



Broadcasting Public Notice CRTC 2005-128

Ottawa, 22 December 2005

Revised lists of eligible satellite services

*The Commission **approves** a request to add NTV Bangla to the lists of eligible satellite services for distribution on a digital basis. The four revised lists appended to this public notice supersede those appended to Revised lists of eligible satellite services, Broadcasting Public Notice CRTC 2005-121, 14 December 2005.*

Introduction

1. The Commission received a request dated 19 May 2005 from the Canadian Cable Telecommunications Association (CCTA) to add NTV Bangla, a non-Canadian service, to the lists of eligible satellite services for distribution on a digital basis (the digital lists). The CCTA described the service as follows:

... a 24-hour general interest service offering a variety of programming including news, current affairs, sports, documentaries, comedies, movies, serial dramas, and children's entertainment. NTV Bangla offers more than 98% of its programming in the Bengali language with less than 2% provided in English. The service is not accompanied by English- or French-language subtitles or secondary audio programming (SAP).

2. The Commission subsequently issued *Call for comments on a request to add NTV Bangla to the lists of eligible satellite services for distribution on a digital basis*, Broadcasting Public Notice CRTC 2005-71, 25 July 2005.

Positions of parties

3. The Commission received many individual comments, as well as numerous form letters, in support of the CCTA's request to add NTV Bangla to the digital lists. One comment was filed in opposition.
4. The one individual opposed to the addition of NTV Bangla to the digital lists cited several concerns, including the lack of Canadian content, particularly local Canadian news in Bengali; the presence of religious programming reflecting only the Islamic faith; and that the service does not meet the needs of Bengalis from India as well as those from Bangladesh.

5. The partners of Bell ExpressVu Limited Partnership (ExpressVu),¹ generally supported the addition of NTV Bangla to the digital lists. However, to ensure that services added to the digital lists are made available to all broadcasting distribution undertakings (BDUs) on a fair and equitable basis, ExpressVu proposed that the following condition be added to the requirements that all services placed on the digital lists must satisfy:

Non-Canadian programming services, to maintain inclusion on or be added to the lists of eligible satellite services, must provide access to their respective services to all broadcasting distribution undertakings as soon as practicable and on comparable terms and conditions.

Sponsor's reply

6. In its reply, the CCTA submitted that the decision to add a third-language non-Canadian service to the digital lists should be based exclusively on the approach 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), and that suggestions to impose conditions of entry other than those described in that notice are irrelevant and outside the scope of this proceeding. With respect to ExpressVu's suggested condition regarding non-discriminatory access, the CCTA added that any complaints that a BDU may have regarding an undue preference should be dealt with through the Commission's dispute resolution process, which has recently been revised to allow for expedited proceedings.

Commission's analysis and determinations

7. In 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. 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 would generally be approved, subject, as appropriate, to new distribution and linkage requirements.²
8. The Commission has examined the material filed in support of the CCTA's request to add NTV Bangla to the digital lists, and is satisfied that the service is a general interest, third-language service in the Bengali language, as described by the CCTA. Thus, it is appropriately subject to the approach set out in Public Notice 2004-96.

¹ Bell ExpressVu Inc. (the general partner), and BCE Inc. and 4119649 Canada Inc. (partners in BCE Holdings G.P., a general partnership that is the limited partner), carrying on business as Bell ExpressVu Limited Partnership

² 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.

9. In regard to concerns raised about the religious programming on the service, the Commission notes that the information filed indicates that such programming comprises a small portion of the programming schedule, i.e., slightly in excess of 8%. The Commission considers that this level of religious programming is insufficient to qualify NTV Bangla as a non-Canadian religious service, which might then be subject to specific distribution and linkage requirements for such services. Rather, as noted above, the service is properly described as a general interest service.
10. With respect to the concerns raised regarding the lack of Canadian content on NTV Bangla, the Commission notes that the measures adopted in Public Notice 2004-96 were intended to provide non-Canadian third-language, general interest Category 2 services with an opportunity to launch and establish a place in the Canadian broadcasting system, while at the same time improving service to underserved third-language communities in Canada by providing for greater access to non-Canadian services. The Commission sees no reason to depart from that approach in the case of NTV Bangla.
11. The Commission also notes in this regard that, in *Revised approach for the consideration of broadcasting licence applications proposing new third-language ethnic Category 2 pay and specialty services*, Broadcasting Public Notice CRTC 2005-104, 23 November 2005, it introduced measures to facilitate the licensing of new Canadian third-language services, thereby increasing the availability of Canadian third-language programming for Canadian ethnic communities.
12. With regard to ExpressVu's suggestion that the addition of services to the digital lists be made subject to the condition that they be available to all BDUs on a fair and equitable basis, the Commission notes that ExpressVu did not present any evidence to raise concerns that NTV Bangla intends to make itself available only to certain distributors or to provide significantly better terms to certain distributors. The Commission would, as a rule, expect non-Canadian services to make themselves available to BDUs on generally comparable terms.
13. In light of the above, consistent with the approach set out in Public Notice 2004-96, the Commission **approves** the addition of NTV Bangla to the digital lists. NTV Bangla has therefore been added to the revised lists attached to this notice. The Commission notes that the distribution of this service is subject to the distribution and linkage rules that apply to third-language general interest services added to the digital lists after 16 December 2004, as 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.

Secretary General

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Appendix A to Broadcasting Public Notice CRTC 2005-128

List of Part 2 Eligible Satellite Services

Section A

Learning and Skills Television of Alberta	
Saskatchewan Communications Network (SCN)	
Télé-Québec (STQ)	
TVOntario (TVO and TFO)	
Open Learning Agency (Knowledge Network)	
Atlantic Satellite Network (ASN)	
CFTU-TV Montréal	IND*
CBC English-language Television Service	
CBC French-language Television Service	
WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/ WDIV Detroit/WICU-TV Erie/KARE Minneapolis/ KHQ-TV Spokane/KING-TV Seattle	NBC*
WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/ WTVS Detroit/WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle	PBS*
WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/ WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/ KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit	CBS*
WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/ WXYZ-TV Detroit/WJET-TV Erie/KSTP-TV Minneapolis/ KXLY-TV Spokane/KOMO-TV Seattle	ABC*
WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/ WUHF Rochester/KAYU-TV Spokane/KCPQ Tacoma/ WFXT Boston	FOX*
ART America*	
The Arts and Entertainment Network (A&E)	
BBC World	
Black Entertainment Television (BET)	
Cable News Network (CNN)	
CNN Headline News (CNN-2)	
Cable Satellite Public Affairs Network (C-Span)	

Consumer News and Business Channel (CNBC)
Court TV
Deutsche Welle[♦]
The Filipino Channel[♦]
The Golf Channel
The Learning Channel
Radio-France outre-mer (RFO1)*
The Silent Network (Kaleidoscope)
Speed Channel
Spike TV
TV Japan[♦]
TV Polonia[♦]
The Weather Channel (TWC)
WMNB-TV: Russian-American Broadcasting Company[♦]
Licensed pay audio programming undertaking(s)**

Section B

KSTW (IND) Tacoma/Seattle*
KTLA Los Angeles
KWGN-TV Denver
WGN-TV Chicago
WPIX New York City
WSBK-TV Boston
WTBS Atlanta
WUAB-TV (IND) Cleveland*
WWOR-TV New York City
American Movie Classics
Comedy Central
Game Show Network
Lifetime Television

Playboy TV***

Turner Classic Movies

* Received from a licensed SRDU

** A pay audio programming undertaking may not be used for linkage purposes for the distribution of any non-Canadian eligible satellite services.

*** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service. Distributors are required to take measures to fully block the reception of both the audio and video portions of Playboy TV to subscribers that request it not be receivable in their home (in either unscrambled or scrambled analog form).

Authorization for the services in Sections A and B is subject to the following:

- In the case of signals received from a licensed SRDU, ASN, the CBC English- and French-language Television Services and foreign satellite services, licensees are required to enter into the necessary contractual arrangements for such carriage.

- Licensees that distribute a PBS signal received at the local head end by terrestrial transmission may distribute one PBS service received from a licensed SRDU. All other licensees may distribute a maximum of two PBS services received from a licensed SRDU. Licensees may not distribute the signal of more than one affiliate of the same commercial U.S. network, received from a licensed SRDU, unless otherwise authorized pursuant to a condition of licence.

♦ denotes a service in a language other than English or French added before 16 December 2004.

Section C

List of Part 2 Eligible Satellite Services for Digital Distribution Only

Al Jazeera**♦

ART Movies♦

Bloomberg Television

Bridges TV

BVN-TV♦

Canal SUR♦

Channel One Russia Worldwide TV

CineLatino♦

Discovery Wings

Eternal Word Television Network

Eurochannel
EuroNews
Eurosportnews
Fox News
German TV[♦]
Grandes Documentales de TVE[♦]
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya[♦]
Network TEN (Australia)
New Tang Dynasty Television (NTDTV)
NFL Network
NTV Bangla
Oxygen Network
Paris-Première
Phoenix North American Chinese Channel (PNACC)
Planète
PTV-Prime USA
Radio Television Portugal International (RTPi)
RAI International 2
Romanian Television International (RTVI)[♦]
RTV Palma[♦]
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Globo Internacional
TV Land
TV3 Republic of Ireland
TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Utilisima[♦]

*

On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the services in Section C is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

[♦] denotes a service in a language other than English or French added before 16 December 2004.

Appendix B to Broadcasting Public Notice CRTC 2005-128

List of Part 3 Eligible Satellite Services

Learning and Skills Television of Alberta

Saskatchewan Communications Network (SCN)

Télé-Québec (STQ)

TVOntario (TVO and/et TFO)

Open Learning Agency (Knowledge Network)

Atlantic Satellite Network (ASN)

Aboriginal Peoples Television Network (APTN)

CBC English-language Television Service

CBC French-language Television Service

The programming service of any licensed television programming undertaking*

WHDH-TV Boston/WGRZ-TV Buffalo/WPTZ Burlington/ NBC
WDIV Detroit/WICU-TV Erie/KARE Minneapolis/
KHQ-TV Spokane/KING-TV Seattle

WGBH-TV Boston/WNED-TV Buffalo/WETK Burlington/WTVS Detroit/ PBS*
WQLN Erie/KSPS-TV Spokane/KCTS-TV Seattle

WBZ-TV Boston/WIVB-TV Buffalo/WCAX-TV Burlington/ CBS
WSEE Erie/WTOL-TV Toledo/WCCO-TV Minneapolis/
KREM-TV Spokane/KIRO-TV Seattle/WWJ-TV Detroit

WCVB-TV Boston/WKBW-TV Buffalo/WVNY Burlington/WXYZ-TV ABC*
Detroit/ WJET-TV Erie/KSTP-TV Minneapolis/KXLY-TV Spokane/
KOMO-TV Seattle

WUTV Buffalo/WFFF-TV Burlington/WFTC Minneapolis/WUHF FOX*
Rochester/KAYU-TV Spokane/KCPQ Tacoma/WFXT Boston

KSTW Tacoma/Seattle IND*

WUAB-TV Cleveland IND*

KTLA Los Angeles

KWGN-TV Denver

WGN-TV Chicago

WPIX New York City

WSBK-TV Boston

WTBS Atlanta
WWOR-TV New York City
American Movie Classics
ART America[♦]
The Arts and Entertainment Network (A&E)
BBC World
Black Entertainment Television (BET)
Cable News Network (CNN)
CNN Headline News (CNN-2)
Cable Satellite Public Affairs Network (C-Span)
Comedy Central
Consumer News and Business Channel (CNBC)
Court TV
Deutsche Welle[♦]
The Filipino Channel[♦]
Game Show Network
The Golf Channel
The Learning Channel
Lifetime Television
Playboy TV **
Radio-France outre-mer (RFO1)*
The Silent Network (Kaleidoscope)
Speed Channel
Spike TV
Turner Classic Movies
TV Japan[♦]
TV Polonia[♦]
The Weather Channel (TWC)
WMNB-TV: Russian-American Broadcasting Company[♦]

Licensed pay audio programming undertaking(s)

* Received from a licensed SRDU

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Authorization for the services in *List of Part 3 Eligible Satellite Services* is subject to the following:

- In the case of out-of-province educational services, there should be no objection on the part of the originating service.

- In the case of signals received from a licensed SRDU, ASN, the CBC English- and French-language Television Services and foreign satellite services, licensees are required to enter into the necessary contractual arrangements for such carriage.

- In the case of licensed television programming undertakings offering TVA or CTV programming, a licensee also distributing the signal of a local TVA or CTV affiliate shall delete the duplicate programming from the services received from a licensed SRDU or substitute the local service(s) when the programming is identical.

- Licensees that distribute a PBS signal received at the local head end by terrestrial transmission may distribute one PBS service received from a licensed SRDU. All other licensees may distribute a maximum of two PBS services received from a licensed SRDU. Licensees may not distribute the signal of more than one affiliate of the same commercial U.S. network, received from a licensed SRDU, unless otherwise authorized pursuant to a condition of licence.

♦ denotes a service in a language other than English or French added before 16 December 2004.

List of Part 3 Eligible Satellite services for Digital Distribution Only

Al Jazeera*♦

ART Movies♦

Bloomberg Television

Bridges TV

BVN-TV♦

Canal SUR♦

Channel One Russia Worldwide TV

CineLatino♦

Discovery Wings

Eternal Word Television Network
Eurochannel
EuroNews
Eurosportnews
Fox News
German TV[♦]
Grandes Documentales de TVE[♦]
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya[♦]
Network TEN (Australia)
New Tang Dynasty Television (NTDTV)
NFL Network
NTV Bangla
Oxygen Network
Paris-Première
Phoenix North American Chinese Channel (PNACC)
Planète
PTV-Prime USA
Radio Television Portugal International (RTPi)
RAI International 2
Romanian Television International (RTVI)[♦]
RTV Palma[♦]
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Globo Internacional
TV Land
TV3 Republic of Ireland

TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Utilisima[♦]

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera.

Authorization for the services eligible for digital distribution only are subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

♦ denotes a service in a language other than English or French added before 16 December 2004.

Appendix C to Broadcasting Public Notice CRTC 2005-128

List of DTH Eligible Satellite Services

Section A

ART America*

The Arts and Entertainment Network (A&E)

BBC World

Black Entertainment Television (BET)

Cable News Network (CNN)

CNN Headline News (CNN-2)

Cable Satellite Public Affairs Network (C-Span)

Consumer News and Business Channel (CNBC)

Court TV

Deutsche Welle*

The Filipino Channel*

The Golf Channel

The Learning Channel

The Silent Network (Kaleidoscope)

Speed Channel

Spike TV

TV Japan*

TV Polonia*

The Weather Channel (TWC)

WMNB-TV: Russian-American Broadcasting Company*

Radio France outre-mer (RFO1)

Section B

KSTW (IND) Tacoma/Seattle*

KTLA Los Angeles*

KWGN-TV Denver*

WGN-TV Chicago*
WPIX New York City*
WSBK-TV Boston*
WTBS Atlanta*
WWOR-TV New York City*
American Movie Classics
Comedy Central
Game Show Network
Lifetime Television
Playboy TV **
Turner Classic Movies

* U.S. Superstation

** Playboy TV is only authorized for distribution at the specific request of a subscriber. Distributors are not permitted to package Playboy TV in such a way that subscribers are obligated to purchase Playboy TV in order to purchase any other programming service.

Authorization for the services listed in Section A and Section B is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of foreign satellite services.

♦ denotes a service in a language other than English or French added before 16 December 2004.

Section C

Al Jazeera*♦
ART Movies♦
Bloomberg Television
Bridges TV
BVN-TV♦
Canal SUR♦
Channel One Russia Worldwide TV
CineLatino♦
Discovery Wings

Eternal Word Television Network
Eurochannel
EuroNews
Eurosportnews
Fox News
German TV[♦]
Grandes Documentales de TVE[♦]
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya[♦]
Network TEN (Australia)
New Tang Dynasty Television (NTDTV)
NFL Network
NTV Bangla
Oxygen Network
Paris-Première
Phoenix North American Chinese Channel (PNACC)
Planète
PTV-Prime USA
Radio Television Portugal International (RTPi)
RAI International 2
Romanian Television International (RTVI)[♦]
RTV Palma[♦]
Sony Entertainment Television Asia (SET Asia)
TRACE TV
TV Globo internacional
TV Land
TV3 Republic of Ireland

TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Utilisima[♦]

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the services listed in Section C is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

♦ denotes a service in a language other than English or French added before 16 December 2004.

Appendix D to Broadcasting Public Notice CRTC 2005-128

List of Part 2, Part 3, and DTH Eligible Satellite Services for Digital Distribution

Al Jazeera*[†]
ART Movies*
Bloomberg Television
Bridges TV
BVN-TV*
Canal SUR*
Channel One Russia Worldwide TV
CineLatino*
Discovery Wings
Eternal Word Television Network
Eurochannel
EuroNews
Eurosportnews
Fox News
German TV*
Grandes Documentales de TVE*
KTO
Mezzo
MSNBC
Muslim Television Ahmadiyya*
Network TEN (Australia)
New Tang Dynasty Television (NTDTV)
NFL Network
NTV Bangla
Oxygen Network

Paris-Première

Phoenix North American Chinese Channel (PNACC)

Planète

PTV-Prime USA

Radio Television Portugal International (RTPi)

RAI International 2

Romanian Television International (RTVI)[♦]

RTV Palma[♦]

Sony Entertainment Television Asia (SET Asia)

TRACE TV

TV Globo Internacional

TV Land

TV3 Republic of Ireland

TV3 Television Network (New Zealand)

TV4 Television Network (New Zealand)

Utilisima[♦]

* On the condition that the licensee has a condition of licence governing the distribution of Al Jazeera

Authorization for the above-noted services is subject to the following:

- Licensees are required to enter into the necessary contractual arrangements for carriage of these foreign satellite services.

- Providers of these foreign services must have obtained and must remain in possession of all necessary rights for the distribution of their programming in Canada.

- Providers of these foreign services must not hold, nor try to obtain, nor exercise, preferential or exclusive programming rights in relation to the distribution of programming in Canada.

♦ denotes a service in a language other than English or French added before 16 December 2004.

Authorization for the services set out in all of the lists contained in Appendices A through D is subject to the following:

When any of these lists of eligible satellite services are replaced by another list, the only authorized services will be those contained in the most recent list, accordingly these lists supersede the lists dated **14 December 2005**.