



Broadcasting Decision CRTC 2009-219

Route reference:

Broadcasting Notice of Public Hearing 2008-14

Ottawa, 24 April 2009

Surjit S. Gill, on behalf of a corporation to be incorporated
Across Canada

Application 2008-1268-7, received 22 September 2008

Public Hearing in Orillia, Ontario

26 January 2009

Music India 2 Television – Category 2 specialty service

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

1. Surjit S. Gill, on behalf of a corporation to be incorporated filed an application for a broadcasting licence to operate Music India 2 Television, a national, third-language niche ethnic Category 2 specialty service that would be devoted to music videos and music-related content. Not less than 90% of all programming broadcast during the broadcast week would be in the Hindi language. Further, the applicant requested authority to offer both a standard definition and a high definition version of the proposed service. The applicant also requested authority to broadcast up to six minutes per hour of local advertising. There were no interventions to this application.
2. To ensure that the applicant will be in compliance with the *Direction to the CRTC (Ineligibility of non-Canadians)* at all times, the applicant proposed to make certain amendments to its By-Laws. Consequently, the Commission requires that the applicant file, within 12 months of the date of this decision, a copy of its amended and executed By-Laws.
3. The Commission is satisfied that the application is in conformity with the framework set out in Public Notice 2000-6 and with the terms and conditions set out in Public Notice 2000-171-1. Furthermore, given that the service will offer not less than 90% of its programming in a third language(s), the Commission is satisfied that the application falls under the definition of a third-language service established in Broadcasting Public Notice 2005-104. Accordingly, the Commission **approves** the application by Surjit S. Gill, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, third-language niche ethnic Category 2 specialty programming undertaking Music India 2 Television. Additionally, the Commission authorizes the applicant's request to offer a version of the service in standard definition and a version in high definition. 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.

Reminder

4. The Commission reminds the applicant that distribution of this service is subject to the distribution rules that apply to third-language services distributed by broadcasting distribution undertakings, as set out in Broadcasting Public Notice 2008-100.

Secretary General

Related documents

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *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 2009-219

Terms, conditions of licence and encouragement for the Category 2 specialty programming undertaking Music India 2 Television

Terms

A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:

- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
- 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 24 April 2012. 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 2015.

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, niche third-language ethnic Category 2 specialty programming service devoted to music videos and music-related content.

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:
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 9 Variety
4. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Hindi language.
5. 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.
6. The licensee is authorized to make available for distribution an upgraded version of its service in high definition format, provided that not less than 95% of the video and audio components of the upgraded and standard definition version of the service are the same, exclusive of the commercial messages and of any part of the service carried on a subsidiary signal. All of the programming making up the 5% allowance shall be provided in high definition format.

For the purposes of the conditions of this licence, including condition of licence 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m. or any other period approved by the Commission.

Encouragement

The Commission encourages broadcasters - particularly those that broadcast in third languages that use the Western alphabet - to work towards solutions for making third-language programming more accessible, and to caption third-language programming whenever possible, as set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.