



Broadcasting Decision CRTC 2005-249

Ottawa, 16 June 2005

**Andrei Moskvitch, on behalf of a corporation to be incorporated
Across Canada**

*Application 2004-1200-0
Public Hearing in the National Capital Region
18 April 2005*

TeleDance – Category 2 specialty service

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

The application

1. The Commission received an application by Andrei Moskvitch, on behalf of a corporation to be incorporated, for a broadcasting licence to operate a national French- and English-language Category 2¹ specialty programming undertaking to be known as TeleDance.
2. The applicant proposed to offer a service that would be devoted to classical styles of dancing (ballroom, ballet-jazz, etc.) and the expression of art through rhythmic supple movements of the human body.
3. The Commission did not receive any interventions in connection with this application.

Commission's analysis and determination

4. The Commission is satisfied that the application is in conformity with all applicable terms and conditions announced in *Introductory statement – Licensing of new digital pay and specialty services – Corrected Appendix 2*, Public Notice CRTC 2000-171-1, 6 March 2001 (Public Notice 2000-171-1). Accordingly, the Commission **approves** the application by Andrei Moskvitch, on behalf of a corporation to be incorporated, for a broadcasting licence to operate the national French- and English-language Category 2 specialty programming undertaking, TeleDance.
5. The licence will expire 31 August 2011, and will be subject to the conditions set out in Public Notice 2000-171-1, as well as to the **conditions of licence** set out in the appendix to this decision.

¹ 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.

Service to persons who are deaf or hard of hearing

6. The Commission is committed to improving service to viewers who are deaf or hard of hearing. It expects that programming accessible by disabled persons should be provided within the Canadian broadcasting system as resources become available for the purpose. As set out in Public Notice 2000-171-1, all Category 2 services are expected to caption a minimum of 90% of all English-language programming and 50% of all French-language programming by the end of the licence term.
7. In its application, the applicant indicated that it is not willing to make a commitment to caption 90% of its English-language programming or 50% of its French-language programming by the end of the licence term. The applicant stated that this amount of captioning is unnecessary, given that TeleDance will be mainly an image-driven channel.
8. The Commission has considered the applicant's explanation but is not convinced that this distinguishes the applicant's service from other Category 2 specialty programming undertakings. Accordingly, the Commission expects the licensee to caption a minimum of 90% of all English-language programming and 50% of all French-language programming during the broadcast day, by the end of its licence term.

Issuance of the licence

9. 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 filed executed copies of the incorporation documents (including articles of incorporation and by-laws);
 - the applicant has confirmed the control statement of the licensee, including the filing of an executed shareholders agreement, if applicable;
 - the applicant has confirmed whether it intends to enter into any type of business agreement with another party (i.e., program supply agreement, trademark licence agreement, etc.);
 - 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 16 June 2008. 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 2005-249

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, as well as to the following conditions of licence:
 2. The licensee shall provide a national French- and English-language Category 2 specialty programming undertaking devoted to classical styles of dancing (ballroom, ballet-jazz, etc.) and the expression of art through rhythmic supple movements of the human body.
 3. The programming must 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:
 - 5 (b) Informal education/Recreation and leisure
 - 7 (c) Specials, mini-series or made-for-TV feature films
 - (d) Theatrical feature films aired on TV
 - 8 (a) Music and dance other than music video programs or clips
 - (b) Music video clips
 - (c) Music video programs
 - 9 Variety
 - 10 Game shows
 - 11 General entertainment and human interest
 - 12 Interstitials
 - 13 Public service announcements

For the purposes of the conditions of this licence, including condition of licence no. 1, *broadcast day* refers to the 24-hour period beginning each day at 6 a.m., or any other period approved by the Commission.