



Broadcasting Decision CRTC 2006-383

Ottawa, 18 August 2006

Videotron Ltd.
Saint-Félicien, Quebec

Application 2005-1407-7
Public Hearing at Edmonton, Alberta
19 June 2006

Programming distributed on the community channel – Licence amendment

*The Commission **approves** an application to amend the broadcasting licence for the cable broadcasting distribution undertaking serving Saint-Félicien, in order to reduce, from 60% to 45%, the minimum percentage of the programming broadcast on the community channel that must be devoted to the broadcast of local community television programming.*

The application

1. The Commission received an application by Videotron Ltd. (Videotron) to amend the broadcasting licence for its cable broadcasting distribution undertaking (BDU) serving Saint-Félicien, Quebec.
2. The licensee requested to be relieved, by condition of licence, of the requirement set out in section 27.1(1) of the *Broadcasting Distribution Regulations* that it devote at least 60% of the programming distributed on the community channel in the licensed area in each broadcast week to the distribution of local community television programming.
3. The applicant proposed to reduce the minimum level of local community television programming to 45%.
4. In a separate application considered at the same public hearing, Videotron requested a broadcasting licence to operate a cable BDU to serve Dolbeau and an amendment to the minimum level of local community television programming. In that application, Videotron proposed to broadcast Dolbeau's community programming from the community channel of its cable BDU serving Saint-Félicien. Videotron indicated that this arrangement would allow the people of Saint-Félicien to access Dolbeau's programming, and vice-versa. A decision on Videotron's application with respect to the Dolbeau BDU will be made separately and published at a later date.

Interventions

5. The Commission received interventions in opposition to this application by the Fédération des télévisions communautaires autonomes du Québec (the Fédération) and La société d'information Lac Saint-Jean, better known as Dolbeau-Mistassini Local Television (TVLDM9).
6. The Fédération and TVLDM9 opposed the addition of a condition of licence that would reduce the BDU's requirements with respect to the local portion of community programming. The Fédération noted that, if a licensee chooses to distribute a community channel, it must operate the channel in full compliance with the Commission's policies. Furthermore, according to the Fédération, broadcasting programming on the same community channel for two separate service areas would tend to penalize the subscribers from each area as they would no longer receive the minimum percentage that ensures the predominance of their local programming. The Fédération also submitted that the Saint-Félicien area seemed to be the source of the problem because the quantity of local production was considerably less in that community. TVLDM9 noted that it has been providing community programming in the Saint-Félicien and Dolbeau areas for a number of years. TVLDM9 stated that it was prepared to assist the Saint-Félicien undertaking in its production by doing some filming for it, which would be paid for by Videotron, in order to help the undertaking meet its objective of 60% local production.

Licensee's replies

7. In response to the interventions by the Fédération and TVLDM9, Videotron submitted that the demographics and number of subscribers do not allow for separate facilities to be implemented and operated in these two communities. Videotron maintained that the revenue to be allocated to community television for these regions makes installing two completely independent infrastructures financially unjustifiable.
8. Videotron submitted that the best solution for continuing to offer relevant community programming to each community would be to combine the local productions of both regions on one channel and to broadcast the Dolbeau and Saint-Félicien community programming from Saint-Félicien. In doing so, the people of Saint-Félicien would also have access to programming from Dolbeau, and vice-versa. According to the licensee, it is evident that it is committed to broadcasting 90% local content by combining the two service areas because these two systems are very closely linked. Videotron affirmed that, given that there would be no reduction in the amount of original community programming, the public would not be penalized.
9. Videotron also pointed out that Saint-Félicien and Dolbeau are part of the same sector in the Lac Saint-Jean region, that they share the same MNAs and MPs, the same social realities (agriculture, forestry, industry), and that the Chambers of Commerce and the regional county municipalities (RCM) represent those same social realities to their MPs. Videotron also pointed out that these two municipalities are located only 34 kilometres apart.

Commission's analysis and determinations

10. The Commission still considers that community programming is an important aspect of the Canadian broadcasting system and that it contributes positively and significantly to achieving the objectives set out in the *Broadcasting Act*.
11. The Commission evaluates this type of application by taking into account the circumstances of each case in particular. In the present case, the Commission notes the arguments presented by the licensee, particularly the geographic proximity and the social and cultural realities that Saint-Félicien and Dolbeau share.
12. The Commission notes that, although the licensee operates a cable head-end in Saint-Félicien and wants to amend the minimum level for local community television programming for that BDU, it is also proposing to offer local programming from its BDU in Dolbeau, which would be interconnected with the BDU in Saint-Félicien. Since the licensee no longer operates a cable head-end in Dolbeau, this programming would be broadcast from the Saint-Félicien BDU.
13. In the circumstances, the Commission finds that the licence amendment proposed by Videotron offers a viable solution for the licensee to provide a community channel to the people of Saint-Félicien and Dolbeau.
14. The Commission encourages Videotron to collaborate with the interveners and other interested parties in order to maximize their capacity to contribute to the licensee's community programming.
15. Accordingly, the Commission **approves** the application by Videotron Ltd. and amends the licence for the cable BDU serving Saint-Félicien, in order to add the following **condition of licence** with respect to the local programming broadcast on the community channel:

The licensee shall, as an exception to the requirement set out in section 27.1(1) of the *Broadcasting Distribution Regulations*, devote at least 45% of the programming distributed on the community channel in the licensed area in each broadcast week to the distribution of local community television programming.

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>