



## Broadcasting Decision CRTC 2009-504

Route reference: 2009-113

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

Ottawa, 19 August 2009

### **Rogers Broadcasting Limited**

Various locations

*The application numbers are set out below  
Public Hearing in the National Capital Region  
27 April 2009*

### **OMNI – Licence renewals**

*The Commission **renews** the broadcasting licences for the multilingual ethnic television programming undertakings listed in this decision for a six-year licence term from 1 September 2009 to 31 August 2015.*

*The Commission **approves** the request by Rogers Broadcasting Limited (Rogers) to harmonize its requirement for the provision of Canadian programming across all of its OMNI stations, to amend CJMT-TV's requirement for the provision of ethnic programming in order to harmonize it with the conditions of licence applicable to the other OMNI stations and to eliminate the restrictions on the broadcast of non-Canadian, non-ethnic programming during specific broadcast periods for CFMT-TV and CJMT-TV.*

*The Commission **denies** Rogers' proposal to harmonize across all of its OMNI stations the requirement to broadcast ethnic programming during "peak" time and its request to remove the conditions of licence relating to the overlap of programming between OMNI and Citytv stations.*

*The Commission **approves** Rogers' request to harmonize across all of its OMNI stations the requirement to provide programming to a minimum of 20 distinct ethnic groups in a minimum of 20 distinct languages monthly and **approves** an amended requirement that no more than 16% of the programming be in any one foreign language during each broadcast month. However, the Commission **denies** Rogers' request to remove the restriction relating to the overlap of ethnic programs in a foreign language on CJMT-TV and CFMT-TV during the same broadcast year.*

*The Commission **approves** an extension to 31 August 2011 for the deadline to commence the operation of the digital television programming undertaking CHNM-DT Vancouver and its transmitter CHNM-DT-1 Victoria.*

*Due to unresolved issues with the filing of logs and records which raise an apparent non-compliance situation with the station CHNM-TV, the Commission is requiring Rogers to file, for the upcoming year, detailed monthly programming reports in addition to its television logs.*

## **Introduction**

1. In Broadcasting Notice of Consultation 2009-113, the Commission announced that it would hold a public hearing commencing 27 April 2009 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 local, priority and independently-produced programming commitments. The Commission notes, as set out in Broadcasting Regulatory Policy 2009-406, it is upholding 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 Decision 2009-279, the Commission announced the renewal of the OMNI television stations operated by Rogers Broadcasting Limited (Rogers) for a six-year licence term, as requested by the licensee, since the OMNI stations, due to their ethnic focus, are distinct enough to warrant a different licence term from that of the Citytv stations. This licence term will also coincide with the deadline to fulfil the commitments associated with the licensing of OMNI Alberta, and the tangible benefits related to the acquisition of OMNI BC.
3. In this context, the Commission received applications by Rogers to renew the broadcasting licences for CFMT-TV Toronto (OMNI. 1) and CJMT-TV Toronto (OMNI. 2) and their transmitters in London and Ottawa, CFMT-DT Toronto and its transmitter in Ottawa, CJEO-TV Edmonton, CJCO-TV Calgary (OMNI Alberta) and CHNM-TV Vancouver and its transmitter in Victoria. And an application to extend the authority to begin the operation of CHNM-DT Vancouver (OMNI BC) and its transmitter in Victoria. These stations are collectively known as the OMNI stations.
4. In its applications, Rogers proposed to harmonize CFMT-TV's requirement concerning the broadcast of Canadian programming with the one imposed on the other OMNI stations and to harmonize CJMT-TV's requirement concerning the broadcast of ethnic programming with the other OMNI stations to not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight and 50% between 6 p.m. and midnight. It also sought to eliminate the restriction to broadcast non-Canadian, non-ethnic programs during a specific period of the day or evening on CFMT-TV and CJMT-TV.
5. Rogers also requested to harmonize across all OMNI stations the requirement to broadcast ethnic programming to not less than 75% between 8 p.m. and 10 p.m. and the requirement to broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups in a minimum of 20 distinct languages monthly. In addition, Rogers

requested the elimination of the restriction to broadcast on CJMT-TV Toronto the same ethnic programs in a foreign language broadcast on CFMT-TV Toronto during the same broadcast year.

6. Additionally, Rogers requested to eliminate the following restrictions concerning the level of third-language programming that can be provided in a given language in a given market:
  - CJMT-TV shall not devote more than 19% of the total number of hours broadcast during each broadcast month to the broadcasting of programs in any one foreign language;
  - CHNM-TV shall not devote more than 20 hours per week during the period 6:00 a.m. to midnight to the broadcasting of programs in South Asian and Chinese languages; and
  - CJCO-TV and CJEO-TV shall devote no more than 18% of their programming to programs in the Cantonese language and no more than 18% of their programming to programs in the Mandarin language;

It also requested to eliminate the following restrictions concerning programming overlap between OMNI and Citytv television stations:

- no third-language ethnic programming shall be broadcast on both the OMNI and Citytv stations in a given market;
  - no more than 10% of all programming broadcast during each week shall be broadcast on both OMNI and Citytv stations in a given market; and
  - the English-language programming broadcast on the OMNI stations must be distinct from the priority programming aired on Citytv stations between 7:00 p.m. and 11:00 p.m. in a given market.
7. Rogers also requested the removal of the expectation that it provide 10 hours of independently-produced third-language programming each week for its station CHNM-TV.
  8. 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**

9. After examining the applications in light of applicable regulations and policies, taking into account the interventions received and the applicant's replies to the interventions, the Commission is of the view that the issues to be addressed in its determinations relate to:

- provision of Canadian programming;
- provision of ethnic programming;
- provision of broad service;
- third-language programming restrictions;
- programming overlap of the OMNI stations with the Citytv stations;
- provision of independent production for CHNM-TV;
- financial commitments;
- logs and records;
- digital transition;
- closed captioning;
- audio description and described video; and
- cultural diversity.

#### **Provision of Canadian programming**

10. Currently, CFMT-TV has the following requirement for the broadcast of Canadian programs:
  - not less than 55% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - not less than 45% of the total number of hours broadcast annually between 6 p.m. and midnight.
11. In its application, Rogers proposed to increase its offer of Canadian programming over the broadcast day and during the evening broadcast period on CFMT-TV by 5% for each broadcast period in order to harmonize its conditions of licence with those of the other OMNI stations.
12. The Commission **approves** Rogers' request and amends CFMT-TV's **conditions of licence** to that effect as set out in Appendix 1 of this decision.

#### **Provision of ethnic programming**

13. Rogers requested amendments to two of its conditions of licence and the removal of one specific to CFMT-TV and CJMT-TV relating to ethnic programming.

#### *Percentage of ethnic programming on CJMT-TV*

14. Contrary to the other OMNI stations that are required to offer at least 60% ethnic programming over the broadcast month and at least 50% over the evening broadcast period on a monthly basis, CJMT-TV is currently required, by condition of licence, to offer not less than 70% of ethnic programming over the broadcast day and not less than 55% over the evening broadcast period. Rogers proposed to harmonize CJMT-TV's ethnic programming requirements with the ones applied to the other OMNI stations.

15. The Commission is of the view that this relief would allow Rogers some programming flexibility and regulatory simplification while remaining consistent with the requirements set out in the Public Notice 1999-117, *Ethnic Broadcasting Policy*.
16. Accordingly, the Commission **approves** Rogers' request and amends CJMT-TV's current **conditions of licence** to that effect as set out in Appendix 2 of this decision.

*Restriction on the broadcast of non-Canadian, non-ethnic programming*

17. In its applications, Rogers requested the removal of the restrictions on the broadcast of non-Canadian, non-ethnic programming imposed on CFMT-TV and CJMT-TV.
18. The licensees of ethnic broadcasting undertakings are required to broadcast at least 60% ethnic programming each broadcast month. Additionally, these licensees are required to broadcast a minimum of 50% of Canadian programming during the evening broadcast period. The Commission is of the view that these combined requirements would be sufficient to ensure that satisfactory levels of Canadian and ethnic programming would be available at all times on both stations.
19. Accordingly, the Commission **approves** Rogers' request to eliminate the conditions of licence restricting the broadcast of non-Canadian, non-ethnic programming for both CFMT-TV and CJMT-TV.

*Requirement to broadcast ethnic programming during "peak" time*

20. Rogers proposed a common level of 75% ethnic programming during "peak" time, the period between 8 p.m. and 10 p.m., for all its OMNI stations. CFMT-TV, CJMT-TV and CHNM-TV have distinct requirements for the provision of ethnic programming while CJCO-TV and CJEO-TV have an increased requirement to offer Canadian programming during this period. Rogers argued that harmonizing these conditions of licence would ensure a balanced level of high-quality service in all of the markets it serves and would simplify the administration of these licences.
21. While Rogers' proposal to offer 75% of ethnic programming between 8 p.m. and 10 p.m. on all its OMNI stations is appreciable, the Commission notes that this percentage equals a reduction of 5% of such programming for CJMT-TV and a reduction of 25% for CHNM-TV. The Commission also notes that this proposal would result in a reduction of Canadian programming for CJCO-TV and CJEO-TV which are required to broadcast 80% of such programming during this period.
22. The Commission is not persuaded that Rogers' proposal to harmonize these requirements would serve the interest of the ethnic communities. Accordingly, the Commission **denies** Rogers' request to set the level of ethnic programming between during 8 p.m. and 10p.m. at 75% for all its OMNI stations and maintains the current conditions of licence in this regard.

### **Provision of broad service**

23. Rogers suggested harmonizing its individual conditions of licence associated with the number of ethnic groups to be served in a specific number of languages for each OMNI station to a minimum of 20 distinct ethnic groups in a minimum of 20 distinct languages monthly. Rogers clarified that the purpose of this request is to simplify compliance monitoring across all of its stations and ensure that as a result no overall reduction in service would occur.
24. The Commission is satisfied with Rogers' commitment to continue to serve as many ethnic groups in as many distinct languages as possible based on the ethnocultural and linguistic makeup specific to each of its markets.
25. Accordingly, the Commission **approves** Rogers' proposal to harmonize across its OMNI stations the requirements associated with its broad service mandate and imposes a **condition of licence** to that effect as set out in the appendices to this decision.

### **Third-language programming restrictions**

26. In its applications, Rogers requested the removal of the conditions of licence restricting the broadcast of programs in specific languages in certain markets applicable to CJMT-TV, CJCO-TV, CJEO-TV and CHNM-TV. Rogers submitted that these restrictions were imposed by the Commission in an effort to support and protect existing Canadian analog ethnic specialty services, but the purpose and rationale for these restrictions are no longer valid given the financial stability and maturity of the ethnic specialty sector.
27. Fairchild Television Ltd. (Fairchild) and Asian Television Network International Limited (ATN) argued that the approval of Rogers' requests would result in a serious negative impact on their respective services. In its response, Rogers indicated its willingness to accept a condition of licence for each OMNI station that would limit the amount of third-language programming it can offer in any one language to 18%, should the Commission consider it appropriate. During the public hearing, Fairchild indicated that it would readily accept Rogers' proposal for all markets with the exception of Vancouver due to its four Chinese language services reliance on subscription and advertising revenues originating from that market.
28. The Commission also notes that while expediting the entry of new Canadian third-language services into the market by reducing the delay in processing the applications, Broadcasting Public Notice 2007-33 may inadvertently increase the level of competition for existing analog ethnic services and that sufficient time has not yet passed to assess the impact of this exemption order.
29. In light of the information presented by Fairchild and ATN during the public hearing, the relatively small market for third-language services in Canada, and the role that ethnic and third-language pay and specialty services play toward ensuring that third-language communities are offered perspectives that are both Canadian and diverse, it is the

Commission's determination that Rogers has not presented sufficient evidence to allow the Commission to approve these amendments as requested. However, the Commission is mindful of Rogers' desire to harmonize its regulatory obligations in order to simplify what it views as station specific approaches and its alternative proposal to establish a uniform limit on the amount of third-language programming it can offer in any one language on any station. The Commission also acknowledges the concerns and evidence presented by Fairchild and ATN with regards to this alternative proposal. Accordingly, it is the Commission's determination that the OMNI stations will be subject to the following **condition of licence**, as set out in the appendices of this decision:

The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.

30. Rogers also requested the elimination of the restriction to broadcast ethnic programs in a foreign language on CJMT-TV that are also broadcast on CFMT-TV during the same broadcast year.
31. The Commission notes that this restriction was imposed to ensure programming diversity and a focus on distinct ethnocultural groups for each station given that they are both operating in Toronto. While Rogers committed to continue to serve separate ethnocultural communities on both stations, the Commission is of the view that maintaining this restriction ensures programming diversity between the two stations and notes that Rogers did not provide a justification for this change. Accordingly, the Commission **denies** Rogers' request to remove the restriction relating to the overlap of ethnic programs in a foreign language on CJMT-TV with CFMT-TV during the same broadcast year.

#### **Programming overlap of the OMNI stations with the Citytv stations**

32. In its applications, Rogers requested the removal of the conditions of licence restricting the overlap of programming between the OMNI and the Citytv groups of stations. In Rogers' view, the removal of these conditions of licence would maximize both groups of stations' programming flexibility and simplify regulatory compliance and monitoring.
33. The OMNI group of stations is limited to no more than a 10% programming overlap with the Citytv group of stations during each broadcast week in a given market and to no overlap of third-language ethnic programming between Citytv and OMNI stations in a given market. The Commission also imposed a condition of licence on the Citytv stations regarding the overlap of English-language priority programming broadcast on Citytv with the OMNI stations as part of Broadcasting Decision 2007-360 that approved the transfer of effective control of the Citytv group of stations to Rogers.
34. The Commission notes that conditions of licence such as these are generally imposed with the objective of limiting programming duplications between different entities owned by the same ownership group to ensure a maximum level of programming diversity in the broadcasting system.

35. The Commission is of the view that Rogers' rationale for the elimination of these restrictions which were imposed to ensure and maintain a diversity of programming is not persuasive and finds that the removal of the conditions of licence is not warranted at this time. Accordingly, the Commission **denies** Rogers' request to remove the conditions of licence relating to the overlap of programming between the OMNI and the Citytv groups of stations.

#### **Financial commitments**

##### *CJMT-TV*

36. In Broadcasting Decision 2002-82, the Commission noted a commitment by Rogers to spend \$50 million over its seven-year licence term on a variety of initiatives, as follows:
- Ontario independent producers initiative (\$35 million);
  - Cross-cultural dramatic programming series (\$7 million);
  - Pilot development grants for underserved groups (\$3 million);
  - Community grants (\$2 million);
  - Public service announcement production fund (\$2 million); and
  - A national mechanism to support positive portrayal (\$1 million).
37. Contributions to these initiatives were applied as conditions of licence with the exception of the Community grants initiative. An examination of the OMNI television's annual report (annual report) filed by Rogers detailing the spending of these commitments consistently refers to a package totalling \$48 million as opposed to the \$50 million set out in the decision. Since it appears that Rogers has yet to spend and report on the \$2 million allocated to the Community grants initiative, the Commission reminds the licensee of its commitment and expects that the \$2 million allocated to this initiative will be spent by 31 August 2010. An expectation to this effect is set out in Appendix 2 of this decision.
38. The Commission also notes Rogers' commitment to complete the disbursement of the expenditure commitments associated with the licensing of CJMT-TV in the 2009-2010 broadcast year as indicated in the annual report for the 2007-2008 broadcast year dated 13 April 2009. In that regard, the Commission notes that as of 31 August 2008, Rogers spent a total of \$35,901,354 of the reported \$48,000,000, leaving a balance of \$12,098,646 to be expended among the following initiatives: Ontario independent producers initiative, Pilot development grants to independent ethnic producers and the Public service announcement production fund.
39. In this regard, the Commission notes that Rogers has completed the payment of the expenditure commitments associated with the creation of a cross-cultural drama series totalling \$7 million and its payments for the enhancement of positive portrayal of ethnocultural groups to the Canadian Broadcast Standards Council totalling \$1 million as required by conditions of licence 9 and 11 set out in Broadcasting Decision 2002-82. The Commission further notes that Rogers has yet to fulfill the expenditure commitments of conditions of licence 8, 10, 12 and 13 set out in Broadcasting Decision 2002-82. The

Commission requires Rogers to complete this spending by 31 August 2010 as indicated in its annual report and to continue to report annually as long as monies are outstanding and imposes **conditions of licence** to that effect as set out in Appendix 2 of this decision.

*CJCO-TV and CJEO-TV*

40. The Commission notes the following financial commitments made by Rogers as part of its applications to obtain broadcasting licences for multilingual ethnic television programming undertakings in Calgary and Edmonton as set out in Broadcasting Decision 2007-166:
- production of third-language dramas and documentaries, a minimum of 10% of which would be Aboriginal programming initiatives (\$4 million);
  - cross-cultural programming initiatives, a minimum of 10% of which would be Aboriginal programming initiatives (\$4 million);
  - official languages media educational initiative (\$1 million);
  - local program pilots for under-served groups (\$500,000);
  - the development of ethnic new media projects (\$250,000); and
  - the creation of a new media micro-site (\$250,000).
41. Rogers indicated in its annual report that it did not expend much of these amounts as the stations were launched in September 2008. The Commission expects the licensee to abide by its commitments and an expectation to this effect is set out in Appendices 3 and 4 of this decision.

*CHNM-TV*

42. The Commission announced the approval of the acquisition of assets of CHNM-TV and CHNM-DT Vancouver and their transmitters in Victoria by Rogers in Broadcasting Decision 2008-72. In that decision, the Commission noted a revision to the value of the transaction resulting in additional tangible benefits totalling \$129,000. As a condition of approval of the acquisition, Rogers had to submit a plan for allocating the additional benefits within 30 days of the date of the decision. The Commission notes the approval of Rogers' proposal to allocate \$129,000 in additional benefits to the Channel M Independent Producers Initiatives. However, further examination of Rogers' annual report does not refer to this additional amount. As a result, it appears that Rogers has yet to spend and report on the additional \$129,000 allocated to the Channel M Independent Producers Initiative. Accordingly, the Commission reminds the licensee of its commitment and expects that this amount will be spent by 31 August 2014 as is the case for the remaining tangible benefits associated with the acquisition of CHNM-TV. A **condition of licence** to this effect is set out in Appendix 5 of this decision.
43. In addition, the Commission requires the licensee to submit a report, within 30 days from the date of this decision, detailing the spending of the outstanding Channel M (Multivan) funding commitments, as set out in Decision 2008-72. A **condition of licence** to this effect is also set out in Appendix 5 of this decision.

### **Provision of independent production for CHNM-TV**

44. Rogers has an expectation to broadcast during each week on CHNM-TV a minimum of ten hours of third-language independent production, five hours of which must be original programming produced by independent producers from British Columbia. Rogers requested the removal of this expectation as it is of the view that since it consistently exceeds this minimum, it is not necessary for the Commission to establish a broadcasting requirement for its OMNI stations.
45. Given that Rogers appears to have no issues with the continuation of ensuring that a minimum of ten hours of independently-produced third-language programming each week be broadcast on CHNM-TV, the Commission is of the view that there is no compelling reason to remove this expectation. Accordingly, the Commission retains this current expectation as set out in Appendix 5 of this decision.

### **Logs and records**

46. The Commission notes that, despite the best efforts of the Commission and Rogers the licensee has not been able to resolve issues relating to the filing of its logs and records for the station CHNM-TV. The logs and records currently available to the Commission show apparent non-compliance with the station's requirement to broadcast third-language programming, its requirement to broadcast 100% of ethnic programming between 8:00 p.m. and 10 p.m. and with the number of languages broadcast for the 2007-2008 broadcast year.
47. In light of the unresolved issues, Rogers will be required to file detailed monthly programming reports for the upcoming year in addition to submitting television logs to assure the Commission that it is meeting all of its conditions of licence. The reports should contain sufficient details, such as the titles of the programs and the date and time programs are broadcast, in order to allow the Commission to evaluate CHNM-TV's compliance with all of its programming obligations, commitments and expectations. The reports must be approved by a member of Rogers' senior management. A **condition of licence** requiring Rogers to abide by the above requirement is set out in Appendix 5 of this decision. This issue will be revisited at the end of the 2009-2010 broadcast year, at which time the monthly reporting requirement may be waived if the Commission is convinced that the television logs issue has been satisfactorily resolved.

### **Digital transition**

48. In its applications Rogers indicated that, in addition to CFMT-TV and CJMT-TV which already broadcast in digital, it plans to build DTV transmitters in Vancouver, London and Victoria by 2010 and in Edmonton and Calgary by 2011.
49. The Commission notes that the conditions of licence imposed in this decision will remain in effect despite the conversion from analog to digital. In the event that the conversion results in amendments to the conditions of licence, these amendments will be carried out accordingly. The Commission reminds Rogers that it must comply with the technical requirements of the Department of Industry over the entire licence term.

50. As regards CHNM-DT and its transmitter CHNM-DT-1, the Commission notes that as this undertaking has not yet commenced operations, its licence has not been issued. The Commission **approves** the application by Rogers to extend the deadline to commence operation of the digital television programming undertaking CHNM-DT Vancouver and its digital transmitter CHNM-DT Victoria, authorized in Broadcasting Decisions 2006-56 and 2006-289 respectively to 31 August 2011. The Commission notes that this is the second extension granted for this undertaking.
51. The licence for this undertaking will be issued once Rogers has informed the Commission in writing that it is ready to commence operations. The undertaking must be operational at the earliest possible date and in any event no later than 31 August 2011.
52. In Broadcasting Public Notice 2007-53, the Commission determined that most television licensees will be authorized to broadcast only digital over-the-air signals after 31 August 2011. A **condition of licence** to that effect is set out in the appendices of this decision.

#### **Closed captioning**

53. In Broadcasting Public Notice 2007-54, the Commission indicated that it would require all English- and French-language broadcasters to caption 100% of their programs, with the exception of advertising and promos. While the Commission announced that it is not prepared to impose specific obligations with respect to the captioning of third-language programming at this time, it encourages broadcasters to work towards solutions for making third-language programming more accessible, and to caption third-language programming whenever possible.
54. In this regard, the Commission notes Rogers' commitment to close caption 100% of its English- and French-language programming and its ongoing commitment to improving the quantity of third-language closed captioning. **Conditions of licence** and expectations to this effect are set out in the appendices to this decision. Further, when captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.
55. In accordance with Broadcasting and Telecom Regulatory Policy 2009-430 (the Accessibility Policy), the Commission further expects the licensee to, as soon as possible:
  - ensure that advertising, sponsorship messages and promos are closed-captioned;
  - adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
  - implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that captioning reaches the viewer in its original form.

The Commission intends to amend the licensee's conditions of licence related to closed captioning in these areas in five years, pursuant to section 9(1)(c) of the *Broadcasting Act*, if it considers there is a need.

### **Audio description and described video**

56. Television broadcasters provide access to television programming for those with visual impairments through two means: described video<sup>1</sup> and audio description.<sup>2</sup>
57. In the Accessibility Policy, the Commission indicated that it would continue to require conventional broadcasters to provide four hours of described video per week by the end of their licence term. The Commission notes that while the discussions regarding this matter did not encompass the particular situation of ethnic broadcasters such as OMNI, the Commission is seeking to apply this new requirement consistently across all conventional and analog Category 1 pay and specialty services.<sup>3</sup>
58. The Commission notes Rogers' commitment to provide four hours of described video programming per broadcast month in each market by the end of the licence term, 50% of which would be original programming.
59. Given that as much as 40% of the OMNI stations' program schedule is made of English-language programming that is suitable for the provision of described video and that the Commission is seeking to apply this new requirement consistently across all conventional and specialty broadcasters, the Commission is of the view that it is appropriate to expect Rogers to increase its provision of described video on its OMNI stations to a comparable level as that of the other conventional broadcasters. Recognizing Rogers' current requirements to provide described video on a monthly basis, the Commission is imposing the applicable conditions of licence associated with each OMNI station and is expecting that Rogers increase its provision of described programming to a minimum of four hours each week by the end of the licence term. **Conditions of licence** and expectations to that effect are set out in the appendices to this decision.
60. The Commission also notes Rogers' commitment to provide as much audio description as possible, including audio description of full-screen graphics, statistical graphics or financial information shown on the screen, particularly during news broadcasts. The Commission underlines the importance that it places on audio description. It expects Rogers to fulfil its commitments and intends to impose a condition of licence in this regard in five years pursuant to section 9(1)(c) of the *Broadcasting Act*.

### **Cultural diversity**

61. The Commission recognizes the special role of ethnic services in contributing to a culturally diverse broadcasting system. OMNI stations are no exception. Nevertheless, and consistent with the expectations the Commission has placed on other licensees, the

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<sup>1</sup> Described video is a technique whereby a narrator provides a description of a program's key visual elements so that persons who are blind or have visual impairments can understand what is occurring on the screen.

<sup>2</sup> Audio description occurs when announcers read aloud the textual and graphic information that is displayed on the screen during information programs.

<sup>3</sup> The Commission notes that certain conventional broadcasters had conditions of licence in their last licence term specifying the amount of described video they were required to provide.

Commission expects Rogers to contribute to a broadcasting system that accurately reflects the presence of cultural and racial minorities and Aboriginal peoples in Canada. The Commission further expects licensees to ensure that their on-screen portrayal of all such groups is accurate, fair and free of stereotypes.

62. Regarding the reporting requirements, the Commission notes Rogers' proposal to replace the current reporting mechanism by two reporting requirements: one report to be filed after the third or fourth year of the licence term and one at the renewal of the licence period. Given that no discussions took place regarding this proposal or about reporting requirements at the public hearing in general, the Commission is of the view that it would be more appropriate to discuss these issues as part of the next group renewals when all interested parties would have an opportunity to comment on the proposals put forth. Accordingly, the Commission expects Rogers to continue to file its corporate reports annually.

### **Conclusion**

63. In light of the above, the Commission **renews** the broadcasting licences for the television programming undertakings set out below from 1 September 2009 to 31 August 2015.

<b>Call sign</b>	<b>Location</b>	<b>Application</b>
CFMT-TV	Toronto, ON	2009-0043-2
CFMT-DT and its transmitter	Toronto, ON	2009-0210-8
CFMT-DT-2	Ottawa, ON	
CJMT-TV and its transmitters	Toronto, ON	2009-0045-8
CJMT-TV-1 CJMT-TV-2	London, ON Ottawa, ON	
CJMT-DT and its transmitter	Toronto, ON	2009-0211-5
CJMT-DT-2	Ottawa, ON	
CJCO-TV	Calgary, AB	2009-0049-0
CJEO-TV	Edmonton, AB	2009-0050-8
CHNM-TV and its transmitter	Vancouver, BC	2009-0046-6
CHNM-TV-1	Victoria, BC	

## Employment equity

64. Because the licensee is subject to the *Employment Equity Act* and files reports concerning employment equity with the Department of Human Resources and Skills Development, its employment equity practices are not examined by the Commission.

Secretary General

### Related documents

- *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009
- *Policy proceeding on a group-based approach to the licensing of television services and on certain issues relating to conventional television*, Broadcasting Notice of Consultation CRTC 2009-411, 6 July 2009
- *Policy determinations resulting from the 27 April 2009 public hearing*, Broadcasting Regulatory Policy CRTC 2009-406, 6 July 2009
- *Applications processed pursuant to streamlined procedures*, Broadcasting Information Bulletin CRTC 2009-323, 2 June 2009
- *Renewal of the broadcasting licences for private conventional television stations considered at the 27 April 2009 Gatineau public hearing – Initial decision and scope of subsequent policy proceeding*, Broadcasting Decision CRTC 2009-279, 15 May 2009
- *Licence Renewals for Private Conventional Television Stations*, 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
- *Acquisition of assets – CHNM-TV and CHNM-DT Vancouver and their transmitters in Victoria*, Broadcasting Decision CRTC 2008-72, 31 March 2008
- *Transfer of effective control of 1708487 Ontario Inc., 1738700 Ontario Inc. and CHUM Television Vancouver Inc. to Rogers Media Inc.*, Broadcasting Decision CRTC 2007-360, 28 September 2007
- *Ethnic television stations in Calgary and Edmonton*, Broadcasting Decision CRTC 2007-166, 8 June 2007

- *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007
- *Determinations regarding certain aspects of the regulatory framework for over-the-air television*, Broadcasting Public Notice CRTC 2007-53, 17 May 2007
- *CHNM-DT Vancouver – New transmitter in Victoria*, Broadcasting Decision CRTC 2006-289, 11 July 2006
- *CHNM-TV Vancouver – Transitional digital television*, Broadcasting Decision CRTC 2006-56, 10 March 2006
- *CJMT-TV (OMNI.2) Toronto – Transitional digital television licence*, Broadcasting Decision CRTC 2004-300, 29 July 2004
- *CFMT-TV (OMNI.1) Toronto – Transitional digital television licence*, Broadcasting Decision CRTC 2004-299, 29 July 2004
- *New multilingual ethnic television station to serve Toronto*, Broadcasting Decision CRTC 2002-82, 8 April 2002
- *Licence renewal for ethnic television station CFMT-TV*, Decision CRTC 2000-772, 21 December 2000
- *Ethnic broadcasting policy*, Public Notice CRTC 1999-117, 16 July 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 1 to Broadcasting Decision CRTC 2009-504**

### **Terms, conditions of licence, expectations and encouragement for CFMT-TV Toronto and CFMT-DT Toronto and its transmitter in Ottawa**

#### **Terms**

The licence will expire 31 August 2015.

#### **Conditions of licence for CFMT-TV Toronto**

1. The licensee shall devote to the broadcasting of ethnic programs:
  - a) not less than 60% of the total number of hours broadcast monthly between 6 a.m. and midnight;
  - b) not less than 50% of the total number of hours broadcast monthly between 6 p.m. and midnight; and
  - c) not less than 75% of the total number of hours broadcast annually between 8 p.m. and 10 p.m.
2. The licensee shall devote a minimum of 50% of its programming each broadcast month to third-language programming.
3. The licensee shall broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups monthly.
4. The licensee shall broadcast ethnic programs in a minimum of 20 distinct languages monthly.
5. The licensee shall devote to the broadcast of Canadian programs:
  - a) not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast annually between 6 p.m. and midnight.
6. The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.
7. In any market containing both an OMNI and a Citytv television undertaking, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television stations.

8. In any market containing both an OMNI and a Citytv television undertaking, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television station.
9. The English-language programming broadcast on the OMNI stations shall be distinct from the priority programming aired on the Citytv television station between 7:00 p.m. and 11:00 p.m. in a given market.
10. The licensee shall not solicit local advertising in London or in Ottawa.
11. In addition to the 12 minutes of advertising material permitted by section 11(1) of the *Television Broadcasting Regulations, 1987*, the licensee may broadcast more than 12 minutes of advertising material in any clock hour in a broadcast day, in order to broadcast infomercials as defined in *Amendment to the Television Broadcasting Regulations, 1987 to permit, by condition of licence, the airing of 'infomercials' during the broadcast day*, Public Notice CRTC 1994-139, 7 November 1994 and in accordance with the criteria contained in that public notice, as amended.
12. The licensee shall caption 100% of the English-and French-language programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
13. Unless otherwise authorized by the Commission, the licensee shall not transmit analog television signals after 31 August 2011.
14. The licensee shall broadcast the following amounts of described video programming:
  - a) in year 1 of the licence term, a minimum of two hours each broadcast month;
  - b) in years 2 and 3 of the licence term, a minimum of three hours each broadcast month; and
  - c) in years 4 to 6 of the licence term, a minimum of four hours each broadcast month.

In fulfilling this condition, a minimum of 50% of the required hours broadcast must be original to the service.

15. 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.
16. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.

17. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *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.

## **Expectations and encouragement**

### **Advisory board**

The Commission expects the licensee to continue to ensure that its Advisory Board of Directors consists of representatives of ethnic groups, at least one of whom should be a resident of Ottawa.

### **Independent production**

The Commission expects the licensee to maintain, at their current levels at least, its support of independent productions and support of broadcasting scholarships.

### **News bureau**

The Commission notes that its Ottawa news bureau has become, in the eyes of CFMT-TV's diverse audiences an important element of the service that the station delivers. The Commission expects the licensee to maintain its support of the bureau's activities.

### **Closed captioning**

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

### **Audio description**

The Commission expects the licensee to provide audio description for programming, in particular for news broadcasts.

### **Described video**

The Commission expects the licensee to devote a minimum of four hours of programming during each broadcast week to the broadcast of programs with descriptive video by the end of the licence term.

### **Cultural Diversity**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities consistent with Rogers' commitments set out in its cultural diversity corporate plan, which includes CFMT-TV. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

### **Conditions of licence for CFMT-DT Toronto and its transmitter in Ottawa**

1. In addition to the conditions set out below, the licence is subject to the terms and **conditions of licence** applicable to the analog television station CFMT-TV (OMNI.1) Toronto, as set out in *OMNI – Licence renewals*, Broadcasting Decision CRTC 2009-504, 19 August 2009.
2. The licensee shall ensure that all programming broadcast by the undertaking is a simulcast of the programming broadcast on CFMT-TV, with the exception of up to 14 hours per week of unduplicated, supplementary programming.
3. The licensee shall ensure that at least 50% of the unduplicated, supplementary programming broadcast by the undertaking is Canadian.
4. The licensee shall ensure that all unduplicated, supplementary programming broadcast by the undertaking is broadcast in a wide screen (16:9 aspect ratio), high definition format.
5. The licensee shall ensure that all programs that are simulcast by the undertaking, and that are available to the licensee in a wide screen (16:9 aspect ratio) format, are also broadcast in that format.
6. The licensee shall ensure that all programs that are simulcast by the undertaking during the evening broadcast period, and that are available to the licensee in high definition are also broadcast in high definition.

7. The licensee shall ensure that the transmission of data does not affect the quality or quantity of high definition programming.

## **Appendix 2 to Broadcasting Decision CRTC 2009-504**

### **Terms, conditions of licence, expectations and encouragement for CJMT-TV Toronto and its transmitters in London and Ottawa**

#### **Terms**

The licence will expire 31 August 2015.

#### **Conditions of licence for CJMT-TV Toronto and its transmitters in London and Ottawa**

1. The licensee shall devote to the broadcast of ethnic programs:
  - a) not less than 60% of the total number of hours broadcast monthly between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast monthly between 6 p.m. and midnight.
2. The licensee shall devote to the broadcast of ethnic programs not less than 80% of the total number of hours broadcast between 8:00 p.m. and 12:00 midnight, during each broadcast year.
3. The licensee shall devote a minimum of 50% of its programming each broadcast month to third-language programming.
4. The licensee shall broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups monthly. None of the 20 ethnic groups shall have been served by CFMT-TV during the same broadcast year.
5. The licensee shall broadcast ethnic programs in a minimum of 20 distinct languages monthly. The licensee shall not broadcast ethnic programs in a foreign language broadcast by CFMT-TV during the same broadcast year.
6. The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.
7. The licensee shall devote to the broadcast of Canadian programs:
  - a) not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast annually between 6 p.m. and midnight.

8. In any market containing both an OMNI and a Citytv television undertaking, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television station.
9. In any market containing both an OMNI and a Citytv television undertaking, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television station.
10. The English-language programming broadcast on the OMNI stations shall be distinct from the priority programming aired on the Citytv television station between 7:00 p.m. and 11:00 p.m. in a given market.
11. Under the licensee's Ontario Independent Producers' Initiative (the Initiative), the licensee shall:
  - a) by 31 August 2010, complete its commitment to expend a minimum of \$35 million, with no less than \$4 million spent in each full broadcast year;
  - b) by 31 August 2010, complete its commitment to expend a minimum of \$2.5 million for the development of at least 175 drama or documentary projects. A minimum of 25 productions shall be funded during each full broadcast year; and
  - c) broadcast, between the hours 7:00 p.m. and 11:00 p.m. on either CFMT-TV or CJMT-TV, 225 original, half-hour, third-language drama or documentary programs produced through the Initiative. At least 30 such productions shall be broadcast in each full broadcast year.
12. By 31 August 2010, independent of the Ontario Independent Producers' Initiative, the licensee shall complete its commitment to make Pilot Development Grants to independent ethnic producers, totalling at least \$3 million, with funding granted to not less than 250 projects.
13. By 31 August 2010, the licensee shall complete its commitment to expend a minimum of \$2 million for the independent production of third-language public service announcements.
14. In accordance with its commitment, the licensee shall file with the Commission, concurrently with the annual return, annual reports setting out the details of all expenditures made under conditions of licence 11, 12 and 13.
15. The licensee shall caption 100% of the English- and French-language programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.

16. Unless otherwise authorized by the Commission, the licensee shall not transmit analog television signals after 31 August 2011.
17. The licensee shall broadcast the following amounts of described video programming:
  - a) in years 1 to 6 of the licence term, a minimum of four hours each month.

In fulfilling this condition, a minimum of 50% of the required hours broadcast must be original to the service.

18. 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.
19. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
20. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *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.

## **Expectations and encouragement**

### **Financial commitment**

In accordance with the commitment made as part of the application to obtain this broadcasting licence, the licensee is expected to spend \$2 million on community grants by 31 August 2010 and include in its annual report the details of the expenditures associated with this initiative.

### **Closed captioning**

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

#### **Audio description**

The Commission expects the licensee to provide an audio description of programming, in particular for news broadcasts.

#### **Described video**

The Commission expects the licensee to devote a minimum of four hours of programming during each broadcast week to the broadcast of programs with descriptive video by the end of the licence term.

#### **Cultural Diversity**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence in Canada of ethnocultural minorities, Aboriginal peoples, and persons with disabilities consistent with Rogers' commitments set out in its cultural diversity corporate plan, which includes CJMT-TV. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

#### **Conditions of licence for CJMT-DT Toronto and its transmitter in Ottawa**

1. In addition to the conditions set out below, the licence is subject to the terms and **conditions of licence** applicable to the analog television station CJMT-TV (OMNI.2) Toronto, as set out in *OMNI – Licence renewals*, Broadcasting Decision CRTC 2009-504, 19 August 2009.
2. The licensee shall ensure that all programming broadcast by the undertaking is a simulcast of the programming broadcast on CJMT-TV, with the exception of up to 14 hours per week of unduplicated, supplementary programming.
3. The licensee shall ensure that at least 50% of the unduplicated, supplementary programming broadcast by the undertaking is Canadian.
4. The licensee shall ensure that all unduplicated, supplementary programming broadcast by the undertaking is broadcast in a wide screen (16:9 aspect ratio), high definition format.

5. The licensee shall ensure that all programs that are simulcast by the undertaking, and that are available to the licensee in a wide screen (16:9 aspect ratio) format, are also broadcast in that format.
6. The licensee shall ensure that all programs that are simulcast by the undertaking during the evening broadcast period, and that are available to the licensee in high definition are also broadcast in high definition.
7. The licensee shall ensure that the transmission of data does not affect the quality or quantity of high definition programming.

## **Appendix 3 to Broadcasting Decision CRTC 2009-504**

**Terms, conditions of licence, expectations and encouragement for CJCO-TV Calgary**

### **Terms**

The licence will expire 31 August 2015.

### **Conditions of licence for CJCO-TV Calgary**

1. The licensee shall devote to the broadcast of ethnic programs:
  - a) not less than 60% of the total number of hours broadcast monthly between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast monthly between 6 p.m. and midnight.
2. The licensee shall devote a minimum of 80% of its programming between 8 p.m. and 10 p.m. each broadcast year to the broadcasting of Canadian programs.
3. The licensee shall devote a minimum of 50% of its programming each broadcast month to third-language programming.
4. The licensee shall broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups monthly.
5. The licensee shall broadcast ethnic programs in a minimum of 20 distinct languages monthly.
6. The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.
7. The licensee shall devote to the broadcast of Canadian programs:
  - a) not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast annually between 6 p.m. and midnight.
8. In any market containing both an OMNI and a Citytv television undertaking, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television station.

9. In any market containing both an OMNI and a Citytv television undertaking, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television station.
10. The English-language programming broadcast on the OMNI stations shall be distinct from the priority programming aired on the Citytv television station between 7:00 p.m. and 11:00 p.m. in a given market.
11. The licensee shall caption 100% of the English- and French-language programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
12. Unless otherwise authorized by the Commission, the licensee shall not transmit analog television signals after 31 August 2011.
13. The licensee shall broadcast the following amounts of described video programming:
  - a) in year 1 of the licence term, a minimum of two hours each broadcast month;
  - b) in years 2 and 3 of the licence term, a minimum of three hours each broadcast month; and
  - c) in years 4 to 6 of the licence term, a minimum of four hours each broadcast month.

In fulfilling this condition, a minimum of 50% of the required hours broadcast must be original to the service.

14. 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.
15. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
16. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *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.

## **Expectations and encouragement**

### **Financial commitments**

In accordance with the commitments made as part of the application to obtain this broadcasting licence, the licensee is expected to expend the total amount committed to over the licence term and report annually to the Commission on the disbursement of these expenditure commitments.

### **Closed captioning**

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

### **Audio description**

The Commission expects the licensee to provide an audio description of programming, in particular for news broadcasts.

### **Described video**

The Commission also expects the licensee to devote a minimum of four hours of programming during each broadcast week to the broadcast of programs with descriptive video by the end of the licence term.

### **Cultural Diversity**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence of ethnocultural minorities, Aboriginal peoples, and persons with disabilities in Canada consistent with Rogers' commitments set out in its cultural diversity corporate plan, which includes CJCO-TV. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

## **Appendix 4 to Broadcasting Decision CRTC 2009-504**

**Terms, conditions of licence, expectations and encouragement for CJEO-TV Edmonton**

### **Terms**

The licence will expire 31 August 2015.

### **Conditions of licence for CJEO-TV Edmonton**

1. The licensee shall devote to the broadcast of ethnic programs:
  - a) not less than 60% of the total number of hours broadcast monthly between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast monthly between 6 p.m. and midnight.
2. The licensee shall devote a minimum of 80% of its programming between 8 p.m. and 10 p.m. each broadcast year to the broadcasting of Canadian programs.
3. The licensee shall devote a minimum of 50% of its programming each broadcast month to third-language programming.
4. The licensee shall broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups monthly.
5. The licensee shall broadcast ethnic programs in a minimum of 20 distinct languages monthly.
6. The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.
7. The licensee shall devote to the broadcast of Canadian programs:
  - a) not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast annually between 6 p.m. and midnight.
8. In any market containing both an OMNI and a Citytv television undertaking, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television stations.

9. In any market containing both an OMNI and a Citytv television undertaking, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television station.
10. The English-language programming broadcast on the OMNI stations shall be distinct from the priority programming aired on the Citytv television station between 7:00 p.m. and 11:00 p.m. in a given market.
11. The licensee shall caption 100% of the English- and French-language programs over the broadcast day, consistent with the approach set out in *A new policy with respect to closed captioning*, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
12. Unless otherwise authorized by the Commission, the licensee shall not transmit analog television signals after 31 August 2011.
13. The licensee shall broadcast the following amounts of described video programming:
  - a) in year 1 of the licence term, a minimum of two hours each broadcast month;
  - b) in years 2 and 3 of the licence term, a minimum of three hours each broadcast month; and
  - c) in years 4 to 6 of the licence term, a minimum of four hours each broadcast month.

In fulfilling this condition, a minimum of 50% of the required hours broadcast must be original to the service.

14. 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.
15. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
16. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *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.

## **Expectations and encouragement**

### **Financial commitments**

In accordance with the commitments made as part of the application to obtain this broadcasting licence, the licensee is expected to expend the total amount committed to over the licence term and report annually to the Commission on the disbursement of these expenditure commitments.

### **Closed captioning**

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

### **Audio description**

The Commission expects the licensee to provide an audio description of programming, in particular news broadcasts.

### **Described video**

The Commission expects the licensee to devote a minimum of four hours of programming during each broadcast week to the broadcast of programs with descriptive video by the end of the licence term.

### **Cultural Diversity**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence of ethnocultural minorities, Aboriginal peoples, and persons with disabilities in Canada consistent with Rogers' commitments set out in its cultural diversity corporate plan, which includes CJEO-TV. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

## Appendix 5 to Broadcasting Decision CRTC 2009-504

### Terms, conditions of licence, expectations and encouragement for CHNM-TV Vancouver and its transmitter in Victoria

#### Terms

The licence will expire 31 August 2015.

#### Conditions of licence for CHNM-TV Vancouver and its transmitter in Victoria

1. The licensee shall devote to the broadcast of ethnic programs:
  - a) not less than 60% of the total number of hours broadcast monthly between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast monthly between 6 p.m. and midnight.
2. The licensee shall devote to the broadcast of ethnic programs 100% of the total number of hours broadcast between 8:00 p.m. and 10:00 p.m. during the aggregate of the broadcast days in each of the 12 periods of four or five weeks in the calendar approved by the Commission and referred to in subsection 9(1) of the *Television Broadcasting Regulations, 1987*.
3. The licensee shall devote a minimum of 50% of its programming each broadcast month to third-language programming.
4. The licensee shall broadcast ethnic programs directed toward a minimum of 20 distinct ethnic groups monthly.
5. The licensee shall broadcast ethnic programs in a minimum of 20 distinct languages monthly.
6. The licensee shall devote no more than 16% of its programming to programs in any one foreign language during each broadcast month.
7. The licensee shall devote to the broadcast of Canadian programs:
  - a) not less than 60% of the total number of hours broadcast annually between 6 a.m. and midnight; and
  - b) not less than 50% of the total number of hours broadcast annually between 6 p.m. and midnight.

8. In any market containing both an OMNI and a Citytv television undertaking, no more than 10% of all programming broadcast during each broadcast week shall be broadcast on both the OMNI and the Citytv television station.
9. In any market containing both an OMNI and a Citytv television undertaking, no third-language ethnic programming shall be broadcast on both the OMNI and the Citytv television station.
10. The English-language programming broadcast on the OMNI stations shall be distinct from the priority programming aired on the Citytv television station between 7:00 p.m. and 11:00 p.m. in a given market.
11. In addition to submitting television logs, the licensee shall file a detailed monthly programming report. The report must include the titles of programs and the date and time the programs are broadcast and must be approved by a member of Rogers' senior management.
12. The licensee shall expend by 31 August 2015, the following towards the fulfilment of its tangible benefit commitments:
  - Channel M Independent Producers Initiative - \$4,129,000;
  - Channel M News Bureau in Victoria - \$1 million; and
  - University of British Columbia Multicultural Film Production Program - \$1 million.
13. The licensee shall expend, by 31 August 2010, the following amounts to meet the outstanding Channel M funding commitment:
  - independent production initiatives - \$1,584,253;
  - script and concept development - \$644,500; and
  - scholarship initiatives - \$89,000.
14. In accordance with its commitments, the licensee shall file with the Commission within 30 days from the date of this Decision a report detailing the spending of the funding commitments made under condition of licence 13.
15. In accordance with its commitments, the licensee shall file with the Commission concurrently with the annual return, annual reports setting out the details of all expenditures made under conditions of licence 12 and 13.
16. The licensee shall caption 100% of the English- and French-language programs over the broadcast day, consistent with the approach set out in A new policy with respect to closed captioning, Broadcasting Public Notice CRTC 2007-54, 17 May 2007.
17. Unless otherwise authorized by the Commission, the licensee shall not transmit analog television signals after 31 August 2011.

18. The licensee shall broadcast the following amounts of described video programming:
- a) in year 1 of the licence term, a minimum of two hours each broadcast month;
  - b) in years 2 and 3 of the licence term, a minimum of three hours each broadcast month; and
  - c) in years 4 to 6 of the licence term, a minimum of four hours each broadcast month.

In fulfilling this condition, a minimum of 50% of the required hours broadcast must be original to the service.

19. 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.
20. The licensee shall adhere to the provisions of the Canadian Association of Broadcasters' *Broadcast code for advertising to children*, as amended from time to time and approved by the Commission.
21. The licensee shall adhere to the guidelines on the depiction of violence in television programming set out in the Canadian Association of Broadcasters' *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.

## **Expectations and encouragement**

### **Closed captioning**

The Commission encourages the licensee to continue its ongoing commitment to work on solutions for making third-language programming more accessible and to caption third-language programming whenever possible.

In accordance with *Accessibility of telecommunications and broadcasting services*, Broadcasting and Telecom Regulatory Policy CRTC 2009-430, 21 July 2009, the Commission further expects the licensee to take the following measures as soon as possible:

- ensure that advertising, sponsorship messages and promos are closed captioned by the end of its new licence term;
- adhere to the quality standards on closed captioning developed by television industry's working groups, once approved by the Commission; and
- implement a monitoring system to ensure that closed captioning is included in the broadcast signal and that it reaches the viewer in its original form.

When captions are available, the Commission expects the licensee to provide viewers with a closed captioned version of all programming aired during the overnight period.

#### **Audio description**

The Commission expects the licensee to provide an audio description of programming, in particular news broadcasts.

#### **Described video**

The Commission expects the licensee to devote a minimum of four hours of programming during each broadcast week to the broadcast of programs with descriptive video by the end of the licence term.

#### **Cultural Diversity**

The Commission expects the licensee to endeavour, through its programming and employment opportunities, to reflect the presence of ethnocultural minorities, Aboriginal peoples, and persons with disabilities in Canada consistent with Rogers' commitments set out in its cultural diversity corporate plan, which includes CHNM-TV. The Commission further expects the licensee to ensure that the on-screen portrayal of such groups is accurate, fair and non-stereotypical.

#### **Conditions of licence for CHNM-DT Vancouver and its transmitter in Victoria**

1. The licence will be subject to the terms and conditions applicable to the analog television station CHNM-TV Vancouver.
2. The licensee shall ensure that all programming broadcast on the undertaking is a simulcast of the programming broadcast on CHNM-TV Vancouver, with the exception of up to 14 hours per week of unduplicated, supplementary programming.
3. The licensee shall ensure that at least 50% of the unduplicated, supplementary programming broadcast by the undertaking is Canadian.
4. The licensee shall ensure that all unduplicated, supplementary programming broadcast by the undertaking is broadcast in a wide screen (16:9 aspect ratio), high definition format.
5. The licensee shall ensure that all programs that are simulcast by the undertaking and are available to the licensee in a wide screen (16:9 aspect ratio) format are also broadcast in that format.
6. The licensee shall ensure that all programs that are simulcast by the undertaking during the evening broadcast period and are available to the licensee in high definition are also broadcast in high definition.

7. The licensee shall ensure that the transmission of data does not affect the quality or quantity of high definition programming.

## **Expectations**

1. The Commission expects the licensee to maintain independent management of the news departments of CHNM-TV and Citytv Vancouver, as well as separate presentation structures, including journalists and producers, for the broadcast of news programming by these undertakings.
2. Further, given the licensee's commitment to apply its resources and expertise to further support and strengthen the service that CHNM-TV is already providing, the Commission expects the licensee to fulfil the following commitments, as set out in *Acquisition of assets – CHNM-TV and CHNM-DT Vancouver and their transmitters in Victoria*, Broadcasting Decision CRTC 2008-72, 31 March 2008 and *New multilingual ethnic television station to serve Vancouver*, Broadcasting Decision CRTC 2002-39, 14 February 2002:
  - The Commission expects the licensee to broadcast a minimum of 10 hours of third-language independent production during each week. This programming will be produced by independent producers from British Columbia and will consist of a minimum of 5 hours of original programming.
  - The Commission expects the licensee to broadcast a minimum of 55.5 hours of programming each week that has been produced in the Greater Vancouver Area.
  - The Commission expects the licensee to ensure that its Advisory Board consists of representatives from a variety of ethnic groups.
  - The Commission expects the licensee to caption, during each broadcast week, a minimum of three hours of programming in Chinese languages.