



## Broadcasting Decision CRTC 2008-364

Ottawa, 23 December 2008

**TVA Group Inc.**  
Across Canada

*Application 2008-1009-5, received 22 July 2008*  
*Broadcasting Public Notice CRTC 2008-71*  
*14 August 2008*

### **TVA Group Inc. – Licence amendment**

*The Commission **approves** an application by TVA Group Inc. to amend the licence of its French-language specialty television service Le Canal Nouvelles (LCN) by changing the condition of licence limiting the broadcast of programming drawn from category 2(a).*

### **Introduction**

1. The Commission received an application by TVA Group Inc. (TVA) to amend the broadcasting licence for the national French-language specialty programming undertaking known as Le Canal Nouvelles (LCN). The licensee proposed replacing the following condition of licence:

No more than 12% of all programming broadcast during the broadcast week shall be drawn from category 2(a). All such programs must be related to headline news.

with:

No more than 19% of all programming broadcast during the broadcast week shall be drawn from category 2(a). All such programs must be related to headline news.

2. In support of its application, the licensee stated that new technologies are making information more accessible than ever before and that its customers are increasingly seeking analysis and interpretation of the news to better understand the information. The licensee added that it is not seeking to package information programming as commentary programming, and that the application does not change the nature of LCN's service in any way.
3. The Commission received two interventions in opposition to the application, one from the Canadian Broadcasting Corporation (CBC) French-language services and another from Ms. Perras, an individual living in an official language minority community (OLMC). The interventions and the licensee's reply to the interventions can be found on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings".

## **Background**

4. Since issuing LCN's licence in 1996, the Commission has approved the licensee's licence amendment applications to enable it to better respond to customers' programming demands. Specifically, the Commission:
  - in Decision 2001-711, authorized LCN to depart, in exceptional circumstances, from the headline news format presented in a 15-minute wheel, for the coverage of a specific event;
  - in Broadcasting Decision 2006-40, stated that the licensee was no longer required to operate LCN in a headline news format presented in a 15-minute wheel, and specified that no more than 12% of all programming broadcast during the broadcast week be drawn from category 2(a).

The licensee stated that it requested the previous licence amendments because it found that its customers' viewing habits changed over the term of the licence.

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

5. In its intervention, the CBC mentioned that the limit imposed on LCN for the broadcast of programming drawn from category 2(a) was already addressed by the Commission in Broadcasting Decision 2006-40. According to the CBC, there is nothing in TVA's current application that would justify amending this decision.
6. Ms. Perras expressed the opinion that the amount of local news and sports for Francophones living outside Quebec is steadily decreasing, and that LCN's application would hinder Francophones in Ontario and other provinces from receiving a better news service.
7. In response to the CBC's intervention, TVA noted that it filed its application because of rapid changes in the media and its desire to stay current. In response to Ms. Perras' intervention, the applicant pointed out that its application will actually have the opposite effect and will instead assist LCN in becoming more relevant to Francophones living outside Quebec. TVA estimated that with sufficient revenues, LCN could aim to serve Francophones from all regions of Canada. The applicant further stated that the requested increase in category 2(a) programming would further assist LCN in responding to the needs of its current viewers. Without it, LCN would stagnate, regress and certainly would not improve the service that it provides to Francophones living outside of Quebec.
8. The Commission's policy on the licensing of specialty analog and category 1 services has always been and will continue to be that these services should not compete directly with other specialty analog or category 1 services airing programs from the same categories.

9. The Commission considers that increasing the percentage of programming drawn from category 2(a) will in no way change LCN's nature of service, provided that the programs fall within the service's authorized mandate, which is to air headline news. The Commission also considers that LCN's commitment that no more than 19% of all programming broadcast during the broadcast week shall be drawn from category 2(a) is appropriate.
10. The Commission also considers that the application complies with the objectives set out in Broadcasting Public Notice 2008-100 and with the intention expressed by the Commission in Broadcasting Public Notice 2008-103 to open up sports and national news services to competition.
11. The Commission notes that, in her intervention, Ms. Perras more specifically addresses the fact that OLMCs are not generally well served by the French-language news services rather than the impact of the proposed amendments to LCN's conditions of licence. In this respect, the Commission points out that at the time of LCN's last licence renewal in 2004, the Commission stated in Broadcasting Decision 2004-23 that it expected the licensee to ensure that the programming it airs reflects all of Canada's regions. Accordingly, concerns such as those expressed by Ms. Perras, will have to be presented at LCN's licence renewal.
12. The Commission is not persuaded by CBC's arguments for denying LCN's application. The Commission reminds CBC of its intention to open up sports and national news to competition, as expressed in Broadcasting Public Notice 2008-103.
13. In light of the above, the Commission **approves** the application by TVA Group Inc. to amend the broadcasting licence for its national, French-language specialty programming undertaking known as Le Canal Nouvelles, and replaces the licensee's condition of licence 2(a) with the following condition of licence:

No more than 19% of all programming broadcast during the broadcast week shall be drawn from category 2(a). All such programs must be related to headline news.

Secretary General

**Related documents**

- *Proposed conditions of licence for competitive Canadian specialty services operating in the genres of mainstream sports and mainstream national news* – Notice of consultation, Broadcasting Public Notice CRTC 2008-103, 30 October 2008
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services* – Regulatory policy, Broadcasting Public Notice CRTC 2008-100, 30 October 2008

- *Le Canal Nouvelles – Licence amendment*, Broadcasting Decision CRTC 2006-40, 13 February 2006
- *Le Canal Nouvelles – Licence renewal*, Broadcasting Decision CRTC 2004-23, 21 January 2004
- *Amendment to the conditions of licence concerning the nature of the specialty services provided by Newsnet and Le Canal Nouvelles (LCN)*, Decision CRTC 2001-711, 23 November 2001

*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: [www.crtc.gc.ca](http://www.crtc.gc.ca).*