



Broadcasting Decision CRTC 2014-183

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Ottawa, 17 April 2014

McCarthy Tétrault LLP

Across Canada

Application 2014-0010-1

Addition of The Satellite Channel of Southern Television Guangdong to the *List of non-Canadian programming services authorized for distribution*

*The Commission **approves** an application to add The Satellite Channel of Southern Television Guangdong to the List of non-Canadian programming services authorized for distribution (the list) and amends the list accordingly. The revised list is available on the Commission's website at www.crtc.gc.ca, by clicking on "TV & Radio" and selecting "Programming".*

Introduction

1. McCarthy Tétrault LLP (McCarthy) filed an application to add The Satellite Channel of Southern Television Guangdong (TVS) to the *List of non-Canadian programming services authorized for distribution* (the list).
2. The applicant described TVS as a 24-hour general interest third-language (100% Cantonese-language) service featuring a mix of subjects, from Chinese history to current affairs, and from environmental issues to cultural exploration and entertainment.
3. In Broadcasting Public Notice 2004-96, the Commission stated that requests to add non-Canadian general interest third-language services to the list would generally be approved, subject to any requirement it deemed appropriate.
4. The Commission notes that TVS was on the list from 22 December 2006 to 10 December 2013¹ and that the present application seeks to reinstate the service on the list.

¹ In Broadcasting Regulatory Policy 2013-666, the Commission removed TVS from the list after receiving a request to that effect from the service indicating that it had entered into a partnership with a Canadian party to provide programming for the Canadian specialty Category B service TVS.

Interventions and reply

5. The Commission received an intervention in support of this application from TELUS Communications Company (TELUS). It also received an intervention in opposition to this application from CCMN/WOWtv. The public record for this application can be found on the Commission's website at www.crtc.gc.ca or by using the application number provided above.
6. In its intervention, TELUS supported the application and submitted that the removal of TVS from the list had the sudden effect of putting broadcasting distribution undertakings (BDUs) carrying the service in immediate non-compliance, without notice. TELUS argued that it had not been aware of the original request for removal and that it therefore did not have time to plan for the ineligibility of TVS. It added that several contractual and technical issues need to be resolved before BDUs can begin offering the Canadian Category B version of TVS in lieu of the non-Canadian service that they had been offering to their subscribers.
7. CCMN/WOWtv, the licensee of the Canadian Category B service WOW TV, opposed the present application and argued that it is invalid since it has already obtained programming rights for the Canadian Category B service TVS.
8. McCarthy submitted in reply that there is no regulatory reason for the Commission to not reinstate TVS on the list. It also highlighted the fact that CCMN/WOWtv does not currently provide the Canadian Category B service TVS to BDUs, which consequently cannot offer that service to subscribers in place of the non-Canadian service TVS.

Commission's analysis and decision

9. After examining the public record for this application in light of applicable policies and regulations, the Commission considers that the issue it must address relates to programming rights.
10. The Commission is satisfied with the statement provided in McCarthy's application indicating that TVS has all the necessary rights for distribution of its programming in Canada. It is also of the view that the service's assertion that it would not hold preferential or exclusive programming rights in Canada is acceptable and consistent with the information requirements for non-Canadian services.
11. Accordingly, the Commission finds that the addition of TVS to the list is consistent with its general approach regarding non-Canadian general interest third-language services and would ensure that Canadian consumers continue to have access to a service that has been available to them for several years.

Conclusion

12. In light of the above, the Commission **approves** the application by McCarthy Tétrault LLP to add The Satellite Channel of Southern Television Guangdong to the *List of non-Canadian programming services authorized for distribution* and amends the list accordingly. The revised list is available on the Commission's website at www.crtc.gc.ca, by clicking on "TV & Radio" and selecting "Programming". It may also be obtained in hard copy on request.

Secretary General

Related documents

- *Removal of The Satellite Channel of Southern Television Guangdong from the List of non-Canadian programming services authorized for distribution, Broadcasting Regulatory Policy CRTC 2013-666, 10 December 2013*
- *Improving the diversity of third-language television services – A revised approach to assessing requests to add non-Canadian third-language television services to the lists of eligible satellite services for distribution on a digital basis, Broadcasting Public Notice CRTC 2004-96, 16 December 2004*