



Broadcasting Decision CRTC 2011-18

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Route reference: 2010-295

Ottawa, 11 January 2011

Piera Shuen, on behalf of a company to be incorporated
Across Canada

Application 2010-0731-0, received 29 April 2010
Public Hearing in Saskatoon, Saskatchewan
6 October 2010

China Network Corporation - Mandarin (CNCM) – Category 2 specialty service

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

*The Commission also **approves** the applicant's request relating to the broadcast of local
advertising.*

The application

1. Piera Shuen, on behalf of a company to be incorporated (Piera Shuen) filed an application for a broadcasting licence to provide China Network Corporation - Mandarin (CNCM), a national, general interest third-language ethnic Category 2 specialty programming undertaking that would be devoted to the Mandarin-speaking communities in Canada. The service would offer news, information, public affairs, sports, variety and financial programming. The Commission received interventions in support of this application.
2. The applicant, to be incorporated, will be owned and controlled by Piera Shuen.
3. The applicant proposed to draw programming for the service from the following program categories set out in Item 6 of Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time: 1, 2(a), 2(b), 3, 5(b), 6(a), 6(b), 8(a), 8(b), 8(c), 9, 10, 12, 13 and 14.
4. Piera Shuen requested permission to devote up to 6 of the 12 minutes of advertising material during each clock hour to local advertising.

Commission's determination

5. The Commission is satisfied that the application complies with the frameworks set out in Public Notice 2000-6 and Broadcasting Public Notice 2008-100, with the

approaches set out in Broadcasting Public Notices 2003-61 and 2006-74, and with all applicable terms and conditions set out in Public Notice 2000-171-1. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Mandarin language, the Commission is satisfied that the application falls under the definition of a third-language ethnic service established in Broadcasting Public Notice 2005-104.

6. Accordingly, the Commission **approves** the application by Piera Shuen, on behalf of a company to be incorporated for a broadcasting licence to operate the national, general interest third-language ethnic Category 2 specialty programming undertaking China Network Corporation - Mandarin (CNCM).
7. The Commission also **approves** the applicant's request for authority to broadcast up to six minutes per hour of local advertising. For the purposes of clarity, the Commission defines local advertising as advertising that does not fall within the definitions of national and regional advertising – which are defined as advertising to persons who provide goods or services in more than one market and/or province.¹ The terms and **conditions of licence** are set out in the appendix to this decision.
8. The Commission notes that China Network Corporation - Mandarin (CNCM) will devote at least 90% of its program schedule to programming in the Mandarin language. 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.

Reminder

9. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in Broadcasting Public Notice 2008-100.
10. Further, distribution of this service is subject to the distribution and linkage rules that apply to third-language, general interest Category 2 services that offer 40% or more of their program schedule in any of the Cantonese, Mandarin, Italian, Spanish, Greek, or Hindi languages, as set out in Broadcasting Public Notices 2007-51 and 2007-52, as amended from time to time. These rules require that such Category 2 services only be offered to customers who also subscribe to the analog service operating in the same language.

¹ Decision 91-423 and Decision 95-590.

Secretary General

Related documents

- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory Policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Regulatory framework for the licensing and distribution of high definition pay and specialty services*, Broadcasting Public Notice CRTC 2006-74, 15 June 2006
- *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
- *The regulatory framework for the distribution of digital television signals*, Broadcasting Public Notice CRTC 2003-61, 11 November 2003
- *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001
- *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000
- *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000
- *Renewal of licence for CBKST Saskatoon and its transmitters*, Decision CRTC 95-590, 24 August 1995
- *Canadian Broadcasting Corporation*, Decision CRTC 91-423, 28 June 1991

**This decision is to be appended to the licence.*

Appendix to Broadcasting Decision CRTC 2011-18

Terms and conditions of licence for the Category 2 specialty programming undertaking China Network Corporation – Mandarin (CNCM)

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 and has provided the Commission with a launch date for the service. The undertaking must be operational at the earliest possible date and in any event no later than 48 months from the date of this decision.

The licence will expire 31 August 2017.

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 the following:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than 12 minutes of advertising material during each clock hour, no more than 6 minutes of which may consist of local advertising.

2. The licence will be subject to the conditions set out in *Implementation of the Accessibility Policy with respect to Category 2 pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-355, 8 June 2010.
3. The licensee shall provide a national, general interest third-language ethnic Category 2 specialty programming service devoted to the Mandarin-speaking communities in Canada. The service will offer news, information, public affairs, sports, variety and financial programming.
4. The programming shall be drawn exclusively from the following program 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
 - 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
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
5. The licensee shall broadcast not less than 90% of all programming during the broadcast week in the Mandarin language.
 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.
 7. The licensee is authorized to make available for distribution a version of its service in high definition (HD) format, provided that not less than 95% of the video and audio components of the upgraded and standard definition versions of the service are the same, exclusive of commercial messages and of any part of the service carried on a subsidiary signal. Further, all of the programming making up the 5% allowance shall be provided in HD.

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.