



## Broadcasting Decision CRTC 2004-20

Ottawa, 21 January 2004

### **South Asian Television Canada Limited** Across Canada

*Application 2002-0899-3*  
*Public Hearing in the National Capital Region*  
*26 May 2003*

#### **ATN – Licence renewal**

*In this decision, the Commission **renews** the broadcasting licence for the specialty television service known as ATN, from 1 March 2004 to 31 August 2010. The details regarding the licensee's specific proposals for the new licence term, and the conditions of licence and other obligations determined by the Commission are set out below.*

#### **The application**

1. The Commission received an application by South Asian Television Canada Limited for the renewal of the broadcasting licence for the national, ethnic specialty television service known as ATN.
2. The Commission's general analysis with respect to its consideration of this and other applications heard at the 26 May 2003 Public Hearing for the licence renewal of specialty television services is set out in *Introduction to Broadcasting Decisions CRTC 2004-6 to 2004-27 renewing the licences of 22 specialty services*, Broadcasting Public Notice CRTC 2004-2, 21 January 2004 (Public Notice 2004-2).
3. The Commission received one intervention that specifically supported ATN's licence renewal application. No party expressed opposition or specific concerns in connection with this application. Other interveners raised general concerns related to all the specialty television licence renewal applications considered as part of this public process. These concerns are discussed in Public Notice 2004-2.
4. On the basis of its review of this licence renewal application and having considered the interveners' comments, the Commission **renews** the broadcasting licence for ATN, from 1 March 2004 to 31 August 2010.<sup>1</sup> The licence will be subject to the conditions specified therein and to the conditions set out in the appendix to this decision.

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<sup>1</sup> In *Administrative renewals*, Broadcasting Decision CRTC 2003-290, 21 July 2003, the Commission granted a six-month administrative renewal for ATN, from 1 September 2003 to 29 February 2004.

## Nature of service

5. The Commission originally licensed ATN in *New South Asian and English-language regional specialty service – Approved*, Decision CRTC 96-617, 4 September 1996. The service was authorized to provide a regional specialty television service having as its target audience the South Asian communities of Ontario. In *Licence amendment*, Decision CRTC 97-31, 7 August 1997, the Commission authorized the distribution of the service across Canada.

6. ATN's current condition of licence pertaining to its nature of service states:

The licensee shall provide a national specialty service having as its target audience the South Asian communities of Canada. The licensee shall draw not less than 75% of its programs from Type A programming and not more than 25% of its programs from Type C programming, as set out in Schedule II of the *Specialty Services Regulations, 1990*.

7. The terms Type A programming and Type C programming correspond with the definitions of ethnic programming found in the Commission's policy on ethnic broadcasting set out in *A Broadcasting Policy Reflecting Canada's Linguistic and Cultural Diversity*, Public Notice CRTC 1985-139, 4 July 1985. The Commission reviewed the policy in 1999 and published its revised *Ethnic Broadcasting Policy* (Ethnic Policy), Public Notice CRTC 1999-117, 16 July 1999. The revised policy no longer refers to program types. Instead, the policy defines an ethnic program as one that is directed to any culturally or racially distinct group other than one that is Aboriginal Canadian, or from France or the British Isles. Such programs may be in any language or combination of languages.

8. As part of the licence renewal process, the licensee stated that it would accept a revision to its current condition of licence describing its nature of service in order to ensure consistency with the revised Ethnic Policy. Accordingly, the Commission has amended ATN's condition of licence in order to require that all of its programming be ethnic programming, and that a minimum of 75% be third-language programming and a maximum of 25% be English- or French-language ethnic programs.

9. The revised **condition of licence** is set out in the appendix to this decision.

## Expenditures on, and exhibition of, Canadian programming

10. During the current licence term, the licensee has been required, by condition of licence, to expend on Canadian programs a minimum of 15% of the previous year's total revenues with respect to ATN. By condition of licence, the licensee must also devote not less than 17% of the broadcast year, and not less than 8% of the evening broadcast period to the exhibition of Canadian programs.

11. The Commission notes that the licensee recorded negative profit before interest and tax in each year of ATN's first licence term. Taking into account ATN's past financial performance and consistent with the approach described in Public Notice 2004-2, the Commission has determined that increases in the licensee's current requirements with respect to expenditures on, and exhibition of, Canadian programming are not warranted at this time. Accordingly, the Commission requires the licensee to maintain the level of its Canadian programming expenditures at 15% of the previous year's gross revenues and to continue to devote at least 17% of the broadcast year and at least 8% of the evening broadcast period to the exhibition of Canadian programs. **Conditions of licence** to that effect are set out in the appendix to this decision.
12. In response to the Commission's questions as part of the licence renewal process, the licensee stated that it would consider increasing the amount of Canadian programming broadcast on ATN when the service has achieved wider distribution on analog channels of broadcasting distribution undertakings. The Commission encourages the licensee to increase the amount of Canadian programming offered on its service during the new licence term, as its financial performance improves.

### **Canadian independent production**

13. During the current licence term, the licensee acquired programming from the independent production sector only on a limited basis. The licensee explained that its ability to acquire programs from Canadian independent producers has been hampered by the difficulties it has encountered in launching its service on cable systems.
14. The licensee made a commitment that, during the new licence term, it will distribute a minimum of four hours in each broadcast week of programs provided by the Canadian independent production sector. It expects to achieve a much greater penetration of its target market by the sixth year of the new licence term and plans to increase its efforts to obtain programming from the Canadian independent production sector at that time.

### **Regional reflection and production**

15. The Commission expects the licensee to ensure that the programming aired by ATN reflects all Canada's regions. The Commission also expects the licensee to provide opportunities for producers working outside the major production centres to supply programming for the service.

## **Cultural diversity**

16. The Commission notes that the licensee has established an advisory committee consisting of eighteen members representing various groups within the South Asian community in Canada. The committee advises the licensee on the programming that these groups wish to see presented on ATN as well as issues and community-related events that should be addressed by the service. In addition, the committee advises the licensee regarding sensitive issues affecting the South Asian community and how ATN could promote harmony within the diversified groups of this community.
17. The Commission expects all broadcasters, including the licensees of ethnic services, to endeavour, through their programming and employment opportunities, to reflect Canada's ethno-cultural minorities and Aboriginal peoples as well as persons with disabilities. While recognizing that ATN's programming is targeted specifically to the South Asian communities in Canada, the Commission expects the licensee to ensure that the on-screen portrayal of all groups is accurate, fair and non-stereotypical.

## **Employment equity and on-air presence**

18. The Commission encourages the licensee to consider employment equity issues in its hiring practices and in all other aspects of its management of human resources. The Commission also expects the licensees of specialty television services to ensure that the on-air presence of members of the four designated groups (women, Aboriginal persons, persons with disabilities and members of visible minorities) is reflective of Canadian society, and that members of these groups are presented fairly and accurately. The Commission expects South Asian Television Canada Limited to take steps during the new licence term to address any gaps in the on-air presence of members of the four designated groups on ATN.

## **Service to persons who are deaf or hard of hearing**

19. The Commission is committed to improving service to viewers who are deaf or hard of hearing, and has consistently encouraged broadcasters to increase the amount of closed captioned programming they broadcast. The Commission generally requires all broadcasters to offer a minimum percentage of closed captioned programs consistent with the nature of their services.
20. In its licence renewal application, the licensee indicated that it does not have the financial resources to purchase the necessary equipment to close caption the English-language programs offered on its service. For this reason, it has increased the sub-titling of its programming.

21. In the present case, the Commission recognizes ATN's financial difficulties as well as the challenges faced by the licensee in obtaining closed captioning for programming offered on its service in languages other than English and French. Accordingly, the Commission encourages the licensee to provide closed captioning of English-language programming, wherever possible during the new licence term.

### **Service to persons who are blind or whose vision is impaired**

22. The Commission is committed to improving the accessibility of television programming for persons with visual impairments through the provision of audio description<sup>2</sup> and video description (also known as described video).<sup>3</sup>
23. In its licence renewal application, the licensee indicated that its service is not technically capable of providing descriptive video by means of a secondary audio programming (SAP) channel. It stated that it endeavours to provide voice-overs for text and graphic information displayed on screen, especially public service announcements as well as any sports scores presented in its newscasts.
24. The Commission expects that, during the new licence term, the licensee will:
  - provide audio description, wherever appropriate;
  - acquire and broadcast the described versions of a program, wherever possible; and
  - take the necessary steps to ensure that its customer service responds to the needs of viewers who have visual impairments.

### **Programming delivered across time zones**

25. As discussed in Public Notice 2004-2, the Commission expects the licensee to demonstrate responsibility in the scheduling of programming intended for adult audiences, taking into account time zone differences between where a program originates and where it is received.

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<sup>2</sup> Audio description involves the provision of basic voice-overs of textual or graphic information displayed on the screen. A broadcaster providing audio description will, for example, not simply display sports scores on the screen, but also read them aloud so that people who are visually impaired can receive the information.

<sup>3</sup> Video description, or described video, consists of narrative descriptions of a program's key visual elements so that people who are visually impaired are able to form a mental picture of what is occurring on the screen.

## Compliance with industry codes

26. In accordance with its usual practice for specialty television services, the Commission is imposing **conditions of licence** requiring the licensee to adhere to industry codes related to sex-role portrayal, advertising to children, and the depiction of violence in television programming.

Secretary General

*This decision is to be appended to the licence. It is available in alternative format upon request, and may also be examined at the following Internet site: <http://www.crtc.gc.ca>*

## Appendix to Broadcasting Decision CRTC 2004-20

### Conditions of licence

1. The licensee shall provide a national specialty television service having as its target audience the South Asian communities of Canada. The licensee's programming will consist entirely of ethnic programming of which a minimum of 75% will be third-language programming and a maximum of 25% will be English- or French-language ethnic programs.
2. In each broadcast year, the licensee shall devote to the exhibition of Canadian programs not less than 17% of the broadcast day, and not less than 8% of the evening broadcast period.
3. In accordance with the Commission's position on Canadian programming expenditures as set out in *New Flexibility With Regard to Canadian Program Expenditures by Canadian Television Stations*, Public Notice CRTC 1992-28, 8 April 1992, in *The Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-93, 22 June 1993 and in *Additional Clarification Regarding the Reporting of Canadian Programming Expenditures*, Public Notice CRTC 1993-174, 10 December 1993:
  - (a) In each broadcast year of the licence term, the licensee shall expend on the acquisition of and/or investment in Canadian programs a minimum of 15% of the gross revenues derived from the operation of this service during the previous broadcast year.
  - (b) In each broadcast year of the licence term, excluding the final year, the licensee may expend an amount on Canadian programs that is up to five percent (5%) less than the minimum required expenditure for that year calculated in accordance with this condition; in such case, the licensee shall expend in the next broadcast year of the licence term, in addition to the minimum required expenditure for that year, the full amount of the previous year's under-expenditure.
  - (c) In each broadcast year of the licence term where the licensee expends an amount on Canadian programs that is greater than the minimum required expenditure for that year calculated in accordance with this condition, the licensee may deduct:
    - (i) from the minimum required expenditure for the following year of the licence term, an amount not exceeding the amount of the previous year's over-expenditure; and

- (ii) from the minimum required expenditure for any subsequent broadcast year of the licence term, an amount not exceeding the difference between the over-expenditure and any amount deducted under (i) above.
  - (d) Notwithstanding paragraphs (b) and (c) above, during the licence term, the licensee shall expend on Canadian programs, at a minimum, the total of the minimum required expenditures calculated in accordance with this condition of licence.
4. (a) Subject to subsection (b), the licensee shall not distribute more than eight (8) minutes of advertising material during each clock hour.
    - (b) Where a program occupies time in two or more consecutive clock hours, the licensee may exceed the maximum number of minutes of advertising material allowed in those clock hours if the average number of minutes of advertising material in the clock hours occupied by the program does not exceed the maximum number of minutes that would otherwise be allowed per clock hour.
  5. The licensee shall adhere to the guidelines on gender portrayal set out in the Canadian Association of Broadcasters' (CAB) *Sex-role portrayal code for television and radio programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the Canadian Broadcast Standards Council (CBSC).
  6. The licensee shall adhere to the provisions of the CAB's *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
  7. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the CAB's *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. The application of the foregoing condition of licence will be suspended as long as the licensee remains a member in good standing of the CBSC.

For the purpose of these conditions, the terms "broadcast day", "broadcast month", "broadcast year", "clock hour" and "evening broadcast period" shall have the same meanings as those set out in the *Television Broadcasting Regulations, 1987*.