



Broadcasting Public Notice CRTC 2007-58

Ottawa, 31 May 2007

Call for comments on the proposed addition of Sony Max to the lists of eligible satellite services for distribution on a digital basis

1. The Commission received a request dated 11 April 2007 from Asian Television Network International Limited (ATN) for the addition of Sony Max, a non-Canadian third-language service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). ATN describes the service as primarily a movie service, offering programming in the Hindi language.
2. In *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2004-96, 16 December 2004 (Public Notice 2004-96), the Commission set out its revised approach to the assessment of requests to add non-Canadian third-language television services to the digital lists. The Commission also specified the information that Canadian sponsors must file in support of their requests.
3. In Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, third-language general interest services to the digital lists would generally be approved, subject, as appropriate, to new distribution and linkage requirements.¹ In the case of non-Canadian third-language services that provide narrowly targeted or “niche” programming, the Commission stated that it would continue to apply a case-by-case assessment to determine whether the service is partially or totally competitive with Canadian pay or specialty services.
4. The Commission will rely primarily on the comments filed to identify the Canadian pay and specialty services with which Sony Max might be totally or partially competitive and which therefore should be included in the assessment of the competitiveness of the service. Parties wishing to argue that Sony Max would be competitive should therefore name the specific Canadian pay or specialty service with which they consider the service would compete, and provide details to support their views, such as comparisons to nature and genre of service, programming schedules, programming sources and supply, and target audience.

¹ The current requirements are set out in *Distribution and linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2007-51, 16 May 2007, and *Linkage requirements for direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2007-52, 16 May 2007.

5. Further, consistent with Public Notice 2004-96, in applying the competitiveness test, the Commission will not take into consideration any unlaunched ethnic Category 2 service, unless the prospective operator of such a service presents compelling evidence that the launch of its service is imminent. Such evidence could include distribution agreements or ongoing negotiations, programming contracts or negotiations with non-Canadian program suppliers, and licence fees paid to Canadian content suppliers.
6. Finally, the Commission notes its statement in Public Notice 2004-96 that, in assessing niche services, there may be cases where, rather than denying authorization, it might be prepared to consider adopting distribution requirements similar to those adopted for third-language general interest services.

Call for comments

7. The Commission calls for comments on ATN's request for the addition of Sony Max to the digital lists. Parties submitting comments on the request should also submit a true copy of their comments to the Canadian sponsor, ATN, at the following address:

Asian Television Network International Limited
130 Pony Drive
Newmarket, Ontario
L3Y 7B6
Fax: 905-853-5212
E-mail: atn@asiantelelevision.com

8. Proof that comments have been sent to ATN must accompany the original version of the comments sent to the Commission.
9. Comments on ATN's request must be received by the Commission no later than **3 July 2007**. A copy of the comments must be received by ATN no later than the deadline for receipt of comments by the Commission.
10. ATN may file a written reply to any comments received concerning its request. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **16 July 2007**.
11. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

12. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
[Broadcasting Intervention/Comments Form](#)

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
819-994-0218

13. Submissions longer than five pages should include a summary.

14. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

15. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's Web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's Web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.

16. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

17. Documents received electronically or otherwise will be put on the Commission's Web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.

18. Please note that the information you provide to the Commission as part of this public process is entered into an unsearchable database dedicated to this specific public process. This database is accessible only from the webpage of this particular public process. As a result, a general search of our Web site with the help of either our own search engine or a third-party search engine will not provide access to the information which was provided as part of this public process.
19. The Commission encourages interested parties to monitor the public examination file and the Commission's Web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Toll-free telephone: 1-877-249-2782

Toll-free TDD: 1-877-909-2782

Central Building
Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel.: 819-997-2429
Fax: 819-994-0218

Metropolitan Place
99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel.: 902-426-7997
Fax: 902-426-2721

205 Viger Avenue West
Suite 504
Montréal, Quebec H2Z 1G2
Tel.: 514-283-6607

55 St. Clair Avenue East
Suite 624
Toronto, Ontario M4T 1M2
Tel.: 416-952-9096

Kensington Building
275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel.: 204-983-6306
TDD: 204-983-8274
Fax: 204-983-6317

Cornwall Professional Building
2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel.: 306-780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel.: 780-495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel.: 604-666-2111
TDD: 604-666-0778
Fax: 604-666-8322

Secretary General

This document 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>