



Broadcasting Decision CRTC 2011-501

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Route reference: 2011-55

Ottawa, 16 August 2011

NB Spring and Manufacturing Ltd.
Across Canada

Application 2010-1694-9, received 16 November 2010
Public hearing in the National Capital Region
5 April 2011

Caribbean Circuit Television – Specialty Category B service

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

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

The application

1. NB Spring and Manufacturing Ltd. (NB Spring) filed an application for a broadcasting licence to operate Caribbean Circuit Television, a national, niche, ethnic Category 2¹ specialty programming undertaking that would be devoted to the Caribbean community and would consist of daily news and issues, politics, economic conditions, religion, youth-oriented programs and live and pre-recorded West Indian shows. The Commission did not receive any interventions in connection with this application.
2. NB Spring is equally owned by its shareholders Nirvan Balkissoon and Sarah Balkissoon, with effective control exercised by Nirvan Balkissoon.
3. The applicant proposed to draw programming for the proposed 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, 4, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(e), 7(f), 7(g), 8(b), 8(c), 9, 10, 11 and 13.²

¹ As set out in Broadcasting Notice of Consultation 2008-100, as of 31 August 2011, Category 2 services will be renamed Category B services.

² In Broadcasting Regulatory Policy 2011-401, the Commission formally announced that it had amended program category 11 to add a new category 11(b) Reality television. Consistent with this change, the Commission has added an authorization to broadcast programming from both 11(a) General entertainment and human interest and the new 11(b) program category.

4. To ensure that the proposed service would not be directly competitive with existing Category A services, the applicant indicated that it would accept a condition of licence stating that it will broadcast no less than 10% of its programming broadcast in each broadcast week in the Hindi language.
5. NB Spring requested permission to devote up to 6 minutes of advertising material during each clock hour to local advertising.³ Additionally, the applicant is seeking authority to offer both a standard definition and a high definition version of its proposed service.

Commission's determination

6. The Commission is satisfied that the application complies with all applicable policies, terms and conditions, including those set out in Public Notice 2000-6, Broadcasting Public Notice 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Accordingly, the Commission **approves** the application by NB Spring and Manufacturing Ltd. for a broadcasting licence to operate the national, niche ethnic specialty Category B service Caribbean Circuit Television. 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

7. The Commission reminds the applicant that distribution of this service is subject to the applicable distribution rules set out in *Broadcasting Distribution Regulations*.

Secretary General

Related documents

- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011
- *Amendments to certain Regulations made under the Broadcasting Act to add a new program category "Reality television"*, Broadcasting Regulatory Policy CRTC 2011-401, 30 June 2011
- *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services*, Broadcasting Regulatory Policy CRTC 2010-786, 25 October 2010

³ For the purposes of this condition of licence, "local advertising" is advertising that does not fall within the definition of national or regional advertising, that is, advertising to persons who provide goods or services in more than one market and/or province.

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

Appendix to Broadcasting Decision CRTC 2011-501

Terms and conditions of licence for the specialty Category B service Caribbean Circuit Television

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 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 Commission requires the applicant to file a copy of its amended and executed by-laws within 12 months of the date of this decision in order to comply with the *Direction to the CRTC (Ineligibility of non-Canadians)*.

The licence will take effect 1 September 2011 and will expire 31 August 2018.

Conditions of licence

1. The licence will be subject to the conditions set out in *Standard conditions of licence, expectations and encouragements for Category B pay and specialty services – Corrected Appendices 1 and 2*, Broadcasting Regulatory Policy CRTC 2010-786-1, 18 July 2011, except for condition 7d), which will not apply, and condition 7a), which is replaced by the following:

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.

For the purposes of this condition of licence, “local advertising” is advertising that does not fall within the definitions of national and regional advertising, that is, advertising to persons who provide goods or services in more than one market and/or province.

2. The licensee shall provide a national, niche, ethnic specialty Category B service devoted to the Caribbean community and would consist of daily news and issues, politics, economic conditions, religion, youth-oriented programs and live and pre-recorded West Indian shows.

3. 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
 - 4 Religion
 - 5 (a) Formal education and pre-school
(b) Informal education/Recreation and leisure
 - 6 (a) Professional sports
(b) Amateur sports
 - 7 (a) Ongoing dramatic series
(b) Ongoing comedy series (sitcoms)
(c) Specials, mini-series or made-for-TV feature films
(e) Animated television programs and films
(f) Programs of comedy sketches, improvisation, unscripted works, stand-up comedy
(g) Other drama
 - 8 (b) Music video clips
(c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 (a) General entertainment and human interest
(b) Reality television
 - 13 Public service announcements
4. The licensee shall broadcast no less than 10% of its programming broadcast in each broadcast week in the Hindi language.

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.