



Broadcasting Public Notice CRTC 2006-39

Ottawa, 30 March 2006

Call for comments on the proposed addition of Phoenix InfoNews Channel to the lists of eligible satellite services for distribution on a digital basis

1. The Commission received a request dated 23 February 2006 from Rogers Cable Communications Inc. (Rogers) for the addition of Phoenix InfoNews Channel, a non-Canadian third-language service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). Rogers described the service as follows:

Phoenix InfoNews Channel is a 24-hour niche news service based in Hong Kong providing a comprehensive menu of news and information on world events, current affairs, and financial developments in Mandarin. It offers programming from the following categories: news, analysis and interpretation, long-form documentary, reporting and actualities, information education, sports, recreation and leisure. Approximately 85% of the service's programming schedule consists of programming that is within the news, analysis and interpretation genres.

2. 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), the Commission set out its revised approach to the assessment of requests to add non-Canadian third-language television services to the digital lists, as well as specific information that Canadian sponsors must file in support of their requests.
3. In Public Notice 2004-96, the Commission stated that, going forward, requests to add non-Canadian, third-language, general interest services to the digital lists would generally be approved, subject, as appropriate, to new distribution and linkage requirements¹. For non-Canadian third-language services that provide narrowly targeted or “niche” programming, the Commission stated that it would continue to apply a case-by-case assessment to determine whether the service is partially or totally competitive with Canadian services.

¹ The current requirements are 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.

4. The Commission also stated in Public Notice 2004-96 that, in applying the competitiveness test to these non-Canadian services, it would not take into consideration unlaunched ethnic Category 2 services, unless the Category 2 service presents compelling evidence that launch of the service is imminent. Such evidence could include distribution agreements or ongoing negotiations, programming contracts or negotiations with non-Canadian program suppliers, and licence fees paid to Canadian content suppliers.
5. Finally, the Commission stated that, in assessing niche services, there may be cases where, rather than denying authorization, it might be prepared to consider adopting distribution requirements similar to those adopted for general interest third-language services.

Call for comments

6. The Commission calls for comments on Rogers' request for the addition of Phoenix InfoNews Channel to the digital lists. Parties submitting comments on the request should also submit a true copy of their comments to the Canadian sponsor, Rogers, at the following address:

Rogers Cable Communications Inc.
333 Bloor Street East, 9th Floor
Toronto, Ontario
M4W 1G9
e-mail: cable.regulatory@rci.rogers.com
Facsimile: (416) 935-4875

7. Proof that comments have been sent to Rogers must accompany the original version of the comments sent to the Commission.
8. Comments on Rogers' request must be received by the Commission no later than **1 May 2006**. A copy of the comments must be received by Rogers no later than the deadline for receipt of comments by the Commission.
9. Rogers may file a written reply to any comments received concerning its request. This reply should be filed with the Commission, and a copy sent to the person who submitted the comments, by no later than **15 May 2006**.
10. 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

11. 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

12. Submissions longer than five pages should include a summary.

13. 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

14. 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.

15. 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.

16. 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.

17. 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
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Secretary General

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