



Broadcasting Decision CRTC 2008-207

Ottawa, 22 August 2008

The Ontario Educational Communications Authority
Province of Ontario

Application 2007-1677-2, received 26 November 2007
Broadcasting Public Notice CRTC 2008-48
28 May 2008

TVO (CICA-TV Toronto and its transmitters) – Licence renewal

The Commission renews the broadcasting licence for the English-language educational television programming service TVO (CICA-TV Toronto and its transmitters) from 1 September 2008 to 31 August 2015.

The application

1. The Commission received an application by The Ontario Educational Communications Authority (TVOntario) to renew the broadcasting licence for the English-language educational television programming service TVO (CICA-TV Toronto and its transmitters).
2. The Commission received interventions in support of the application. The Commission also received an intervention commenting on the application by the Canadian Film and Television Production Association (CFTPA) and an intervention in opposition to the application by Mr. Joe Clark.

Commission's analysis and determinations

3. Mr. Clark submitted that TVO was offering poor quality captioning of its fictional narrative programming in a scroll-up style (all upper-case) that is hard to understand and contains spelling mistakes. As a solution, Mr. Clark proposed that pop-on captioning in mixed case be used for all fictional narrative programming. Mr. Clark also expressed his view that TVO should be required to caption 100% of its programming starting on the first day of the new licence term. Finally, with respect to described video (DV) programming, Mr. Clark submitted that TVO's commitment to provide one hour of such programming a week starting in the second year of the new licence term was insufficient.
4. The CFTPA stressed the need for smaller broadcasters to provide Terms of Trade agreements with independent producers. It noted that the Commission has expressed in several decisions, notices and speeches its expectation that broadcasters provide draft or signed Terms of Trade agreements with independent producers as part of their licence renewal applications.

5. In its response to the interventions, the licensee addressed the matter of closed captioning by acknowledging that spelling and accuracy is an industry-wide problem, with live captioned programs such as *The Agenda* producing a higher probability of errors. TVO stated that it ensures, however, that its closed captioning services are of the highest quality, in accordance with standards used in the broadcasting industry, and that its Request for Tenders process requires quality captioning from its service providers. The licensee further noted that it is participating in the current process by the Canadian Association of Broadcasters to establish industry standards for captioning and to ensure ongoing quality control of captioning by licensed programming services. Finally, the licensee stated that it would adhere to a condition of licence requiring it to caption 100% of its programming broadcast during the broadcast day in each year of the next licence term (excluding advertising and promos).
6. With respect to DV programming, TVO noted that its analog master control facility currently does not support the additional audio channel required for DV programming or a secondary audio program channel. The licensee indicated, however, that when its master control is digitally upgraded in the fall of 2009, TVO will be able to distribute DV programming to cable and satellite subscribers. The licensee further indicated that when TVO's transmitter network is converted to digital, it will also support the provision of DV programming to off-air audiences.
7. The Commission notes the licensee's commitment to provide one hour a week of DV programming beginning in the second year of the new licence term. However, the Commission is of the view that, given the nature of the service, the licensee should broadcast a higher level of DV programming. Accordingly, the Commission is imposing a condition of licence requiring the licensee to increase its DV programming to a minimum of four hours per week by the sixth year of the new licence term. A **condition of licence** to this effect is set out in the appendix to this decision.
8. In regard to the CFTPA's request for Terms of Trade agreements, TVO stated that it has since had productive discussions with representatives of the CFTPA. As a result, the licensee committed to file a signed Terms of Trade agreement with the Commission by 28 November 2008.
9. The Commission is satisfied with the licensee's response to the above-noted interventions and has no further concerns in regard to these matters.

10. In light of the above, the Commission **renews** the broadcasting licence for the English-language educational television service TVO (CICA-TV Toronto and its transmitters) from 1 September 2008 to 31 August 2015. The licence will be subject to the **conditions** set out therein, as well as to the **conditions** set out in the appendix to this decision.

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 2008-207

Conditions of licence

1. The licensee shall ensure that 100% of its programming broadcast during the broadcast day in each year of the licence term is closed captioned, with the exception of advertising and promos, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
2. In each broadcast year of the licence term, beginning not later than 1 September 2009, the licensee shall provide a minimum of one hour of described video programming during each broadcast week, increasing to a minimum of four hours beginning not later than 1 September 2013.
3. The licensee shall adhere to the Canadian Association of Broadcasters' *Voluntary code regarding violence in television programming*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.
4. The licensee shall adhere to the Canadian Association of Broadcasters' *Equitable Portrayal Code*, as amended from time to time and approved by the Commission. However, the application of the foregoing condition of licence will be suspended if the licensee is a member in good standing of the Canadian Broadcast Standards Council.