



## Broadcasting Decision CRTC 2007-369

Ottawa, 15 October 2007

**All TV Inc.**  
Across Canada

*Application 2007-0545-2, received 10 April 2007*  
*Public Hearing in the National Capital Region*  
*27 August 2007*

### **All TV-Arirang – Category 2 specialty service**

*The Commission **approves** an application for a broadcasting licence to operate a new ethnic Category 2 specialty programming undertaking.*

### **Introduction**

1. All TV Inc. filed an application for a broadcasting licence to provide All TV-Arirang, a national, general interest ethnic Category 2 specialty service devoted to the English-speaking Korean community in Canada. The applicant also requested authority to broadcast up to six minutes per hour of local advertising.
2. The Commission has implemented a competitive, open-entry approach to licensing Category 2 services. While the Commission does not consider the impact that a Category 2 service might have on an existing Category 2 service, it does seek to ensure that Category 2 services do not compete directly with any existing Category 1 or analog pay or specialty television service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question. Where appropriate, in setting conditions of licence, the Commission prevents or limits the broadcast of specific types of programming to ensure that the service is not nor will become directly competitive with any existing Category 1 or analog pay or specialty television service.
3. In the present case, the Commission received one intervention in connection with the application from Astral Broadcasting Group Inc. (Astral). Astral owns and operates The Movie Network and MPix, two English-language analog pay television programming undertakings that provide general interest theatrical movie-based services in eastern Canada. The intervener noted that the applicant had proposed no restrictions on programming from category 7 (Drama and comedy). Astral requested that the service be subject, by condition of licence, to a 15% limitation on programs from subcategory 7(d) Theatrical feature films aired on TV.
4. In response to Astral's intervention, the applicant stated that it would accept, as a

condition of licence, a 15% limitation on English-language programming from subcategory 7(d).

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

5. The Commission notes that the applicant has agreed to a 15% limitation on English-language subcategory 7(d) programming. The Commission is imposing a **condition of licence** to that effect, as set out in the appendix to this decision.
6. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by All TV Inc. for a broadcasting licence to operate the national, general interest ethnic Category 2 specialty programming undertaking All TV-Arirang. 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.
7. The Commission notes that the licensee did not commit to providing closed captioning, but that further to Broadcasting Public Notice 2007-54, the licensee is required to closed caption 100% of all English-language programming it broadcasts by year 6 of operation. A **condition of licence** to that effect is set out in the appendix to this decision.

Secretary General

### **Related documents**

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *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. 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 2007-369

### Terms and conditions of licence for the ethnic Category 2 specialty programming undertaking All TV-Arirang

#### Terms

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 15 October 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.

The licence will expire 31 August 2014.

#### 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:

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 ethnic Category 2 specialty programming service devoted to the English-speaking Korean community in Canada.
3. The programming shall be drawn exclusively from the following categories set out in item 6 of 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 (a) Formal education and pre-school
  - (b) Informal education/Recreation and leisure
  - 6 (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 more than 15% of all English-language programming broadcast during the broadcast week shall be drawn from subcategory 7(d).
  5. The licensee shall broadcast not less than 20% of all programming in the Korean language during the broadcast week.
  6. The licensee shall broadcast not more than 80% of all programming during the broadcast week in the English language.
  7. The licensee shall ensure that 100% of all English-language programming broadcast is closed captioned by year 6 of operation.
  8. In order to ensure that the licensee complies 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 licensee shall 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.

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.