



Broadcasting Decision CRTC 2014-178

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Route reference: 2013-536

Ottawa, 14 April 2014

Telelatino Network Inc.
Across Canada

*Application 2012-1328-0, received 4 October 2012
Public hearing in the National Capital Region
5 December 2013*

Spanish Sports & Entertainment 1 – 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 Commission **denies** the applicant's request for an exemption from the standard condition of licence on audio description.*

The application

1. Telelatino Network Inc. (Telelatino) filed an application for a broadcasting licence to operate Spanish Sports & Entertainment 1, a national, general interest third-language ethnic specialty Category B service that would be devoted to sports and entertainment from around the world and target the Canadian Spanish-speaking community. The Commission did not receive any interventions in connection with this application.
2. Telelatino is controlled by its majority shareholder 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: 1, 2(a), 2(b), 3, 4, 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(a), 11(b), 12, 13 and 14.
4. The applicant proposed to broadcast at least 90% of its programming in the Spanish language. Further, the applicant requested that, of the 12 minutes of advertising

permitted during each clock hour, it be authorized to broadcast up to 6 minutes of local and regional advertising.¹

5. The applicant requested an exemption from the standard condition of licence on audio description set out in Broadcasting Regulatory Policy 2010-786-1. It was of the view that requiring audio description would be inappropriate given that Spanish Sports & Entertainment 1 would provide third-language programming. Telelatino further submitted that, if the Commission considered that a condition of licence requiring audio description was appropriate, it should apply only to any English-language programming that the service produces.

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 Commission should exempt the service from the standard condition of licence on audio description.
7. In Broadcasting Regulatory Policy 2010-786, the Commission acknowledged that it may be difficult to ensure that programming acquired from non-Canadian sources includes audio description. Consequently, the standard condition of licence requires licensees to provide audio description only for key elements of Canadian information programming, including news programming. The Commission does not consider that the applicant has provided sufficient evidence to support an exemption. Accordingly it **denies** the applicant's request and will apply the standard condition of licence relating to audio description set out in Broadcasting Regulatory Policy 2010-786-1.

Conclusion

8. 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 requirement² 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

¹ "Local advertising" is advertising that does not fall within the definition of national or regional advertising, that is, advertising by persons who provide goods or services in more than one market and/or province.

² 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.

service to those who also subscribe to an existing ethnic Category A service operating in the same language.

9. 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, given that the Commission has denied the applicant's request for an exemption from the standard condition of licence regarding audio description.
10. Furthermore, given that the service will offer no less than 90% of its programming during the broadcast week in the Spanish language, the Commission is satisfied that the service falls under the definition of a third-language service set out in the *Broadcasting Distribution Regulations*.
11. Accordingly, the Commission **approves** the application by Telelatino Network Inc. for a broadcasting licence to operate the national, general interest third-language ethnic specialty Category B service Spanish Sports & Entertainment 1. 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.
12. The Commission notes that Spanish Sports & Entertainment 1 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

13. 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

- *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
- *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 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 2014-178

Terms, conditions of licence, expectations and encouragements for the specialty Category B service Spanish Sports & Entertainment 1

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 2020.

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 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 by 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, general interest third-language ethnic specialty Category B service devoted to sports and entertainment from around the world and target the Canadian Spanish-speaking community.
 - 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:

- 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 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
- c) The licensee shall broadcast no less than 90% of all programming during the broadcast week in the Spanish 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.