



## Broadcasting Decision CRTC 2006-579

Ottawa, 12 October 2006

### **Prabhakaran Selvadurai, on behalf of a corporation to be incorporated Across Canada**

*Application 2006-0082-6  
Public Hearing at Edmonton, Alberta  
19 June 2006*

### **DMG South Asian Sports – Category 2 specialty service**

*In this decision, the Commission **approves** an application for a broadcasting licence to operate a new Category 2 specialty programming undertaking.*

#### **The application**

1. The Commission received an application by Prabhakaran Selvadurai, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national, English-language, ethnic Category 2<sup>1</sup> specialty programming undertaking to be known as DMG South Asian Sports.
2. The applicant proposed to offer a service that would consist primarily of sports news programming targeting Canadians with origins in India, Pakistan, Bangladesh and Sri Lanka. The applicant proposed that not less than 90% of all programming broadcast during the broadcast week would be in the English language.
3. All of the programming would be drawn from the following categories set out in Schedule 1 to the *Specialty Services Regulations, 1990*: 1 News; 2(a) Analysis and interpretation; 2(b) Long-form documentary; 3 Reporting and actualities; 6(a) Professional sports; 6(b) Amateur sports; 12 Interstitials; 13 Public service announcements; and 14 Infomercials, promotional and corporate videos.
4. The applicant stated that it would not broadcast North American play-by-play professional sports programming involving baseball, football, hockey and basketball, and that 90% of the professional sports to be broadcast would originate from countries outside North America.
5. The applicant also requested the authority, by condition of licence, to broadcast up to six minutes per hour of local and regional advertising.

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<sup>1</sup> The Category 2 services are defined in *Introductory statement – Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000.

6. The Commission did not receive any interventions in connection with this application.

### **Commission's analysis and determinations**

7. In *Licensing framework policy for new digital pay and specialty services*, Public Notice CRTC 2000-6, 13 January 2000, the Commission implemented a competitive, open-entry approach to licensing Category 2 services. While the Commission does not consider the impact that a new Category 2 service might have on an existing Category 2 service, it does seek to ensure that newly licensed Category 2 services do not compete directly with any existing pay or specialty television service, including any Category 1 service.
8. In *Introductory statement - Licensing of new digital pay and specialty services*, Public Notice CRTC 2000-171, 14 December 2000, and *Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1), the Commission adopted a case-by-case approach in determining whether a proposed Category 2 service should be considered directly competitive with an analog pay or specialty or existing Category 1 service, although not with an existing Category 2 service. The Commission examines each application in detail, taking into consideration the proposed nature of service and the unique circumstances of the genre in question.
9. In the present case, the Commission considers it appropriate to impose additional requirements that the service not be permitted to broadcast North American play-by-play professional sports programming involving baseball, football, hockey and basketball, and that not less than 90% of the professional sports programming to be broadcast during the broadcast week originate from countries outside of North America. The Commission is of the view that these additional requirements will prevent the service from becoming directly competitive with existing analog pay or specialty services or with Category 1 services such as The Score, SportsNet and TSN. **Conditions of licence** on the nature of the service are set out in the appendix to this decision.
10. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in Public Notice 2000-171-1. Accordingly, the Commission **approves** the application by Prabhakaran Selvadurai, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national, English-language, ethnic Category 2 specialty programming undertaking, DMG South Asian Sports.
11. With respect to the request to broadcast up to six minutes of local or regional advertising, the Commission notes that, as set out in Public Notice 2005-104, the Commission generally permits new ethnic specialty services to broadcast up to six minutes per hour of local advertising unless an intervener makes a compelling case to the contrary. In the present case, there were no interventions opposing the proposal to broadcast local and regional advertising. The Commission therefore **approves** the applicant's request for authority to broadcast up to six minutes per hour of local and regional advertising. A **condition of licence** to that effect is set out in the appendix to this decision.

12. The licence will expire 31 August 2013, and will be subject to the **conditions** set out in Public Notice 2000-171-1, as well as to the **conditions** set out in the appendix to this decision.

### **Issuance of the licence**

13. A licence will be issued once the applicant has satisfied the Commission, with supporting documentation, that the following requirements have been met:
- an eligible Canadian corporation has been incorporated in accordance with the application in all material respects;
  - the applicant has entered into a distribution agreement with at least one licensed distributor; and
  - the applicant has informed the Commission in writing that it is prepared to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 36 months from the date of this decision, unless a request for an extension of time is approved by the Commission before 12 October 2009. In order to ensure that such a request is processed in a timely manner, it should be submitted at least 60 days before that date.

Secretary General

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

## Appendix to Broadcasting Decision CRTC 2006-579

### Conditions of licence

1. The licence will be subject to the conditions set out in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001, except for condition 4d) which will not apply, and condition 4a) which is replaced by the following:

Except as otherwise provided in subparagraphs b) and c), the licensee shall not broadcast more than twelve (12) minutes of advertising material during each clock hour, no more than six (6) minutes of which may consist of local or regional advertising.

2. The licensee shall provide a national, English-language, ethnic Category 2 specialty programming service devoted primarily to sports news programming targeting Canadians with origins in India, Pakistan, Bangladesh and Sri Lanka.
3. The programming shall be drawn exclusively from the following categories, as set out in Schedule I to the *Specialty Services Regulations, 1990*, as amended from time to time:

- 1 News
- 2 (a) Analysis and interpretation  
(b) Long-form documentary
- 3 Reporting and actualities
- 6 (a) Professional sports  
(b) Amateur sports
- 12 Interstitials
- 13 Public service announcements
- 14 Infomercials, promotional and corporate videos

4. Not less than 90% of the professional sports programming to be broadcast during the broadcast week will originate from countries outside of North America.
5. The licensee shall not broadcast North American play-by-play professional sports programming involving baseball, football, hockey and basketball.

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* means the period of up to 18 consecutive hours, beginning each day not earlier than six o'clock in the morning and ending not later than one o'clock in the morning of the following day, as selected by the licensee, or any other period approved by the Commission.