



Broadcasting Decision CRTC 2008-22

Ottawa, 1 February 2008

**Phillip Koneswaran, on behalf of a corporation to be incorporated
Across Canada**

Application 2007-0312-5, received 22 February 2007

Public Hearing in London, Ontario

10 December 2007

Category 2 specialty programming undertakings – Acquisition of assets

*The Commission **approves** the application by Phillip Koneswaran, on behalf of a corporation to be incorporated, to obtain new licences to operate the Category 2 specialty programming services RTV (Russian Television), JTV (Jewish Television), TCC (The Cricket Channel), ME (Maxima Europa), PorTV (Portugues TV), and ETV (TV Español), authorized to MediaNet Canada Ltd.*

The application

1. The Commission received an application by Phillip Koneswaran, on behalf of a corporation to be incorporated (Phillip Koneswaran (OBCI)), to obtain new licences to operate the six following Category 2 specialty programming undertakings authorized to MediaNet Canada Ltd. (MediaNet) under the same terms and conditions as those set out in the following decisions:
 - RTV (Russian Television), approved in Broadcasting Decision 2004-420 (Decision 2004-420);
 - JTV (Jewish Television), approved in Broadcasting Decision 2004-497 (Decision 2004-497);
 - TCC (The Cricket Channel), approved in Broadcasting Decision 2005-514 (Decision 2005-514);
 - ME (Maxima Europa), approved in Broadcasting Decision 2006-541 (Decision 2006-541);
 - PorTV (Portugues TV), approved in Broadcasting Decision 2006-557 (Decision 2006-557); and
 - ETV (TV Español), approved in Broadcasting Decision 2006-558 (Decision 2006-558).

2. The applicant confirmed that the undertakings are not yet in operation.
3. Phillip Koneswaran (OBCI) is wholly owned and controlled by PolarMedia Corp., a corporation controlled by Radika Koneswaran.
4. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

5. The Commission notes the specific circumstances surrounding the ownership of the authorized licensee since the issuance of Decisions 2004-420, 2004-497, 2005-514, 2006-541, 2006-557 and 2006-558. Originally, MediaNet was controlled by Padmini Koneswaran. Given that MediaNet was not in a position to fulfil its commitments, it was decided to transfer to Phillip Koneswaran (OBCI) six out of the seven Category 2 specialty programming undertakings authorized to MediaNet.¹
6. Because the Commission does not solicit competing applications for authority to transfer the ownership or control of radio, television and other programming undertakings, the onus is on the applicant to demonstrate that the benefits proposed in the application are commensurate with the size and nature of the transaction (refer to Public Notice 1999-97 and Broadcasting Public Notice 2007-53).
7. In the present case, the applicant submitted that the value of the transaction is \$90,000 and that this value was determined based upon the proposed number of subscriber and advertising clients. The price paid also equals the start-up costs for the unlaunched services. The intent of the applicant is to launch the services rather than to establish new services.
8. Considering the size and nature of the proposed assets transaction, the Commission will not impose a requirement for the applicant to pay tangible benefits. However, the Commission notes the applicant's commitment to provide a higher dollar amount to be allocated to local programs. Should any of the services launch, the Commission expects the applicant to demonstrate at licence renewal how it met the aforementioned commitment.
9. The Commission is satisfied that the transaction is in the public interest and that the integrity of its licensing process would not be compromised by its approval.

¹ The Commission also considered as part of this process under separate cover an application by TamilOne Inc. for authority to acquire the assets of the Category 2 specialty service approved in Broadcasting Decision 2002-403 and authorized to MediaNet in Broadcasting Decision 2003-157.

10. Accordingly, the Commission **approves** the application by Phillip Koneswaran, on behalf of a corporation to be incorporated, to obtain new licences to operate the Category 2 specialty programming undertakings RTV (Russian Television), JTV (Jewish Television), TCC (The Cricket Channel), ME (Maxima Europa), PorTV (Portugues TV), and ETV (TV Español) under the same terms and **conditions** as those set out in Decisions 2004-420, 2004-497, 2005-514, 2006-541, 2006-557 and 2006-558.
11. Considering that the services are not yet in operation and no licence has been issued for these undertakings, the Commission reminds the applicant that the licences will only be issued once the applicant has satisfied the Commission that the requirements set out in Decisions 2004-420, 2004-497, 2005-514, 2006-541, 2006-557 and 2006-558 have been met.

Secretary General

Related documents

- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *Portugues TV (PorTV) – Category 2 specialty service*, Broadcasting Decision CRTC 2006-557, 28 September 2006, as amended by *Erratum*, Broadcasting Decision CRTC 2006-557-1, 17 November 2006
- *TV Español (ETV) – Category 2 specialty service*, Broadcasting Decision CRTC 2006-558, 28 September 2006
- *Maxima Europa (ME) – Category 2 specialty service*, Broadcasting Decision CRTC 2006-541, 21 September 2006
- *The Cricket Channel – Category 2 specialty service*, Broadcasting Decision CRTC 2005-514, 21 October 2005
- *JTV- Jewish Television – Category 2 specialty service*, Broadcasting Decision CRTC 2004-497, 18 November 2004
- *RTV (Russian Television) – Category 2 specialty service*, Broadcasting Decision CRTC 2004-420, 21 September 2004
- *Acquisition of assets*, Broadcasting Decision CRTC 2003-157, 15 May 2003

- *ITBC Television Canada – Category 2 specialty service*, Broadcasting Decision CRTC 2002-403, 5 December 2002
- *Building On Success - A Policy Framework for Canadian Television*, Public Notice CRTC 1999-97, 11 June 1999

This decision is to be appended to each 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>.