



## Broadcasting Decision CRTC 2007-18

Ottawa, 16 January 2007

**Patrick Keeffe, on behalf of a corporation to be incorporated  
Across Canada**

*Application 2006-0407-6  
Public Hearing at Regina, Saskatchewan  
30 October 2006*

### **RSC3 – 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 Patrick Keeffe, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national, ethnic Category 2<sup>1</sup> specialty programming undertaking to be known as RSC3.
2. The applicant proposed to offer a third-language niche service consisting of a mix of entertainment and news programs targeting the Romanian-speaking community. The applicant proposed to broadcast all of its programming in the Romanian language.
3. All of the programming would be drawn from the following categories set out in Schedule I to the *Specialty Services Regulations, 1990*: 1 News; 3 Reporting and actualities; 7(a) Ongoing drama series; 7(b) Ongoing comedy series (sitcoms); 7(c) Specials, mini-series or made-for-TV feature films; 7(e) Animated television programs; and 11 General entertainment and human interest.
4. The Commission did not receive any interventions in connection with this application.

#### **Commission's analysis and determinations**

5. 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

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<sup>1</sup> 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.

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 Patrick Keeffe, on behalf of a corporation to be incorporated for a broadcasting licence to operate the national, niche, third-language, ethnic Category 2 specialty programming undertaking, RSC3.

6. The Commission notes that RSC3 proposed to devote all of its program schedule to programming in the Romanian language. In accordance with Public Notice 2005-104, the Commission has imposed a **condition of licence**, as set out in the appendix to this decision that requires RSC3 to devote not less than 90% of its program schedule to programming in the Romanian language. 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.
7. 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.
8. The Commission reminds the applicant that if it wishes to enter at any given time into programming supply agreements and licence trademark agreements with non-Canadian independent producers, it must comply at all times with the *Direction to the CRTC (Ineligibility of non-Canadians)*, P.C. 1997-486, 8 April 1997, as amended by P.C. 1998-1268, 15 July 1998 (the Direction). Accordingly, the Commission requests that the applicant file for the Commission's prior review, a copy of any programming supply agreement and/or licence trademark agreement it intends to enter into with a non-Canadian party, in order to ensure that the applicant complies at all times with the Direction.

### **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:
  - 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. 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 16 January 2010. 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 2007-18

### 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, niche, third-language ethnic Category 2 specialty programming service devoted to the Romanian-speaking community.
3. The programming shall be drawn exclusively from the following categories, as set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:
  - 1 News
  - 3 Reporting and actualities
  - 7 (a) Ongoing drama series
    - (b) Ongoing comedy series (sitcoms)
    - (c) Specials, mini-series or made-for-TV feature films
    - (e) Animated television programs and films
  - 11 General entertainment and human interest
4. Not less than 90% of all programming broadcast during the broadcast week shall be in the Romanian 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.