



Broadcasting Decision CRTC 2007-4

Ottawa, 4 January 2007

I.T. Productions Ltd.
Across Canada

Application 2006-0627-0
Public Hearing at Regina, Saskatchewan
30 October 2006

Indradhanush TV – 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 I.T. Productions Ltd. for a broadcasting licence to operate a national, ethnic Category 2¹ specialty programming undertaking to be known as Indradhanush TV.
2. The applicant proposed to offer a third-language general interest service that would be devoted to people who speak South Asian languages. The applicant proposed that not less than 90% of all programming broadcast during the broadcast week would be in the Hindustani (35%), Punjabi (35%) and Urdu (20%) languages.
3. All of the programming would be drawn from the following categories set out in item 6 of Schedule I to the *Specialty Services Regulations, 1990* (the Regulations): 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 4 Religion; 5(a) Formal education and pre-school; 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(f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy; 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; and 13 Public service announcements.

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. The applicant also requested that it be authorized, by condition of licence, to broadcast up to six minutes per hour of local advertising.
5. The Commission received interventions in support of this application.

Commission's analysis and determination

6. 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 third languages, the Commission is satisfied 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 I.T. Productions Ltd. for a broadcasting licence to operate the national general interest third-language ethnic Category 2 specialty programming undertaking, Indradhanush TV.
7. 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 intervenor makes a compelling case to the contrary. 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.
8. The Commission notes that Indradhanush TV proposed to devote at least 90% of its program schedule to programming in the Hindustani, Punjabi, and Urdu languages. 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.
9. The Commission reminds that 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 that it intends to enter into with a non-Canadian party, in order to ensure that the applicant complies at all times with the Direction.

10. 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

11. 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 4 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 2007-4

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 third-language ethnic Category 2 specialty programming service devoted to the South Asian 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

2 (a) Analysis and interpretation

(b) Long-form documentary

4 Religion

5 (a) Formal education and pre-school

(b) Informal education/Recreation and leisure

6 (a) Professional sports

(b) Amateur sports

7 (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

(f) Programs of comedy sketches, improvisations, unscripted works, stand-up comedy

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

13 Public service announcements

4. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Hindustani, Punjabi and Urdu languages.
5. Where the licensee broadcasts religious programming as defined in *Religious Broadcasting Policy*, Public Notice CRTC 1993-78, 3 June 1993, the licensee shall adhere to the guidelines set out in sections III.B.2.a) and IV. of that public notice with respect to the provision of balance and ethics in religious programming, as amended from time to time.

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.