



Broadcasting Decision CRTC 2014-373

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Route reference: Part 1 application posted on 7 April 2014

Ottawa, 16 July 2014

Soundview Entertainment Inc.

Across Canada

Application 2014-0271-8

Addition of OSN Ya Hala HD to the *List of non-Canadian programming services authorized for distribution*

*The Commission **denies** an application to add OSN Ya Hala HD to the List of non-Canadian programming services authorized for distribution.*

Introduction

1. The Commission received an application from Soundview Entertainment Inc., acting as the Canadian sponsor, to add OSN Ya Hala HD to the *List of non-Canadian programming services authorized for distribution* (the list).
2. Soundview Entertainment Inc. described OSN Ya Hala HD as a 24-hour general interest third-language (100% Arabic-language) service providing total entertainment and real news programming. Its target audience is Arabic-speaking Canadians, and its programming originates from Saudi Arabia.
3. In Broadcasting Public Notices 2004-96 and 2008-100, 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. In Broadcasting Public Notice 2008-100, the Commission stated that non-Canadian third-language services that provide narrowly targeted or “niche” programming would be subject to the same approach as non-Canadian general interest third-language services.

Interventions

4. The Commission received an intervention in opposition to the present application from Gulf DTH FZ LLC (Gulf DTH), operating under the name OSN in the United Arab Emirates (UAE). The applicant did not reply to the opposing intervention. 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.

Commission's analysis and decision

5. 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 distribution rights.
6. In Broadcasting Circular 2008-9, the Commission set out information requirements for sponsors of non-Canadian programming services, two of which being that all proposals must include:
 - evidence that the non-Canadian service has agreed to be sponsored by the Canadian party filing the proposal; and
 - a statement from the service provider that it has obtained all necessary rights for distribution of its programming in Canada.
7. To address these requirements, Soundview Entertainment Inc. filed, in its application, a letter from Soundview Broadcasting, LLC based in Long Island City, New York, as the service provider of OSN Ya Hala HD, agreeing to be sponsored by Soundview Entertainment Inc. and stating that it holds all necessary rights for distribution in Canada.
8. In its intervention, Gulf DTH submitted that it was the service provider for the channel OSN Ya Hala HD and that it had granted the right to distribute its service in the United States to IMD. Gulf DTH advised that it had not authorized Soundview Entertainment Inc. or Soundview Broadcasting, LLC to file the present application for authority to distribute OSN Ya Hala HD in Canada and that, to the best of its knowledge, neither had IMD. Consequently, Gulf DTH requested that the application be denied or put on hold pending further enquiry.
9. The Commission considers that in the absence of a reply from Soundview Entertainment Inc. refuting the statements made by Gulf DTH, there is insufficient evidence on the record to demonstrate that OSN Ya Hala HD has agreed to be sponsored by the applicant or that Soundview Entertainment, LLC has the necessary rights to distribute the programming in Canada.

Conclusion

10. In light of all of the above, the Commission **denies** the application by Soundview Entertainment Inc. to add OSN Ya Hala HD to the *List of non-Canadian programming services authorized for distribution*.

Secretary General

Related documents

- *Information requirements for sponsors of non-Canadian services for addition to the lists of eligible satellite services for distribution on a digital basis* – Information Bulletin, Broadcasting Circular CRTC 2008-9, 17 December 2008
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *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