



## Broadcasting Decision CRTC 2009-407

Route reference: 2009-113

Additional references: 2009-70, 2009-70-1, 2009-70-2, 2009-113-1, 2009-113-2, 2009-279

Ottawa, 6 July 2009

### **CTV Television Inc. and CTV Limited**

Various locations

*The application numbers are set out in the appendix to this decision.*

*Public Hearing in the National Capital Region*

*27 April 2009*

### **Licence renewals**

*The Commission **renews** the broadcasting licences for the private conventional television programming undertakings listed in the appendix to this decision, from 1 September 2009 to 31 August 2010. The licences will be subject to the terms and **conditions** in effect under the current licences, as well as, for certain undertakings, **conditions of licence** relating to the broadcast of local programming.*

### **Introduction**

1. In Broadcasting Notice of Consultation 2009-113, the Commission announced that it would hold a public hearing commencing 27 April 2009 (the Proceeding) to consider various licence renewal applications for private conventional television programming undertakings. In Broadcasting Notice of Consultation 2009-70, the Commission had indicated that it would be predisposed to issue short-term licences and would focus on certain key issues, including changes to commitments relating to local programming, priority programming and independent production. The Commission notes that, as set out in Broadcasting Regulatory Policy 2009-406, also issued today, it is maintaining the condition of licence relating to priority programming as well as the associated expectation relating to independent production. The rationale for each is set out in that regulatory policy.
2. In Broadcasting Notice of Consultation 2009-70, private conventional television broadcasters were directed to specify any proposed amendments to existing conditions of licence, and the reasons for these amendments, as the Commission announced its intention to retain all other conditions of licence as they currently apply.
3. In this context, the Commission received applications by CTVglobemedia Inc. (CTVgm), on behalf of CTV Television Inc. and CTV Limited, to renew the broadcasting licences for its conventional television programming undertakings serving various locations across Canada. A list of these undertakings is provided in the appendix to this decision.

4. CTVgm proposed to cease providing separate and distinct local programming for the following programming undertakings: CKCO-TV-3 Oil Springs, Ontario; and CFRN-TV-3 Whitecourt, CFRN-TV-4 Ashmont and CFRN-TV-6 Red Deer, Alberta.<sup>1</sup>
5. Finally, the applicant proposed to cease operations for CKX-TV Brandon and its transmitters, Manitoba, and to convert CKNX-TV Wingham, and CHWI-TV Wheatley and its transmitter in Windsor, Ontario, to rebroadcasting transmitters that would both operate under the broadcasting licence for CFPL-TV London. The applicant noted that CKX-TV was simply financially unviable to it and that it has decided to put the station up for sale. In regard to CKNX-TV and CHWI-TV, the applicant stated that the current economic environment makes it unable to offer separate and distinct local programming to the Wingham and Wheatley markets and, as a result, has not applied to renew the broadcasting licences for those undertakings. Consequently, the Commission did not receive licence renewal applications for CKX-TV, CKNX-TV and CHWI-TV.
6. As part of this process, the Commission received and considered interventions with respect to each of the applications. The public record for this proceeding is available on the Commission's website at [www.crtc.gc.ca](http://www.crtc.gc.ca) under "Public Proceedings."

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

7. In Broadcasting Decision 2009-279, the Commission announced that it would issue a one-year licence renewal for the television stations operated by CTV Television Inc. in order to allow the Commission to consider these stations in the context of group-based (conventional and discretionary) licence renewals. These applications will be heard at a public hearing scheduled for the spring of 2010.
8. After examining the applications in light of applicable regulations and policies, including the policy determinations announced in Broadcasting Regulatory Policy 2009-406, and taking into account the interventions received and the applicant's replies to the interventions, the Commission considers that the issues to be addressed in its determinations are the following:
  - allegations of non-compliance with requirements relating to local programming;
  - renewal of the broadcasting licences for the programming undertakings CHWI-TV Wheatley and its transmitter in Windsor, CKNX-TV Wingham and CKX-TV Brandon and its transmitters;
  - CTVgm's proposal to cease providing separate and distinct local programming for CKCO-TV-3 Oil Springs, CFRN-TV-3 Whitecourt, CFRN-TV-4 Ashmont and CFRN-TV-6 Red Deer; and
  - changes to local programming requirements.

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<sup>1</sup> For details related to the current local programming commitments for each of these undertakings, see Decision 2001-457-5 for CKCO-TV-3, and Decision 2001-457-12 for CFRN-TV-3, CFRN-TV-4 and CFRN-TV-6.

### **Allegations of non-compliance with requirements relating to local programming**

9. The Communications, Energy and Paperworkers Union of Canada (CEP) alleged that, as a result of a number of decisions and actions taken by CTVgm during the current licence term, some of the CTVgm television stations were not in compliance with the spirit, terms and conditions of their local television licences. The Commission notes, however, that CTVgm's local programming requirements are currently set out as expectations and not as conditions of licence. Further, following an examination of the evidence presented by the CEP, the Commission considers that none of the changes implemented by CTVgm resulted in a situation where one of its television stations was operating in non-compliance with any of its conditions of licence.

### **Renewal of the broadcasting licences for the programming undertakings CHWI-TV Wheatley and its transmitter in Windsor, CKNX-TV Wingham and CKX-TV Brandon and its transmitters**

10. The Commission is aware that there have been ongoing discussions among various parties regarding the possible acquisition of CHWI-TV Wheatley and its transmitter in Windsor, CKNX-TV Wingham and CKX-TV Brandon and its transmitters. In order to avoid jeopardizing any potential discussions, as well as to keep all options open and prevent any premature closures of the stations involved, the Commission finds it appropriate to renew the broadcasting licences for CHWI-TV, CKNX-TV and CKX-TV from 1 September 2009 to 31 August 2010. The licences will be subject to the terms and conditions in effect under the current licences, as well as to a condition of licence relating to the broadcast of local programming, as set out below.

### **CTVgm's proposal to cease providing separate and distinct local programming for CKCO-TV-3 Oil Springs, CFRN-TV-3 Whitecourt, CFRN-TV-4 Ashmont and CFRN-TV-6 Red Deer**

11. CTVgm, citing the current economic environment, indicated that it no longer intends to offer separate and distinct local programming for CKCO-TV-3, CFRN-TV-3, CFRN-TV-4 and CFRN-TV-6. Accordingly, the Commission will not issue separate renewal decisions for those television programming undertakings and will instead list them and their current rebroadcasters as rebroadcasters for the appropriate originating stations. However, the Commission invites CTVgm to revisit its decision to cease offering separate and distinct local programming in the communities served by the above undertakings in the context of the above-mentioned group-based licence renewals. Further, the Commission expects the applicant to reflect, where appropriate, issues relevant to these communities in the programming broadcast within these communities.

### Changes to local programming requirements

12. The Commission received several proposals relating to the appropriate level of local programming that should be broadcast by television stations operating in English-language metropolitan and non-metropolitan markets.<sup>2</sup>
13. In Public Notice 1999-97, the Commission stated the following:

[...] in the new television environment, there are sufficient market incentives to ensure that audiences will continue to receive a variety of local news without regulatory requirements. News programming is a key element in establishing a station's identity and loyalty with viewers and is generally profitable.
14. However, since the issuance of that public notice, the industry has undergone significant consolidations, and large media companies – detached from the local communities they serve – now operate the majority of conventional television stations. Further, over the course of the current economic downturn, it has been observed that broadcasters are more likely to cut local programming, programming that can entail significant infrastructure costs, rather than make difficult decisions in terms of cutting popular programming. It is the Commission's view that diversity of voices and local reflection are equally as important as, if not more important than, other preoccupations of broadcasters and that such considerations and the public demand for local programming are currently not being appropriately recognized by many within the industry. These two elements are important objectives mandated by the *Broadcasting Act* and the Commission needs to ensure that they are supported by the broadcasting system.
15. The Commission has therefore determined, as set out in Broadcasting Regulatory Policy 2009-406, that television stations operating in English-language non-metropolitan markets must broadcast a minimum of seven hours of local programming per broadcast week. Accordingly, the Commission requires, by **condition of licence**, the following CTVgm television stations to meet this minimum level of local programming over the course of the licence term:

ASN Net Halifax, CJCB-TV Sydney, CJCH-TV Halifax, CKCW-TV Moncton, CKLT-TV Saint John, CFPL-TV London, CHBX-TV Sault Ste Marie, CHRO-TV Pembroke, CHWI-TV Wheatley, CICI-TV Sudbury, CITO-TV Timmons, CKCO-TV Kitchener, CKNX-TV Wingham, CKNY-TV North Bay, CKVR-TV Barrie, CKX-TV Brandon, CKY-TV Winnipeg, CFQC-TV Saskatoon, CICC-TV Yorkton, CIPA-TV Prince Albert, CKCK-TV Regina, CFCN-TV-5 Lethbridge and CIVI-TV Victoria.

As set out in Broadcasting Regulatory Policy 2009-406, the above-noted television stations will not be eligible to receive funding from the LPIF if they are not in compliance with this condition of licence.

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<sup>2</sup> The definitions of metropolitan and non-metropolitan markets are the same as those set out in Broadcasting Public Notice 2008-100. Accordingly, English-language metropolitan television markets are those television markets in which the population with a knowledge of the English language, as defined by Statistics Canada, is one million or more, whereas English-language non-metropolitan television markets are those television markets in which the population with a knowledge of the English language is less than one million.

16. Further, the Commission has determined that television stations operating in English-language metropolitan markets must broadcast a minimum of 14 hours of local programming per broadcast week. Accordingly, the Commission requires, by **condition of licence**, the following CTVgm television stations to meet this minimum level of local programming over the course of the licence term:

CFCF-TV Montréal, CFTO-TV Toronto, CFTO-DT Toronto, CHRO-TV-43 Ottawa, CJOH-TV Ottawa, CFCN-TV Calgary, CFCN-DT Calgary, CFRN-TV Edmonton, CIVT-TV Vancouver and CIVT-DT Vancouver.

17. The Commission notes that any of CTVgm's television stations that have been permitted to count the number of hours of regional programming broadcast towards their local programming requirements shall be allowed to continue to do so.
18. In addition to the above, the Commission expects the licensee to maintain a local presence as described in Broadcasting Regulatory Policy 2009-406.
19. The Commission will review these local programming levels in the context of the aforementioned group-based licence renewals, so as to determine whether they remain appropriate. The Commission reminds CTVgm that the above levels are only minimums and welcomes any additional local programming that CTVgm chooses to broadcast in the markets it serves.

## **Conclusion**

20. In light of the above, the Commission **renews** the broadcasting licences for the conventional television programming undertakings set out in the appendix to this decision from 1 September 2009 until 31 August 2010. The licences for these undertakings will be subject to the terms and **conditions** set out in Decision 2001-457, which apply to all of CTVgm's television stations, to the **conditions of licence** that are unique to each of CTVgm's stations, which are set out in the individual decisions accompanying Decision 2001-457, and to all subsequent amendments to the stations' conditions of licence. Further, the licences for the television stations listed in paragraphs 16 and 17 above will be subject to the **conditions of licence** relating to the broadcast of local programming set out in those paragraphs.

## **Employment equity**

21. Because the licensees of the television programming undertakings listed in the appendix to this decision are subject to the *Employment Equity Act* and file reports concerning employment equity with the department of Human Resources and Social Development Canada, their employment equity practices are not examined by the Commission.

Secretary General

## **Related documents**

- *Policy determinations resulting from the 27 April 2009 public hearing, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009*

- *Renewal of the broadcasting licences for private conventional television stations considered at the 27 April 2009 Gatineau public hearing – Initial decisions and scope of subsequent policy proceeding*, Broadcasting Decision CRTC 2009-279, 15 May 2009
- *Licence Renewals for Private Conventional Television Stations – Notice of hearing*, Broadcasting Notice of Consultation CRTC 2009-113, 3 March 2009
- *Scope of licence renewal hearings for private conventional television stations*, Broadcasting Notice of Consultation CRTC 2009-70, 13 February 2009
- *Regulatory frameworks for broadcasting distribution undertakings and discretionary programming services – Regulatory policy*, Broadcasting Public Notice CRTC 2008-100, 30 October 2008
- *Licence renewals for CFRN-TV, CFRN-TV-3, CFRN-TV-4 and CFRN-TV-6*, Decision CRTC 2001-457-12, 2 August 2001
- *Renewal of CKCO-TV and CKCO-TV-3*, Decision CRTC 2001-457-5, 2 August 2001
- *Licence renewals for the television stations controlled by CTV*, Decision CRTC 2001-457, 2 August 2001
- *Building on success – A policy framework for Canadian television*, Public Notice CRTC 1999-97, 11 June 1999

*This decision is to be appended to each 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 2009-407

### Private conventional television programming undertakings operated by CTVglobemedia Inc. (CTV Television Inc. and CTV Limited)

Call sign	Location	Application	Licensee
<b>Nova Scotia</b>			
ASN Net <sup>3</sup>	Halifax	2009-0048-2	CTV Television Inc.
CJCB-TV and its transmitters	Sydney	2009-0084-6	CTV Television Inc.
CJCB-TV-1	Inverness		
CJCB-TV-2	Antigonish		
CJCB-TV-3	Dingwall		
CJCB-TV-4	New Glasgow		
CJCB-TV-5	Bay St. Lawrence		
CJCB-TV-6	Port Hawkesbury		
CJCH-TV and its transmitters	Halifax	2009-0085-4	CTV Television Inc.
CJCH-TV-1	Canning		
CJCH-TV-2	Truro		
CJCH-TV-3	Valley		
CJCH-TV-4	Bridgetown		
CJCH-TV-5	Sheet Harbour		
CJCH-TV-6	Caledonia		
CJCH-TV-7	Yarmouth		
CJCH-TV-8	Marinette		
<b>New Brunswick</b>			
CKCW-TV and its transmitters	Moncton	2009-0089-6	CTV Television Inc.
CKCW-TV-1	Charlottetown		
CKCW-TV-2	St. Edward		
CKAM-TV	Upsalquitch		
CKAM-TV-1	Newcastle		
CKAM-TV-2	Chatham		
CKAM-TV-3	Blackville		
CKAM-TV-4	Doaktown		
CKCD-TV	Campbellton		
CKLT-TV and its transmitters	Saint John	2009-0090-4	CTV Television Inc.
CKLT-TV-1	Florenceville		
CKLT-TV-2	Boiestown		
<b>Quebec</b>			
CFCF-TV	Montréal	2009-0040-9	CTV Television Inc.

<sup>3</sup> ASN Net is a satellite to cable programming undertaking.

**Ontario**

CFPL-TV	London	2009-0054-9	CTV Limited
CHWI-TV and its transmitter CHWI-TV-60	Wheatley Windsor	(no renewal application received)	CTV Limited
CKNX-TV	Wingham	(no renewal application received)	CTV Limited
CFTO-TV and its transmitters CFTO-TV-1 CFTO-TV-2	Toronto Severn Falls Bobcaygeon	2009-0070-6	CTV Television Inc.
CFTO-DT	Toronto	2009-0196-9	CTV Television Inc.
CHBX-TV and its transmitter CHBX-TV-1	Sault Ste Marie Wawa	2009-0071-3	CTV Television Inc.
CHRO-TV	Pembroke	2009-0073-9	CTV Limited
CHRO-TV-43	Ottawa	2009-0216-5	CTV Limited
CJOH-TV and its transmitters CJOH-TV-6 CJOH-TV-8 CJOH-TV-47	Ottawa Desoronto Cornwall Pembroke	2009-0098-7	CTV Television Inc.
CICI-TV and its transmitters CICI-TV-1 CKNY-TV-11	Sudbury Elliot Lake Huntsville	2009-0079-7	CTV Television Inc.
CITO-TV and its transmitters CITO-TV-1 CITO-TV-2 CITO-TV-3 CITO-TV-4	Timmins Kapusking Kearns Hearst/Halledbourg Chapleau	2009-0082-0	CTV Television Inc.
CKCO-TV and its transmitters CKCO-TV-2 CKCO-TV-3	Kitchener Wiaraton Oil Springs	2009-0088-8 2009-0207-4 (transmitter in Oil Springs)	CTV Television Inc.
CKNY-TV	North Bay	2009-0090-1	CTV Television Inc.
CKVR-TV and its transmitter CKVR-TV-1	Barrie Parry Sound	2009-0093-7	CTV Limited



**Manitoba**

CKY-TV and its transmitters	Winnipeg	2009-0095-3	CTV Television Inc.
CKYA-TV	Fisher Branch		
CKYB-TV	Brandon		
CKYB-TV-1	McCreary		
CKYD-TV	Dauphin		
CKYF-TV	Flin Flon		
CKYP-TV	The Pas		
CKYT-TV	Thompson		
CKYS-TV	Snow Lake		
CKX-TV and its transmitters	Brandon	(no renewal application received)	CTV Limited
CKX-TV-1	Foxwarren		
CKX-TV-2	Melita		
CKX-TV-3	McCreary		

**Saskatchewan**

CFQC-TV and its transmitters	Saskatoon	2009-0061-4	CTV Television Inc.
CFQC-TV-1	Stanraer		
CFQC-TV-2	North Battleford		
CICC-TV and its transmitters	Yorkton	2009-0076-3	CTV Television Inc.
CICC-TV-2	Norquay		
CICC-TV-3	Hudson Bay		
CIEW-TV	Warmley		
CIWH-TV	Wynyard		
CIWH-TV-1	Humboldt		
CIPA-TV and its transmitters	Prince Albert	2009-0081-2	CTV Television Inc.
CIPA-TV-1	Spiritwood		
CIPA-TV-2	Big River		
CKBQ-TV	Melfort		
CKBQ-TV-1	Nipawin		
CKCK-TV and its transmitters	Regina	2009-0087-0	CTV Television Inc.
CKCK-TV-1	Colgate		
CKCK-TV-2	Willow Bunch		
CKCK-TV-7	Fort Qu'Appelle		
CKMC-TV	Swift Current		
CKMC-TV-1	Golden Prairie		
CKMJ-TV	Marquis		

**Alberta**

CFCN-TV and its transmitters	Calgary	2009-0051-5	CTV Television Inc.
CFCN-TV-1	Drumheller		
CFCN-TV-2	Banff		
CFCN-TV-3	Brooks		
CFCN-TV-6	Drumheller		
CFCN-TV-7	Bassano		
CFCN-TV-13	Pigeon Mountain		
CFCN-TV-14	Canmore		
CFCN-TV-16	Oyen		
CFCN-DT	Calgary	2009-0200-1	CTV Television Inc.
CFCN-TV-5 and its transmitters	Lethbridge	2009-0214-9	CTV Television Inc.
CFCN-TV-4	Burmis		
CFCN-TV-8	Medicine Hat		
CFCN-TV-9	Cranbrook		
CFCN-TV-10	Fernie		
CFCN-TV-11	Sparwood		
CFCN-TV-12	Moyie		
CFCN-TV-15	Invermere		
CFCN-TV-17	Waterton Park		
CFCN-TV-18	Coleman		
CFWL-TV-1	Invermere		
CFRN-TV and its transmitters	Edmonton	2009-0066-4	CTV Television Inc.
CFRN-TV-1	Grand Prairie	2009-0206-6	
CFRN-TV-2	Peace River	(transmitters in	
CFRN-TV-3	Whitecourt	Whitecourt, Ashmont	
CFRN-TV-4	Ashmont	and Red Deer)	
CFRN-TV-5	Lac la Biche		
CFRN-TV-6	Red Deer		
CFRN-TV-7	Lougheed		
CFRN-TV-8	Grouard		
CFRN-TV-9	Slave Lake		
CFRN-TV-10	Rocky Mountain House		
CFRN-TV-11	Jasper		
CFRN-TV-12	Athabasca		

**British Columbia**

CIVI-TV and its transmitter	Victoria	2009-0086-2	CTV Limited
CIVI-TV-2	Mount Seymour		
CIVT-TV	Vancouver	2009-0083-8	CTV Television Inc.
CIVT-DT	Vancouver	2009-0191-9	CTV Television Inc.