



Broadcasting Decision CRTC 2011-637

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Route reference: 2011-336

Ottawa, 5 October 2011

Telelatino Network Inc.
Across Canada

Application 2011-0742-5, received 28 April 2011
Public hearing in the National Capital Region
18 July 2011

All Spanish Children's 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. Telelatino Network Inc. (Telelatino) filed an application for a broadcasting licence to operate All Spanish Children's Television, a national, niche third-language ethnic specialty Category B service that would be devoted to providing programming to the Spanish-speaking community or to Canadians of Hispanic descent, and who are from preschool age to seventeen years of age.¹ The Commission did not receive any interventions in connection with this application.
2. Telelatino is a private corporation controlled by Corus Entertainment Inc.
3. The applicant proposed to draw programming 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: 2(a), 2(b), 3, 5(a), 5(b), 6(a), 6(b), 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 10, 11,² 12, 13 and 14.

¹ As noted in Broadcasting Notice of Consultation 2011-336, Telelatino indicated in its application that the proposed service would target viewers up to sixteen years of age. However, on being informed by the Commission that the logging of programming for children and youth includes viewers up to seventeen years of age, as set out in Item 5 of Schedule I to the *Specialty Services Regulations, 1990*, the applicant agreed to amend the target audience for the proposed service to include viewers from preschool age up to seventeen years of age.

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

4. The applicant stated that no less than 90% of the programming broadcast during the broadcast week would be in Spanish.
5. Telelatino requested that, of the 12 minutes of advertising material permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.³

Commission's analysis and decisions

6. In Broadcasting Public Notice 2005-104, the Commission implemented a revised, open-entry approach for considering applications proposing new third-language Category 2 (Category B) specialty services. Under this approach, the Commission no longer assesses the potential competitiveness of new, third-language ethnic specialty and pay Category B services with existing analog third-language ethnic specialty services. Instead, such applications are generally approved subject, in appropriate cases, to both a buy-through requirement⁴ and the criteria specified in Broadcasting Public Notice 2005-104. This means that broadcasting distribution undertakings choosing to distribute a new third-language Category B service may only offer such a service to those who also subscribe to an existing ethnic Category A service operating in the same language.
7. 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. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in Spanish, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations*.
8. Accordingly, the Commission **approves** the application by Telelatino Network Inc. for a broadcasting licence to operate the national, niche third-language ethnic specialty Category B service All Spanish Children's 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.

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.

³ "Local advertising" is advertising that does not fall within the definition of national or regional advertising, i.e., advertising to persons who provide goods or services in more than one market and/or province.

⁴ As set out in section 27(4) of the *Broadcasting Distribution Regulations*, except as otherwise provided under a condition of its licence, a licensee that distributes a general interest third-language Category B service to subscribers shall also distribute an ethnic Category A service to them if one is available in the same principal language.

9. The Commission notes that All Spanish Children's Television will devote at least 90% of its program schedule to programming in Spanish. In accordance with Broadcasting Public Notice 2005-104, the remainder of the program schedule (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

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

Secretary General

Related documents

- *Notice of hearing*, Broadcasting Notice of Consultation CRTC 2011-336, 19 May 2011
- *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
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, 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
- *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 2011-637

Terms and conditions of licence for the specialty Category B service All Spanish Children's 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 licence 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, i.e., advertising to persons who provide goods or services in more than one market and/or province.

2. The licensee shall provide a national, niche third-language ethnic specialty Category B service devoted to providing programming to the Spanish-speaking community or to Canadians of Hispanic descent, and who are from preschool age to seventeen years of age.
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:
 - 2 (a) Analysis and interpretation
 - (b) Long-form documentary

- 3 Reporting and actualities
 - 5 (a) Formal education and pre-school
(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, improvisation, 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 (a) General entertainment and human interest
(b) Reality television
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
4. The licensee shall broadcast no less than 90% of all programming during the broadcast week in the Spanish language.
 5. The service approved hereby is designated as a Category B service.

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