing Category 2 service.

11. The Commission is satisfied 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 a third language, the Commission is satisfied that the application falls under Public Notice 2005-104. Accordingly, the Commission **approves** the application by Iranian TV Canada Inc. for a broadcasting licence to operate the national, third-language ethnic Category 2 specialty programming undertaking, Iranian TV Canada.
12. With respect to the request to broadcast up to six minutes per hour of local advertising, the Commission notes that, as set out in Public Notice 2005-104, the Commission generally permits new third-language services to broadcast up to six minutes per hour of local advertising, unless an intervener makes a compelling case to the contrary.
13. In the present case, there were no interventions opposing the proposal to broadcast local advertising. The Commission therefore **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. A **condition of licence** to that effect is set out in the appendix to this decision.
14. The Commission notes that Iranian TV Canada will devote at least 90% of its program schedule to programming in Farsi. In accordance with 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.
15. 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.

Issuance of the licence

16. 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 28 November 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 2006-647

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.

2. The licensee shall provide a national, general interest third-language ethnic Category 2 specialty programming service devoted to the Iranian community.
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:

1 News

2 (a) Analysis and interpretation

(b) Long-form documentary

3 Reporting and actualities

5 (b) Informal education/Recreation and leisure

6 (a) Professional sports

(b) Amateur sports

7 Drama and comedy

(a) Ongoing drama 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, improvisations, 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 General entertainment and human interest

12 Interstitials

13 Public service announcements

14 Infomercials, promotional and corporate videos

- 4. Not less than 90% of all programming broadcast during the broadcast week shall be in the Farsi language.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.