



Broadcasting Decision CRTC 2013-147

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Route reference: 2012-475

Ottawa, 22 March 2013

Ethnic Channels Group Limited Across Canada

Application 2012-0732-4, received 12 June 2012
Public hearing in the National Capital Region
7 November 2012

Hindi Music TV – Specialty Category B service

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

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

The application

1. Ethnic Channels Group Limited (ECGL) filed an application for a broadcasting licence to operate Hindi Music TV, a national, niche third-language ethnic specialty Category B service that would offer music and music-related programming in Hindi to the Hindi-speaking community.
2. ECGL is controlled by Slava Levin.
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(b), 3, 7(a), 7(b), 7(c), 7(d), 7(e), 7(f), 7(g), 8(a), 8(b), 8(c), 9, 11(a), 11(b), 12, 13 and 14.
4. ECGL proposed to broadcast at least 90% of its programming in the Hindi language. It further requested that it be authorized to devote up to 6 of the 12 minutes of advertising material permitted during each clock hour to local¹ and regional advertising.

¹ "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 or province.

5. The Commission received an intervention in opposition to the application by Asian Television Network International Limited (ATN), to which the applicant replied. The public record for this application is available on the Commission's website at www.crtc.gc.ca under "Public Proceedings."

Commission's analysis and decisions

6. After examining the public record for this application in light of applicable regulations and policies, the Commission considers that the issue it must address is whether the proposed service would be a general interest service (offering programming from a broad spectrum of program genres and categories) or a niche service (focused on a specific programming genre or a particular target group).
7. In Broadcasting Public Notice 2005-104, the Commission adopted an open-entry approach to applications proposing new third-language ethnic Category 2 (now Category B) pay and specialty services. Under this approach, applications for third-language services are generally approved. However, general interest third-language Category B services operating predominantly in one of the principal languages of the existing ethnic specialty Category A services, namely Cantonese, Greek, Hindi, Italian, Mandarin or Spanish, are subject to a requirement to be distributed with the Category A services operating in that language.
8. ATN submitted that the application should be denied on the grounds that the proposed service was incorrectly categorized as a niche service. ATN submitted that, given that as much as 50% of Hindi Music TV's proposed programming could be drawn from categories other than 8, the service would compete directly with the ethnic specialty Category A service South Asian Television Canada Limited (SATV).
9. ECGL replied that the proposed nature of service was modelled after the nature of service definition for MuchMusic, approved by the Commission in Broadcasting Decision 2011-444. While ECGL stated that it would be willing to accept stricter limits on non-music programming if the Commission deemed it necessary, it argued that it would be appropriate for the Commission to permit Hindi Music TV to broadcast a wider range of programming in a manner that is consistent with that approved for English- and French-language music services.
10. Given that the nature of service proposed for Hindi Music TV indicates that the service will consist only of music and music-related programming in Hindi, the Commission is of the view that ECGL has demonstrated that its service is a niche and not a general interest service that would compete directly with the specialty Category A service SATV. In light of this, the Commission considers that it is not necessary to impose conditions of licence on the service that are in addition to those proposed by EGCL.

Conclusion

11. 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 Notices 2005-104 and 2008-100, and Broadcasting Regulatory Policies 2010-786 and 2010-786-1. Furthermore, given that the service will offer 90% of its programming during the broadcast week in the Hindi language, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations* (the Regulations).

12. Accordingly, the Commission **approves** the application by Ethnic Channels Group Limited for a broadcasting licence to operate the national, niche third-language ethnic specialty Category B service Hindi Music TV. The Commission also **approves** the applicant's request for authorization to broadcast up to six minutes per hour of local and regional advertising. The terms and **conditions of licence** are set out in the appendix to this decision.
13. The Commission notes that Hindi Music TV will devote at least 90% of its program schedule to programming in the Hindi language. 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

14. The Commission reminds the applicant that the distribution of this service is subject to the requirements set out in the Regulations.

Secretary General

Related documents

- *Bell Media Inc. – Group-based licence renewals*, Broadcasting Decision CRTC 2011-444, 27 July 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
- *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 2013-147

Terms, conditions of licence, expectations and encouragements for the specialty Category B service Hindi Music TV

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 2019.

Conditions of licence

1. The licensee shall adhere to the conditions set out in Appendix 1 to *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 12 minutes of advertising material during each clock hour, no more than 6 minutes of which may consist of local and regional 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. In regard to the nature of service:
 - a) The licensee shall provide a national, niche third-language ethnic specialty Category B service consisting only of music and music-related programming in Hindi and targeted to the Hindi-speaking community in Canada. “Music-related programs” shall be defined as programs about music or recording industries or about or featuring musical artists, concerts and musical performances, compositions or events.

- b) 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 (b) Long-form documentary
 - 3 Reporting and actualities
 - 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
 - 11 (a) General entertainment and human interest
 - (b) Reality television
 - 12 Interstitials
 - 13 Public service announcements
 - 14 Infomercials, promotional and corporate videos
 - c) The licensee shall devote at least 50% of all programming broadcast each broadcast week to programs drawn from program categories 8(a), 8(b) and 8(c) combined.
 - d) The licensee shall devote no more than 10% of the programming broadcast over the broadcast month to programming drawn from categories 2(b), 7(b), 7(f) and 7(g) combined.
 - e) The licensee shall devote no more than 10% of the broadcast week to music-related programming drawn from categories 7(a) and 7(e) combined.
 - f) The licensee shall devote no more than 10% of the broadcast month to music-related programming drawn from category 7(d).
 - g) The licensee shall devote no more than 10% of the broadcast week to music-related programming drawn from category 11(b).
 - h) The licensee shall broadcast at least 90% of all programming during the broadcast week in the Hindi language.
3. 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.

Expectations

The standard expectations applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.

Encouragements

The standard encouragements applicable to this licensee are set out in Appendix 1 to *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, as amended from time to time.

The Commission encourages the licensee to ensure that the portion of the service’s program schedule that is broadcast in the English and/or French languages serves to promote Canada’s linguistic duality.