



Broadcasting Public Notice CRTC 2005-124-1

Ottawa, 31 March 2006

Call for comments on the proposed addition of nine non-Canadian Chinese-language services to the lists of eligible satellite services for distribution on a digital basis – Re-opening of proceeding to permit the filing of evidence

Background

1. In *Call for comments on the proposed addition of nine non-Canadian Chinese-language services to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2005-124, 16 December 2005 (Public Notice 2005-124), the Commission called for comments on a request by the Canadian Cable Telecommunications Association (CCTA) for the addition of various Chinese-language services to the lists of eligible satellite services for distribution on a digital basis (the digital lists).
2. In Public Notice 2005-124, the Commission noted that the CCTA had described the nine services as general interest services. Based on supporting information provided by the CCTA, the Commission noted further that the services originate in mainland China and are operated by China International Television Corporation (CITVC), which is a state-owned corporation and a wholly-owned subsidiary of China Central Television (CCTV).
3. The procedure established in Public Notice 2005-124 required that comments be filed by 16 January 2006. The Commission received close to 400 individual comments in response to the public notice, both supporting and opposing the addition of the nine services, as well as numerous form letters and petitions. On 30 January 2006, the CCTA filed a reply to these comments. On 13 February 2006, Rogers Cable Communications Inc. (Rogers) advised that, with the wind-up of the CCTA announced on 10 February 2006, it would take over as the Canadian sponsor of these nine Chinese-language services.

Requests received

4. By letter dated 27 February 2006, the Commission received a request from China Insight Research Society, urging it to hold a public hearing on the request to add these services to the digital lists. In support of its request, China Insight Research Society noted that the comment period fell during the federal election and over the Christmas and New Year's holiday. Further, China Insight Research Society considered that the replies from the CCTA and CITVC "trivialized" human rights violations in China and "the roles the TV

services played in these violations.” China Insight Research Society submitted that the CCTA and CITVC also avoided key evidence showing the use of abusive and hate-inciting language in programs aired on these channels. China Insight Research Society considered that a public hearing would help to clarify the facts.

5. The Commission also received requests for a public hearing, dated 1 March and 13 March 2006, from Canadians Against Propaganda, an umbrella organization representing a number of organizations and associations. In support of its requests, Canadians Against Propaganda submitted, among other things, that the services in question are used to “propagate communist ideology, attack democracy and incite hatred against minority groups.” Canadians Against Propaganda contended that “many of these programs airing in China would be in blatant contravention of *The Canadian Charter of Rights and Freedoms*, the *Broadcasting Act* and sections 318 and 319 of the *Criminal Code* prohibiting the advocacy of genocide as well as the public incitement of hatred and the wilful promotion of hate propaganda with intent to destroy in whole or in part any identifiable group.”
6. Finally, by letter dated 6 March 2006, the Commission received a request for an oral public hearing from Mr. Bill Siksay, Member of Parliament for Burnaby-Douglas. Mr. Siksay noted, among other things, that all nine services are fully state controlled, and that serious concerns have been raised about Chinese media, in particular the Xinhua News Agency, which Mr. Siksay understood to be the major news source for the services that are the subject of the request.

The Commission’s determination

7. As noted in Public Notice 2005-124, the Commission’s general approach to the addition of non-Canadian third-language services is set out in *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 (Public Notice 2004-96). In Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, general interest, third-language services to the digital lists will generally be approved, subject, as appropriate, to new distribution and linkage requirements. The applicable requirements are currently set out in *Distribution and Linkage requirements for Class 1 and Class 2 licensees*, Broadcasting Public Notice CRTC 2005-119, 14 December 2005, and *Linkage requirements for Direct-to-home (DTH) satellite distribution undertakings*, Broadcasting Public Notice CRTC 2005-120, 14 December 2005.
8. Given its stated approach that the addition of such services to the digital lists will generally be approved, the Commission considers it incumbent on those parties seeking denial to make a persuasive case for such denial. In this regard, the Commission notes that many parties filing comments pursuant to Public Notice 2005-124 opposed the addition of these services on grounds similar to those expressed in the above-noted requests for a public hearing. Most of these parties, however, provided little or no

evidence to substantiate their positions. Similarly, the parties requesting that the Commission conduct further process provided little or no evidence to substantiate their concerns.

9. With respect to the above, the Commission notes that this is the first occasion since the establishment of its new approach that it has received requests for further public process with regard to the addition of services such as those at issue here. Accordingly, and given the nature of the concerns expressed, the Commission finds it appropriate to re-open the record of the proceeding initiated by Public Notice 2005-124 for the purpose of permitting the filing of concrete evidence in relation to the concerns expressed.
10. In light of the above, parties wishing to file evidence with regard to concerns such as those noted in the requests for further process must do so by **3 May 2006**. Such evidence might consist, for example, of transcripts or tapes of actual programs aired on any of these nine services, along with details as to the name of the specific service broadcasting the program or program segment and the date or dates on which it aired. In this regard, the Commission will expect all materials in a language other than English or French to be accompanied by a certified translation in either English or French.
11. Parties submitting that approval of these services is warranted, but that the distribution and linkage requirements described in Public Notice 2004-96 are inappropriate or inadequate to address their concerns, are asked to comment on what terms and conditions of approval would be appropriate.
12. The Commission also requests that parties include in their comments a discussion of how the Commission could best contribute to the attainment of specific objectives of the *Broadcasting Act* in its treatment of the request to add these services to the digital lists.
13. Parties making submissions to the Commission pursuant to this public notice should also provide a true copy of their submissions to the Canadian sponsor, Rogers, at the following address:

Rogers Cable Communications Inc.
9th Floor, 333 Bloor Street East
Toronto, Ontario
M4W 1G9
e-mail: cable.regulatory@rci.rogers.com
Facsimile: (416) 935-4875
14. Proof that copies have been sent to Rogers must accompany the original version of the submission sent to the Commission. A copy of the submission must be received by Rogers no later than the deadline for receipt by the Commission.
15. Rogers may file a written reply and/or rebuttal to any further submissions received. Reply or rebuttal should be filed with the Commission, and a copy sent to the person making the submission, by no later than **17 May 2006**.

16. The Commission will not formally acknowledge comments. It will, however, fully consider all comments and they will form part of the public record of the proceeding, provided that the procedures for filing set out below have been followed.

Procedures for filing comments

17. Interested parties can file their comments to the Secretary General of the Commission:

- **by using the**
Broadcasting Intervention/Comments Form

OR

- **by mail to**
CRTC, Ottawa, Ontario K1A 0N2

OR

- **by fax at**
(819) 994-0218

18. Submissions longer than five pages should include a summary.
19. Please number each paragraph of your submission. In addition, please enter the line ***End of document*** following the last paragraph. This will help the Commission verify that the document has not been damaged during transmission.

Important notice

20. Note that all information that you provide as part of this public process, except information granted confidentiality, whether sent by postal mail, facsimile, e-mail or through the Commission's web site at www.crtc.gc.ca, becomes part of a publicly accessible file and will be posted on the Commission's web site. This information includes your personal information, such as your full name, e-mail address, postal/street address, telephone and facsimile number(s), and any other personal information you provide.
21. Documents received electronically or otherwise will be put on the Commission's web site in their entirety exactly as you send them, including any personal information contained therein, in the official language and format in which they are received. Documents not received electronically will be available in PDF format.
22. The personal information you provide will be used and may be disclosed for the purpose for which the information was obtained or compiled by the Commission, or for a use consistent with that purpose.

23. The Commission encourages interested parties to monitor the public examination file and the Commission's web site for additional information that they may find useful when preparing their comments.

Examination of public comments and related documents at the following Commission offices during normal business hours

Central Building

Les Terrasses de la Chaudière
1 Promenade du Portage, Room 206
Gatineau, Quebec K1A 0N2
Tel: (819) 997-2429 - TDD: 994-0423
Fax: (819) 994-0218

Metropolitan Place

99 Wyse Road
Suite 1410
Dartmouth, Nova Scotia B3A 4S5
Tel: (902) 426-7997 - TDD: 426-6997
Fax: (902) 426-2721

205 Viger Avenue West

Suite 504
Montréal, Quebec H2Z 1G2
Tel: (514) 283-6607

55 St. Clair Avenue East

Suite 624
Toronto, Ontario M4T 1M2
Tel: (416) 952-9096

Kensington Building

275 Portage Avenue
Suite 1810
Winnipeg, Manitoba R3B 2B3
Tel: (204) 983-6306 - TDD: 983-8274
Fax: (204) 983-6317

Cornwall Professional Building

2125 - 11th Avenue
Room 103
Regina, Saskatchewan S4P 3X3
Tel: (306) 780-3422

10405 Jasper Avenue
Suite 520
Edmonton, Alberta T5J 3N4
Tel: (780) 495-3224

530-580 Hornby Street
Vancouver, British Columbia V6C 3B6
Tel: (604) 666-2111 - TDD: 666-0778
Fax: (604) 666-8322

Secretary General

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