



Broadcasting Decision CRTC 2008-177

Ottawa, 14 August 2008

Telelatino Network Inc.
Across Canada

Application 2007-1630-1, received 19 November 2007
Public Hearing in the National Capital Region
13 May 2008

Pan Desi Life TV – Category 2 specialty service

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

1. Telelatino Network Inc. (Telelatino) filed an application for a broadcasting licence to operate Pan Desi Life TV, a national, general interest, ethnic Category 2 specialty service that would offer programming devoted to Canadians of South Asian origins, and more particularly, to Canadians of Indian origins. All of the programming broadcast during the broadcast week would be in the English language.
2. The applicant also requested authority, by condition of licence, to broadcast up to six minutes per hour of local and regional advertising.
3. The applicant also requested an exception to the closed captioning policy set out in Broadcasting Public Notice 2007-54 in order to ramp up its captioning obligation to 100% by the sixth year of operation. In support of its request, the applicant cited the financially challenging circumstances that Category 2 services experience in the first years of operation.
4. The Commission did not receive any interventions in connection with this application.
5. In regard to the applicant's request for an exception to the 100% closed captioning requirement, the onus is on the applicant to demonstrate a need, financial or otherwise, for the exception, as set out in Broadcasting Public Notice 2007-54. The Commission finds that the applicant did not demonstrate that meeting the 100% closed captioning requirement upon commencement of operations would be onerous for an established Canadian broadcaster such as Telelatino. Therefore, the Commission has imposed a condition of licence requiring the applicant to caption 100% of all English-language programming it broadcasts, upon commencement of operations.

6. In light of the above, the Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1 and Broadcasting Public Notice 2007-54. Accordingly, the Commission **approves** the application by Telelatino Network Inc. for a broadcasting licence to operate the national, general interest, ethnic Category 2 specialty programming undertaking Pan Desi Life TV. The terms and **conditions of licence** are set out in the appendix to this decision.
7. With respect to the request to broadcast up to six minutes of local and regional advertising, the Commission notes that, as set out in Broadcasting Public Notice 2005-104, the Commission generally permits new ethnic specialty services to broadcast up to six minutes per hour of local advertising unless an intervener 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 broadcasting 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.

Secretary General

Related documents

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *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
- *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 2008-177

Terms, conditions of licence and expectation for the Category 2 specialty programming undertaking Pan Desi Life TV

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 14 August 2011. 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 shall 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 Canadians of South Asian origins, and more particularly, to Canadians of Indian origins.
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 (b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
 - (b) Amateur sports
 - 7 Drama and comedy
 - (a) Ongoing dramatic 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. The licensee shall broadcast 100% of all programming during the broadcast week in the English language.
 5. The licensee shall caption 100% of its programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
 6. 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.